FORD ADMINISTRATION STIFLES JUVENILE JUSTICE PROGRAM: PART II—1976

HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

Pursuant to S. Res. 375, Section 12

INVESTIGATION OF JUVENILE DELINQUENCY IN THE UNITED STATES

ND REAUTHORIZATION OF THE JUVENILE
DELINQUENCY PREVENTION ACT OF 1974
W 93-415 AND S. 2212/PUBLIC LAW 94-503)

MAY 20, 1976

or the use of the Committee on the Judiciary

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OVERSIGHT AND REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415 AND S. 2212/PUBLIC LAW 94-503)

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Printed for the use of the Committee on the Judiciary

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78-464 O - 77 - 2

CONTENTS

WITNESSES IN ALPHABETICAL ORDER

WITNESSES IN CHRONOLOGICAL ORDER

LIST OF EXHIBITS

APPENDIX

Public Law 94-503
94th Congress

An Act

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Oct. 15, 1976
[S. 2212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

Crime Control Act of 1976.
42 USC 3701 note.

TITLE I—AMENDMENTS RELATING TO L.E.A.A.

AMENDMENTS TO STATEMENT OF PURPOSE

SEC. 101. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended as follows: 42 USC 3701.

(1) By inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.".

(2) By striking out the fourth paragraph and inserting in lieu thereof the following new paragraph:

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.".

SUPERVISION BY ATTORNEY GENERAL

SEC. 102. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" 42 USC 3711. the following: ", policy direction, and general control".

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 103. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

Office of Community Anti-Crime Programs. Establishment.

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizen participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

AMENDMENT TO PART B PURPOSES

42 USC 3721.

SEC. 104. Section 201 of title I of such Act is amended by inserting immediately after "part" the following: "to provide financial and technical aid and assistance".

SECTION 203 AMENDMENTS

42 USC 3723.

SEC. 105. Section 203 of title I of such Act is amended to read as follows:

"SEC. 203. (a) (1) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978, The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"(2) The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members, shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State

Post, p. 2421.

planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials. State planning agencies which choose to establish regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice;

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State; and

"(4) assure the participation of citizens and community organizations at all levels of the planning process.

Judicial planning committee.

"(c) The court of last resort of each State or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts, and shall include a majority of court officials (including judges, court administrators, prosecutors, and public defenders).

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

"(2) define, develop, and coordinate programs and projects for the improvement of the courts of the State; and

"(3) develop, in accordance with part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. The State planning agency shall incorporate into the comprehensive statewide plan the annual State judicial plan, except to the extent that such State judicial plan fails to meet the requirements of section 304(b).

Post, p. 2414.

"(e) If a State court of last resort or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of at least a majority of court officials (including judges, court administrators, prosecutors, and public defenders) does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities

of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such funds made available to the judicial planning committee and such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(g) The State planning agency and any other planning organization for the purposes of this title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is to be taken at that meeting on (1) the State plan, or (2) any application for funds under this title. The State planning agency and any other planning organization for the purposes of this title shall provide for public access to all records relating to its functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.".

JUDICIAL PLANNING EXPENSES FUNDING

SEC. 106. Section 204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking out the words "expenses, shall," and inserting in lieu thereof "expenses shall".

42 USC 3724.

JUDICIAL PLANNING PROVISION AND REALLOCATION OF CERTAIN FUNDS

SEC. 107. Section 205 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

42 USC 3725.

(1) inserting ", the judicial planning committee," immediately after the word "agency" in the first sentence;

(2) striking out "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(3) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation under this part among the States as determined by the Administration.".

STATE LEGISLATURES

SEC. 108. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan forty-five days after receipt, such plan shall then be deemed reviewed.". 42 USC 3726.

SECTION 301 AMENDMENTS

SEC. 109. (a) Section 301 of title I of such Act is amended by— 42 USC 3731.

(1) inserting immediately after "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(2) striking out "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with law enforcement and criminal justice"; and

(3) striking out "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6);

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities. Grants, eligibility.

"(11) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(12) The development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).

"(13) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.

"(14) The development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs.".

ADDITIONAL JUDICIAL PARTICIPATION

SEC. 110. Section 302 of the Omnibus Crime Control and Safe Streets Act is amended by inserting "(a)" immediately after "SEC. 302." and by adding at the end the following new subsections:

42 USC 3732.

Plan, filing.

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including bail and pretrial release services and prosecutional and defender services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions of (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the maximum extent practicable, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would, in the absence of such Federal funds, be made available for the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.". *Post*, p. 2414.

STATE PLAN REQUIREMENTS AMENDMENTS

SEC. 111. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by— 42 USC 3733.

(1) in paragraph (4) of subsection (a), inserting immediately before the semicolon the following: ". Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans, unless the State planning agency finds the implementation of such approved parts of their plan or revision thereof to be inconsistent with the overall State plan";

(2) inserting immediately after "necessary" in paragraph (12) of subsection (a) the following: "to keep such records as the Administration shall prescribe";

(3) striking out "and" after paragraph (14) of subsection (a), striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and adding after paragraph (15) the following:

"(16) provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State planning agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State;

"(17) provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

"(18) establish procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to the needs of drug dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).";

(4) striking out subsection (b) and inserting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.";

(5) inserting in subsection (c) immediately after "unless" the following: "the Administration finds that"; and

(6) adding at the end the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects, including projects relating to prosecutorial and defender services. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs (including programs and projects to reduce court congestion and accelerate the processing and disposition of criminal cases). In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

GRANTS TO UNITS; JUDICIAL PARTICIPATION

SEC. 112. Section 304 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

42 USC 3734.

"SEC. 304. (a) State planning agencies shall receive plans or applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such a plan or application is in accordance with the purposes stated in section 301 and in conformance with an existing statewide comprehensive law enforcement plan or revision thereof, the State planning agency is authorized to disburse funds to implement the plan or application.

42 USC 3731.

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title, is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan or part thereof in the State comprehensive plan to be submitted to the Administration.".

Ante, p. 2408.

SECTION 306 AMENDMENTS

SEC. 113. Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.". Grants, funds allocation. 42 USC 3736.

SECTION 307 AMENDMENT

SEC. 114. Section 307 of such Act is amended by striking out "and of riots and other violent civil disorders" and inserting in lieu thereof the following "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system". Grants, priority programs. 42 USC 3737.

TECHNICAL AMENDMENT

SEC. 115. Section 308 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "302(b)" and inserting "303" in lieu thereof. 42 USC 3738. *Ante*, p. 2413.

ANTITRUST ENFORCEMENT GRANTS 42 USC 3733.

SEC. 116. Part C of title I of such Act is amended by inserting immediately after section 308 the following new section:

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State. 42 USC 3739.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall— Plan, submittal.

"(1) provide for the administration of such plan by the attorney general of such State;

"(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

"(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

"(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

"(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

"(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States. Criteria.

"(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on

account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

Audit.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

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

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

Definitions.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

Appropriation authorization.

"(i) In addition to any other sums authorized to be appropriated for the purposes of this title, there are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

INSTITUTE AMENDMENTS

National Institute of Law Enforcement and Criminal Justice.
42 USC 3742.

SEC. 117. (a) Section 402 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(2) in the second paragraph of subsection (c), by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(3) in the second paragraph of subsection (c), by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies. The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.";

42 USC 3763.

(4) by inserting immediately before the final paragraph of subsection (c) the following: Studies. 42 USC 3742.

"The Institute shall, in consultation with the National Institute on Drug Abuse, make studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to units of general local government"; and

(5) by adding at the end of such subsection the following: Surveys.

"The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(b) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

CONFORMING AMENDMENT

SEC. 118. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)". 42 USC 3750b.

NONPROFIT ORGANIZATIONS; INDIAN TRIBES

SEC. 119. Section 455 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "or" in paragraph (a)(2) and by inserting "or nonprofit organization," after the second occurrence of the word "units," in that paragraph. 42 USC 3750d.

(b) Section 507 of such Act is amended— 42 USC 3755.

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

RULES AND REGULATIONS REQUIREMENT

42 USC 3751.

SEC. 120. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding the following sentence at the end: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

HEARING EXAMINERS

42 USC 3755.

SEC. 121. Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 507. Subject to the Civil Service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

42 USC 3757.

Infra.

SEC. 122. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and all that follows down through "grantee under this title," and inserting in lieu thereof "Except as provided in section 518(c), whenever the Administration, after notice to an applicant or a grantee under this title and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

42 USC 3766.

(b) Section 518(c) of such Act is amended to read as follows:

"(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Hearing.

"(2)(A) Whenever there has been—

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administration under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

"(ii) a determination after an investigation by the Administration (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of general local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of general local government is not in compliance with subsection (c)(1);

the Administration shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c) (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title 5, United States Code.

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administration. On or prior to the effective date of the agreement, the Administration shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administration detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports, the Administration shall send a copy thereof to each such complainant.

Reports to Administration.

"(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

"(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of general local government; and

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administration shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Administration after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c) (1).

"(D) Payment of the suspended funds shall resume only if—

"(i) such State government or unit of general local government enters into a compliance agreement approved by the Administration and the Attorney General in accordance with subparagraph (B);

"(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administration in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c) (1) by such court; or

"(iii) after a hearing the Administration pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

"(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Administration shall suspend further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

"(G) (i) At any time after notification under subparagraph (A), but before the conclusion of the one hundred and twenty day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within sixty days of such request.

"(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one hundred and twenty day period referred to in subparagraph (C), the Administration shall make a finding of compliance or noncompliance. If the Administrator makes a finding of noncompliance, the Administration shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c) (3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

"(iii) If the Administration makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

"(H) Any State government or unit of general local government aggrieved by a final determination of the Administration under subparagraph (G) may appeal such determination as provided in section 511 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(4) (A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date of the administrative complaint was filed with the Administration, or any other administrative enforcement agency, unless within such period there has been a determination by the Administration or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

"(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

"(C) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.". *Ante*, p. 2418.

CONFORMING AMENDMENT

SEC. 123. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 512. 42 USC 3760.

ADMINISTRATIVE PROVISIONS

SEC. 124. Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: 42 USC 3763.

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in that comprehensive plan;

"(2) asssure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under

the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

"(c) Funds appropriated for the purposes of this section may be expanded by grant or contract, as the Administration may determine to be appropriate.".

ANNUAL REPORTS AMENDMENT

Report to President and congressional committees. 42 USC 3767.

SEC. 125. Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968, is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including—

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) a brief description of the procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the descriptions and number of program and project areas, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of program and project areas, and amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program and project areas, and the amounts expended therefor, which have achieved the purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program and project areas, and the amounts expended therefor, which have failed to achieve the purposes for which they were intended or the specific standards and goals set for them,

"(2) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(3) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(4) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(5) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(6) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(7) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination; 42 USC 3757. *Ante*, p. 2418.

"(8) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(9) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(10) an explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures; and 42 USC 3736, 3742, 3750d.

"(11) a description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.". 42 USC 3750c.

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 126. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, not to exceed $880,000,000 for the fiscal year ending September 30, 1977; $800,000,000 for the fiscal year ending September 30, 1978; and $800,000,000 for the fiscal year ending September 30, 1979. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977; and not to exceed $15,000,000 for each of the two succeeding fiscal years; for the purposes of grants to be administered by the Office of Community Anti-Crime Programs for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.". 42 USC 3768. 42 USC 3731.

(b) Section 520(b) of such Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.". 42 USC 5671.

REGULATIONS REQUIREMENT

42 USC 3769.

SEC. 127. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

"(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of section 518(c) of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

Ante, p. 2418.

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of section 518(c) of this title."; and

(2) by redesignating subsection (d) as subsection (e).

OPERATION STING

Revolving fund, establishment. 42 USC 3769.

SEC. 128. (a) Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new subsection:

"(e) There is hereby established a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provisions of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.".

42 USC 3731.

(b) Section 301(c) of such Act is amended by adding at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary.".

DEFINITIONS AMENDMENTS

42 USC 3781. "Court of last resort."

SEC. 129. (a) Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(p) The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority.

In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.". "Court."

"(q) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.". "Evaluation."

(b) Section 601(c) of such Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico,". 42 USC 3781.

JUVENILE JUSTICE ACT AMENDMENTS

SEC. 130. (a) Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following: 42 USC 5671.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.".

(b) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)". 42 USC 5633.

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows: 42 USC 5635.

(1) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have not city with a population over two hundred and fifty thousand.".

(2) Add at the end a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

TITLE II—PROVISIONS RELATING TO OTHER MATTERS

DRUG ENFORCEMENT ADMINISTRATION

SEC. 201. (a) Effective beginning one year after date of the enactment of this Act, the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service: Effective date. 28 USC 509 note.

(1) positions at GS-16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

(2) positions at GS-15 of the General Schedule which are designated as—

(A) regional directors,

(B) office heads, or

(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

Effective date.

(b) Effective during the one year period beginning on the date of the enactment of this Act, vacancies in positions in the Drug Enforcement Administration (other than positions described in subsection (a)) at a grade not lower than GS-14 shall be filled—

(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

Effective date.

(c)(1) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Effective date.

(2) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

(3) The provisions of sections 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, shall not apply with respect to actions taken by the Administrator under paragraph (1) or any reduction in rank or pay (under paragraph (2) or otherwise) of any individual in a position described in subsection (a).

(d) Any individual whose pay is to be determined in accordance with this subsection shall be paid basic pay at the rate of basic pay he was receiving immediately before he was placed in a position under subsection (b)(1) or reduced in rank or pay under subsection (c)(2), as the case may be, until such time as the rate of basic pay he would receive in the absence of this subsection exceeds such rate of basic pay. The provisions of section 5337 of title 5, United States Code, shall not apply in any case in which this subsection applies.

JUSTICE DEPARTMENT PERSONNEL

SEC. 202. (a) Subsection (c) of section 5108 of title 5, United States Code, is amended by striking out paragraph (8) and inserting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(109) Commissioner of Immigration and Naturalization, Department of Justice.

"(110) United States attorney for the Northern District of Illinois.

"(111) United States atttorney for the Central District of California.

"(112) Director, Bureau of Prisons, Department of Justice.

"(113) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.".

(c) Section 5316 of title 5, United States Code, is amended by—

(1) striking out paragraph (44);

(2) striking out paragraph (115);

(3) striking out paragraph (116);

(4) striking out paragraph (58); and

(5) striking out paragraph (134).

TERM OF FBI DIRECTOR

SEC. 203. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" immediately after "SEC. 1101." and by adding at the end thereof the following new subsection: 28 USC 532 note.

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.". Effective date.

AUTHORIZING JURISDICTION

SEC. 204. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

Approved October 15, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1155 accompanying H.R. 13636 (Comm. on the Judiciary) and No. 94-1723 (Comm. of Conference).
SENATE REPORT No. 94-847 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 122 (1976):
July 22, 23, 26, considered and passed Senate.
Sept. 2, considered and passed House, amended, in lieu of H.R. 13636.
Sept. 30, House and Senate agreed to conference report.

FORD ADMINISTRATION STIFLES JUVENILE JUSTICE PROGRAM: PART II—1976

Oversight and Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415 and S. 2212/Public Law 94–503)

THURSDAY, MAY 20, 1976

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

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Mathias, Hruska, and Fong) met, pursuant to notice, at 10:45 a.m., in room 6202, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senators Bayh, Mathias, and Leahy.

Also present: John M. Rector, staff director and chief counsel; Mary Kaaren Jolly, editorial director and chief clerk and Kevin O. Faley, assistant counsel.

Senator BAYH. We will convene our hearing this morning.

The subcommittee's enabling resolution, Senate Resolution 375, section 12, 94th Congress, is hereby noted for the record. Also we will include Public Law 93–415, the Juvenile Justice and Delinquency Prevention Act of 1974 and the bill, S. 2212, in the record.[1]

This morning we are anxious to exercise our oversight authority as well as review proposed reauthorization bills that will be necessary to extend the Juvenile Justice and Delinquency Prevention Act next year.

We appreciate the fact that we have three very distinguished witnesses to help us in our hearings this morning, Mr. Edward Scott, Jr., Deputy Assistant Attorney General for Administration, Office of Management and Finance, Department of Justice; Milton L. Luger, Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice; and Mr. Richard W. Velde, widely known as a former staff member of this subcommittee, who is the Administrator of the Law Enforcement Assistance Administration, Department of Justice.

OPENING STATEMENT OF SENATOR BIRCH BAYH, CHAIRMAN

Senator BAYH. Today's hearing is extremely timely in that we will have the opportunity to discuss and assess President Ford's May 14, 1976, proposed legislation, which ostensibly is designed to extend the

[1] See Appendix, Part 1, pp. 293 et seq.

Juvenile Justice and Delinquency Prevention Act of 1974. While this proposal is entitled the "Juvenile Justice and Delinquency Prevention Amendments of 1977" it would be more appropriately designated "An Act To Repeal the Juvenile Justice and Delinquency Prevention Act of 1974."

Although it is said that hope springs eternal, those who have carefully followed the development and passage of the landmark 1974 act should admit no surprise at the latest evidence of the President's policy for it is fully consistent with the pattern and practice established by his predecessor and espoused by the Ford administration; namely, do all that is possible to stifle congressional and citizen efforts to prevent juvenile crime.

The failure of this President, like his predecessor, to place a priority on the serious threat of juvenile crime and his administration's insistent stifling of an act designed to curb this escalating phenomenon is the Achilles' heel of the administration's crime program.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for nearly 50 percent of all persons arrested for serious crimes.

The seriousness of the present situation was dramatically underscored in recent testimony submitted at my subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $600 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted and robbed in the hallways, playgrounds and classrooms of American schools at an ever-escalating rate. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country, ranging from the shooting death of an elementary school principal by one of his pupils to the recent beating of a high school math teacher.

We can trace at least part of this unequal distribution of crime to the idleness of so many of our children.

The rate of unemployment among teenagers is at a record high and among minority teenagers it is an incredible 50 percent. Teenagers are at the bottom rung of the employment ladder, in hard times they are the most expendable.

We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom. This is not a city problem or a regional problem. Teenage crime in rural areas has reached scandalous levels. It takes an unusual boy or girl to resist the temptations of getting into trouble when there is no constructive alternative.

But it is not just the unemployment of teenagers that has contributed to social turmoil. The unemployment of parents deprives a family not only of income, but contributes to serious instability in American households which, in turn, has serious implications for the juvenile justice system. Defiance of parental authority, truancy, and the problem of runaways are made materially worse by national economic problems. And it is here that we confront the dismal fact that almost 40 percent of all the children caught up in the juvenile justice system today fall into the category known as the "status offender"—young people who have not violated the criminal law.

Yet these children—70 percent of them young women—often end up in institutions with both juvenile offenders and hardened adult criminals.

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

But today, because the juvenile justice system often fails to differentiate between criminal and noncriminal conduct, many youngsters are wrongly introduced to our penal schools of crime, while others remain free to terrorize our citizens.

Once overloaded as the result of such indiscriminate policies, the juvenile justice system, which is presently under fire for not being able to stem the tidal wave of violent crimes for which only a few predatory law breakers are responsible, is doomed to failure. Each year scandalous numbers of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. There should be little doubt as to why young people have the highest recidivism rate of any age group. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident. The tragic impact of these archaic policies is graphically documented in my subcommittee's recent volume, "The Detention and Jailing of Juveniles."

Thus, after years of assessing Federal crime programs two things are abundantly clear:

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

The Juvenile Justice Act, which I authored, is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88–1) and House (329–20). This act was designed to assist State and local governments, private and public organizations in an effort to fill these critical gaps by providing more sensible and economic alternatives for youngsters already in the juvenile justice system and to prevent young people, when appropriate, from entering a clearly overburdened system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) of the Department of Justice, must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have committed no criminal act—status offenders, such as runaways—are not jailed, but dealt with in a healthy and more appropriate manner.

Federal efforts in the past have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. This act is based on the age-old conviction that an ounce of prevention is worth more than a pound of cure. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to deal with all aspects of the delinquency problem.

I must admit that I am angered and incensed and truly not able to fathom the reasoning underlying the Ford policy aim to stifle a major bipartisan congressional and citizen mandate tailored to address the soaring rate of juvenile crime and to prevent delinquency which spawns crime.

Despite stiff Ford administration opposition, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

The administration, however, has not totally ignored the act. In fact, the Ford "Crime Control Act of 1976, S. 2212," would repeal—sections 26(b) and 28—important provisions requiring LEAA to continue current juvenile crime program funding.

An essential aspect of the 1974 act is the "maintenance of effort" provision (section 261(b)). It requires LEAA to continue at least the fiscal year 1972 level ($112 million) of support for a wide range of juvenile programs. This provision assured that the 1974 act aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditional juvenile programs to the new act and thus guarantees that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and accurate data was available. Witnesses from LEAA represented to the subcommittee in June 1973 that nearly $140 million has been awarded by the agency during that year to a wide range of traditional juvenile delinquency problems. Unfortunately the actual expenditure as revealed in testimony before the subcommittee last year was $111,851,054. It was these provisions, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA—but the national crime fighting priority.

The subcommittee had worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to

allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration (LEAA, HEW, and OMB), was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crimes.

It is interesting to note that the primary basis for the administration's opposition to funding of the 1974 act was ostensibly the availability of the very "maintenance of effort" provision which the administration seeks to repeal in S. 2212.

It is this type of doubletalk for the better part of a decade which is in part responsible for the annual recordbreaking, double-digit escalation of serious crime in this country.

The Ford administration has responded at best with marked indifference to the 1974 act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program," which I released today. I find their approach unexceptable and will endeavor to persuade a majority of my colleagues to reject it and to retain the priority placed on juvenile crime prevention in the 1974 act.

I understand the President's concern that some spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, or fear for the lack of personal security and the tremendous waste in human resources.

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

During hearings on April 29, 1975, by my subcommittee regarding the implementation, or more accurately the administration's failure to implement the act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the Nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the Nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution, no magic wand or panacea, to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches—$15 billion last year, while we witnessed a record 17-percent increase in crime—must stop.

What we want to learn today is at what point, if any, will the President and his administration awaken to their responsibility to the American people?

How many more of our citizens must be terrorized before the administration gets serious about the congressional priority of juvenile crime prevention.

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

Additionally, we are especially concerned that what little progress has been made under the 1974 act, is being systematically eroded through regulatory guideline slight of hand—now you see it—now you don't. For example, we clearly provided opportunity for "in kind" match, rather than exclusively "cash match," but through the magic of the guideliner's pen, what should be there is not.

I look forward to a productive and informative session.

Senator MATHIAS. Mr. Chairman, I have just a short statement. Also, if I could, I wish to submit for the record several letters which deal with the subject of this hearing. I also have some questions of Mr. Luger and Mr. Velde which I will submit for the record for them to respond to.

Senator BAYH. Certainly, without objection.

EXHIBIT No. 1

STATEMENT OF SENATOR CHARLES McC. MATHIAS

I understand that there are a number of specific questions in regard to general oversight of the Juvenile Justice and Delinquency Prevention Act, Public Law 93-415 which we will discuss this morning, but I would like to first note a serious concern I have as to the overall commitment of this administration to the implementation of this act. I do this in light of President Ford's statement when he signed the act where he stated:

Therefore, I do not intend to seek appropriations for the new programs authorized in the bill in excess of the general amounts included in the 1975 budget until the general need for restricting Federal spending has abated. In the interim, the estimated $155 million in spending already provided under current programs will provide a continuation of strong Federal support. (Weekly Compilation of Presidential Documents, v. 10, p. 1119)

This followed by the fact that the President requested no funding under this title in fiscal year 1976, despite a $125 million authorization, and when the Congress eventually approved $40 million, the President attempted, unsuccessfully, to defer $15 million. Now in fiscal year 1977 the President has proposed only a $10 million appropriation and in his proposed reauthorization bill for LEAA (S. 2212) recommended the repeal of section 261(b) of the Act which requires LEAA to maintain at least its 1972 level of juvenile delinquency program funding.

I understand that there is a need for restraint in Federal spending at the present time. It is my feeling, however, that when Congress passed Public Law 93-415, it set up a policy of preferred treatment for juveniles in order that this year's delinquents do not become next year's hardened criminals. These and related concerns have also been raised by a number of my constituents in the State of Maryland and I am introducing three letters from the Sheriff of Baltimore County, the Director of Juvenile Services Administration, Maryland Department of Health and Mental Hygiene, and the Master, Division for Juvenile Causes, Circuit Court of Baltimore City which are indicative of the Maryland response.

In conclusion, I submit that the Juvenile Justice and Delinquency Prevention Act committed the Federal Government to a priority campaign against juvenile delinquency in order to drastically reduce the juvenile crime rate—now approaching one-half of all crimes. I would like to know whether, in fact, the Law Enforcement Assistance Administration and the Department of Justice agree with this contention.

OFFICE OF THE SHERIFF OF BALTIMORE COUNTY
Towson, Md., May 12 1976.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: The National Sheriffs' Association has brought to the attention of this office that the Subcommittee of State Justice, Commerce, and Judiciary of the House Appropriations Committee has slashed said appropriation for the Law Enforcement Assistance Administration (LEAA) for the coming year.

This cut can have nothing but a negative impact on the law enforcement profession and their efforts to combat crime and the training of law enforcement personnel.

I am aware of the criticism presently spewing forth concerning LEAA and its failures. Deterrents in combating crime are very difficult to measure and most certainly cannot be measured in dollars and cents. Admittedly, the crime problem is acute, but what words would we find to describe it, had it not been for the input of funds through LEAA. How do we measure monetarily the life of one professional law enforcement man that was saved because of his training received through LEAA funding? This figure multiplied, nation wide, would be very impressive.

The aforementioned criticism does not involve itself in the millieme of man hours received by law enforcement personnel for education and inservice training programs.

My twenty-five years of experience in law enforcement is the criteria upon which I base this request that you support LEAA funding to its fullest and oppose the arbitrary cutting of funds.

Your consideration in this important matter much appreciated and I assure you that if the need should ever arise, this office will reciprocate in like manner.

Sincerely,

CHARLES H. HICKEY, Jr.,
Sheriff, Baltimore County, Md.

STATE OF MARYLAND,
JUVENILE SERVICES ADMINISTRATION,
DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
Baltimore, Md., May 6, 1976.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate, Congress of the United States,
Washington, D.C.

DEAR SENATOR MATHIAS: I am writing to solicit your support in having the Law Enforcement Assistance Administration properly funded for the coming fiscal year.

As you know, the Subcommittee on State, Justice, Commerce, and Judiciary of the House Appropriations Committee has drastically slashed the appropriation for this Administration for fiscal year 1977. This has an immediate and measurable effect upon the entire criminal justice system, including my particular area of concern—the juvenile justice system.

President Ford's request for a $707 million budget was grossly inadequate and with the further reduction proposed by the Subcommittee, the program would be reduced to a level below optimum and maximum functioning. I would strongly urge that the program (LEAA) be funded at least at the same level as for fiscal year 1976, i.e., $810 million.

I believe that the states are just beginning to make some progress in reducing crime and making our streets safer, and any reductions in appropriations would severely hamper this effort.

Thank you for your consideration of this request as we all strive to make America a better place in which to live.

Very truly yours,

ROBERT C. HILSON, *Director.*

CIRCUIT COURT OF BALTIMORE CITY,
DIVISION FOR JUVENILE CAUSES,
Baltimore, Md., March 30, 1976.

Re S. 2212

Hon. CHARLES McC. MATHIAS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I have been advised that a Bill has been introduced in the U.S. Senate (S. 2212) which would repeal Sections 261(b) and 544 of the Juvenile Justice and Delinquency Prevention Act of 1974. The effect of passage of this measuure would be to reduce the present amount of federal spending for juvenile programs.

By now, it should go without saying that the most important problem facing the administration of juvenile justice today (as it has always been) is the failure of the Legislative Branch to provide adequate resources to the Executive Branch for carrrying out the treatment programs prescribed by the Judicial Branch. Until and unless such time arrives that the Legislative Branch furnishes us with the tools which we need, we can anticipate a continuing increase in the rate of juvenile crime in this country.

The Bill in question is a major step in the wrong direction and I urge your opposition to its passage.

Very truly yours,

HOWARD I. GOLDEN, *Master.*

EXHIBIT NO. 2

SENATOR MATHIAS' QUESTIONS FOR MR. LUGER

Generally, how much of the $40 million authorized for Fiscal Year 1976 has been earmarked so far?

On page 4 of your statement you say that there are 117 federal programs impacting on juvenile justice and delinquency with expenditures of $20 billion. Would you please give us a breakdown of these programs and, in fact, define what "coordination" has been done under the Act?

On page 6, you indicate that under the special emphasis program certain initiatives include grants for two or three year funding. Is it generally necessary to have multi-year funding for this type of program?

On page 9 you mention future possibilities for OJJDP in re intervention in youth gangs. Has there been any definitive study as to the reason for the decline in the 60's and resurgence in Middle 70's of the street gangs?

You also indicate there is a future potential for selected community arbitration and restitution projects. Has there been any preliminary evaluation of the Anne Arundel County experience along these lines?

On page 11 you state there is a survey of deinstitutionalization pursuant to Sec. 223 (a) (12) and (13). When will this report be completed? Is there a report on Maryland now?

In reference to page 14, do you have any up-to-date overall statistics on the number of serious juvenile offenders and the percentage of increase or decrease.

On page 15 you indicate that several states are reconsidering participation in the Act and that deinstitutionalization of status offenders is the prime reason. Do you have a breakdown on specific reasons given by these jurisdictions?

In reference to page 16, do you have a breakdown on the "Maintenance of effort" results for Fiscal Year 1975?

SENATOR MATHIAS' REMAINING QUESTION FOR MR. VELDE

In your statement you indicate that you desire $50 million for authorization in FY 1978. This is a $100 decrease from fiscal year 1977. What is your justification for this decrease?

JUVENILE CRIME IMPACT ON TOTAL CRIME PROBLEM

Senator BAYH. Gentlemen, this subcommittee and you have been deeply concerned about juvenile delinquency. Not only what it does to society in general—as many quake in their homes in fear of being

preyed upon—but what the continued rise in juvenile delinquency does to stifle the full development of opportunities for young people.

There is no need for me to go into great detail about the important impact that juvenile crime has on the overall crime problem. We have all heard a multitude of speeches and rhetoric by officials in this country decrying crime, but we seldom hear them address themselves to the specific makeup of the crime. I wonder whether those citizens, who are fearful of the increase in crime, understand the fact that the majority of serious crimes are committed by young people under the age of 20.

It was that fact—which has not changed or, if anything, it has become worse—that led this subcommittee to a 4-year investigation which culminated in the establishment of those duties which Mr. Luger now performs with Mr. Velde, under the guidance of the Juvenile Justice Act.

I am hopeful in our discussion here we can determine how our act is being implemented, and where we go next.

I must confess I have been very, I suppose disappointed is about as moderate a word as I can use, with the way some officials have looked at our effort to fight juvenile delinquency.

While I don't know Mr. Scott, personally, I do know Mr. Velde and Mr. Luger. I can't believe that either of you are really a part of this. I don't really know where the buck stops. I would like to find out.

Some of the facts are rather clear. First of all, when the Juvenile Justice Act was sent to the White House, President Ford, after a long delay, finally signed it but said he wouldn't ask for an appropriation.

The services that young people need—back in the local communities, and which are provided for in this act—are designed to actually prevent crime. To rehabilitate young people instead of trying to rehabilitate three-time losers, is going to take some money.

COMPLEXITY AND MAKEUP OF CRIME POPULATION

My first concern then was over the President's credibility, as far as whether he really understood the complexities as well as the complexion of the crime population, and what we, in Congress, designated should be done in response to crime.

We wait until too late in the lifetime of human beings and then we start worrying about them. Too often our response is to institutionally deal with them in a way that we almost guarantee that someone who commits a relatively minor crime is commingled with those who commit very serious crimes. Then we wonder why the second, third, fourth, and fifth time that this young person, or older person, commits a crime it gets significantly worse.

That is the whole thrust of this law, the Juvenile Justice Act: To try to reverse these traditional patterns.

Apparently the President didn't recognize that. Well, he not only said he wasn't going to ask for money—we were able to get the Congress to provide moneys in 2 successive years—but then he tried to defer them, and we overrode the deferrals. We were hoping that the White House would get the message that the Congress was dead serious about the scandalous level of juvenile crime.

You gentlemen received it. Someplace there is a breakdown in communications, because when the Law Enforcement Assistance Act extension was sent up by the President, S. 2212, very neatly nestled away

in its provisions was at least one section that would have successfully dealt a death blow to one of the most significant features of the Juvenile Justice Act. We lost the battle in committee the other day to fully eliminate this aspect, but we will continue to fight the battle on the Senate floor for, I think, it is critical that we not turn back on the problem of juvenile crime, but that our efforts be accelerated. Indeed the outcome on this essential will determine whether we will undertake a major effort to defeat the extension of LEAA, which I hope will not be the case.

S. 2212 DESIGNED AS "EXTINCTION" ACT

More recently the administration has proposed an extension of the Juvenile Justice Act. I must say, Mr. Velde, instead of the extension act, I think it would be more adequately described as the "extinction" act. It absolutely ignores and would even repeal some of the most important provisions of this act.

I am anxious to find out who is responsible for this, and why. Also, if it is possible to amicably change their position. Hopefully it will be, because I think we are all trying to accomplish the same thing.

Mr. Velde and Mr. Luger, who have given significant parts of their lives to fighting crime, have an understanding of the complexities of these problems. I don't want to leave you out of this, Mr. Scott, but I don't know much about your background. But those in the Department and the White House who are establishing policy do not understand. Perhaps you can advise us how we can do a better job of conveying the message to these recalcitrants.

Maybe it is like the story that our former colleague, Senator Ervin, used to relish telling. It was about the fellow having trouble leading a mule, until a neighbor came along and picked up a 2 by 4, and hit the mule in the head and whispered in his ear, then proceeded to lead the mule without any problem. When the owner of the mule said "Why did you do that?", the neighbor said, "Well, before he will listen to you, you have to get his attention."

I hope it is not necessary to do that with LEAA. I am sure that the three of us want to move in, at least, the same direction. But if we have to find something similar to a 2 by 4 to get the attention of those in the administration who are misguided or obstructive, frankly, I think we have a responsibility to do so.

I didn't come here to engage in a monolog. I am very anxious to have your participation.

So, gentlemen, why don't you proceed as you see fit.

STATEMENT OF RICHARD W. VELDE, ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, ACCOMPANIED BY EDWARD W. SCOTT, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF MANAGEMENT AND FINANCE, U.S. DEPARTMENT OF JUSTICE

Mr. VELDE. Thank you, Mr. Chairman. We do have prepared statements. With your permission, sir, I would be pleased to offer them for the record [1] at this time.

[1] See p. 38.

I will initially limit my comments to the administration's request for extention of the Juvenile Justice and Delinquency Prevention Act. Mr. Luger will comment on the details of administration of the program.

In certain instances I have made decisions that I know the chairman is very much interested in. I would be pleased to comment on these matters. Mr. Scott and I can also attempt to address the stance of the administration, the Department of Justice, and LEAA regarding financing of the program.

Mr. Chairman, as you know, the administration, in response to the requirements of the Congressional Budget Act of 1974, submitted to Congress last Friday its proposal to extend the Juvenile Justice and Delinquency Prevention Act. This was 1 day prior to the deadline for submission established by the Budget Act.

[Testimony continues on p. 16.]

EXHIBIT No. 3

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 14, 1976.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I am pleased to forward for your consideration proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977."

This proposed bill amends the Juvenile Justice and Delinquency Prevention Act of 1974 and extends the authority of the Law Enforcement Assistance Administration to administer the Act for an additional year. The bill provides additional funds to the Law Enforcement Assistance Administration to coordinate Federal juvenile delinquency programs and activities and to assist States, units of general local government, and private non-profit agencies, organizations, and institutions in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The legislative proposal includes a number of amendments designed to strengthen the coordination of Federal efforts. The Federal Coordinating Council would become involved in the preparation of annual reports related to analysis, evaluation, and planning for Federal juvenile delinquency programs. LEAA runaway programs would be coordinated with Department of Health, Education and Welfare programs funded under the Runaway Youth Act.

In addition, significant changes are made in the formula grant program. The use of in-kind matching funds is prohibited and an assumption of cost provision is added to State plan requirements. Advanced technique programs would include programs designed to meet priority needs identified in a State's detailed study of needs. The requirement that status offenders be deinstitutionalized within two years is clarified with regard to the permissive, rather than mandatory, placement of such offenders in shelter facilities. The Administrator is granted authority to continue funding to those States which have achieved substantial compliance within the two-year time limitation for deinstitutionalization and evidenced on unequivocal commitment to achieving this objective within a reasonable time.

The bill provides that Special Emphasis school programs will be coordinated with the United States Office of Education. A new category of youth advocacy programs is added to the listing of Special Emphasis programs in order to focus upon this means of bringing improvements to the juvenile justice system.

The Administrator is authorized to permit up to 100 percent of a State's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. This will increase flexibility and permit maximum use of these funds in States which have been unable to fully utilize available Federal fund sources. The Administrator is further authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive State liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

The proposal authorizes $50 million for Juvenile Justice Act programs through 1978. The maintenance of effort provisions of the Act, applicable to Crime Control Act funds expended for juvenile programs in 1972, are deleted.

Finally, a number of the administrative provisions of the Crime Control Act are incorporated as administrative provisions applicable to the Juvenile Justice and Delinquency Prevention Act. The addition of these provisions permits LEAA to administer the two acts in a parallel fashion. The provisions include formalized rulemaking authority, hearing and appeal procedures, recordkeeping requirements, and restrictions on the disclosure of research and statistical information.

I recommend the prompt and favorable consideration of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress.

Sincerely,

EDWARD H. LEVI,
Attorney General.

A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Sec. 2, Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201(g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof.

(2) Section 204(b)(5) is amended by inserting in the first sentence after the words "Advisory Committee" the words "and the Coordinating Council".

(3) Section 204(b)(6) is amended by inserting after the words "Advisory Committee" the words "and the Coordinating Council".

(4) Section 204(f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal".

(5) Section 204(g) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(6) Section 204(j) is amended by inserting after the word "agency," the word "organization,", and by deleting the word "part" and inserting the word "title" in lieu thereof.

(7) Section 204(k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof, and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "Title III of this Act" in lieu thereof.

(8) Section 206(d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof.

(9) Section 208(e) is amended by deleting the words "to the Administrator" and "the Administration of".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Sec. 3. Title II, Part B of such Act is amended as follows:

(1) Section 221 is amended by deleting the words "and local governments".

(2) Section 221 is further amended by inserting after the word "through" the words "grants and".

(3) The third sentence of section 222(c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(4) The second sentence of section 222(d) is amended by deleting the words "or kind consistent with the maintenance of programs required by Section 261".

(5) Section 223(a)(4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(6) Section 223(a)(5) is amended by inserting after the words "local government" the words "or combinations thereof".

(7) Section 223(a)(6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof.

(8) Section 223(a)(6) is further amended by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency".

(9) The first sentence of section 223(a)(10) is amended by deleting the words "or by the local government".

(10) The first sentence of section 223(a)(10) is further amended by inserting after the words "or through" the words "grants and".

(11) Section 223(a)(10) is further amended by deleting all of subparagraph (D) and inserting in lieu thereof the following:

"(D) projects designed to develop and implement the programs identified in the detailed study of needs formulated pursuant to paragraph (8);".

(12) Section 223(a)(12) is amended by deleting the word "must" and inserting the word "may" in lieu thereof.

(13) Section 223(a)(20) is amended by deleting the word "and" the last time it occurs.

(14) Section 223(a)(21) is redesignated as Section 223(a)(22).

(15) Immediately after paragraph (20) of Section 223(a) insert the following new paragraph:

"(21) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance; and".

(16) Section 223(c) is amended by inserting the following sentence at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the two year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.".

(17) Section 224(a)(5) is amended by deleting the word "and" the last time it occurs.

(18) Section 224(a)(6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education, Department of Health, Education and Welfare,".

(19) Section 224(a)(6) is further amended by deleting the period at the end thereof and inserting in lieu thereof a semicolon followed by the word "and".

(20) Immediately after paragraph (6) of Section 224(a) insert the following new paragraph:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system.".

(21) Section 227(a) is amended by deleting the words "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof.

(22) Section 227(b) is amended by deleting the words "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(23) Section 228 is amended by deleting all of subsection (a). Subsections (b), (c), and (d) are redesignated as subsections (a), (b), and (c) respectively.

(24) Redesignated section 228(a) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof.

(25) Redesignated section 228(a) is further amended by deleting the words "25 per centum of".

(26) Redesignated section 228(b) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(27) Immediately after redesignated section 228(c) insert the following new paragraph:

"(d) In the case of a grant under this part to an Indian tribe or other aborignal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(e) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title.".

Part C—National Institute for Juvenile Justice and Delinquency Prevention

Sec. 4. Title II, Part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsection (e). Subsections (f) and (g) are redesignated as subsections (e) and (f) respectively.

(2) Redesignated section 241(f) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and".

(3) The subsection lettered "(b)" immediately following redesignated section 241(f) is redesignated subsection "(g)".

(4) Redesignated section 241(g) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(f)(1)" in lieu thereof.

(5) Section 248 is deleted.

Part D—Authorization of Appropriation

Sec. 5. Title II, Part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

(1) Section 261 is amended by deleting all of subsections (a) and (b) and inserting in lieu thereof the following:

"To carry out the purposes of this title there is authorized to be appropriated $50,000,000 for the fiscal year ending September 30, 1978."

(2) Section 262(b) is amended by deleting the words "section 603" in the first sentence thereof and the words "Section 603" in the second sentence thereof and inserting the words "section 602" in the first sentence and the words "Section 602" in the second sentence in lieu thereof.

(3) Section 263 is redesignated as section 264.

(4) Immediately after section 262 insert the following new section:

"Sec. 263. The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as Sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(5) Redesignated section 264 is amended by deleting the words "subsection (b)" in subsection (a) and inserting the words "subsections (b) and (c)" in lieu thereof.

(6) Redesignated section 264 is further amended by adding after subsection (b) a new subsection (c) as follows:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977."

Sec. 6. Title V, Part C of such Act is amended as follows:

(1) Section 544 is deleted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Section 2 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in ten ways:

(1) Section 201(g) is the subject of a technical amendment.

(2) Section 204(b)(5) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs.

(3) Section 204(b)(6) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual comprehensive plan for Federal juvenile delinquency programs.

(4) Section 204(f) is amended to clarify that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies.

(5) Section 204(g) is amended to authorize the Administrator to delegate his functions under all of Title II to any officer or employee of the Administration.

(6) Section 204(j) is amended to authorize the Administrator to utilize grants and contracts to carry out the purposes of Title II.

(7) Section 204(k) is amended to require appropriate coordination between LEAA activities funded under Title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

(8) Section 206(d) is amended to require a minimum of four annual meetings of the Coordinating Council.

(9) Section 208(e) is amended to make the title of the National Advisory Committee Subcommittee on Standards consistent with the subcommittee title used in section 247.

Section 3 amends Title II, Part B of the Act through twenty-eight separate provisions relating to Federal assistance programs:

(1) Section 221 is amended to reflect that the Administrator has authority to make formula grants only at the State (State planning agency) level.

(2) Section 221 is further amended to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(3) Section 222(c) is amended to conform with the definitions of "units of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(4) Section 222(d) is amended to provide that only cash may be utilized as matching funds for formula grants and to delete the reference to maintenance of effort.

(5) Section 223(a)(4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(6) Section 223(a)(5) is amended to provide that funds expended through programs of local government include programs sponsored or administered by combinations of local government.

(7) Section 223(a)(6) is amended to conform with the definition of "unit of general local government" set forth in Section 103(8) of the Act.

(8) Section 223(a)(6) is further amended to clarify that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administration functions on behalf of the unit of general local government.

(9) Section 223(a)(10) is amended to again reflect that formula grants are made only at the State (State planning agency) level.

(10) Section 223(a)(10) is further amended to again clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(11) Section 223(a)(10) is further amended to delete drug and alcohol abuse programs from the list of advanced technique programs and substitute programs designed to meet the program priorities identified in the State's detailed study of needs.

(12) Section 223(a)(12) is amended to clarify that status offenders may, but need not, be placed in shelter facilities.

(13) Section 223(a)(20) is the subject of a technical amendment.

(14) Section 223(a)(21) is redesignated Section 223(a)(22).

(15) Section 223(a) is amended by adding a new paragraph (21) to require an assumption of cost provision in the State plan.

(16) Section 223(c) is amended to provide that the Administrator may continue to approve State plans, where a State has failed to achieve compliance with Section 223(a)(12), upon a determination that: (a) the State is in substantial compliance; and (b) the State has made an unequivocal commitment to achieving full compliance within a reasonable time.

(17) Section 224(a)(5) is the subject of a technical amendment.

(18) Section 224(a)(6) is amended to mandate coordination with the United States Department of Education in the development of Special Emphasis School programs.

(19) Section 224(a)(6) is also the subject of a technical amendment.

(20) Section 224(a) is amended by adding a new paragraph (7) authorizing the use of Special Emphasis funds for youth advocacy programs.

(21) Section 227(a) is amended to add public and private organizations to the list of entities affected by this subsection.

(22) Section 227(c) is amended to add public and private organizations to the list of entities affected by this subsection.

(23) Section 228 is amended to delete the subsection (a) provision for continuation funding and to redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c).

(24) Redesignated section 228(a) is amended to prohibit the use of formula grant funds to match LEAA funds.

(25) Redesignated section 228(a) is further amended to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants.

(26) Redesignated Section 228(b) is amended to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under Part C of the Act.

(27) Section 228 is amended by adding two new subsections: (a) subsection (d) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; and (b) subsection (e) provides for reallocation, as Special Emphasis funds, of any funds not required by a State or which become available following administrative action to terminate funding.

Section 4 amends Title II, Part C of the Act in six separate amendments related to the National Institute for Juvenile Justice and Delinquency Prevention:

(1) Section 241 is amended to delete the subsection (e) provision for delegation of authority by the Administrator to employees of the Institute and to redesignate subsections (f) and (g) as subsections (e) and (f).

(2) Redesignated section 241(f) is amended to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

(3) Erroneously lettered subsection (b) is redesignated subsection (g).

(4) Redesignated subsection (g) is the subject of a technical amendment.

(5) Section 248 is deleted to remove duplicative restrictions on disclosure or transfer of juvenile records gathered for purposes of the Institute.

Section 5 amends Title II, Part D of the Act by changing the title of Part D to "Administrative Provisions" and in two other respects:

(1) Section 261 is amended by deleting subsections (a) and (b) relating to level of authorized funding and maintenance of effort and substituting a one year authorization at an appropriation level of $50,000,000 for fiscal year 1978.

(2) Section 262(b) is amended to correct an erroneous statutory citation.

(3) Section 263 is redesignated section 264.

(4) A new section 263 is added which incorporates the administrative provisions of sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of the Omnibus Crime Control and Safe Streets Act into the Act as administrative provisions.

(5) Redesignated section 264 is the subject of a technical amendment.

(6) Redesignated section 264 is further amended to provide that the Amendments made by this Act shall be effective on and after October 1, 1977.

Section 6 amends Title V, Part C of the Act to delete the maintenance of effort provision.

[Testimony continued from p. 11.]

Mr. VELDE. As an aside, Mr. Chairman, I would respectfully submit that Congress might want to review the deadlines that it has imposed with respect to the Budget Act. LEAA's authorization legislation was recently being processed by both the House and Senate Judiciary Committees on the same day. At the same time, we were also pursuing our interests before both the House and Senate Appropriations Subcommittees. Hearings and markup sessions were occurring simultaneously. We had an additional requirement of submitting this new legislation virtually on the same day.

Having appropriations available to Federal agencies that administer funding programs at the beginning of the fiscal year—that is one of the major purposes of the Budget Act—is a laudable objective.

It is difficult for those of us who administer the programs, however, to have all these items considered by the Congress simultaneously. Our agency's limited resources have been spread thinly in trying to adequately respond to all of these interests and concerns at the same time. We have never had to go through an experience like this before.

[Testimony continues on p. 36.]

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

STATEMENT

OF

RICHARD W. VELDE
ADMINISTRATOR
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

THE PROPOSED JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1977

MAY 20, 1976

I am pleased, Mr. Chairman, to appear today before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency. Since my last appearence before the Subcommittee in April of 1975, the Law Enforcement Assistance Administration has made significant progress in implementing the Juvenile Justice and Delinquency Prevention Act of 1974. The statement of Milton Luger, Assistant Administrator of LEAA for the Office of Juvenile Justice and Delinquency Prevention, addresses the specifics of implementation.

Because the Act is scheduled to expire at the end of fiscal year 1977, under the terms of the Congressional Budget and Impoundment Control Act, any proposal to reauthorize the legislation is supposed to be submitted to Congress by May 15, 1976. I am pleased to report that the Attorney General transmitted such a proposal by letter dated May 14. In my testimony today, I will discuss some of the provisions of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977."

The legislation would extend the authority of LEAA to administer the Act for an additional year. $50 million would be authorized to be appropriated during fiscal year 1978 to coordinate federal juvenile programs and activities and to assist states, units of general local government, and private non-profit organizations in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The proposal includes a number of amendments designed to strengthen the coordination of federal efforts. The Coordinating Council for Juvenile Justice and Delinquency Prevention would become involved in the preparation

of annual reports related to analysis, evaluation, and planning for federal juvenile programs.

Significant changes are made by the legislation we have proposed in the formula grant program authorized by the Juvenile Justice Act. The use of in-kind matching funds would be prohibited and an assumption-of-cost provision would be added to state plan requirements.

The general reasons for deleting in-kind match are fourfold. First, state and local legislative oversight is insured by use of cash match, thus guaranteeing some state and local governmental control over federally assisted programs. Second, state and local fiscal controls would be brought into play to minimize the chances of waste. Third, the responsibility on the part of state and local governments to advance the purpose of the program is underscored. Fourth, continuation of programs after federal funding terminates is encouraged by requiring a local financial commitment.

It was for these reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match. It was also felt by the Congress, as indicated

in the legislative history of the amendments, that in-kind match had led to imaginative bookkeeping by recipients of funds, and that significant monitoring problems had resulted for LEAA and the state planning agencies.

The assumption-of-cost provision which I mentioned would also promote local continuation of programs. Improvements in juvenile programs and the juvenile justice system initiated with federal funds will hopefully become institutionalized if successful. Once federal funding has expired, it is reasonable to expect that innovations which have received support will become a permanent part of the overall local effort. This will free-up federal funds to permit further experimentation and innovation as is contemplated by the Act.

The requirement of section 223(a)(12) of the Act, relating to deinstitutionalization of status offenders within two years, would be clarified by the proposed amendments with regard to the permissive, rather than mandatory placement of such offenders in shelter facilities. The Administrator would also be granted authority to continue funding to those states which have achieved substantial compliance within the two-year time limitation for deinstitutionalization and have evidenced an unequivocal commitment to achieving this objective within a reasonable time.

The proposal provides that Special Emphasis school programs are to be coordinated with the United States Office of Education. A new category of youth advocacy programs would be added to the listing of Special Emphasis programs in order to focus on this means of bringing improvements to the juvenile justice system.

Another important provision of the proposal, Mr. Chairman, would authorize the Administrator to permit up to 100 percent of a state's formula grant funds to be utilized as match for other federal juvenile delinquency program grants. This will increase flexibility and permit maximum use of these funds in states which have been unable to fully utilize available federal fund sources. The Administrator would be further authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive state liability where a state lacks jurisdiction to enforce grant agreements with Indian tribes. The first of these provisions is similar to authority in current LEAA enabling legislation. The second has been proposed by the Administration as an amendment to the Crime Control Act to assure Indian tribes will have opportunity for full participation in the LEAA program.

Consistent with the Administration's proposal to reauthorize LEAA, being considered by the Congress at this time, maintenance of effort provisions of the Juvenile Justice Act, applicable to LEAA expenditures for juvenile programs in 1972, would be deleted by the proposed legislation. This provision is based on several considerations.

First, it has been proposed that Crime Control Act funds be permitted to be used for the general purposes of the Juvenile Justice Act. This would permit a wider scope of programs to be funded with Crime Control Act funds. It is anticipated that each state will use Crime Control Act funds to supplement activities under the Juvenile Justice Act in order to fully meet the state's needs, as set forth in an integrated juvenile justice and delinquency prevention plan. The setting of an aritifical minimum allocation of Crime Control Act funds

would be inconsistent with the comprehensive planning process the change to the LEAA program encourages.

Second, the maintenance of effort provision is contrary to the block grant approach to funding. The individual states and the elements within the planning structure of the states are in a better position to determine funding priorities for block grant funds. To dictate the amount of funds to be expended for one particular aspect of law enforcement and criminal justice limits the state's flexibility in planning for effective crime prevention.

Third, Mr. Chairman, the uncertainty of appropriations for future fiscal years may result in decreased block grant allocations to the states. As you know, the LEAA budget was reduced in fiscal year 1976, and another reduction is proposed for fiscal year 1977.

The maintenance of effort provision, coupled with the fact of continuation funding for large numbers of individual subgrant projects, will naturally result in program areas other than juvenile justice and delinquency prevention receiving a smaller percentage of LEAA funds. The comprehensive planning process will be disrupted. States and localities will have to neglect funding of high priority and innovative programs, including necessary programs to assist courts and corrections, in order to meet a "quota" of expenditures for juvenile programs.

Finally, the use of 1972 as a base year is not reflective of the overall efforts of individual states; neither does it establish a meaningful spending level for any particular state. Unfortunately, the establishment of

expenditure quotas based neither on needs nor funding priorities could be construed as a maximum level of expenditure without regard to the need for even greater levels of funding for juvenile delinquency programs. This would do damage to the establishment of a comprehensive juvenile justice and delinquency prevention program.

This legislative proposal which has been submitted would incorporate a number of the administrative provisions of the Crime Control Act as administrative provisions applicable to the Juvenile Justice Act. The addition of these provisions permits LEAA to administer the two acts in a parallel fashion. The provisions include formalized rulemaking authority, hearing and appeal procedures, recordkeeping requirements, and restrictions on the disclosure of research and statistical information.

Mr. Chairman, I recommend the Subcommittee's favorable consideration of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977." For your full information, I have included as appendices to my statement a copy of the proposed legislation and a section-by-section analysis.

APPENDIX I TO STATEMENT OF RICHARD VELDE

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Sec. 2. Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201(g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof.

(2) Section 204(b)(5) is amended by inserting in the first sentence after the words "Advisory Committee" the words "and the Coordinating Council".

(3) Section 204(b)(6) is amended by inserting after the words "Advisory Committee" the words "and the Coordinating Council".

(4) Section 204(f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal".

(5) Section 204(g) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(6) Section 204(j) is amended by inserting after the word "agency," the word "organization,", and by deleting the word "part" and inserting the word "title" in lieu thereof.

(7) Section 204(k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof, and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "Title III of this Act" in lieu thereof.

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(8) Section 206(d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof.

(9) Section 208(e) is amended by deleting the words "to the Administrator" and "the Administration of".

Part B — Federal Assistance for State and Local Programs

Sec. 3. Title II, Part B of such Act is amended as follows:

(1) Section 221 is amended by deleting the words "and local governments".

(2) Section 221 is further amended by inserting after the word "through" the words "grants and".

(3) The third sentence of section 222(c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(4) The second sentence of section 222(d) is amended by deleting the words "or kind consistent with the maintenance of programs required by Section 261".

(5) Section 223(a)(4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(6) Section 223(a)(5) is amended by inserting after the words "local government" the words "or combinations thereof".

(7) Section 223(a)(6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof.

(8) Section 223(a)(6) is further amended by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency".

(9) The first sentence of section 223(a)(10) is amended by deleting the words "or by the local government".

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(10) The first sentence of section 223(a)(10) is further amended by inserting after the words "or through" the words "grants and".

(11) Section 223(a)(10) is further amended by deleting all of subparagraph (D) and inserting in lieu thereof the following:

"(D) projects designed to develop and implement the programs identified in the detailed study of needs formulated pursuant to paragraph (8);".

(12) Section 223(a)(12) is amended by deleting the word "must" and inserting the word "may" in lieu thereof.

(13) Section 223(a)(20) is amended by deleting the word "and" the last time it occurs.

(14) Section 223(a)(21) is redesignated as Section 223(a)(22).

(15) Immediately after paragraph (20) of Section 223(a) insert the following new paragraph:

"(21) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance; and".

(16) Section 223(c) is amended by inserting the following sentence at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the two year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.".

(17) Section 224(a)(5) is amended by deleting the word "and" the last time it occurs.

(18) Section 224(a)(6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education, Department of Health, Education and Welfare,".

(19) Section 224(a)(6) is further amended by deleting the period at the end thereof and inserting in lieu thereof a semicolon followed by the word "and".

(20) Immediately after paragraph (6) of Section 224(a) insert the following new paragraph:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system.".

(21) Section 227(a) is amended by deleting the words "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof.

(22) Section 227(b) is amended by deleting the words "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(23) Section 228 is amended by deleting all of subsection (a). Subsections (b), (c), and (d) are redesignated as subsections (a), (b), and (c) respectively.

(24) Redesignated section 228(a) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof.

(25) Redesignated section 228(a) is further amended by deleting the words "25 per centum of".

(26) Redesignated section 228(b) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(27) Immediately after redesignated section 228(c) insert the following new paragraphs:

"(d) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(e) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title.".

Part C — National Institute for Juvenile Justice and Delinquency Prevention

Sec. 4. Title II, Part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsection (e). Subsections (f) and (g) are redesignated as subsections (e) and (f) respectively.

(2) Redesignated section 241(f) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and".

(3) The subsection lettered "(b)" immediately following redesignated section 241(f) is redesignated subsection "(g)".

(4) Redesignated section 241(g) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(f)(1)" in lieu thereof.

(5) Section 248 is deleted.

Part D — Authorization of Appropriation

Sec. 5. Title II, Part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

6

(1) Section 261 is amended by deleting all of subsections (a) and (b) and inserting in lieu thereof the following:

"To carry out the purposes of this title there is authorized to be appropriated $50,000,000 for the fiscal year ending September 30, 1978."

(2) Section 262(b) is amended by deleting the words "section 603" in the first sentence thereof and the words "Section 603" in the second sentence thereof and inserting the words "section 602" in the first sentence and the words "Section 602" in the second sentence in lieu thereof.

(3) Section 263 is redesignated as section 264.

(4) Immediately after section 262 insert the following new section:

"Sec. 263. The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as Sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(5) Redesignated section 264 is amended by deleting the words "subsection (b)" in subsection (a) and inserting the words "subsections (b) and (c)" in lieu thereof.

(6) Redesignated section 264 is further amended by adding after subsection (b) a new subsection (c) as follows:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977."

Sec. 6. Title V, Part C of such Act is amended as follows:

(1) Section 544 is deleted.

APPENDIX II TO STATEMENT OF RICHARD VELDE

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Section 2 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in ten ways:

(1) Section 201(g) is the subject of a technical amendment.

(2) Section 204(b)(5) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs.

(3) Section 204(b)(6) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual comprehensive plan for Federal juvenile delinquency programs.

(4) Section 204(f) is amended to clarify that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies.

(5) Section 204(g) is amended to authorize the Administrator to delegate his functions under all of Title II to any officer or employee of the Administration.

(6) Section 204(j) is amended to authorize the Administrator to utilize grants and contracts to carry out the purposes of Title II.

(7) Section 204(k) is amended to require appropriate coordination between LEAA activities funded under Title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

(8) Section 206(d) is amended to require a minimum of four annual meetings of the Coordinating Council.

(9) Section 208(e) is amended to make the title of the National Advisory Committee Subcommittee on Standards consistent with the subcommittee title used in section 247.

Section 3 amends Title II, Part B of the Act through twenty-eight separate provisions related to Federal assistance programs:

(1) Section 221 is amended to reflect that the Administrator has authority to make formula grants only at the State (State planning agency) level.

(2) Section 221 is further amended to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(3) Section 222(c) is amended to conform with the definitions of "units of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(4) Section 222(d) is amended to provide that only cash may be utilized as matching funds for formula grants and to delete the reference to maintenance of effort.

(5) Section 223(a)(4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(6) Section 223(a)(5) is amended to provide that funds expended through programs of local government include programs sponsored or administered by combinations of local government.

(7) Section 223(a)(5) is amended to conform with the definition of "unit of general local government" set forth in Section 103(8) of the Act.

(8) Section 223(a)(6) is further amended to clarify that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administration functions on behalf of the unit of general local government.

(9) Section 223(a)(10) is amended to again reflect that formula grants are made only at the State (State planning agency) level.

(10) Section 223(a)(10) is further amended to again clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(11) Section 223(a)(10) is further amended to delete drug and alcohol abuse programs from the list of advanced technique programs and substitute programs designed to meet the program priorities identified in the State's detailed study of needs.

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(12) Section 223(a)(12) is amended to clarify that status offenders may, but need not, be placed in shelter facilities.

(13) Section 223(a)(20) is the subject of a technical amendment.

(14) Section 223(a)(21) is redesignated Section 223(a)(22).

(15) Section 223(a) is amended by adding a new paragraph (21) to require an assumption of cost provision in the State plan.

(16) Section 223(c) is amended to provide that the Administrator may continue to approve State plans, where a State has failed to achieve compliance with Section 223(a)(12), upon a determination that: (a) the State is in substantial compliance; and (b) the State has made an unequivocal commitment to achieving full compliance within a reasonable time.

(17) Section 224(a)(5) is the subject of a technical amendment.

(18) Section 224(a)(6) is amended to mandate coordination with the United States Department of Education in the development of Special Emphasis School programs.

(19) Section 224(a)(6) is also the subject of a technical amendment.

(20) Section 224(a) is amended by adding a new paragraph (7) authorizing the use of Special Emphasis funds for youth advocacy programs.

(21) Section 227(a) is amended to add public and private organizations to the list of entities affected by this subsection.

(22) Section 227(b) is amended to add public and private organizations to the list of entities affected by this subsection.

(23) Section 228 is amended to delete the subsection (a) provision for continuation funding and to redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c).

(24) Redesignated section 228(a) is amended to prohibit the use of formula grant funds to match LEAA funds.

(25) Redesignated section 228(a) is further amended to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants.

(26) Redesignated Section 228(b) is amended to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under Part C of the Act.

4

(27) Section 228 is amended by adding two new subsections: (a) subsection (d) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; and (b) subsection (e) provides for reallocation, as Special Emphasis funds, of any funds not required by a State or which become available following administrative action to terminate funding.

Section 4 amends Title II, Part C of the Act in six separate amendments related to the National Institute for Juvenile Justice and Delinquency Prevention:

(1) Section 241 is amended to delete the subsection (e) provision for delegation of authority by the Administrator to employees of the Institute and to redesignate subsections (f) and (g) as subsections (e) and (f).

(2) Redesignated section 241(f) is amended to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

(3) Erroneously lettered subsection (b) is redesignated subsection (g).

(4) Redesignated subsection (g) is the subject of a technical amendment.

(5) Section 248 is deleted to remove duplicative restrictions on disclosure or transfer of juvenile records gathered for purposes of the Institute.

Section 5 amends Title II, Part D of the Act by changing the title of Part D to "Administrative Provisions" and in two other respects:

(1) Section 261 is amended by deleting subsections (a) and (b) relating to level of authorized funding and maintenance of effort and substituting a one year authorization at an appropriation level of $50,000,000 for fiscal year 1978.

(2) Section 262(b) is amended to correct an erroneous statutory citation.

5

(3) Section 263 is redesignated section 264.

(4) A new section 263 is added which incorporates the administrative provisions of sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of the Omnibus Crime Control and Safe Streets Act into the Act as administrative provisions.

(5) Redesignated section 264 is the subject of a technical amendment.

(6) Redesignated section 264 is further amended to provide that the amendments made by this Act shall be effective on and after October 1, 1977.

Section 6 amends Title V, Part C of the Act to delete the maintenance of effort provision.

[Testimony continued from p. 17.]

Senator BAYH. I would note for the record that you did an exceptionally good job testifying, despite showing significant signs of fatigue.

Mr. VELDE. Thank you, sir.

I did not mean to plead personal privilege.

Senator BAYH. I can understand this is the first time you have had to do this, and it is a new experience for us all.

Perhaps having tried it once, we can make improvements. We are trying to assure long-overdue fiscal prudence and fiscal responsibility, and that imposes hardships on us as well as you.

WHITE HOUSE AND OMB DICTATE 1-YEAR EXTENSION

Mr. VELDE. Yes, sir.

I would now like to briefly highlight some of the provisions of the legislation which has been submitted.

A 1-year extension of our current authority, which expires September 30, 1977, is requested.

LEAA requested a 4-year extension, but it was decided by the White House and the Office of Management and Budget that a 1-year extension would be more appropriate.

From the standpoint of those of us who are directly charged with the responsibility of administration of the program a longer extension would be preferable. However, the President must give consideration to the difficult financial times that the Federal, State, and local governments now face; some difficult choices must be made.

Senator BAYH. Why didn't the administration support a 1-year extension of both LEAA and the Juvenile Justice Act, if the ostensible concern is the very difficult financial hardships that confront the country?

Mr. VELDE. That is the sentiment of the House Judiciary Committee at this time. The Senate committee takes a different view, as does the administration.

Senator BAYH. Frankly, I think it is folly. If we have a program, it is either a good program or it is not. LEAA has been working long enough that we should know whether it is a good program. I think Juvenile Justice has, also, although there has been considerable opposition by President Ford and thus a great deal of confusion and delay in getting implementation. When we have a good program, this business of keeping it dangling every year helps guarantee that a good program is not going to be as good as it can be.

I don't see how you fellows who have to administer programs can make plans; I mean crime is not going to disappear, juvenile delinquency is not going to disappear a year from now, we know that. These are aspects that take a year or more to get started.

You are only presently getting started down there, Mr. Luger, I would assume?

Well, I asked that question rather facetiously.

ADMINISTRATORS AGAINST YEAR-TO-YEAR EXTENSION

Mr. VELDE. From the standpoint of program administrators, we share your view entirely. It should be noted, however, that we have

achieved a major victory in an administration that is extremely conservative on Federal aid programs.

The administration is recommending against the renewal or extension of many programs. Under those circumstances it is significant that the administration has requested reauthorization of this program.

The bill would extend the program essentially as it currently exists. Several pages of the legislation include technical and perfecting amendments. These are more changes in grammar and reference than changes in substance. There are, however, two significant substantive revisions that require comment.

The first is our request for elimination of current soft match provisions.[1]

As the chairman knows, this is a matter of some concern, not only in the context of extension of the program, but as regards administration of current law.

Our request for elimination of soft match is based on 5 years of experience in administration of soft match requirements in the LEAA program. Prior to 1973 soft match was permitted by our enabling legislation. My prepared statement is somewhat charitable with respect to our experience with soft match. I state that it resulted in some imaginative bookkeeping practices. The hard reality is that it made liars out of everybody. There is only so much soft match available for a criminal justice agency. Only a certain amount of salary expenses or overhead could be added. In a situation where there is a continuity of grants, available soft match runs out quickly. This causes monumental bookkeeping and auditing problems. It requires everyone to stretch the regulations to keep programs operating. It is tremendously time consuming to assure that these matching requirements are met.

On the basis of this experience, the Congress in 1973 repealed soft match requirements for the LEAA program.

As the chairman knows, there was a compromise between the House and Senate versions of the Juvenile Justice legislation in 1974. Soft match was included in the act as a compromise between the no-match version of the House and the 10-percent hard-match version of the Senate.

We have construed the act to give LEAA administrative authority to express a preference for either hard or soft match, or to require both. Our current regulations express a preference for hard match, with authority to grant waivers as the necessity arises.

Senator BAYH. How extensive were waivers granted by LEAA?

Mr. VELDE. The regulations have recently been issued. We have several requests pending. I am not certain whether any waivers have actually been given, as of this time.

Vermont is a State where hard match is a major issue. We have exchanged correspondence with Members of Congress on the matter.

I am also aware, Mr. Chairman, of your expression of interest in this area. We are prepared to grant waivers upon a showing of cause.

Senator BAYH. What would constitute adequate cause?

Mr. VELDE. Difficulty in obtaining the cash match would be the primary justification. We require a showing that there has been an attempt to obtain cash match which was not successful, or that there was

[1] See Exhibit No. 24.

little or no likelihood of the grantee being able to obtain the required cash.

Senator BAYH. Who makes that determination?

AUTHORITY TO GRANT WAIVERS COULD BE DELEGATED

Mr. VELDE. At the present time, I would. In some cases the authority could be delegated either to Mr. Luger or to our regional administrators. The volume of requests would determine whether the authority would be decentralized. This is the kind of determination that could be delegated either to Mr. Lager or to our regional administrators if there were a sufficient number of requests.

Senator BAYH. May I ask a question? Perhaps the answer is obvious. If Mr. Luger has been employed to run the juvenile justice program and issues arose involving the match or other matters, it would seem to me, that you might have numerous other things to concern yourself with, and would want to delegate this responsibility as the 1974 act provided. Why have you not delegated it to Mr. Luger?

Mr. VELDE. I would be pleased to eventually delegate the authority. The regulations have just been recently revised, and it will most likely be merely a matter of time before such a delegation will be made.

A separate set of regulations for soft match requires a substantial amount of business on the part of our relatively small audit staff. It requires completely separate sets of books to be kept.

Senator BAYH. Would you prefer that we go back to the provisions of the bill that passed the Senate, in which no match was required? That would save us all a lot of trouble.

Mr. VELDE. From the standpoint of audit and bookkeeping, that would certainly be more advantageous. However, experience in administration of the program has also suggested that when the grantee has a significant financial stake in the program itself, when justifications must be made not only to the Federal Government, but to State legislatures, county boards, and city councils, there is a greater standard of care with respect to the management and administration of the program than there would be if only Federal money is involved.

Some jurisdictions have a limited audit capability of their own. They typically only audit State funds, and not Federal funds coming into the State. We found this to be the case in many States. LEAA does not have the resources to audit every grant. We must depend largely on State and local audit capabilities. If there are no State funds involved, necessary audits may not be undertaken.

Thus, from the standpoint of the fiscal integrity of the program, our experience has indicated that some cash match is desirable.

From the standpoint of program participants, however, especially in these days of difficult fiscal circumstances, cash match may pose problems for both public and private grantees.

Senator BAYH. The reason I raised the question was that the Senate bill, S. 821, required no match. One of the reasons was the problem you alluded to. I assume that, despite the bookkeeping problems, you would still come down on the side of requiring a match as being more prudent, for the reasons you just mentioned?

Mr. VELDE. Yes, sir. It is not only because of fiscal concerns. Our experience has indicated that cash match leads to better project management, because there is this additional requirement.

Too often it is easy to say, "This is just Federal money; who cares whether it is wasted or not; who cares whether the project is a success?"

But where the grantee has a financial stake, it becomes somewhat of a different matter.

LOW PRIORITY ASSIGNED MAINTENANCE OF EFFORT

The other provision of the proposed bill that I want to comment on is very familiar to you, Mr. Chairman. It has been a major point of discussion regarding the renewal of the LEAA legislation in the Senate Judiciary Committee. The provision to which I refer is our request for elimination of the maintenance of effort requirement—the statutory funding floor.

In my prepared statement, Mr. Chairman, there is a discussion of that provision. This is a time of declining overall resources for LEAA.

Looking at the entire appropriations history of the program, it can be seen that fiscal year 1975 was the high-water mark of appropriations for LEAA, at a level of $880 million. For fiscal year 1977, however, House Appropriations Subcommittee approved only $600 million for LEAA, with $40 million of that sum earmarked for the academic assistance program—LEEP—and $40 million earmarked for the Juvenile Justice Act. Thus, LEAA's overall resources have declined approximately 40 percent, excluding the juvenile justice funds.

The result of this decline is that funds for all of the other concerns, priorities and interests of the Congress and the administration for our efforts to assist the States in improving criminal justice and assisting law enforcement, must be spread extremely thin.

For example, there are major concerns today over participation of courts in the LEAA program and the availability of adequate resources for correction, both adult and juvenile.

There are many priorities to be served in the face of dwindling resources.

We have had experience with funding floors and ceilings and statutory set-asides in the corrections area in the past. We know from this experience, after audits of how the funds were actually spent, that the stated priorities and objectives may not necessarily be achieved in the most effective fashion by inflexible and unbending statutory requirements. There are certain judgments that have been made when determining how much money was spent for one purpose or another and how much was spent for police or courts or corrections.

Based on that experience, the administration has proposed a more flexible formula to deal with this problem, and yet achieve the objectives that I think all of us here share—the devotion of a substantial and significant share of LEAA resources to juvenile justice.

If the current trend in appropriations continues, as represented by the House subcommittee action, there may be relatively little funds, if any, left for other than juvenile programs.

Senator BAYH. Mr. Velde, I can understand your concern about percentage requirements from the standpoint of administration.

Do you support, and does the administration support the percentage approach and figure that is contained in the measure reported last week by the Judiciary Committee?

ADMINISTRATION SUPPORTS JD MAINTENANCE REPEAL

Mr. VELDE. Yes, sir, the flexible formula, which sets a floor of roughly 20 percent is preferable. There would be a set-aside based upon the availability of appropriations in ratio to the funding base of fiscal year 1972. This recommendation was formulated after consultation with a number of private groups who were interested and, as you know, are articulate advocates of the Juvenile Justice legislation. Testimony was presented to the Senate Appropriations Subcommittee last Tuesday by these groups, urging full funding for the Juvenile Justice program authority. On the other hand, they indicated that they did not want these funds to reduce resources for the needs of the rest of the criminal justice system.

Such action puts those Juvenile Justice authorities in an untenable position. Other pressing needs of the criminal justice system could literally go begging because of the absolute set-aside which places Juvenile Justice programs in a most favored status. In reality these officials have to deal with both, adult and juvenile courts; they have to deal with police agencies. The resulting resentment and bitterness probably would not be worth the monetary gain that might be temporarily achieved.

Senator BAYH. I can undderstand those advocates of Juvenile Justice feel inclined to say they don't want to take moneys away from other branches of law enforcement; we all understand that. The 1974 act did, however, establish this as a favored or priority area.

If you or the administration or both support the percentage approach, why was that approach not contained in the bill, S. 2212, that President Ford originally submitted in which the maintenance of effort sections were stricken in their entirety and no comparable approach substituted?

This repealer was not only in the LEAA bill which was sent up some time ago, but it was also in the Juvenile Justice Extension Act, which was submitted last week after S. 2212 was reported by Judiciary, over my objection but with the Ford administration support.

Mr. VELDE. The original proposal was submitted to Congress last spring, at a time when the program was being initially set up. We didn't have experience at that time to make an informed judgment. The recommendation was based on prior LEAA program experience, not so much experience with juvenile justice.

The provision in the Senate bill—S. 2212—now represents the administration's and LEAA's position, and I would suggest that it is a workable compromise that can be effectively administered.

Senator BAYH. I don't want to unnecessarily tread on toes here, but is Mr. Scott in a better position to speak for what the administration feels, or are you? I know you can speak for the LEAA position.

Mr. VELDE. The juvenilejustice amendments have been under development for some time, as well. The current Senate committee bill does reflect our best judgment in that regard.

PRESIDENT ATTEMPTS TO EMASCULATE JD ACT

Senator BAYH. You have to consider how some of us view this situation. Here is a measure, the Juvenile Justice Act, that the President said

he would not fund, he didn't ask for any money, and when we provided it to him he tried to defer it and was defeated; and, then the only two times he has given us any attention, legislatively, he wanted to emasculate Juvenile Justice Act—which passed the Senate 88–1 and the House 329–29.

Those are cold facts. I am sure that you gentlemen have not been involved in this, but that is the record. LEAA has been in existence since 1968, as I recall. What is the total amount of money we have allocated to its programs?

Mr. VELDE. Approximately $4.5 billion.

Senator BAYH. What has happened to the rate of crime during the existence of LEAA?

Mr. VELDE. Crime has gone up and gone down during that period. It depends on what kind of crime you are talking about.

For example, in 1972 there was an absolute decrease of 6 percent nationwide as reported by the Uniform Crime Reports. Under that rationale LEAA may have been deemed successful by some observers.

Senator BAYH. What has happened to the rate of crime from 1968 to 1976?

Mr. VELDE. It has gone up and gone down.

Senator BAYH. You might find a 1-year aberration; but you can't really tell us crime has gone down in that period of time, can you?

Mr. VELDE. In certain respects; yes.

Senator BAYH. Then tell us all about it. The people in the country will be glad to know, and so will I.

Mr. VELDE. Looking at the crime rate on a quarter-by-quarter basis, in calendar 1975, it can be seen there has been a significant decrease. Although the figures are not yet out for the first quarter of 1976, I think nationally there will be an additional very significant decrease.

The trend is reversing, very substantially since the high of 1974.

Senator BAYH. Are we talking about decreases, or decreases in the rate of increase?

Mr. VELDE. Both.

Senator BAYH. I must say, I have never seen an FBI report that has shown there has been an absolute decrease in total crime.

Mr. VELDE. If you look at the quarterly reports in 1975, you will see a 16-percent increase over the like period for the first quarter of 1975, an 8-percent increase for the second quarter, a 6-percent increase for the third quarter, and a 2-percent increase for the fourth quarter over the like period of a year ago.

That is a very substantial downturn. In some of the seven categories of reported crime there were absolute decreases in the second half of 1975. Crimes of violence, especially murders, were off in absolute numbers. These are national decreases.

Senator BAYH. And the year before that it went up 17 percent.

Mr. VELDE. Beginning in the fourth quarter of 1973, at about the same time there was a very substantial downturn in the economy and a substantial increase in unemployment, there was a significant national increase in crime. For the first three quarters of 1974, there were very modest increases. If you look at the uniform crime reports trend data by quarter since 1968, you will see peaks and valleys, rises

and falls. There is no consistent projection continuing upward. As I indicated, in 1972 there was an absolute 6-percent decrease nationally for all categories.

Senator BAYH. If you look at the trend, although there have been peaks and valleys, the general trend has been up since 1968.

Mr. VELDE. For property crimes, yes. For crimes of violence, yes and no.

Senator BAYH. Well, it is remarkably inconsistent to be told that there has been a relief in some of the crime pressures, and then you still hear very "concerned" rhetoric from the administration on crime. I didn't ask this question, frankly, and I don't think there is any need for you to be defensive about it. I think all of us have to recognize that we would like to do better, and there are limits to human capacity to solve a problem. I think you very appropriately pointed out the direct relationship between the economic downturn, and that when people are out of work, crime goes up.

The one most significant thing that the administration can do to fight crime, is not to pass more money for LEAA or corrections or hardware, but get people back to work. That has been proven again and again.

But what we were trying to do is fine-tune the Federal approach to the crime problem. Certainly you gentlemen are right in that arena. To have the same percentage of LEAA moneys year after year after year for juvenile justice is to say you are satisfied with the way things are going and feel enough is already being accomplished.

Mr. VELDE. Mr. Chairman, that is not really the intent of this amendment.

I would like to make an additional observation on the crime trends.

I do not mean to suggest that there is a direct correlation one way or another between the availability of LEAA funds and the crime trend data in State and local jurisdictions.

Even in the peak year of LEAA funding, our funds represented just over 5 percent of State and local resources devoted to criminal justice. Those criminal justice expenditures, incidentally, represented only 13 or 14 percent of State and local expenditures for all purposes.

LAW ENFORCEMENT AND JUSTICE HAVE LOW PRIORITY

Law enforcement and criminal justice are, in fact, low priorities, both on the part of State and local governments, and on the part of the Federal Government in terms of the investment of dollars. While LEAA has spent $4.5 billion for criminal justice, and in the last 5 years the Federal Government has given the States five times that amount to improve the quality of the air and to clean up the water.

We are thus not talking about a very substantial Federal priority in making available assistance to State and local governments for crime control.

Senator BAYH. We are talking about the only priorities you and I can deal with now, right? Maybe there should be twice as many, but I think we have the responsibility of seeing—although it is only 5 percent of the total effort—is allocated as effectively as possible. It

is, after all, the only piece of the criminal justice pie that we can directly impact.

Senator MATHIAS. Mr. Chairman, maybe I can relieve Mr. Velde of his defensive posture in the last few years by simply noting for the record, as I recall it, the crime rate rose 148 percent in the Kennedy-Johnson period. So this is a case of not having plently of glory to spread around, but plently of shame to spread around, and it is completely impartial as to where the fallout hits the political system. It is a bipartisan problem. And I don't think Mr. Velde need be defensive on that.

I would say that the 5 percent which we talk about as being the LEAA input, is sometimes used as a sort of denegration of the program, saying, you know, what can you expect to get out of 5 percent.

I recall that when we established the program and when President Johnson made the first announcement of what we hoped to accomplish with the LEAA program—it was to be an innovative program—it was to be experimenting as to what could be done. It wasn't to supplement the pay scales of local police departments. It wasn't to buy extra typewriter ribbons for the State police or enable them to simply replace existing equipment. It was for innovation.

I would also think that there is no greater opportunity anywhere in the whole scale of the criminal justice problem than for innovation in the juvenile justice system.

That is why, Mr. Chairman, I have been generally supportive of your efforts to direct more emphasis on this program. I think it is not just the raw data on the juvenile or the criminal problem throughout the country that is important, but the refinement of that data as to who are the criminals.

Unfortunately we have a higher percentage of young people getting into trouble than any other age bracket in our entire population. If we are to innovate and experiment, with the full knowledge that these experiments may not work any better than the investment we have made over the last 16 years has worked, I would just want to go on the record right now as saying I think the place to experiment is with the young people. As Mr. Velde will remember during the administration of Mr. Richardson in the Justice Department, who came there with his prior experience with HEW, we came close to a mating of the HEW and Justice Department systems in a way that we hadn't done before. Unfortunately, after the night of the Boston Massacre, that initiative, I regret to say, fell off.

But I do think that the 5 percent is not a figure we ought to cite as being so small it doesn't make an impact, but it rather should be viewed as it was originally intended, as an innovative injection of ideas which was to see what could be done.

MORE FUNDS AND EFFORT NEEDED FOR JUVENILE PROBLEM

That's why I think we ought to devote more of the funds and effort to the juvenile problem than we are now doing. We never really have done that anywhere along the line; that is, put the proper percentage into this very clearly identifiable problem.

Senator BAYH. I appreciate the very accurate assessment made by my colleague, friend, and ally. We kid one another, but this business

is deadly serious; and Senator Mathias has been one member of this subcommittee and the full committee who has been there with us when tough decisions have to be made. We are operating in an area that is not an exact science. Two plus two may equal four when adding up apples or oranges, but that doesn't necessarily equate to how you deal with human problems, in a boys' school, a girls' school, or a penitentiary.

It is not an exact science. But certainly the great overwhelming weight of evidence leads us to believe, almost conclusively, that the earlier in life we start giving attention to human problems, the better the chance of success—point No. 1. And point No. 2, the nature and extent of our institutional response to children in trouble has been to compound the problem, making more difficult human problems.

Those are the two themes that the Juvenile Justice Act was designed to address. I don't think it is an exaggeration, Senator Mathias, to stress that the Federal Government is in a position to provide national leadership, even with only 5 percent of the total expenditure in the justice system.

If the job is done as we would like to see it done, and if we have the results we think we are likely to have, the need for moneys in the other categories should be reduced. For example, if you can deal with status offenders not in boys' and girls' training schools, jails, and penitentiaries, then the relative percentage of moneys necessary for secure institutions should be cut drastically.

I think I interrupted you when you were about to tell us that really there aren't any substantial differences, but you did mention a couple. I am sorry we got you off the track.

Mr. VELDE. I certainly agree with Senator Mathias' assessment of the role of the LEAA. We are not in the operational subsidy business. I did not want to leave the impression, when I indicated that our funds represent only a small percentage of national expenditures, that these funds are not influential at all. In many States, LEAA funds represent the only funds available for innovation, experimentation, research, demonstration, and evaluation efforts. They represent the only funds available for training.

We are not in the operational subsidy business, but we are doing just about everything else—or rather, State and local governments and private organizations are, with our funds.

These efforts are the bases on which LEAA should be properly judged, not by fluctuations—up or down—in reported crime trends.

That was the point I was attempting to make, and which Senator Mathias made much more forcefully.

There is one other consideration regarding a flexible funding floor versus an absolute floor which should be mentioned.

Many States will consider these figures as minimums, and there will be substantial investments in juvenile delinquency activities beyond these minimum figures.

But the question is: Who has the ability to set the priorities as to how the funds should be expended from year to year? The basic philosophy of the LEAA program to date has been that these decisions generally rest in State and local hands.

Obviously LEAA sets the priorities nationally for discretionary funds. There are other accounts which we manage as traditional Federal programs. For block grant funds, however, the basic intent of Congress is that State and local governments set their priorities, draw their own plans, and make the grant awards.

Statutory formulas with minimum set-asides superimposes the will of Congress or the administration on State and local judgments.

That is the basic difficulty that we are dealing with here.

NEED FOR FLEXIBILITY IN DEINSTITUTIONALIZATION SECTION

Now there is one other comment that I wish to make regarding the provisions of the administration's proposal. That subject is also very familiar to the chairman.

The legislation requests authority to deal more flexibly with the provisions of section 223 of the 1974 act, having to do with the commitment of States and local governments to deinstitutionalization of status offenders.

The law, as we read it, now does not seem to provide flexibility, although I understand a more liberal interpretation of this provision may be possible.

The States understand that section 223 intends there to be virtually an absolute commitment to divert status offenders from the traditional criminal justice system.

A number of States are not currently prepared to make this total commitment. In some cases, substantially more funds would have to be made available from State and local resources than would be available even under our most generous estimates of possible Federal resources.

In California, for example, the State seems disposed to make a very substantial commitment toward deinstitutionalization. Some programs, however, are decentralized, so that county and local governments share the responsibility. The State is not willing to certify that all of its counties will meet the statutory deadline. We thus have a very substantial problem in negotiating with California as to what compliance with this provision actually means under the current law.

The provisions of the proposed administration's bill would give us needed flexibility to work toward this objective, but in a way which is more realistic in terms of the abilities of the States to actually comply.

Senator BAYH. I think that is a good point. I think the act can reasonably be interpreted as being too inflexible. Certainly together we can develop language to convey more precisely what we are trying to accomplish. Namely, that they are making a good-faith effort and move as rapidly as they can. We do want to put a State in the position of being forced to withdraw from the program. Thus, we destroy any incentive it might have to deinstitutional solely because a small percentage remain in institutions, or a few of their local entities haven't conformed. Absolute and total compliance is, however, our eventual goal.

Mr. VELDE. Mr. Chairman, we appreciate your consideration of this point. I am sure Mr. Luger shares my view, because he faces the prob-

lem continuously. This section has been a major stumbling block to effective participation by a number of States in the program.

Senator BAYH. Let's work together to try to resolve the second problem you mentioned. We need to be careful as we establish a specific benchmark because if we do not, then the old county jails will remain as repositories for teenage runaways, or other young offenders commingling with adults who have committed more heinous crimes. These common practices are what we are trying to eliminate.

Whether we establish a percentage that will be a good faith effort—say 75 percent or whatever it might be—I think we have to recognize that if we are not careful, by changing the language we will provide great loopholes for the recalcitrants who seem to think that the institutionalization of children is the answer to crime. I don't think you want that. I know we don't.

Perhaps our friends from Vermont or some of the State people who are making the good faith efforts—there are a handful of States that haven't taken advantage of these programs—will comment.

I think we all have to recognize that if we require that young people, status offenders, be treated differently, to be successful we are also going to have to provide alternatives. The alternative of no response can be almost as bad as overresponse, in some cases. Some in trouble need the right counseling, the right supervision, the right control; but not no supervision nor assistance.

Perhaps we can draft adequate language.

Mr. VELDE. There is another danger, Mr. Chairman. That is the experience which has occurred in the State of Texas, where in 1973 a State law was passed requiring deinstitutionalization of status offenders. Although there was an immediate decline in institution population, those populations today are back up. There has been a change in sentencing practices in the juvenile courts. Young people previously classified as status offenders are now being charged with more serious offenses and treated in a more traditional and criminal fashion.

That is not a trend that we want to encourage. There is a danger, however, that this could occur elsewhere.

Senator BAYH. I think we have to look at the facts as they are. We can't create the system here, but perhaps provide some leadership, some working models or incentives, so that communities and State and local governments can provide a system where a judge fairly assesses a young man or young woman, and then develop a response that is applicable to that particular misdeed.

I think you can argue the example that you mentioned persuasively on both sides of that issue. If a person is a status offender, they shouldn't be treated as a criminal. By the same token, if they are a felon, a minor first-term felon, we ought to have a response that is applicable to that particular deed which might be other than going to the training school.

Now, in all too many jurisdictions, youths are either jailed or released.

Our responsibility, it seems to me, is to awaken the public to the need to develop a number of different responses that will protect society and our young.

MAINTENANCE OF EFFORT SLIGHT OF HAND

Let me get back to the maintenance of effort controversy. I would like that developed for our record.

One of the problems we have had with this maintenance of effort, and the reason we have taken a rather uncompromising approach, is that it has been very difficult to determine what effort has been made by LEAA in this area.

Previous representatives sitting in your seat, let me say frankly, have not been candid with this subcommittee. We were told, in 1973, when we asked the question, that $140 million had been spent in fiscal 1972 for juveniles. Then when the time came to actually ante up the money, we found out it really wasn't $140 million, it was $112 million.

[Testimony continues on p. 50.]

EXHIBIT No. 4

[EXCERPT FROM TESTIMONY OF RICHARD W. VELDE, BEFORE THE SUBCOMMITTEE, JUNE 27, 1973]

Senator BAYH. Let me ask you, to help us resolve some conflicting assessments of the kinds of commitment the Nation has been making in the juvenile delinquency area.

In your statement today, as I recall, you specified that back in 1972 we were funding $112 million to this program. When the President signed the bill into law, he specified we were spending $155 million. OMB claims, in their special analysis of budgeting, that we are going to be spending $177 million—we will have a chance to ask them how this figure was derived.

I note the following testimony from LEAA before this subcommittee: On June 27, 1973, during fiscal 1972, LEAA awarded nearly $140 million on a wide ranging juvenile delinquency program, and then this is broken down. I will put that in the record now.

TESTIMONY OF RICHARD W. VELDE BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, JUNE 27, 1973

EXTRACTS FROM REPORT OF THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, ON S. 821 (REPORT NO. 93-1011), PP. 34, 88, 90

On June 27, 1973, LEAA Associate Administrator, Richard W. Velde, reported to the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency that:

"During fiscal 1972, LEAA awarded nearly $140 million on a wide-ranging juvenile delinquency program. More than $21 million, or 15 percent, was for prevention: nearly $16 million, or 12 percent, was for diversion; also $41 million or 30 percent went for rehabilitation: $33 million, or 24 percent, was spent to upgrade resources; $17 million, or 13 percent, went for drug abuse programs; and $8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program."

* * * * * * *

TABLE 1.—BREAKDOWN OF FISCAL YEAR 1972 JUVENILE DELINQUENCY EXPENDITURES BY LEAA

	Amount	Percent	Percent of $136,213,334
Prevention:			
Block	$19,934,592	94.8	
Discretionary	1,096,442	5.2	
Total	21,031,034		
Diversion:			
Block	14,143,396	89.2	
Discretionary	1,540,096	10.8	
Total	15,683,492		11.5
Rehabilitation:			
Block	37,779,491	92.0	
Discretionary	3,013,773	8.0	
Total	40,793,264		29.9
Upgrading resources:			
Block	30,725,095	93.3	
Discretionary	2,212,286	6.7	
Total	32,937,381		24.2
Drugs:			
Block	14,431,179	77.4	
Discretionary	3,262,002	22.6	
Total	17,693,181		13.0
High impact	8,075,000		6.0
Total			100.0
Block total	117,013,735		85.4
Discretionary total	11,124,599		14.6
High impact	8,075,000		
Total	136,213,334		

* * * * * * *

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, JUVENILE DELINQUENCY PROJECT SUMMARIES FOR FISCAL YEAR 1972

Final totals LEAA fiscal year 1976 funding

Prevention	$21,031,034
Diversion	15,683,492
Rehabilitation	40,793,264
Upgrading resources	32,937,381
Drugs	17,693,181
Juvenile delinquency total	128,137,352

In addition to the above monies, approximately 25 percent of action funds available for the High Impact Cities Program ($32.3 million in fiscal year 1972) will be spent in the area of juvenile delinquency.

NOTE.—The following is an extract from the total report of Fiscal Year 1972 funds. It shows all the prevention and diversion programs. It does not include rehabilitation, upgraded resources and drugs because of the volume of material involved.

PREVENTION

Community involvement:	*Amount*
Information, education, public relations	$1,534,153
Police/community/youth relations	4,985,479
School and community programs	9,842,309
Youth involvement	863,750
Volunteers	269,675
Special youth services	2,772,794
Subtotal	20,268,060
Research and development	762,874
Prevention total	21,031,034

LEAA ESTIMATES MISLEADING

Mr. VELDE. I was speaking on behalf of LEAA.

That represented our estimate of what was available at the time, and the amount of money that would be spent during that fiscal year. As you know, that estimate has now been translated into a funding base in the new legislation.

Since the new legislation was enacted, and ad hoc internal task force has been established to review every grant to see whether our initial classification efforts were valid, and whether the assumptions which went into this estimate proved to be correct 2 years after the awards in question were made.

It additionally had to be determined whether the grants were, in fact, ever implemented or consummated. Just because a grant award is made does not necessarily mean that the program will actually be carried out. In many cases the local government, or State agency, will not be able to secure the necessary matching funds; there may be a failure of management or political support; the project might be terminated prematurely; the total amount of funds originally set aside might not be spent; or, more funds may be requested. Also, in many cases it is difficult, before the fact, to accurately classify a multipurpose grant and to allocate to the different functions, percentages of that grant award. If you look at the overall portfolio of LEAA grants as reflected by our augmented data base, you will find that about 40 percent are awarded for more than one purpose. These purposes are not always subject to convenient classification, such as police, courts, or corrections.

The purpose of one grant may cut across the board; a training grant at a criminal justice facility may have personnel from different agencies participating; funding might be provided for a criminal justice facility at the county level which could have a youth service bureau, the county jail, judges' chambers, and the sheriff's department all in one facility.

Under those circumstances, there has to be an administrative decision made as to which is going to be charged to which account. We have gone through that process with respect to these 1972 block funds which were the basis of the formulated juvenile program funding figure and have arrived at an estimate of $112 million. That figure is what we will administratively consider as a base for application of the formulas, mandated by the new authority.

That $112 million figure is a final, firm estimate, based upon careful review of how the 1972 funds were actually expanded. The OMB estimate contained in this year's budget was based in part upon our very preliminary estimates of what the spending was likely to be in fiscal 1975 for those purposes. The OMB figure included not only block grant funds, which were accounted for in the 1972 estimate, but other categorical funds as well.

Senator BAYH. What really concerns me is to look back on the purpose of those hearings. I am sure you will recall that the subcommittee was being rather critical about the fact that LEAA was not spending a high enough percentage of moneys in the juvenile delinquency area. In an attempt to dissuade us from that thing, you represented that LEAA was spending $140 million, each year, on juvenile delinquency.

Obviously, you were not spending $140 million.

Mr. VELDE. I think the figure I used, Mr. Chairman, was $136 million. That was our estimate at the time.

Senator BAYH. I quoted specifically: "Nearly $140 million." I suppose that a conservative interpretation of that would be $136 million.

Mr. VELDE. I think that was the actual figure cited. The estimated allocation of the funds totaled $136 million; that estimate was mentioned by Mr. Staats this morning.

Senator BAYH. What definitions are being used now? Could we have an opportunity to look at those and put those definitions in the record so we will know exactly what we are talking about, now, as far as what benchmarks you use; so we will have some idea about what benchmarks are going to be used in the future?

Mr. VELDE. We will be pleased to provide for your records the assumptions made by the task force which arrived at this determination. If you wish, Mr. Chairman, I could also submit the portfolio of the awards themselves for your perusal, and for the committee's records.

Senator BAYH. That would be helpful to us.

As Mr. Staats pointed out, part of the problem has been—and I suppose still will continue to be—defining exactly what is the juvenile delinquency program.

Mr. VELDE. Yes, sir.

Senator BAYH. To use one example: Does street lighting constitute a juvenile delinquency program?

Mr. VELDE. I think you will find, Mr. Chairman, that the funding determination of $112 million was a conservative estimate. It was based upon programs, directly related to the conventional understanding of what the term "juvenile delinquency" means. There was no attempt to bring in street lighting, or promote tangentially related projects.

[Testimony continued from p. 47.]

Senator BAYH. Do you know, or could you provide for the record what the levels for juvenile programs were in each of the fiscal years—1973, 1974, and 1975?

Mr. VELDE. We can certainly provide estimates. The original testimony indicated an allocation of $140 million for juvenile programs. That was derived from a review of State plans.

EXHIBIT No. 5

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., August 6, 1976.

HON. BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the May 20, 1976, hearing held by the Subcommittee to Investigate Juvenile Delinquency regarding implementation of the Juvenile Justice and Delinquency Prevention Act of 1974 by the Law Enforcement Assistance Administration, Milton Luger and I indicated that certain information would be provided at a later date. Specifically, the Subcommittee expressed interest in material relating to LEAA juvenile program expenditures for fiscal years 1973, 1974, and 1975, composition of state planning agency supervisory boards, delegations of authority to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and studies regarding juvenile probation officers. I am pleased to submit that information at this time.

As you know, since the Juvenile Justice Act was not enacted until September 7, 1974, the provisions relating to maintenance of effort for juvenile programs under the Crime Control Act at fiscal 1972 levels apply only beginning in fiscal year 1975. It is of note, however, that expenditures reported for fiscal years 1973 and 1974 exceed the maintenance of effort level of aproximately $112 million. LEAA's computerized grants management information system indicates that in fiscal 1973, grants relating to juvenile programs totalled $116,209,064. This sum is out of a data base for that year of aproximately $695 million. For fiscal 1974, the figure is $113,625,987 out of a data base of aproximately $640 million.

The maintenance of effort requirements of the Juvenile Justice Act speak in terms of expenditures for juvenile delinquency programs. Since LEAA funds remain available until expended, and because many grantees do not expend all funds until after the fiscal year in which received, it is not possible to state in absolute terms the total expenditures for juvenile delinquency for fiscal year 1975. OJJDP, however, has reviewed state and LEAA allocations for juvenile programs for the year, and it is clear that the maintenance of effort requirement will be met. A total of $121,586,756 in Crime Control Act funds was allocated in fiscal year 1975 for juvenile programs. Computerized records indicate grants to date totalling $112,444,219. Thus, expenditures for the year should easily exceed the 1972 level. OJJDP staff is now in the process of determining the fiscal year 1976 level of Crime Control Act funds allocated for juvenile programs.

Primary responsibility for ascertaining whether state planning agency supervisory boards are in compliance with the composition requirements of the law rests with LEAA's regional offices. The staff reviews information submitted by each state and maintains close liaison with each state planning agency. Since compliance with the board composition requirement is a condition precedent to receiving LEAA funds, information on board members must be submitted to LEAA with planning grant applications. At that time, as well as in the course of comprehensive plan review, regional office personnel ascertain whether the various boards are in compliance. All boards have now been found to be complying with the composition requirements of the law.

For the full information of the Subcommittee, several documents are enclosed which bear on this area of inquiry. The first, included as Attachment A, is the LEAA Handbook for Planning Grant Review and Processing Procedures. The second item, included as Attachment B, is an accounting by region and state of supervisory board composition. The number of members in each required category is indicated. Please note that the totals may not rectify since board members occasionally represent more than one functional category.

Three items are enclosed in response to the Subcommittee's inquiry regarding the delegation of authority to OJJDP. Attachment C is LEAA Instruction 1310.40A, Delegation of Authority to the Assistant Administrator, OJJDP (April 21, 1976). Attachment D is Instruction I 1310.35B, Delegation of Administrative Function to LEAA Central Office Heads. Attachment E is Change I to LEAA's Organizational Handbook, 1320.1. The change officially establishes OJJDP in the LEAA organization and indicates its functions.

Because of your interest in juvenile probation officers, the National Criminal Justice Reference Service has prepared an extensive annotated bibliography for the Subcommittee's use. This is included as Attachment F. In addition to abstracting each item, the document provides information on where to obtain the material listed.

I trust this material will be of use to the Subcommittee in its deliberations. Your continued interest in the juvenile programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE, *Administrator.*

Mr. VELDE. Allocation figures are a good faith estimate. The reality of what was actually spent was determined after the grants had been awarded, after attempts were made to secure matching funds, and after the projects were finally completed. In some cases there were expenditure overruns, while in other cases funds were turned back. The $112 million figure resulted from a hard analysis and the expe-

rienced judgment of professionals looking at grants for juvenile projects. The true nature of projects had to be identified, as well as true expenditures.

The $112 million thus represents hard reality of what actually happened, not what was proposed to happen.

Senator BAYH. You don't need me to give you legal counsel, but inasmuch as you weren't fully responsible for that testimony, I suggest you not try to explain it. If you look at the record, that $140 million figure was used by the White House as the major thrust to try to defeat our effort to obtain funding these last 2 years and to try to defeat S. 821 in 1974.

The administration said: "we are already spending $140 million, Senator, what do you want to make us spend more for?" Let's not kid ourselves. You were a part of that. If you want to try to rationalize it, all right, I won't deny you that opportunity, but you are not on strong ground.

Mr. VELDE. I didn't want to defend use of that figure, but I did commission the survey team that conducted the audit of 1972 expenditures. In a similar effort, we have recently had an LEAA-funded team go onsite to 29 States and actually look at grants' files to make an assessment of what the court share of funding was.

It is not an easy matter in many grants to make a final determination.

PRESIDENT CITES PHONY FIGURES AS BASIS FOR OPPOSING FUNDING

Senator BAYH. I am sure it isn't. Perhaps I view this particular point with a little prejudice, as a result of it being cited by the opposition over a 3- or 4-year period. I think, however, the $140-million figure was for an entirely different reason. If they had done their homework as you did before they answered the question, we would have received an honest answer.

Let me ask you this, as this dishonesty is part of the pattern, and perhaps you can explain it—or perhaps Mr. Scott is the one to respond.

We are talking, now, about two efforts to get resources back to the local communities to help young people. One is the maintenance-of-effort requirement; the other is direct appropriations for the Juvenile Justice Act program.

This past year we managed to get $40 million appropriated. We authorized $125 million for the current year, and $150 million for next year.

The appropriate appropriations subcommittees are presently holding hearings and marking up legislation to determine how much money should be made available for the Juvenile Justice Act.

I wish, at this point, to enter exhibits from Deputy Attorney General Harold R. Tyler and previous testimony to Senator Pastore, chairman, of the Subcommittee on Departments of State, Justice, Commerce, the Judiciary and Related Agencies of the Committee on Appropriations.

[Testimony continues on p. 57.]

EXHIBIT No. 6

STATEMENT BY THE DEPUTY ATTORNEY GENERAL HAROLD R. TYLER BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, THE JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee: I am pleased to have this opportunity to appear before you in support of the Department of Justice's proposed budget for fiscal year 1977 and to discuss certain recommendations of the House Subcommittee on Appropriations. As you know, neither the full Appropriation Committee of the House nor the House itself has acted on what we understand to be the Subcommittee recommendations. The requests set forth in this statement assume that the full House will accept the Subcommittee's recommendations.

Although the House has reordered priorities in the budget submitted by the Department, the final totals are within the level set by the Administration. One area of particular concern is the increased number of positions allocated to the Department. We recognize that the committee may recommend further modifications in program allocations. We respectfully urge that whatever action your committee takes not exceed the $2,151,403,000 total set for the Department by the President and be consistent with the Administration's attempt to restrain significant increases in the number of permanent positions.

The budget request for the Department considered by the House totaled $2,150,378,000. The House Subcommittee has recommended $2,081,356,000, a reduction of $69,022,000 from the request. The Department is requesting that the Senate restore $2,030,000 in reductions made for the U.S. attorneys and $66,992,000 for the Law Enforcement Assistance Administration. In addition, the President has transmitted to the Congress a budget amendment of $1,025,000 for the U.S. attorneys that requires initial consideration by the Senate. The amended budget request for the Department is thus $2,151,403,000.

The action taken by the House Subcommittee involves certain alterations of specific items in the President's budget that require comment. No appeal is made from the decreases recommended for General Administration, or the Bureau of Prisons' "Buildings and facilities" appropriation. Similarly, the Department is not appealing separately and in detail the increases proposed by the House for the Antitrust Division, the Marshals Service, the Community Relations Service, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Drug Enforcement Administration. Nonetheless, it is important to note that the House had added approximately 1,000 more positions than sought by the Administration. We must question the wisdom of and need for so many extra positions, particularly since their addition would mean such a reduction in funding for LEAA. We think that careful restraints might be wisely placed on any significant number of added positions. The Department also is not appealing the recommendations for the appropriations "General Legal Activities," "Fees and Expenses for Witnesses," "Salaries and expenses, Bureau of Prisons," "National Institute of Corrections," and "Support of U.S. Prisoners" since the House Subcommittee recommendations agree with the original budget request.

UNITED STATES ATTORNEYS

The U.S. Attorneys budget request for 1977 proposes an increase of 291 positions and $5,735,000 to meet an increased caseload in both the criminal and civil areas. The House Subcommittee recommendation would provide 200 positions and $3,705,000. The Department appeal provides for full restoration of the 91 positions and $2,030,000 reduction.

The reduction, if upheld, would place a serious burden on the effective conduct of Federal litigation. Recent trends indicate that both the civil and criminal backlogs will continue to grow even if the appeal is granted, but the additional 91 positions would make the backlog more manageable. The number of civil matters received during the first half of fiscal year 1976, for example, was 26% higher than in the corresponding period of fiscal 1975. While the rate of increase

in criminal cases is not as dramatic, it is serious and the dilemma of allocating resources between civil and criminal cases is becoming an increasingly difficult problem. In addition to the quantitative aspect, there is the increasingly complex nature of civil suits and the investigative and litigative stages of a growing number of "white collar" cases. Moreover, the early phasing-in of the requirements of the Speedy Trial Act in a number of judicial districts will have a severe impact on U.S. Attorney resources. Because of the anticipated demands of the Speedy Trial Act, there has already been a sharp increase in the number of criminal cases declined by the U.S. attorneys. The combination of factors—both the increasing quantitative workload and the complexity of cases—requires that the Department seek restoration of the full amount of the budget request.

In addition to the appeal for restoration of House reductions, the Department requests that the Senate consider favorably a budget amendment for $1,025,000 contained in House Document 94-463 that was transmitted by the President on April 22, 1976. This increase in funding is necessary to provide continuing support for 100 positions approved in the Second Supplemental Appropriations Act, 1976, which was recently reported by the House and Senate conferees. These positions, which were requested in 1976 to handle an accelerated implementation of the Speedy Trial Act by the courts, are included in the 200 positions aproved by the House for 1977. Their advance authorization in 1976 and during the transition quarter requires that funds be made available to support them during the early part of 1977—the part of the year that the regular budget request estimated that recruitment of employees for the new positions would be in its initial stages.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The House Subcommittee has recommended major changes in the 1977 request for the Law Enforcement Assistance Administration. The budget request of $707,944,000 was reduced by $107,944,000 to $600,000,000 and a recommendation was made to earmark $40,000,000 for the Law Enforcement Education Program (LEEP) and $40,000,000 for the juvenile justice programs authorized by the Juvenile Justice and Delinquency Prevention Act within this allowance. Since the budget contained no new funds for LEEP and only $10,000,000 for Juvenile justice, the combined effect of the reduction and the earmarks produces a reduction for other programs of $177,944,000. Despite the House Subcommittee's expressed willingness to permit LEAA to set its own priorities within the remaining LEAA programs, the Department believes that the available options are all unsatisfactory if LEAA is to have a balanced program that adequately meets the needs of the law enforcement community. With an allowance of $600,000,000, and the earmarkings proposed, LEAA would be compelled to substantially reduce its block grants under any alternative. The alternative selected by LEAA provides that State and local planning funds would be reduced by almost 7%; Part C block grant funds would be reduced by almost 32%; High Crime Area funds would be reduced by 20%. Part E grant funds to aid correction institutions would be reduced almost 32%; research and evaluation funds would be reduced more than 15%; funds for developing and supporting State and local criminal justice data systems would be reduced more than 16%, and administrative funds would be reduced almost 4%. Technical assistance, educational development, internship and training funds would be unaffected. LEEP funding, of course, would increase from none to $40,000,000 and Juvenile justice funds would increase three hundred percent. LEAA would also have to give up 32 positions.

The Department believes that the House Subcommittee action was much too severe and that $66,992,000 should be restored to the 1977 request for the Law Enforcement Assistance Administration. It is also requested that the highly restrictive earmarking language be modified to establish spending ceilings, rather than the current effect of establishing required funding levels. These actions would mitigate somewhat the severe impact of the House reductions and earmarking on the LEAA program and provide enough flexibility for LEAA to develop priorities.

The following table compares the 1977 request for LEAA with the distribution required by the House Subcommittee recommendations and the distribution contemplated under the Department's appeal.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, 1977 BUDGET REQUEST, DISTRIBUTION OF HOUSE SUBCOMMITTEE RECOMMENDATION AND DEPARTMENT APPEAL

[In thousands of dollars]

Budget activity	President's budget	House subcommittee recommendation	Department appeal
Pt. B planning grants	60,000	56,000	60,000
Pt. C block grants	345,666	236,622	270,616
Pt. C discretionary grants	61,000	41,757	47,756
High crime area program	50,000	40,000	45,000
Pt. E block grants	40,667	27,838	31,838
Pt. E discretionary grants	40,666	27,838	31,837
Technical assistance	13,000	13,000	13,000
Research, evaluation	32,029	27,029	32,029
Law enforcement education program		40,000	[1] 40,000
Educational development	1,000	1,000	1,000
Internships	500	500	500
Sec. 402 training	3,250	3,250	3,250
Sec. 407 training	250	250	250
Data systems	24,452	20,452	24,452
Juvenile justice	10,000	40,000	[1] 40,000
Management and operations	25,464	24,464	25,464
Total	707,944	[2] 600,000	[2] 666,992

[1] Under the Department's appeal for flexibility on these items, some funds could be directed to other activities during 1977.

[2] Under the House subcommittee recommendation, LEAA would lose 32 positions. Under the Department's appeal, the 32 positions would be restored.

The Department believes the appeal presented here is responsive to the basic concerns expressed by the Congress and protects the integrity of the President's budget.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., May 17, 1976.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Departments of State, Justice, Commerce, the Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: We have reviewed the actions taken by the Subcommittee on Appropriations of the House of Representatives in connection with the 1977 appropriation request of the Department of Justice. That Subcommittee allowed $2,081,356,000, which is a reduction of $69,022,000 below the $2,150,378,000 the President had requested for the Department in the fiscal year 1977 budget.

The action taken by the House Subcommittee involves certain alterations of specific items in the President's budget. The House has reordered priorities in the budget submitted by the Department; however, the final totals are within the level set by the Administration. One area of concern is the increased number of positions allocated to the Department. Thus, though no appeal is made from the Subcommittee's action on General Administration, General Legal Activities, Antitrust Division, U.S. Marshals, Fees and Expenses of Witnesses, Community Relations Service, Federal Bureau of Investigation, Immigration and Naturalization Service, Bureau of Prisons, (all appropriations and limitations), and the Drug Enforcement Administration, we propose careful restraints on added positions. We recognize that this committee may recommend modifications in program thrust. We respectfully urge that whatever action your committee takes not exceed the total set for the Department by the President.

The House Subcommittee reduced the request for the United States Attorneys by $2,030,000 and 91 positions. The Department of Justice requests that these amounts be restored.

This House Subcommittee reduction will seriously impair the conduct of Federal litigation. Both criminal and civil caseloads and backlogs are increasing rapidly. The civil caseload, in particular, is rising at an alarming rate. The

number of civil matters received during the first half of 1976 was 26 percent greater than in the corresponding period of 1975. Similarly, the pending civil caseload in 1975 was 23 percent greater than in 1974. While the rate of increase in criminal cases is not as great, it is nonetheless a serious problem, especially because the requirements of the Speedy Trial Act of 1974 are beginning to affect most district courts. Indeed, allocation of U.S. Attorney resources between criminal and civil litigation is becoming an increasingly difficult task from both the policy and management point of view.

Not only are United States Attorneys faced with in increasing number of cases, but these cases are becoming more complex. This is particularly so because of the increased emphasis on the prosecution of "white collar" crime and large scale narcotics traffickers. Moreover, to satisfy the requirements of the Speedy Trial Act, U.S. Attorneys must hire additional lawyers, paraprofessional and administrative employees. There has already been a sharp increase in the number of cases declined by the U.S. Attorneys caused by the demands of the Speedy Trial Act. At the end of the third quarter of 1976, a total of 87,948 criminal cases had been declined, as compared with 56,355 declinations for the same period in 1975.

It should be noted that there is pending before the Senate, a 1977 budget amendment to provide an additional $1,025,000 for U.S. Attorneys. This increase in funding is necessary to provide for the annualization of 100 positions contained in the Second Supplemental Appropriations Act, 1976, which was approved by the conferees last week. These positions, in effect, reduce the 1977 program increase for the U.S. Attorneys. The request was made by the Department because of the urgent need to provide additional personnel as quickly as possible to handle increasing workloads resulting from the Speedy Trial Act. Thus, in addition to the restoration of the 91 positions and $2,030,000 cut by the House Subcommittee, the Department urgently requests approval of the amendment in the amount of $1,025,000.

The House Subcommittee has recommended major changes in the 1977 request for the Law Enforcement Assistance Administration. The Department's request was reduced by $107,944,000, from $707,944,000 to $600,000,000. In addition, the Subcommittee is recommending the earmarking of $40,000,000 for the Law Enforcement Education Program (LEEP), which would be a $40,000,000 increase over the request, and $40,000,000 for juvenile justice programs under the Juvenile Justice and Delinquency Prevention Act, an increase of $30,000,000 over the request. However, additional funds to offset the impact of these earmarks on the balance of the LEAA program were not provided by the House Subcommittee, which intends that they be met from within the allowance. Thus, while the net reduction to the LEAA program is $108,000,000, the actual reduction against the rest of the LEAA program is approximately $178,000,000. In its deliberations, the House Subcommittee acknowledged the severity of its actions and expressed the desire to permit LEAA to set its own priorities in the context of the allowance and the earmark.

The Department of Justice believes that the House Subcommittee action was too severe and requests that $66,992,000 be restored to the 1977 request for the Law Enforcement Assistance Administration. It is also requested that the highly restrictive earmarking language be modified to establish spending ceilings, rather than the current effect of setting spending floors, toward which LEAA could work as prudence dictates. These actions would mitigate somewhat the extreme effects of the House Subcommittee action on the balance of the LEAA program to provide enough flexibility for LEAA to develop priorities. In this context, it should be noted that the Juvenile Justice and Delinquency Prevention Act requires that approximately $110,000,000 be spent by LEAA for juvenile justice programs from its other funds.

The appeals requested would restore the Department's 1977 budget request to the original level of $2,150,378,000 requested by the President. In addition, the Department requests approval of an Administration amendment to the budget on behalf of the U.S. Attorneys which would raise the total budget request to $2,151,403,000.

Full documentation is being prepared for the Subcommittee which provides details as to the House Subcommittee's action and the requested restorations and amendments.

Sincerely,

HAROLD R. TYLER, Jr.,
Deputy Attorney General.

[Testimony continued from page 52.]

Senator BAYH. At this point in the record, I would also like to insert a copy of a statement in support of the juvenile justice and delinquency prevention program, endorsed by approximately 30 organizations who are presently in town attending a Symposium on Status Offenders sponsored by the National Council of Jewish Women. I would like to express my thanks to Olya Margolin for taking time out from her busy schedule at the conference to deliver this message to me. I am extremely grateful for the hard work and diligent efforts on the part of the council and especially Flora Rothman, chairwoman, NCJW Justice for Children Task Force, who also serves on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

EXHIBIT No. 7

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, N.Y., May 19, 1976.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on State, Justice, Commerce, and the Judiciary, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: I am submitting for your consideration a statement endorsed by 34 organizations in support of an increased appropriation for Fiscal Year 1977, for the Juvenile Justice and Delinquency Prevention Program.

As you will note, the statement represents the views of the organizations as a result of an extensive review of youth problems discussed at the Status Offenders Symposium.

It would be greatly appreciated by the organizations which endorsed the statement if the enclosed material were made a part of the record of the hearings.

Sincerely yours,

FLORA ROTHMAN,
Chairwoman, Task Force on Juvenile Justice,
National Council of Jewish Women.

STATEMENT ON JJ&DP ACT FY'77 APPROPRIATION, SUBMITTED TO SENATOR JOHN J. PASTORE, CHM., SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE & THE JUDICIARY, SENATE APPROPRIATIONS COMMITTEE

Mr. Chairman, this statement is submitted by the undersigned, for the Committee's consideration during its deliberation on the fiscal year 1977 funding appropriation for the Juvenile Justice and Delinquency Prevention Act of 1974. We strongly urge you to fund the Act for a minimum of $100 million.

This is essential if we are to begin to realize the potential of the Juvenile Justice and Delinquency Prevention Act of 1974, which, as you know, is viewed by many as the most significant federal legislative attempt to address the problems of troubled youth in this country.

You and the committee are aware of the overwhelming support that the Act received in both houses of the Congress when it was enacted. It has equally strong support among those in the public and private sectors who work with youth. We are deeply concerned about the increasing number of states that are withdrawing from the program, primarily because of the lack of adequate financial resources. To allow this trend to continue, for this reason, before the program has been fully implemented, is an unconscionable travesty on the youth of this country.

All of the undersigned participated in a Symposium on Status Offenders, sponsored by the National Council of Jewish Women. On the basis of discussions over a 3 day period, a consensus was reached that the youth problems facing this nation today make a program of coordinated services imperative.

Similarly, the participants agreed that the Juvenile Justice and Delinquency Prevention Act of 1974 can serve as an important tool in the provision of these needed services.

CONTINUED

1 OF 19

The legislation authorized an expenditure of funds for 1977, of $150 million. The House has appropriated only $10 million. The participants in the Symposium feel very strongly that your Committee should approve no less than $100 million for fiscal 1977.

Elizabeth McShalley, National Council of Catholic Women, Kensington, Md., Julia Golden, National Council of Catholic Women, Bowie, Md., Irving H. Black, National 4-H Youth Development, N.J., Mary G. Walsh, National Council for Homemakers, New York, N.Y., Phyllis Ross, National Assembly, New York, N.Y., William H. Barton, National Assessment of Juvenile Corrections, Ann Arbor, Mich., Sylvia Eller, Church of the Brethren, Washington, D.C., Richard Vega, American Friends Service Committee, Los Angeles, Calif., Robert Brown, American Friends Service Committee, Macon, Ga., Betty Adams, National Urban League, Washington, D.C., Minnie Hernandez, American GI Forum Women, Albuquerque, N.M., Mark Thennes, National Youth Alternatives Project, Washington, D.C., Barbara Fruchter, Juvenile Jurtice Center of Pennsylvania, Pa., Ronald Johnson, National Council of YWCA, New York, N.Y., Willis O. Thomas, National Council on Crime and Delinquency, Hackensack, N.J., Carolyn Latimer, Girls Clubs of America, Inc., Atlanta, Ga., Donald McEvoy, National Conference of Christians and Jews, Alice D. B. Udall, Child Welfare League of America, Tucson, Ariz., Milton J. Robinson, National Federation of Settlements and Neighborhood Centers, Detroit, Mich., Rhetta M. Arter, National Board YWCA, New York, N.Y., Big Brothers of America, Big Sisters International, Pennsylvania Program for Women and Girl Offenders, Don W. Strauss, ACSW, Runaway House Inc., Memphis, Tenn., R. Ledger Burton, Vision Quest, Geneva Booth, Girls Club of America, Inc., New York, N.Y., John P. Collins, Pima County Arizona Juvenile Court Center, Ariz., Bill Ruth, Los Angeles County School Attendance Review, Board, Los Angeles, Calif., Ida S. Acuna, American GI Forum Women, Oceanside, Calif., Joy Mankoff, Dallas Section, National Council of Jewish Women. Anita Marcus, Dallas, Section, National Council of Jewish Women, Bette Miller, Dallas Section, National Council of Jewish Women, Esther R. Landa, National President, National Council of Jewish Women, and National Association of Counties.

TWO-HEADED APPROACH BY FORD ADMINISTRATION TO CUT JD ACT

Senator BAYH. Mr. Scott, perhaps you can determine for us why it was that Deputy Attorney General Tyler, in a letter to Senator Pastore, argued that the $40 million we are now spending for the Juvenile Justice Act should be reduced, because of the availability of the maintenance-of-effort funds?

Yet, right now, he and others in the Ford administration would destroy the maintenance of effort—if they have their way. This is clear in the Ford crime bill—S. 2212—and the Juvenile Justice bill you sent to the Congress last week.

You can't have your cake and eat it, too. If the Ford administration is opposed to the maintenance-of-effort requirement, how can you cite the existence of the maintenance-of-effort requirement as the basis for not appropriating funds for the Juvenile Justice Act?

Mr. SCOTT. Well, Mr. Chairman, I am not sure I can answer that to your satisfaction.

Senator BAYH. Well, answer it to your satisfaction then.

Mr. SCOTT. Basically there are two separate issues. Mr. Velde has testified as to why the administration believes that they ought to have

an adjustment in the maintenance-of-effort provisions of the new legislation and frankly, the organization I represent had no substantial part in that decision.

With respect to the communication to the Senate subcommittee——

Senator BAYH. Perhaps you should tell us the role of your office. Isn't it to develop the budget of the Department of Justice?

Mr. SCOTT. I think that would be very helpful. Let me do just that.

I am here in place of the Assistant Attorney General for Administration. I am his deputy, and am here at your specific invitation.

The Assistant Attorney General for Administration heads up the Department's Office of Management and Finance, which performs for the Justice Department a role you could characterize as analogous to the role of OMB.

However, OMF does not have the last word in terms of Department policy, and neither Mr. Pommerening nor I are Presidential appointees.

I think it would be unreasonable of me to characterize myself, in fact it would be inaccurate, as a spokesman for the administration, which I am not.

POLICY GUIDELINES AND DECISIONS MADE BY OMB

However, when budget decisions are made in the Department, our organization is responsible for analyzing the submissions of the constituent parts of the Department before making a recommendation to the Attorney General or Deputy Attorney General, as to what the Department's levels should be in the context of all of the submissions made by the constituent organizations, and in the context of policy guidelines which we receive from OMB.

And at the same time we are responsible for insuring the Deputy Attorney General and Attorney General fully understand previous policy decisions of OMB and the context within which they were transmitted to us.

So we are trying to be a broker and a facilitator, and an adviser on budget policy.

However, I can't sit here and represent the administration's position. I know that you asked similar kinds of questions of Mr. O'Neil the last time around on these hearings and I submit to you that they are the folks who can really answer the kinds of questions I think you have in mind with specificity.

But I will try to be as helpful as I can.

Senator BAYH. Well, you are wearing an administrative instead of an administration hat?

Mr. SCOTT. That is correct.

Senator BAYH. I certainly don't want to ask you questions that are out of your line. You really don't know, I suppose, then, why the Ford administration would take an inconsistent position on this issue of juvenile crime?

Mr. SCOTT. Well——

Senator BAYH. If the answer is no, just say so.

Mr. SCOTT. The answer is no, I don't know. But I am not prepared to say here that I would characterize the position as either inconsistent or duplicitous, because I am not sure it is.

Mr. VELDE. Mr. Chairman, may I add a word to that, based on testimony presented to the Senate Appropriations Subcommittee on Tuesday by the Deputy Attorney General and myself.

The Department was facing an overall net reduction for the coming fiscal year of $200 million over the funds that were made available for the current fiscal year.

In that circumstance, a number of very difficult choices had to be made. The action of the House Appropriations Subcommittee restored some of the cuts that had been imposed departmentwide. Not only had the LEAA budget been reduced, but the budgets of the FBI, Immigration Service, and others were reduced. In restoring certain cuts the House Appropriations Subcommittee took additional funds away from LEAA, cutting us back to a $600 million level.

Senator BAYH. I understand the position you are in when you are told you have to wear a shoe that is going to be two sizes smaller. OK? I understand that.

But what I do not understand is how a top official can reasonably suggest that one of the reasons to cut back on a program is the existence of another program that he is also trying to destroy.

I think the record will show that the House cut has been made relatively recently. Yet Mr. Lynn was making the same argument for not appropriating money in this area, last September, that is now being made by Mr. Tyler.

EXHIBIT No. 8

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 10, 1975.

Hon. JOHN O. PASTORE,
Chairman, State, Justice, Commerce, The Judiciary Subcommittee, Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to express to you our deep concern regarding H.R. 8121, the State, Justice, Commerce appropriations bill.

The House version of the bill contains a provision limiting the President's ability to conduct diplomatic negotiations related to the Panama Canal. The Senate version contains unacceptable levels of appropriations. We will strongly recommend that the President veto the bill if it is approved by the Conference with these unacceptable provisions.

Compared with the President's budget request, the Senate bill would increase 1976 outlays by $86 million, decrease those in the transition quarter by $20 million, and increase those in 1977 by $161 million. In the light of our need to control the size of the Federal deficit, we do not believe such increases can be justified.

Within the Department of Commerce appropriation, an additional $209 million has been provided for the Economic Development Administration and the Regional Action Planning Commissions in 1976. The Senate committee report states that these increases, which would primarily fund public works projects, are necessary to deal with the current unemployment situation. It is clear, however, that the outlays from these projects will occur primarily in 1977 and beyond and that the proposed increase will have little impact on present unemployment.

Within the Department of Justice appropriation the Senate bill provides an increase of $92 million in 1976 for the Law Enforcement Assistance Administration (LEAA). Of this, $75 million is provided for new juvenile delinquency programs authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 and $17 million is provided for the law enforcement education program (LEEP). No additional funding for the new juvenile delinquency program was requested in the 1976 budget, primarily because the new act duplicates in large measure legislative authorities already available under the regular LEAA program. The new act also mandates that LEAA not reduce current spending for juvenile delin-

quency under regular LEAA programs (estimated at $140 million annually). Furthermore, supplemental appropriations added by the Congress late in fiscal 1975 ($25 million) will be available during fiscal 1976 to initiate new juvenile delinquency programs. Funds currently available (approximately $165 million) are sufficient to mount a successful juvenile delinquency program in 1976. In the case of the law enforcement education program, we continue to believe that the $23 million requested in the budget is adequate in the light of competing law enforcement priorities.

The Senate version of the bill also increases funding for the Small Business Administration's loan programs by $58 million above the amount estimated in the President's budget. This increase for low interest direct loans is in addition to the $200 million provided for the 7(a) direct loan program and the nonphysical disaster program. This add-on would raise 1976 outlays by $35 million.

In addition to these major funding problems, the restriction in the House version of the bill which prohibits the use of funds for negotiations with Panama over the Canal is highly objectionable. Such a provision, because of the limitation it provides on executive branch ability to conduct international negotiations, in itself would provide a basis for veto.

I will be pleased to discuss with you our concerns with this legislation.

Sincerely yours,

JAMES T. LYNN,
Director.

Senator BAYH. So this inconsistent argument isn't new: Don't increase the amount of money under the Juvenile Justice Act; don't give us $40 million, it is a 300-percent increase from the big sum of $10 million that President Ford requested for 1975. It really was the President's request. We provided $25 million for fiscal year 1975 which the President opposed, citing the maintenance of effort which he, simultaneously, attempted to repeal. Then $40 million for fiscal year 1976, which he tried to defer—and lost.

PATTERN TO GUT JUVENILE JUSTICE PROGRAMS

I think there is a rather clear pattern of people who have been doing everything they can to gut this program before it even became law; and who have persisted since it became law.

I think perhaps we ought to let Mr. Luger proceed, unless Senator Mathias has a question.

Perhaps you are as good a one to answer this as any. We are talking about $40 million that has been appropriated for fiscal year 1976—the President of the United States has asked for $10 million, Mr. Tyler is asking for $10 million. Take the maintenance-of-effort question out of it, which makes the situation even more difficult; what is going to be the impact if you get $10 million instead of $40 million?

Mr. LUGER. Couldn't I answer the next question?

Mr. VELDE. It would mean a very substantial reduction in our current program.

Senator BAYH. Are some of those programs, the innovative kind of programs that Senator Mathias alluded to, that are just getting started as a result of this program finally being implemented?

Mr. VELDE. We would expect and anticipate that they all are.

Senator BAYH. Thank you.

Mr. Luger, what is the next question you want to answer?

Mr. LUGER. Anyone, Mr. Chairman. [Laughter.]

STATEMENT OF MILTON L. LUGER, ASSISTANT ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, LEAA, U.S. DEPARTMENT OF JUSTICE

Mr. LUGER. Mr. Chairman, I would like to say one thing in preparation for a few comments based upon the written material [1] which I have submitted.

You used the words "gutted" and "nonsupport" regarding the Juvenile Justice and Delinquency Prevention program. From my perspective and from the Office's perspective, within an agency such as LEAA I personally could not have asked for more attention and support than I have received from the Administrator, Mr. Velde.

That should be on record. He has been encouraging; he has been behind us; he initiated a lot of projects in the juvenile area even before the Agency got the new responsibility under the Juvenile Justice Act.

I think that the attitude you suggest is not within LEAA itself.

Senator BAYH. Let me say for the record that I have the greatest respect for Mr. Velde. I think he knows that. I like him personally, I liked him way back when he worked for my friend and colleague, Senator Hruska, who despite the fact that we have had some differences, as this bill progressed, participated in the give-and-take that was involved in reconciling those differences; and, I think, this is what the legislative process is all about.

My remarks to Mr. Velde are not directed to him personally. In fact, I think if he were sitting there with his hand on the purse string, charting programs, we would be getting some different results. He isn't. Someone has to speak for those who are making the decisions and I think he does that very well. But whether or not he is comfortable with that, I won't ask him.

But I think he does it very well. I just wish we could reach some of those who are handing down the policy.

Go ahead, Mr. Luger.

Mr. LUGER. Mr. Chairman, it has been about a year since LEAA last had the opportunity, through Mr. Velde's testimony, to bring you up to date as to the role and the work of the Office of Juvenile Justice and Delinquency Prevention.

About 6 months ago, I had the privilege of being appointed head of the Office. I would like to share with you some of the problems we have faced and progress that we have achieved.

The role of the Federal Government is a limited one in this area. It is a role of leadership, standard setting, coordination, and enhancing cooperation among the public and the private sector, as well as between all levels of Government.

That role is an important one. If there is anything that characterizes the juvenile justice system today it is the scapegoating and the desire to blame others because of our frustration.

One of the major things we are trying to accomplish is engaging in a give-and-take among all Federal agencies and among levels of government in the juvenile area.

I would like, Mr. Chairman, to briefly focus upon each of the areas of major responsibility for our Office.

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[1] See pp. 83–100.

These areas are: Concentration of Federal effort; the special emphasis on prevention and treatment programs that account for about 25 percent of our funds; the National Institute of Juvenile Justice, our research and training arm; and the basic formula grant program and technical assistance effort.

NEED FOR COORDINATION AMONG ADMINISTRATIVE AGENCIES

Regarding concentration of Federal effort, we have assiduously been trying to do what Congress and the administration has asked us. That is something that has not been done well in the past—the coordination of Federal agencies' efforts.

In order to really understand why attempts to coordinate Federal programs in the juvenile justice area have failed in the past and have been criticized by the General Accounting Office and other groups, we have undertaken a series of specific tasks.

We have conducted a budget analysis of the various Federal spending programs. There are 117 different programs involving up to $20 billion. We published this in a report which has been made available to Congress and to the public.

We are analyzing the various policies, Mr. Chairman, that the various Federal agencies follow which might be counterproductive to the mandates that you have given us in the juvenile justice program: A mandate regarding prevention; minimizing intervention into the juvenile justice system; the deinstitutionalization of status offenders; the diversion of youngsters from the system; and addressing ourselves to serious crimes.

Let me give you a few examples. In our deliberations with other Federal agencies—HUD, Labor, HEW, and NIDA—NIDA pointed out that since its mandate is in the area of heroin addiction and treatment, the agency might necessarily have to give a low priority to juvenile work.

Agencies such as HUD indicate that there might be policies which would require them to actually remove families with problem children from public housing in order to protect the rest of the residents.

Yet, these are the very youngsters that we think the act calls for directing more resources toward.

We have thus been analyzing these conflicts between policies in the act and those of other Federal agencies. We have been contemplating, through a series of research efforts, programs we can understake in a coordinated fashion. Such programs could include the relationship of narcotics to youth, studies on youth violence, studies on gangs, studies on how the processing of delinquents is conducted by different States. These efforts will allow all of these Federal agencies to have more information in specific areas.

DUPLICATION OF DATA REQUIRED BY DIFFERENT AGENCIES

We have also been trying to analyze the kinds of demands the various Federal agencies make upon localities to prepare comprehensive plans in order to get money. There may be duplication. Data may be required by two or three different Federal agencies, when one provision or plan might suffice.

We have been digging into this carefully. In addition, we hope to select four or five specific sites in which we will analyze through a monitoring process and, looking from the bottom up, the difficulties of localities in getting Federal resources. Through processes such as simplification of funding, the joining together of comprehensive planning requirements, single-agency monitoring, or a combination of these, we hope we can promote a smoother accelerated flow of resources to localities.

Through our special emphasis programs we have been trying to find specific ways in which various Federal agencies can focus in on one problem area.

For example, in our diversion guidelines, we talk about keeping youngsters from entering the juvenile justice system entirely.

We have been actively consulting with HUD so we might cooperate in some funding progrms and coordinate our efforts.

For example, in a specific housing project, our money might go for the supplying of house parents, while their resources might allow an apartment to be used for a group home, instead of sending a youngster to a training school. Thus, the youth could be kept in the community. Both agencies would pay for the care in a cooperative fashion.

This is one specific approach. We could also work with the Labor Department and identify youngsters as being specifically available for Neighborhood Youth Corps slots. There would be a focus for resources flowing from all three agencies.

UTILIZATION OF DISCRETIONARY FUNDS

Mr. Chairman, the next major area in which we have been quite active is our Special Emphasis prevention and treatment program. These are discretionary funds, accounting for 25 percent of our action funds.

Our first Special Emphasis initiative was launched in March of 1975. It was for deinstitutionalizing status offenders, and area highlighted in the Juvenile Justice Act.

Over 460 preliminary applications were received in response to that program announcement, requesting funds in excess of $139 million. By December 1975, close to $12 million was awarded. Of the 13 projects funded, 11 are action programs to remove status offenders from jails, detention centers, and correctional institutions. Approximately 24,000 juveniles will be affected in the five State and six county programs through these grants.

The average cost will be about $420 per child, which is much different from the usual cost of institutionalization.

It is interesting to note of the total funds awarded, about $8.5 million, or 71 percent of the total, will be expended through subcontract arrangements available for purchase of service from private nonprofit agencies.

Thus, this money is not merely going to governmental agencies. The private sector will be closely involved in this program. All the projects are now operational.

Our second Special Emphasis initiative was recently announced. Applications are due by June 4. The program is for the diversion of juveniles from official juvenile justice processing.

Some $10 to $12 million will probably be awarded for a 3-year effort in this area. What we want to assure, Mr. Chairman, is that we are simply not widening the net by using funds for youngsters who would never have entered the system at all. Instead, we want to have the commitment rate to institutions diminished through this diversion effort. There have been diversion programs in the past which have simply involved more youngsters in the system, rather than diverting them away.

We know of your subcommittee's interest and involvement in the area of school violence. We have been planning an initiative in this area and have been thinking through some processes whereby we can closely coordinate our efforts with those of other Federal agencies. We hope to utilize much of the information, data, and research developed by your subcommittee in making policy decisions in this area.

Senator BAYH. Likewise I am particularly anxious to see this initiative move forward.

[Testimony continues on p. 72].

EXHIBIT No. 9

[From the Congressional Record, June 17, 1976]

BAYH UNVEILS STRATEGIES AND AGENDA TO MEET SCHOOL VIOLENCE AND VANDALISM CRISIS

Mr. BAYH. Mr. President, for some time now my Subcommittee to Investigate Juvenile Delinquency has been investigating the critical problems of violence and vandalism which confront our Nation's elementary and secondary schools. Following the release more than a year ago of our preliminary study, "Our Nation's Schools—A Report Card: 'A' in School Violence and Vandalism," the subcommittee conducted extensive hearings in which testimony was heard from virtually every element of the educational community, including students, teachers, parents, principals, superintendents, and several prominent educational research organizations.

Today, on the occasion of the release of our two hearing volumes, "Nature, Extent and Cost of School Violence and Vandalism" and "School Violence and Vandalism: Models and Strategies for Change", I urge my colleagues to review these documents and remarks outlining our strategies and our agenda to help meet the school violence and vandalism crisis. I respectfully solicit your comments and advice.

Mr. President, I ask unanimous consent to have printed in the RECORD my remarks and the accompanying list of organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"STATEMENT OF SENATOR BIRCH BAYH UPON RELEASE OF SCHOOL VIOLENCE AND VANDALISM HEARINGS

"The 200th Anniversary of our country is indeed a time to reflect upon our struggles and accomplishments during this relatively short span of history. One of the hallmarks of the American experience has been a strong commitment to public education. In fact, the roots of our public elementary and secondary school systems were firmly planted on this continent decades before the Revolution was fought, the Declaration of Independence was signed or the Constitution was adopted. Throughout the intervening years we as a people have become devoted to the concept of a free public educational system where every citizen has the opportunity to learn the lessons and acquire the skills that in other times and places were reserved only for the aristocracy.

"Today, upwards of 50 million students join with over 2 million educators in thousands of schools across the country to study and learn. Almost one-quarter of the total population of the United States can be found in our public elementary and secondary schools. Each year the American people spend over $60 billion to support this system which has graduated in excess of 60 percent of our adult

population and has produced a literacy rate far greater than most other nations.

"While the Bicentennial provides us with an opportunity to recognize our successes, we should also be cognizant of our problems and shortcomings and one of the most troubling situations facing schools today is the shocking trend to greater violence and vandalism. For some time my Senate Subcommittee to Investigate Juvenile Delinquency has been studying the extent of these problems and possible strategies that can be helpful in reducing them. Part of this extensive effort involved a series of public hearings to fully explore these issues and to search for workable solutions and I am today releasing two volumes containing the transcripts of these hearings: *Nature, Extent and Cost of School Violence and Vandalism and School Violence and Vandalism: Models and Strategies for Change.*

"Over thirty witnesses, representing every element of the educational community, provided the Subcommittee with a wide and varied perspective on the problems of violence and vandalism. These witnesses included students, teachers, parents, school security directors, principals and superintendents as well as representatives of several prominent educational research organizations, including those with a keen interest in the impact these and related educational problems have on minority students. Their testimony gave us valuable insights and information on schools located in large metropolitan areas, small rural towns and affluent suburban communities across the country. In addition, these volumes contain a series of selected articles, studies and reports to assist the educational community in formulating workable and effective strategies for improving the situation in our schools.

"I am proud that our hearings provided the opportunity for an open and candid discussion of these most critical problems. The lack of a uniform nationwide reporting system makes the extent of violence and vandalism in schools somewhat difficult to measure with absolute precision. The difficulty of obtaining an accurate accounting was vividly illustrated by testimony at our hearings on the problems being encountered with the Safe School Study currently being conducted by the Department of Health, Education and Welfare under the mandate of Congress. One observer termed this study a continuation of the 'Velvet Cover-up' that has shrouded the problems of school violence and vandalism in secrecy for far too long. The Subcommittee is currently working with the Department to assure that the final results of the Safe School Study will more accurately reflect the situation in our schools.

"While the range of estimates of the extent of these problems may differ somewhat, however, the testimony contained in these volumes can leave little doubt that our schools are facing disturbing, and at times critical, levels of violence and vandalism. On a national scale we are currently spending almost 600 million educational dollars each year as a result of vandalism in our schools—more money than we spent for textbooks in 1972 and enough to hire 50,000 additional experienced teachers without increasing taxes by one cent. Even more shocking, however, is the almost 70,000 physical assaults on teachers and the literally hundreds of thousands of assaults on students perpetrated in our schools annually.

"The effects of these incidents, of course, extend far beyond the immediate victim and the stark statistic. When teachers testify that they are afraid to walk the halls, when teachers are raped in their classrooms in front of their students, when a superintendent attributes the high truancy rate of his district to a fear of gangs, when students describe a wide variety of weapons in schools from knives and chunka sticks to an occasional Saturday Night Special, when students are victimized by organized extortion operations demanding lunch money and when drugs are easily obtained from pushers circulating in our hallways and playgrounds there can be no question that the already challenging task of education becomes almost impossible to carry out.

"While certainly not every school in the country is faced with serious rates of violence and vandalism the testimony contained here makes it all too apparent that an increasing number of them are confronting more frequent and intense problems in this regard. Moreover such schools can be found in rural and affluent suburban areas as well as urban settings. A teacher, who himself had been the victim of violence at a school located in one of the wealthiest communities in America, emphasized to the Subcommittee that the day has long since passed when a community could afford to hide from a discussion of these issues behind the brash attitude that it can't happen here.

"Too often, however, the shocking incident and the frightening statistic overshadow the more positive developments. The same student who told our Sub-

committee of drug dealing, weapons and beatings for hire in his 'Midwestern high school also pointed out how he was turned away from such activities by his involvement in an alternative education program that gave him the ability and incentive to graduate from school and go on to college.

"These hearings contain more than just the statement of a problem by concerned educators. More importantly perhaps is the extensive discussions of the nature of these problems and the various strategies and educational models that can be useful in reducing and controlling them.

"Throughout this undertaking we have been cognizant of the fact that our schools are in a certain sense another victim of the general societal problem of crime and especially the sharply increasing crime rate among young people, but it is little solace to the teachers and students of a school beset by violence and vandalism that their classrooms and hallways are no less hazardous than the streets or alleys surrounding them.

"Moreover we must be aware that there are forces, many of which are beyond the immediate control of the school, that have a significant impact on the problems within the school. As was extensively explored throughout our hearings, problems involving the home environment, violence on television and in firms, severe unemployment among young people sometimes exceeding 40 percent in certain areas of the country and the lack of adequate recreational activities all have tremendous influence on youth, yet remain largely outside of the school's ability to directly control. In spite of this, however, both the *Nature and Extent and Models and Strategies for Change* volumes contain the clear message that schools can adopt programs and policies to reduce the chances of violence and vandalism occuring as well as reduce the level of such problems in schools where they already exist.

"From the beginning of the Subcommittee's effort it has been our intention to seek out and develop strategies that are diverse and multifaceted; a necessity for any meaningful and lasting progress in confronting problems which themselves spring from diverse roots. It should be apparent that there are no easy solutions to problems such as these and programs that promise the quick cure and the easy fix too often fail because they ignore their complex causes. The Subcommittee's study of the nature of school violence and vandalism clearly indicates that a proper structuring of creative solutions must be based on a careful understanding of the source of these problems and our hearings have extensively explored this aspect of the issue. The strategies discussed throughout the hearings therefore are primarily designed to provide long range solutions rather than short term emergency treatment.

"Among the strategies integral to assuring a positive approach are:

"Community Education programs that can reduce vandalism costs and turn a school from a target of opportunity into a valued community resource;

"Optional Alternative Education programs to insure that schools can more adequately respond to the wide variety of learning styles found in any student body;

"Alternatives to Suspension that can provide school administrators with additional, more effective methods of responding to nondangerous, but troublesome student rule violations such as truancy, tardiness or smoking. Through our studies we have found that a great number of incidents involving school violence and vandalism are caused by school age intruders who are not presently enrolled in school. We must seek to provide our educators with the additional measures they need to respond to school violations so that youngsters are not placed out on the street with no supervision whatever purely on the basis of ordinary nondangerous rule violations. Too often unwarranted suspensions result in an increase of a school's disciplinary problems rather than a decrease.

"Code of Rights and Responsibilities drawn up with the participation of all members of the school community to insure that students, teachers, parents and administrators have a clear understanding of the rules, regulations and the procedures concerning discipline;

"Curriculum Reform to expand the methods of presenting material to include 'action learning' techniques, various apprenticeship programs and law related education programs;

"Police, School, Community Liaison programs to allow these entities to become better acquainted with each other and develop a mutual acquaintancy in a friendly, informative and personable atmosphere;

"Teacher Education Courses to help future educators develop more of an awareness of these problems before they enter the classroom and provide them with training in the most effective methods of handling disciplinary situations

with special emphasis on fostering sensitivity toward problems of student development;

"School Security Personnel properly trained and educationally oriented to control problems once they arise, and additionally institute programs to avoid critical situations in the future;

"Counseling and Guidance programs to help students resolve their problems in an appropriate and positive manner;

"Security Programs carefully designed to meet the individual needs of a school, to help reduce vandalism costs due to arson, intrusions or theft during periods the building is not occupied;

"Architectural and Design Techniques to reduce the vulnerability of a school building to vandalism incidents and insure a more personalized atmosphere and a greater feeling of positive identity through smaller schools and educational units; and

"Student and Parental Involvement in various programs to reduce violence and vandalism as well as other aspects of school life that can be helpful in establishing a positive community spirit.

"It should be noted that the programs and strategies emphasized throughout my hearings have as their most essential element the involvement of students, teachers and parents. Promises to resolve the problems of violence and vandalism in schools defined only in terms of legislative enactments whether on the Federal, state or local level create false hopes in the face of the nature of these problems, the diversity of their origins and the intricacies of human behavior. The principal ingredient in our efforts to reduce violence and vandalism in schools is not more money or more laws, but the involvement of the educational community in the kinds of carefully planned and properly implemented programs discussed at our hearings.

"While there are no Federal solutions to problems such as these, I do believe that the Federal government can do more to help control violence and vandalism in schools. Last year I introduced the Juvenile Delinquency In The Schools Act to encourage our local, state and Federal governments along with our private sector to pool their experiences and resources to help students, teachers, parents and administrators secure the type of atmosphere in our schools in which education can best take place. This bill, as an amendment to my Juvenile Justice Act passed by Congress in 1974, will require the involvement of students and parents in these efforts and also provide a clearinghouse mechanism for the dissemination of information concerning successful programs to individual school systems throughout the country. A finalized version of that legislation, along with a full report of our study of these problems and a comprehensive discussion of the various strategies briefly outlined here, will be available soon.

"I want to point out that both the bill and report are products of efforts involving meetings, correspondence and conversations with innumerable individuals and over seventy organizations and groups from across the country.* The Subcommittee's recommendations are largely a reflection of their ideas and suggestions and I deeply appreciate their assistance.

In closing, let me emphasize that I for one do not agree with the apostles of gloom and despair who tell us that we are poised on the brink of a declining era in American education, marked only by the burnt out hopes and fading dreams of an institution that tried to do too much. The spirit, sense of purpose, willingness to strive and the desire to accomplish that were the hallmarks of the American educational effort over our first 200 years, are alive and flourishing in schools across our country today. As we enter our third century, we are obviously facing grave problems in American education, but we have in the past confronted such challenge and have succeeded in producing a public educational system with a breadth and depth unmatched in the history of the world. Indeed, it seems that the very strengths of the system are forged through the experience of overcoming numerous obstacles throughout our history. Today we face yet another challenge, but while there may be reason for concern there is no need for discouragement. Even a casual reader of these volumes cannot fail to be impressed with the vitality and confidence of the students, teachers, administrators and parents confronting these problems. With the cooperation and commitment of all elements of the educational community, I am confident that we can succeed in exchanging the adversity and strife so harmful to education in our schools, for the diversity and debate so necessary for learning."

*LIST OF ORGANIZATIONS

Alternative Schools Network, Chicago, Ill.
American Association of Colleges for Teachers, Wash., D.C.
American Association of School Administrators, Rossyln, Va.
American Association of University Women, Wash., D.C.
American Bar Association, Wash., D.C. and Chicago, Ill.
American Civil Liberties Union, Student Rights Project, New York, N.Y.
American Council on Education, Wash., D.C.
American Education Legal Defense Fund, Wash., D.C.
American Education Research Association, Wash., D.C.
American Federation of Teachers, Wash., D.C.
American Parents Committee, Wash., D.C.
American Personnel and Guidance Association, Wash., D.C.
Association for Childhood Education International, Wash., D.C.
Black Affairs Center for Management, Wash., D.C.
Black Child Development Institute, Wash., D.C.
Boy Scouts of America, Wash., D.C.
Center for Law and Education, Harvard University, Cambridge, Mass.
Center for Law Related Education, Indiana University, Bloomington, Ind.
Child Welfare League of America, Wash., D.C.
Children's Defense Fund, Wash., D.C. and Cambridge, Mass.
Children's Foundation, Wash., D.C.
Commission on Children, Springfield, Ill.
Committee to End Violence Against the Next Generation, Berkeley, Calif.
Constitutional Rights Foundation, Los Angeles, Calif.
Council of Chief State School Officers, Wash., D.C.
Council of Great City Schools, Wash., D.C.
Education Commission of the States, Denver, Colo.
Girl Scouts of the USA, Wash., D.C.
Human Interaction Research Institute, Los Angeles, Calif.
Institute for Behavioral Research Inc., Silver Spring, Md.
Institute for Development of Educational Activities Inc., Dayton, Ohio.
International Association of College and University Security Directors, Hamden, Conn.
Law in a Changing Society, Dallas, Tex.
Lawyers Committee for Civil Rights under Law, Wash., D.C.
Leadership Conference on Civil Rights, Wash., D.C.
Mid Atlantic Center for Community Education, Charlottesville, Va.
Milwaukee Education Foundation, Milwaukee, Wis.
NAACP, Legal Defense Fund, New York, N.Y.
National Academy of Education, Wash., D.C.
National Association of Counties, Wash., D.C.
National Association of Elementary School Principals, Arlington, Va.
National Association of School Counselors, Wash., D.C.
National Association of School Psychologists, Wash., D.C.
National Association of School Security Directors, Fort Lauderdale, Fla.
National Association of Secondary School Principals, Wash., D.C.
National Catholic Education Association, Wash., D.C.
National Caucus of Black School Board Members, Dayton, Ohio.
National Commission on the Reform of Secondary Education, Melbourne, Fla.
National Committee for Citizens in Education, Columbia, Md.
National Conference of Christians and Jews, Inc., New York, N.Y.
National Conference of State Criminal Justice Planning Administrators, Cockeysville, Md.
National Congress of American Indians, Wash., D.C.
National Congress of Parents and Teachers, Chicago, Ill.
National Council of Churches of Christ, New York, N.Y.
National Council of Juvenile Court Judges, Providence, R.I.
National Council of Negro Women, Wash., D.C.
National Education Association, Wash., D.C.
National Institute of Education, Wash., D.C.
National Involvement Corps, Wash., D.C.
National Organization on Legal Problems of Education, Topeka, Kan.

National School Boards Association, Evanston, Ill.
National School Public Relations Association, Arlington, Va.
National School Supply and Equipment Association, Arlington, Va.
National School Transportation Association, Fairfax, Va.
National Urban Coalition, Wash., D.C.
Office of Community Education Research, Ann Arbor, Mich.
Phi Delta Kappa Educational Foundation, Bloomington, Ind.
Pinkerton's Inc., New York, N.Y.
Research for Better Schools, Philadelphia, Pa.
Robert F. Kennedy Memorial, Wash., D.C.
Sister Kenny Institute, Minneapolis, Minn.
Sonitrol Security Systems, Inc., Anderson, Ind.
South Carolina Community Relations Program of the American Friends Service Committee, Columbia, S.C.
Southern Regional Council, Atlanta, Ga.
Stanford Research Institute, Arlington, Va. and Stanford, Calif.
Student Press Law Center, Wash., D.C.
United Foundation of College Teachers, New York, N.Y.
Urban Policy Research Institute, Beverly Hills, Calif.
Urban Research Corporation, Chicago, Ill.

[From the Congressional Record, Sept. 28, 1976]

SCHOOL VIOLENCE AND VANDALISM: FORD ADMINISTRATION LONG ON RHETORIC AND SHORT ON ACTION

Mr. BAYH. Mr. President, for some time now the Subcommittee To Investigate Juvenile Delinquency, which I chair, has been conducting a study of the problems of and possible solutions for school violence and vandalism. Throughout this period I have urged the Law Enforcement Assistance Administration to use the authority and resources provided by the educational assistance provisions of the Juvenile Justice and Delinquency Prevention Act to pursue relevant initiatives developed by the subcommittee. Unfortunately, the LEAA response has been long on rhetoric and short on action.

Accordingly I have written Attorney General Levi to elicit his assistance in persuading the executive branch to implement these congressional initiatives designed to help local communities more effectively address these serious problems. I ask unanimous consent that my letter to the Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

"SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
"*Washington, D.C., September 28, 1976.*

"HON. EDWARD H. LEVI,
"*Attorney General of the United States,*
"*Justice Department, Washington, D.C.*

"DEAR MR. ATTORNEY GENERAL: As you know in 1974 the Congress adopted my Subcommittee's Juvenile Justice and Delinquency Prevention Act by an overwhelming margin. This Act for the first time made possible a coordinated effort by the Federal Government to address the problems and causes of delinquency. It also provided incentives to State and local governments as well as private groups to reform our failing system of juvenile justice. As an integral part of this overall effort the Juvenile Justice Act specifically recognized the tremendous impact a youth's school experience has on his or her development and accordingly

"For some time now I have urged the Law Enforcement Assistance Administration to use the authority and resources provided to it by the educational assistance provisions of the Juvenile Justice Act to address the critical problems of violence and vandalism in our schools. Despite the seriousness of these problems there has been very little response on the part of the Administration. I am therefore writing to you in hopes of generating the necessary interest and concern on the part of the Executive Branch that will enable us to move ahead to help solve these problems.

"In order to put my request in perspective, let me briefly review for you my Subcommittee's activities in the area of school violence and vandalism. During the course of our work on the Juvenile Justice Act, I became increasingly con-

cerned over reports from educators and others of mounting problems of violence and vandalism in our schools. Obviously since no juvenile delinquency prevention program could ignore the serious impact such a development would have, I requested my staff to begin an indepth investigation to determine both the extent of these problems and possible programs for improvement.

"Since that time the Subcommittee has devoted considerable attention to this important subject. In April of 1975 we released a preliminary report based on a nationwide survey of school systems enrolling approximately half of the public elementary and secondary students in the country. We initiated a series of meetings and correspondence with more than seventy prominent educational, governmental and private organizations that have a particular interest in these problems. Additionally the Subcommittee held several public hearings with over thirty witnesses including administrators, students, teachers, parents, school security directors and superintendents who testified on various aspects of these disturbing problems and possible solutions.

"While the range of estimates of the extent of these problems may differ somewhat, the Subcommittee's study can leave little doubt that significant numbers of our schools in urban suburban and rural areas are facing disturbing, and at times critical, levels of violence and vandalism. On a national scale we are currently spending almost 600 million education dollars each year as a result of vandalism in our schools—more money than we spent for textbooks in 1972 and enough to hire 50,000 additional experienced teachers without increasing taxes by one cent. Even more shocking, however, is the almost 70,000 physical assaults on teachers and the literally hundreds of thousands of assaults on students perpetrated in our schools annually. There can be little doubt that a school experiencing significant numbers of such incidents will soon find that the already challenging task of education has become almost impossible to carry out.

"In June of this year the Subcommittee released two volumes containing the transcripts of our hearings along with a series of selected articles, studies and reports that can assist the educational community in formulating workable and effective strategies for improving the situation in our schools. The many positive programs found in these documents (*Nature, Extent and Cost of School Violence and Vandalism*, and *School Violence and Vandalism: Models and Strategies for Change*) include, among others, various community and optional education models, suggested alternatives to suspension, codes of rights and responsibilities, strategies for increased student and parental involvement, counseling and guidance programs as well as guidelines for instituting effective security programs. I believe that together these strategies provide us with a carefully balanced set of tools to enable the private and public sector to pool their experience and resources to help students, teachers, parents and administrators secure the type of atmosphere in our schools in which education can best take place.

"Throughout the process of our work in this area I have repeatedly urged the Law Enforcement Assistance Administration (LEAA) to pursue some of the initiatives developed by the Subcommittee in this area. My requests have been met with an abundance of rhetorical enthusiasm and promises of future action, but an unfortunate and disappointing lack of any real progress in implementing these programs.

"In May of 1976 LEAA official assured my Subcommittee at a hearing that they would be announcing some initiatives in the school violence and vandalism area in the "very near future." As of today there have been no announcements and very little initiative.

"On July 15, 1976, when Congress approved my Amendment appropriating $75 million for implementation of the Juvenile Justice Act I specifically urged that a portion of this money be used for a School Resource Center to provide a clearinghouse mechanism for the dissemination of information concerning the successful strategies and programs developed through the Subcommittee's studies. While the Administrator of LEAA, Mr. Velde, apparently agreed with this suggestion there is still no School Resource Center.

"I am sure you can understand that the lack of effective response to Congressional initiatives in this area is a source of frustration not only to me but to the entire educational community as well. The need is clear, the solutions indicated, the means provided but the executive leadership required to implement these programs remains apathetic, indifferent and inert. It's time to get off the mark.

"I am therefore seeking your help in urging action on the important problems of violence and vandalism in our schools. While the Subcommittee intends to include provisions specifically addressing these issues in the upcoming reauthorization

of the Juvenile Justice Act the Law Enforcement Assistance Administration can and should undertake an interim effort in this area. With your cooperation together with the existing commitment of the educational community I am confident that we can succeed in exchanging the adversity and strife so harmful to education in our schools for the diversity and debate so necessary for learning. I look forward to working with you on this important task.

"Sincerely,

"BIRCH BAYH,
"*Chairman.*"

[Testimony continued from p. 65].

Mr. LUGER. The fourth planned initiative is in the general area of prevention of delinquency through strengthening the capacity of private nonprofit youth service agencies. We have held a series of discussions with representatives of these agencies regarding how they can work closely with us. That initiative is now in what we call internal and external clearance to determine what professionals in the field think about our plans.

We have been very aggressive, too, Mr. Chairman, in our planning as our future in the special emphasis area. We didn't wait to find out if we were going to be reauthorized, though we thought we would be, and we have planned 10 more initiatives for the next several years. They are in areas that need a lot of attention.

For example, one area is learning disabilities and their relationship to crime and juvenile delinquency. We will study violent youths, and especially the lack of good educational programs in correctional institutions.

The Rand Corp. just finished a research document for us which pointed out the paucity of knowledge that we have about this field.

We have sponsored other research. Based upon that, one of our initiatives will be in the area of youth gangs. We will attempt to study and do something about this continuing problem.

Senator BAYH. It certainly is a problem. Youth gangs and violent offenders are another. I am eager to learn what you find in these areas. We plan to hold some hearings on those topics.

It is not only a problem because of the impact it has on society generally—the people who are affected by the acts of violent youths—but, also, the extent one of these young people who is violent-prone is commingled with others who are nonviolent-prone, whether they are runaways, dropouts, or have committed criminal acts, it tends then to destroy the entire credibility of a program.

Society has a right to be protected from violent criminals. Just because they are young, should not mean society should be prevented from protection.

Thus, I am eager to learn the results of your studies.

Mr. LUGER. A lot more knowledge and data needs to be brought to this field. One of the lamentable things that is occurring, Senator, is that because of the sensationalizing of a hard core of these youths, many youngsters in the juvenile justice system are being painted with the same brush. Across the country, harsh legislative thrusts are emerging to send youngsters to adult systems and to lock them up for long periods of time.

STATISTICS MEANINGLESS WHEN PERSONALLY INVOLVED

Senator BAYH. Statistics are really meaningless, if the 1 out of 100 is the one that preys on you.

What are we talking about here—violent-prone youths compared to all troubled youths? What percentage of youths who get into trouble need this kind of security?

Mr. LUGER. There have been estimates varying from 10 to 15 percent. Of all of the violent crimes in the United States, youths under 18 account for some 22 percent.

As a former program administrator, Senator, I could relate to you the experiences we had in New York State. We had some 800 youths in training schools in 1974 and 1975. We had one secure facility for about 80 youths. We probably could have used 20 or 30 more beds.

If the diversion programs take hold and do their job and get the nonviolent youths out of these institutions, a 10-percent estimate of youngsters who need some more security than a wide-open setting or a group home arrangement would probably be accurate.

Senator BAYH. That is amazing.

Mr. VELDE. I would add, Mr. Chairman, there are some analogous figures indicating that in adult correctional institutions there is roughly the same proportions, 10 to 15 percent of violent-prone individuals in the overall inmate population.

Senator BAYH. But, talking particularly about young people, we hope to be wise enough to find a way to lead them to the straight and narrow.

Mr. LUGER. Senator, although it is a hard core and, I believe, a small number, there are some very, very dangerous youngsters. They would complain to you that it is your fault that you moved and they shot you. If you didn't move, they wouldn't have to shoot you.

Senator BAYH. I wasn't talking about that 10 percent; although it would be wonderful to rehabilitate them also. The irony of our traditional response is when we take the 80 to 90 percent that have a pretty good chance of straightening their lives and we incarcerate and even commingle them with the utterly violent 10 percent.

When visiting a center in Boston, I learned of a case where the judge had referred a young person to one of these open centers, who shouldn't have been there. He did his deed again, and that brought discredit on the center that otherwise had done a pretty creditable job for the kind of young people who were supposed to be in that type of setting.

VAGUE KNOWLEDGE OF PATTERNS OF VIOLENT PRONE

Mr. LUGER. There is a great deal regarding patterns of violence that we really don't know anything definitely about.

Some researchers tell us the violence pattern is an episodic one, and that it is dangerous to predict whether a single individual will be violent and should be treated that way, or whether the person will continue in a violent pattern.

A lot more knowledge is needed in this field.

If I may continue to discuss some of the initiatives that we have been planning, we are very anxious to get into restitution programs, in which young people, once having been adjudicated or at least alleged delinquent, can, instead of waiting and wasting time in an institution, have a chance to involve themselves in community or private work in order to compensate the victims.

Advocacy projects are of much interest to us. This would be a kind of ombudsman program, which would promote legislative reform. The program would assist local agencies to be more than just service providers. Strong efforts would be made to work out better things for young people. Those kind of approaches should be supported.

Alternative school programs would allow youngsters not to be pushed out, but to be in a less traditional environment.

Standards and goals programs need special emphasis, as do probation projects. Throughout the country, Senator, probation has not been the glamor operation it once was. Many functions of probation are going downhill. We feel innovative probation projects should be strongly supported and we hope to get into that area as well.

Senator BAYH. When you talk about probation, the fact is that many of the offenders—juvenile and adults—that make the headlines today have been in custody before. The quite normal reaction for anyone is to ask: "why are those people out on the streets again?" Not just the first timers, but those who have been convicted for a half dozen or dozen offenses.

In your approach to probation, are you trying to structure that program in such a way that those who are on probation are persons that seem to respond to probation? Second, that you have the kind of guidance staff that will really provide guidance. Not just a probation program that is a result of overcrowded institutions or court calendars.

Mr. LUGER. Yes. This initiative is being developed in a similar fashion to our other initiatives. A background and a state-of-the-art paper is authorized. The researchers dig in and give us everything that is known about that field. That will be made a part of our initiative guideline when it is issued.

The issue you raise will certainly be examined. There have been a lot of studies, for example, regarding caseloads—whether youngsters or offenders on probation would be better off as part of a caseload of 15 or as part of a caseload of 100. It is an overly simplistic answer to say that the smaller the caseload, the better the supervision. There have been studies that have pointed out this is not accurate.

Some youngsters do better as part of a larger caseload, when the probation officer is off their back, and they get other kinds of encouragement or services available to them from voluntary or private agencies. Others need supervision almost on a daily basis.

We have to match up the profile of the young probationer with the kind of person and the degree of supervision he or she requires.

We will be looking into all of this as we develop this initiative.

Senator BAYH. That kind of matchup makes sense; but that requires a rather sophisticated degree of learning, experience and understanding, doesn't it?

Mr. LUGER. Yes.

Senator BAYH. Just being a good lawyer, or a good judge, and being familiar with criminal law doesn't necessarily mean you have the capacity to make that match, does it?

TRAINING OF PROFESSIONAL PROBATION OFFICERS

Mr. LUGER. No, it doesn't. There is a degree of professionalism among probation officers. More and more of them are required to have better training.

The first probation person in America, you know, was a shoemaker. He set the standard for caring and being involved with young people and inspired many others to go into it.

Senator BAYH. I wonder how many shoemakers are now probation officers. Let me ask you this. I suppose probation officers are like Senators, some good and some bad; but, is it possible to make an assessment of what percentage of courts have at their disposal of the kind of expertise you just mentioned? What percentage of the probation officers, well intentioned as they might be, have that kind of understanding and background?

Mr. LUGER. I don't know. It would be an impressionistic response that I would give you now. There have been some manpower studies. We can give you, for example, what kind of educational background they have.

We can certainly tell you how many have had the kind of training available through the law enforcement education program and the years of experience they have. We have very good contact with the National Council of Juvenile Court Judges. Through the National Center for Juvenile Justice, which is the research arm of that organization, we might get some good clues as to probation resources available to each of the juvenile courts.

Senator BAYH. I should note that Judge Whitlatch was here earlier today. I am glad you have been working with the juvenile judges; they have been one of the major supporters of our efforts. I and my staff have had dozens of meetings with the Ohio jurists and his colleagues.

How many people have we been able to educate in these programs?

Mr. VELDE. Participating in the law enforcement education program this year, there are just over 1,000 colleges, with approximately 100,000 students. To date, in the 7 years of the program, not counting this school year, there have been over 250,000 recipients of assistance. Roughly 70 percent are in police service, 15 percent in corrections and the rest represent other criminal justice professions.

There have been approximately 35,000 participants in corrections, adult and juvenile.

Senator BAYH. They would be the kind of people we are talking about here, they would be probation officers?

Mr. VELDE. Many of them would be, yes.

Senator BAYH. And institution supervisors, I suppose.

Mr. VELDE. There is another program administered by HEW which provides Federal assistance to pursue degrees in social work—masters and baccalaureate degrees. The funding for that program is roughly 2½ times the LEEP budget. The funding is approximately $110 to $120 million a year at the present time. Ours is $40 million. That program could be an important source of college-educated individuals going into this type of work.

Senator BAYH. But, the LEEP program is specialized for law enforcement.

Mr. VELDE. For criminal justice, primarily law enforcement, yes.

Senator BAYH. Would you say it has been a successful program?

Mr. VELDE. On balance, yes, sir. We face a great difficulty attempting to evaluate the program because of complaints of interference with academic freedom. It is also difficult to determine whether one program

or course offering is good and another is not. A recently formed professional organization within the criminal justice community is attempting to develop standards and a formal accreditation process. This is not established nationally yet. We are encouraging the effort.

Some of the programs, at both the junior college and the 4-year college level, have not been as strong as they could be.

PRESIDENT WOULD ELIMINATE SUCCESSFUL PROGRAM

Senator BAYH. Am I right that the President wants to eliminate the program altogether?

Mr. VELDE. The appropriation for the current fiscal year provides full funding for the LEEP program for the coming school year—next fall and spring. The President's budget for fiscal 1977 does not contain funds for the following fiscal year for any new students. There would be enough to carry those currently enrolled.

Senator BAYH. Is that answer "Yes"?

Mr. VELDE. The answer is yes. There is no money for continuation of the program or expansion for the next school year.

Senator BAYH. I hope that from Mr. Lugar's studies we can get a basis of knowledge, and perhaps these studies will substantiate the continuance of that program.

I didn't mean to interrupt you, but I have some questions to ask.

Mr. LUGER. I just was going to discuss the next major area of our responsibility, Mr. Chairman.

That area is the National Institute for Juvenile Justice and Delinquency Prevention, our research, training, and standard-developing arm.

The office is emerging as a laboratory within LEAA, in the sense that we are trying some new and exciting things. For example, I mentioned the point of issuing an initiative only after the current state of knowledge is that field has been exhaustively reviewed and analyzed.

After an initiative is announced, a national evaluator, working through the National Institute, coordinates the work of local evaluation teams. At the end of the discretionary grant period we will thus have a hard set of facts as to what happened when these funds were utilized. This information will be developed in a coordinated fashion.

This brings together researchers and program people in a unique way. We all think this is very exciting.

This activity is in addition to the basic research that is being conducted to further our knowledge in different areas.

Training is another area of responsibility of the National Institute. A weekend or two ago we gathered together some 15 top experts in the field to help us decide the priorities for the amount of money we have available within the National Institute for training of juvenile justice workers. Those priorities are going to be established and implemented soon.

Juvenile justice standards and goals is another important agency undertaking. A subcommittee of our National Advisory Committee has as one of its responsibilities the establishment and promulgation of standards for the field of juvenile justice.

This committee is conducting its own deliberations and is reviewing and analyzing the work of other standard-setting groups. The Amer-

ican Bar Association, the Institute for Judicial Administration, and the National Advisory Commission for Criminal Justice Standards and Goals are doing some excellent work in this field.

Our deliberations give us a view of standards from a Federal perspective. We hope, by incorporating the other standards and putting our own imprint upon them, to encourage the adoption of these standards. Adoption of particular standards will not be mandatory on the local level. Through special funds, we will make the standards available to the juvenile justice advisory group and offer technical assistance to States to adopt or raise their own standards.

NATIONAL ADVISORY COMMITTEE ACTIVITIES

Senator BAYH. Has the National Advisory Committee been helpful?

Mr. LUGER. Yes, sir. They have been very conscientious in their activities. They have been probing and analytical. They have not been a rubber stamp for our Office, in fact, they are encouraged by Mr. Velde not to be a rubber stamp in expressing their views as to how they think things should be going.

They are our taskmasters. They want information. It is quite all right. They keep us on our toes. That is a proper function.

Senator BAYH. May I ask if it might not be reasonable to see that, if that committee is making the kind of contribution you describe, perhaps they will be given some staff assistance beyond what is now available for them?

Mr. LUGER. I would endorse that suggestion. As a matter of fact, Mr. Chairman, a request is being drawn up just to do that.

Senator BAYH. Is it necessary for us to provide report language or any specific legislative authority for that? We don't want a top-heavy operation there, with a lot of people; but inasmuch as the President has appointed the members of the Committee—some rather topnotch people there; and you seem to feel they are doing the right kind of prodding, advising, stimulating—it might be helpful to make them even more effective if they did have their own minimal staff support that is not now available. Do we need to take any steps to help you do that?

Mr. LUGER. I think an expression of congressional intent would be helpful, but you know better than I how these things work.

Mr. VELDE. Mr. Chairman, we have funds available to provide staff support on a contract basis. There is a legislative provision of those kinds of services.

That means hiring an outside contractor and paying 100 percent of the overhead rate.

Senator BAYH. Is that necessary?

Mr. VELDE. It is necessary from our perspective. LEAA has traditionally been starved for in-house personnel to perform our assigned functions. We have other advisory committees, and at best we have one of our professionals act as a supervisor for the agency. We then make funds available for an outside contractor to provide staff and supporting services.

Senator BAYH. We don't need to settle this point now. We recognize that it is a goal we should accomplish. Thus, I shall ask my chief

counsel Mr. Rector to work with you. We will do anything possible if you feel you need help in that regard.

Mr. VELDE. I would add, Mr. Chairman, I have had the privilege of attending several Advisory Committee meetings. I am impressed by the members' competence and their direction. I would certainly echo the fact that they are not a rubber stamp. They called me on the carpet several times with respect to actions I was taking or not taking.

They are, I would say, a very effective and helpful Committee.

Senator BAYH. That Committee is certainly a representative committee. It has expertise in a variety of areas. I would think, if they don't have some inhibitions that come from speaking out, they could be a great help to you.

EXHIBIT No. 10

[Excerpt from S. Rept. 94-964, 94th Cong., 2d Sess., June 21, 1976, p. 25. Report to accompany H.R. 14239, Committee on Appropriations, Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies appropriation bill, 1977; section on Law Enforcement Assistance Administration.]

The Committee is also aware of the need for staff for the National Advisory Committee for Juvenile Justice and Delinquency Prevention. To insure that this Advisory Committee can adequately perform its function of advising the LEAA Administrator with respect to Federal juvenile crime prevention programs, the Committee recommends that the Advisory Committee be assigned, at least, two full time staff positions: a professional and a clerical.

Mr. LUGER. There are two other areas I would mention briefly, Mr. Chairman. We view our technical assistance efforts as vital. Resources will be used to help us both with our discretionary grants in the specific areas, such as deinstitutionalization and diversion, and to offer technical assistance to the States for the general block grant program.

Our plan here is not to be reactive in the usual way, to merely respond to a crisis situation, but to put in place a plan whereby our grantees will have available, on a regular basis, a cadre of people in their particular program area, acceptable to them and knowledgeable in the field. Specialists will meet with them and talk about the kinds of problems that have surfaced because of the demands we make upon grantees, and the programs that we have encouraged to be implemented through the act.

Under the State formula grant program this year approximately $23 million will be made available to the States as they have their plans approved. Only nine States and two territories, Senator, have indicated a decision this year not to participate in the program.

I was very much heartened by the exchange between you and Mr. Velde, and your sensitivity to the growing problem we are facing because some States are now reconsidering their involvement due to what they view as rigidity in the deinstitutionalization requirement.

Clarification would be very helpful in this area.

Senator BAYH. How many States are confronted with making the choice of staying in the program or having to get out of the program—if some leeway is not given?

Mr. LUGER. In the last 2 weeks we have had three States drop out. We are concerned that additional States might act similarly. We have heard of at least five more who are seriously considering dropping out.

Senator BAYH. I would hope that we could work together to estab-

lish a reasonable standard that would create an incentive to get away from the status quo.

Mr. LUGER. We would be very careful to monitor implementation to make sure that an honest and good faith effort is being made. At the same time, we don't want jurisdictions to lie about being able to achieve something when they really feel they can't, as well-intentioned as they may be.

Senator BAYH. They are confronted with a resource problem and they have to provide alternatives. Either that, or say you aren't going to get anything.

Let's get on that. Perhaps when the LEAA extension comes along, either in colloquy or perhaps with specific language, then we can address that particular problem.

Mr. VELDE. Even before then, Mr. Chairman, some guidance would be helpful. I talked earlier this week with two of our regional administrators in Atlanta and Seattle. These are the regions where there seems to be very substantial problems. Any congressional guidance would be very helpful, because our regional administrators now have to take a hard line in their discussions with the States regarding compliance.

Senator BAYH. Might I suggest that you communicate to the regional administrators and urge them to immediately contact the State people to inform them of this dialog.

Mr. VELDE. We will do that this afternoon, sir. It literally could make a difference between participation and nonparticipation by several States.

ESTABLISH STANDARDS CONSISTENT WITH GOALS

Senator BAYH. I urge you to do that. Again, I believe it is important for us to establish a standard consistent with the goals we are after. Whether it is the 75-percent mark or other goal, I think that can be discussed and worked out. I don't want to change the thrust of the deinstitutionalization requirements so that there is no longer an incentive to stop warehousing and institutionalizing children.

Mr. VELDE. I alluded earlier to the problem of California, though it is not limited to California. There may be a strong deinstitutionalization commitment at the State level, with substantial support at the county and local levels, but there can be no absolute guarantee that all county and local governments are going to share those priorities.

In good conscience, certifications just cannot be made in those instances at this time.

Senator BAYH. Why don't you quickly communicate a desire to try to work something out. But be careful not to mislead them.

At the staff level, let's get busy and decide what is the best approach. Then, perhaps, how we can specifically change the law to accomplish the goal we want.

Mr. VELDE. Fine. We would be pleased to work that out.

[Testimony continues on p. 101].

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EXHIBIT NO. 11

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OFFICE OF THE ADMINISTRATOR

MAY 26 1976

The Honorable Birch Bayh
Chairman
Subcommittee to Investigate Juvenile Delinquency
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In accordance with our discussion during the oversight hearing held by the Subcommittee to Investigate Juvenile Delinquency on May 20, 1976, regarding the Juvenile Justice and Delinquency Prevention Act of 1974, the Law Enforcement Assistance Administration has taken steps to define a standard for complying with Section 223(a)(12) of the Act.

On May 21, 1976, LEAA Regional Administrators were directed to withhold any denials of fiscal year 1976 Juvenile Justice Plan Supplement Documents until the standard was developed.

Mr. Milton Luger, Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention, Mr. Thomas Madden, LEAA General Counsel, and Mr. Charles Lauer, LEAA Deputy General Counsel, met with Mr. John Rector, Staff Director and Chief Counsel of the Subcommittee, on May 24, 1976, in order to establish a mutually agreed upon standard for State compliance with Section 223(a)(12). The following represents the understanding reached at that meeting:

Compliance Standard for Section 223(a)(12), Deinstitutionalization of Status Offenders

Section 223(a)(12) requires that each participating State submit a plan for deinstitutionalizing status offenders which will achieve substantial compliance with this requirement within two years of the initial plan submission date. The State plan must address and plan for all status offenders. A State planning agency can, in good faith, assure LEAA of substantial compliance with Section 223(a)(12) by a determination that at least 75

percent of the status offenders in secure detention and correctional facilities can be deinstitutionalized within the two-year period.

Substantial compliance exists where: (1) there has been a good faith effort to carry out the terms of the grant agreement pertaining to implementation of the plan, procedure, and timetable for deinstitutionalization of status offenders under Section 223(a)(12) and there has been no fundamental omission in implementing the essential points of the plan, procedure, and timetable; and (2) the plan, procedure, and timetable for deinstitutionalization set forth in the approved State plan has been faithfully performed in all its material and substantial particulars such that the treatment of status offenders in the juvenile justice system has been fundamentally altered in accordance with the deinstitutionalization objective by statistically showing a reduction of at least 75 percent in the number of status offenders in secure detention and correctional facilities at the end of the two-year period.

Full compliance contemplates only de minimus failure (small, trifling) in achieving the objective of full compliance with the deinstitutionalization requirement.

LEAA has extended the deadline date for State submission of an acceptable Fiscal Year 1976 Juvenile Justice Act Plan Supplement Document to June 15, 1976. Extensions beyond that date are precluded by the need for final Regional Office review and the statutory requirement that fiscal year 1976 formula grant allocations be obligated by June 30, 1976.

Your sensitivity to the need to clarify the Section 223(a)(12) requirement is very much appreciated.

Sincerely,

Richard W. Velde
Administrator

EXHIBIT NO. 12

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., June 4, 1976.

RICHARD W. VELDE,
Administrator, Law Enforcement Assistance Administration,
Department of Justice, Room 1300, Washington, D.C.

DEAR MR. ADMINISTRATOR: I am pleased by your cooperative attitude regarding steps necessary to more clearly define a standard for state compliance with Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act which were raised publicly at our recent May 20, 1976 oversight hearing. John Rector, my Chief Counsel, has informed me of his meeting with your representatives on May 24, 1976. It appears that a minor modification we have reached an accord on this matter.

I endorse the agreed text with the italized modification in the first paragraph which establishes fiscal year 1975 as to point of reference for assessing compliance with the statutory mandate that status offenders, those youths adjudicated of noncriminal acts, not be held in secure detention or correctional facilities and with the understanding that the standard, where an ambiguity exists in its application, never be construed to require less than 75 percent compliance recognizing that states can show compliance in this fashion, but full compliance is clearly more desirable.

COMPLIANCE STANDARD FOR SECTION 223(a)(12), DEINSTITUTIONALIZATION OF STATUS OFFENDERS

Section 223(a)(12) requires that each participating State submit a plan for deinstitutionalizing status offenders which will achieve substantial compliance with this requirement within two years of the initial plan submission date. The State plan must address and plan for all status offenders. A State planning agency can, in good faith, assure LEAA of substantial compliance with Section 223(a)(12) by a determination that at least 75 percent of the status offenders in secure detention and correctional facilities can, as of the fiscal year 1975 plan submission date, be deinstitutionalized within the two-year period.

Substantial compliance exists where: (1) there has been a good faith effort to carry out the terms of the grant agreement pertaining to implementation of the plan, procedure, and timetable for deinstitutionalization of status offenders under Section 223(a)(12) and there has been no fundamental omission in implementing the essential points of the plan, procedure, and timetable; and (2) the plan, procedure, and timetable for deinstitutionalization set forth in the approved State plan has been faithfully performed in all its material and substantial particulars such that the treatment of status offenders in the juvenile justice system has been fundamentally altered in accordance with the deinstitutionalization objective by statistically showing a reduction of at least 75 percent in the number of status offenders in secure detention and correctional facilities at the end of the two-year period.

Full compliance contemplates only *de minimus* failure (small, trifling) in achieving the objective of full compliance with the deinstitutionalization requirement.

The full implementation of Section 223(a)(12) is integral to the clear Congressional intent that states receiving federal crime prevention dollars respond to juvenile crime prevention in a balanced, economical and sensible fashion consistent with the protection of our communities, namely, commensurate with the seriousness of the adjudicated acts.

I recognize that time is of the essence in this matter and hope that my suggested improvement is acceptable. It is unfortunate indeed, that the President seeks to extend the Act for only one year, thus severely inhibiting even discussion of any long-term resolution of the problem of state compliance with Section 223(a)(12). Perhaps we will witness a policy change this year—hope springs eternal.

With warm regards,
Sincerely,

BIRCH BAYH,
Chairman.

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

STATEMENT

OF

MILTON LUGER
ASSISTANT ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

MAY 20, 1976

Mr. Chairman, I am grateful for the opportunity to appear today before the Subcommittee to Investigate Juvenile Delinquency to discuss implementation of the Juvenile Justice and Delinquency Prevention Act of 1974 by the Law Enforcement Assistance Administration.

LEAA last testified before the Subcommittee on this matter in April 1975. At that time, Mr. Velde, Administrator of the Agency, presented a statement outlining the progress which had been made in the seven months since the enactment of the legislation. In my remarks today, I would like to continue where Mr. Velde left off and report on our accomplishments to date, as well as indicate some of our hopes for the futures.

Mr. Chairman, when I was sworn in on November 21, 1975, as the first Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention, I brought to the job a profound appreciation of the difficult juvenile delinquency problem which faced our country and a realization of the need for improvements in our juvenile justice system.

While the role of the Federal Government in solving these problems is appropriately a limited one, there is much that can be accomplished through a program which promotes coordination and cooperation at the federal, state, and local levels, permits innovation by both governmental and private agencies with the help of federal leadership, and provides for careful study of some of the problems we face. The Juvenile Justice and Delinquency Prevention Act of 1974 has given us the framework for such an effort.

LEAA, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is attempting to build an effective program within the framework provided by the Act, utilizing resources available under both the Juvenile Justice Act and the Crime Control Act.

The functions of OJJDP are divided among four offices assigned major responsibility for implementing and overseeing the priority activities under the Juvenile Justice Act. These activities are Concentration of Federal Effort, Special Emphasis Prevention and Treatment Programs, the National Institute for Juvenile Justice and Delinquency Prevention, and State Formula Grant Programs and Technical Assistance. While the operations of these different offices are closely interrelated, I will, for the convenience of the Subcommittee, organize my remarks according to these functional areas.

Concentration of Federal Efforts

Under the terms of the Juvenile Justice Act, LEAA is assigned responsibility for implementing overall policy and developing objectives and priorities for all federal juvenile delinquency programs. As you know, Mr. Chairman, two organizations were established to assist in this coordination function. First, the Act created a Coordinating Council on Juvenile Justice and Delinquency Prevention, composed of the heads of Federal agencies most directly involved in youth-related program activities and chaired by the Attorney General. Second, a National Advisory Committee on Juvenile Justice and Delinquency Prevention was established. The members of the Advisory Committee must, by virtue of their training and experience, have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. One-third of the 21 Presidentially-appointed members must be under age 26 at the time of their appointment.

During the past year, the Coordinating Council has met six times, as required by law. The early meetings focused on general goals and priorities for federal juvenile justice and delinquency prevention programs. Among items discussed were the following approaches to carrying out Council responsibilities:

--Preparation of a budget analysis providing an overview of federal juvenile programs;

--Commissioning of papers suggesting potential areas of emphasis at the federal level;

--Conducting a survey of federal program information retrieval capability;

--Conducting a management analysis of departments and agencies administering juvenile programs.

Subsequent meetings discussed the First Analysis and Evaluation of Federal Juvenile Delinquency Programs, prepared by Council and agency staff. That document indicated that there were 117 federal programs impacting on juvenile justice and delinquency, with aggregate expenditures of nearly twenty billion dollars. These programs were categorized as follows:

--Delinquency Treatment Programs, explicitly and exclusively devoted to the delinquency problem; (10 programs);

--Prevention Programs for Youth at Risk, where services or benefits which compete with factors believed to cause delinquent behavior are directed at those youths considered especially vulnerable to delinquency (e.g., socially or economically disadvantaged youth); (36);

--Related Law Enforcement/Criminal Justice Improvement Programs, which include juveniles as one of their target populations without focusing on them exclusively; (13);

--General Related Programs, only tenuously related to delinquency prevention; (57).

It was brought out in the course of these discussions by the Department of Housing and Urban Development, that there are currently some 1.4 million low-rent public housing units under management within which 75 percent of the household heads are female and 58 percent of the 3.2 million tenants are minors. The Council is reviewing with particular interest possible initiatives aimed at prevention of delinquency among this population.

Policy options were developed for the Council which were discussed at its fifth meeting. The need for establishing a definite policy on juvenile justice and delinquency prevention at the federal level was agreed upon. This will allow agencies and departments to identify appropriate areas of concern and relevant programmatic issues. It was also agreed that there should be federal research to address national needs, ultimately facilitating programs at all levels. Some research priorities will be addressed mainly by OJJDP, while others are appropriate for interagency study.

The First Annual Comprehensive Plan for Federal Juvenile Delinquency Programs was submitted to the President and Congress on March 1, 1976. The Plan provides the foundation for programming in the years ahead. Because delinquency is complex and the scope of the federal effort is diverse, the first plan has not attempted to detail specific mechanisms for coordinating programs. Instead, it addresses the roles each department and agency on the Council plays in overall strategy. The Plan also describes preliminary steps that must be taken before large-scale program and fiscal coordination are attempted. We feel that this is a crucial document which will give needed direction to all agencies and serve as a basis for further concerted and coordinated action.

During its first year, the National Advisory Committee (NAC), held four meetings which focused primarily on the orientation of members on their role and relationship to programs operated by OJJDP and other agencies. It is important to note the work of the three subcommittees of the NAC: The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention, the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, and the Advisory Committee for the Concentration of Federal Effort. Each of these has become actively involved in their respective areas of responsibility, providing thoughtful advice regarding our operations.

Developing standards for juvenile justice and delinquency prevention programs at all governmental levels is a major Advisory Committee concern. A special subcommittee has worked closely with the National Institute for Juvenile Justice and Delinquency Prevention in this regard, as I shall discuss later in my statement. Other special concerns of the Committee have included research priorities, deinstitutionalization of status offenders, and coordination of programs at the state and local levels.

Special Emphasis Prevention and Treatment Programs

An important element of the OJJDP effort is the discretionary fund which is to be used by LEAA for special emphasis prevention and treatment programs. Funds are used for implementing and testing programs in five generic areas: Prevention of juvenile delinquency; diversion of juveniles from traditional juvenile justice system processing; development and maintenance of community-based alternatives to traditional forms of institutionalization; reduction and control of juvenile crime and delinquency; and, improvement of the juvenile justice system. In each area, program approaches are to be used which will strengthen the capacity of public and private youth serving agencies to provide services to youths.

Parameters for development of Special Emphasis Program initiatives are as follows:

--Each program initiative will focus on a specific category of juveniles;

--A specific program strategy will direct this focus for achievement of concrete purposes within a specified time frame;

--Sizeable grants will be awarded for two or three-year funding, based upon satisfactory achievement of specific goals at the end of each year;

--Program specifications will require applicant conceptualization of approaches and delineation of problems to be addressed;

--Projects will be selected in accordance with pre-defined criteria based upon the degree to which applicants reflect the ability and intent to meet program and performance standards;

--Applicants may be private non-profit organizations or units of state or local government;

--Program descriptions and performance standards will identify those elements essential to successful achievement of program objectives and operate as a screening device;

--The development of the objectives and goals of each program initiative is based on an assessment of existing data and previous research and evaluation studies; each program is designed so that we can learn from it and add to our knowledge of programming in that area;

--Selections are made through review and rating of preliminary applications. This results in selection for full application development of those proposals considered to most clearly reflect elements essential to achievement of program objectives.

The first major Special Emphasis initiative was announced in March 1975 and were for programs involving deinstitutionalization of status offenders. Over 460 preliminary applications were received in response to the announcement, requesting funds in excess of 139 million dollars for programs to provide community-based services to status offenders over two years. By December 1975, grants totalling $11,871,910 were awarded.

Of the thirteen projects funded, eleven were action programs to remove status offenders from jails, detention centers, and correctional institutions over two years. Nearly 24,000 juveniles will be affected in five state and six county programs through grants which range up to 1.5 million dollars. The average cost for services will be 420 dollars per child. Of the total funds awarded, nearly 8.5 million dollars, or 71 percent of the total, will be available for contracts and purchase of services from private non-profit youth serving agencies and organizations.

All eleven of the action projects are now operational. There appear to be no major problems at this time, though start-up time in all projects extended beyond original projections because tasks were more complex than anticipated. At the end of the program's first year, useful data should be available regarding the process of deinstitutionalizing status offenders, and problems which might be associated with the achievement of the mandate of section 223(a)(12) of the Juvenile Justice Act.

The Program Announcement for a second major Special Emphasis initiative, Diversion of Juveniles from Official Juvenile Justice Processing, was issued in April 1976. Preliminary applications are due June 4, 1976. 10 to 12 million dollars is projected for this program, with grants of up to two million dollars being awarded for three-year efforts. Funding at the end of each year will be contingent upon performance in the preceeding year.

The program focuses on juveniles who would normally be adjudicated delinquent and are at the greatest risk of further juvenile justice system penetration. As a result of planning and coordination with the Department of Housing and Urban Development, local housing authorities in HUD's Target Project Program have been encouraged to participate in the diversion program. LEAA and OJJDP will give special consideration in project selection to those programs which reflect a mix of federal resources in achievement of mutual goals.

In addition to these current initiatives, other programs are being considered for possible future implementation. I know that the problem of school violence and vandalism is an area of concern to the Subcommittee. LEAA is now in the process of studying approaches for a program to reduce serious school crime. Because of your interest in this area, Mr. Chairman, we will certainly inform you when any program announcement relating to school violence is made. You will be glad to note that materials developed by the Subcommittee have been used as an important resource by OJJDP staff.

Another area in which we are contemplating future action is preventing delinquency through strengthening the capacity of private non-profit youth serving agencies. This would be a special initiative which would supplement a number of currently operating programs and projects promoting a broad range of objectives in the five basic special emphasis areas I mentioned.

The activity which I have discussed to this point, Mr. Chairman is projected for fiscal 1976, the transition quarter and fiscal 1977. While it is difficult to fully concretize the direction which the Program will take in fiscal 1978 and subsequent years, several promising areas have been noted and are being developed by OJJDP staff. Included among these possibilities are the following:

--Prevention of delinquency through projects which develop, test, and validate innovative educational approaches for juveniles with learning disabilities in correctional institutions and school districts identified as having high rates of delinquency;

--Rehabilitation of juveniles incarcerated for violent criminal offenses through development and implementation of program approaches which provide more effective post-release services and improved education and treatment programs within correctional institutions;

--Reduction of street crimes committed by juveniles through utilization of effective intervention approaches with conflict oriented youth gangs in cities where they exist or are emerging;

--Prevention of delinquency through program strategies which coordinate programs aimed at physical restoration of neighborhoods with improved organization and delivery of human resources for youth and their families through local, state, and federal inter-agency planning;

--Restitution projects which test and validate selected arbitration models and increase victim satisfaction while providing alternatives to incarceration for adjudicated juveniles;

--Advocacy projects which utilize strategies for protection of legal rights of juveniles, promote legislative reform, implement national standards and goals for juvenile justice, increase toleration for youth behavior, and intervene in support of individual youth or categories of youth in legal, educational, social, economic, and health systems which impact their lives;

--Alternative school projects which facilitate the reintegration of juveniles from correctional facilities into public and private schools and focus upon reduction in dropouts and pushouts at the secondary level in school districts with high delinquency rates and significant numbers of school dropouts;

--Facilitate implemenation of standards and goals for juvenile justice;

--Probation projects which utilize strategies for upgrading skills of staff, improve decision-making, provide for more effective utilization of staff, and expand opportunities for development of job and social skills of juveniles supervised by the court;

--Provide alternatives to incarceration of juveniles through expanded use of community-based services for selected categories of youth.

This list of potential programs is not meant to be all-inclusive, Mr. Chairman, but is submitted to assist the Subcommittee exercise its oversight responsibilities and determine if the direction in which the program is going is that contemplated by the Congress.

National Institute for Juvenile Justice and Delinquency Prevention

The program areas which I just listed are not only included because of the emphasis given them in the Juvenile Justice Act, but because they have been identified as needed programmatic thrusts in research reviewed or sponsored by the National Institute for Juvenile Justice and Delinquency Prevention. The Institute's activities are closely related to other OJJDP functions. Responsibilities of the Institute cover essentially five areas: Information and data development; research; evaluation; training; and development of standards.

During the past year, the Institute has continued and expanded a long-range program of development of data which addresses the entire juvenile justice field, including the numbers and characteristics of youths who commit delinquent acts, are arrested, petitioned, detained, adjudicated, placed on probation, and placed in correctional programs. The following Institute projects complement the information already being collected by the National Institute of Mental Health, the Federal Bureau of Investigation, and LEAA's National Criminal Justice Information and Statistics Service:

--The National Center for Juvenile Justice (NCJJ) has collected and analyzed juvenile court data produced by the Juvenile Court Statistical Reporting System, formerly sponsored by HEW; NCJJ is now collecting 1975 data and is redesigning the system to produce better information on court processing of youths;

--NCJJ is nearing completion of an effort to establish a panel of recognized juvenile justice system experts in each state; these experts will be periodically surveyed regarding issues, trends, and state and local developments in juvenile justice;

--The National Council of Juvenile Court Judges has completed the first year of its Juvenile Information System Requirements Analysis project; existing automated information systems in juvenile courts throughout the country have been surveyed to prepare for the development of a model information system for both management and research needs in juvenile courts;

--The Institute is working with the National Criminal Justice Information and Statistics Service of LEAA to specifically address in its surveys of juvenile detention and correctional facilities and adult jails and prisons, the data requirements of the Juvenile Justice Act, particularly the deinstitutionalization and separation of juveniles from adults in incarcerative facilities mandated in sections 223(a)(12) and (13) of the Act;

--The Institute has completed a planning effort, preparatory to the establishment of several nationwide assessment centers, which will provide current information on major aspects of juvenile justice; the first three centers will most likely be focused on delinquent behavior and prevention, juvenile justice system flow, and alternatives to juvenile justice system processing; these centers will represent the major component of the Institute's information clearinghouse function.

The Institute's basic research program is tailored to support the activities most relevant to current planning and policy-making needs of OJJDP. Three categories of projects are emphasized: Projects which add to our understanding of delinquency; projects which focus on ways to prevent delinquency; and, projects that provide information about offender careers and ways to intervene in those careers. The latter two categories were chosen by the Coordinating Council as federal research priorities. A number of major efforts have been undertaken in the last year in each of these categories.

The Institute's efforts in the area of evaluation over the last year have concentrated on maximizing what may be learned from the action programs funded by OJJDP, on bolstering the ability of the states to evaluate their own juvenile programs and to capitalize on what they learn, and on taking advantage of unique program experiments undertaken at the state and local levels that warrant a nationally sponsored evaluation.

The Juvenile Justice Act authorizes the Institute to evaluate all programs assisted under the Act. The Institute's efforts in the area largely focus on evaluating the major action program initiatives funded by OJJDP. To implement the approach of OJJDP that program development and evaluation planning must be conducted concurrently, the Institute undertakes three related activities for each action program area: developmental work; evaluation planning; and implementation of the evaluation plan.

After initial planning, the evaluation of the Deinstitutionalization of Status Offender initiative for a two-year period began in January 1976. The Institute awarded separate grants to evaluators located near each project site and an overall coordination and national evaluation grant as well.

Developmental work for the Diversion initiative has been undertaken. While the final evaluation design for the program has not yet been completed, major objectives will be to determine the extent to which diversion occurred in selected jurisdictions, the impact of diversion on the youth served and on the juvenile justice system, the extent to which the points of diversion makes a difference in outcome, and the impact on youth of diversion to no services versus diversion to services or traditional court processing.

The Institute has broad authority to conduct training programs. Training is viewed as a major link in the process of disseminating current information developed from research, evaluation, and assessment activities. It is also an important resource for insuring the success of OJJDP program initiatives.

This year, the Institute commissioned the preparation of fifteen thinking papers on training priorities, developed by experts representing all aspects of juvenile delinquency prevention and treatment programming and the juvenile justice system. The papers were analyzed and discussed during a two-day conference involving OJJDP staff, the authors, and other training experts. The ideas which emerged from the conference and which were contained in the papers presented will assist the Institute in focusing its resources on those areas with the greatest potential for positive results.

Through a grant to the National Council of Juvenile Court Judges, the Institute continues to support the training of juvenile and family court judges, prosecutors, defenders, and administrative personnel. With Institute support, the American Correctional Association's Project READ is teaching correctional educators how to diagnose reading problems and improve the skills of functionally illiterate juveniles in training schools.

In order to re-examine current juvenile justice policies and stimulate thinking among policy makers and practitioners, the Institute is supporting development of standards for the administration of juvenile justice at several levels. To this end, the Institute is working closely with the special Standards Committee of the National Advisory Committee.

The Standards Committee submitted its first report to Congress, the President, and the Administrator of LEAA on September 6, 1975. That report presented the Committee's initial recommendations and discussed the purpose of the standards to be recommended, their relationship to other sets of juvenile justice standards, the range of possible implementation strategies, and the process to be used in developing the standards. A second, interim report was submitted on March 31, 1976. That report described the Standards Committee's activities and progress in the areas of coordination with other juvenile justice standards programs, review and approval of standards, and development of implementation strategy. The standards developed will, of course, not be imposed by LEAA on states and localities. Instead, the Agency will assist and encourage these jurisdictions to analyze their own juvenile justice systems and adopt such standards as each finds appropriate and necessary.

State Formula Grant Program and Technical Assistance

While all of the national efforts sponsored by OJJDP are important, the aspect of the program established by the Juvenile Justice and Delinquency Prevention Act most crucial to its success is that providing formula grants to support state and local projects.

To receive their first allotment of federal funds under the Act in 1975, states were required to submit an acceptable supplement to their annual comprehensive LEAA plan, agreeing to meet the statutory requirements of the legislation. Under the appropriation allocation for the Act, 10.6 million dollars were available for fiscal year 1975 formula grants. These funds were obligated by August 31, 1975, with most participating states receiving funding at the $200,000 level. All but nine states and one territory chose to participate in the program that year.

In fiscal year 1976, participating states will have 23.3 million dollars available under the formula grant program. Their plan supplement document must be approved by LEAA and funds awarded by June 30, 1976. At this funding level, 20 of the participating states will receive the base allotment of $200,000. Nine states and two territories have indicated their decision not to participate in the program this year. However, we understand that the two territories -- Guam and American Samoa -- are reconsidering their decision and hopefully will determine to join with other participating jurisdictions.

Recently, we have had some indications that several other states are reconsidering their participation in the program established by the Juvenile Justice Act. The primary reason mentioned by these states is the difficulty of complying with the Act's two-year time frame for implementing the deinstitutionalization of status offender requirement.

Fiscal year 1977 plans under the Juvenile Justice Act will become integrated as a part of the comprehensive plan states submit to LEAA under the Crime Control Act. These plans will be due by August 31, 1976.

Both state and local efforts and national initiatives are aided with technical assistance provided by OJJDP. Awards are generally made to contractors having expertise in delinquent behavior and knowledge of innovative programs and techniques which address problems in the program areas. Help is given in both the planning, implementation, and evaluation of projects.

Technical assistance is also used to help participating jurisdictions assess their needs and available resources and then developing and implementing a plan for meeting those needs. During the past year, technical assistance activities included the following:

--Preparation and implementation of a technical assistance plan to support OJJDP and formula grant programs;

--Review of composition of state planning agency supervisory boards, advisory boards, and regional planning units for compliance with statutory mandates;

--Planning and implementation of quarterly workshops for OJJDP regional and central office staff to support effective program operation;

--Development and updating of internal reference materials for OJJDP staff;

--Drafting of a checklist for use by OJJDP staff in reviewing plan supplement documents;

--Preparation of task statements to assist in development of support for major initiative and formula grant programs;

--Preparation of procedures for identifying and aggregating Crime Control Act funds used for juvenile programs in order to compute maintenance of effort levels;

--Coordination of OJJDP and other LEAA programs with the Office of Regional Operations;

--Development of a work statement to support training for state advisory group chairpersons and state juvenile specialists.

As you are aware, Mr. Chairman, the Juvenile Justice Act made a number of changes to the enabling legislation of LEAA and imposed some additional requirements on the states to assure effective juvenile programs. State planning agencies and regional planning units were required to broaden their membership to assure inclusion of representatives from agencies directly related to the prevention and control of juvenile delinquency, and representatives of citizen, professional, and community organizations directly related to delinquency prevention. At this time, all 56 state planning agency units are reported to be in compliance with this mandate. In addition, all 447 regional planning units are in compliance.

As of early this month, 35 of the 45 jurisdictions currently participating in the program had created Juvenile Justice Advisory Groups to the state planning agency, as required by section 223(a)(3) of the Act. LEAA will not approve any fiscal year 1976 plan supplement document unless the Governor of the state has appointed an Advisory Group.

In 1974, Mr. Chairman, the Congress determined that the Law Enforcement Assistance Administration was the appropriate division of the Federal Government to administer an innovative new juvenile justice and delinquency prevention program and to coordinate the activities of all agencies which impacted on the serious youth crime problem. We have taken that mandate quite seriously and, with the help of a qualified and capable staff, have worked hard to assure effective implementation of the program.

I believe we have shown that the program can have a significant impact on certain aspects of delinquency and youths at risk of becoming delinquent. We look forward to continuing our efforts, and appreciate the concern of the Subcommittee regarding this program.

[Testimony continued from p. 79].

Mr. LUGER. Mr. Chairman, we have some materials that we would be happy to make available to the subcommittee.

I would like to close my formal statement by saying we certainly appreciate your support and interest in the work we are doing.

Senator BAYH. I am glad we have someone with your expertise in that position. I suppose it is too early to get any idea of the results of the programs that you mentioned. I am most anxious to follow these programs. We have had strong testimony from school superintendents in some of the larger metropolitan—and also some smaller—areas where similar programs have been tried. There the attendance rate has gone from 90-percent absenteeism to 90-percent attendance.

I am a little concerned—and I don't know whether you, Mr. Luger, or Mr. Velde, are the appropriate ones to direct this—but the recent guidelines on the diversion initiative are confined, as I recall it, to major metropolitan areas, are they not? Cities of 250,000 or 350,000?

Again, I presume you are making a study to see what can be done. Our study in the school area—and the juvenile crime area as well—shows that where you have more people you have more crime and more violence. But, certainly, the smaller areas are not immune from either of these. If we are really trying to structure a national approach to this problem—and looking for a way new ideas can get results—I think we should include some of the smaller areas to see how the responses corroberate with the larger ones.

DIVERSION GUIDELINES COMPROMISED BY RESOURCES

Mr. LUGER. Senator, regarding the diversion guidelines—the staff and I discussed that very carefully. We finally came up with a compromise, so that some less populated areas would be eligible. We felt, however, that the main problem that America is concerned with in sheer numbers is urban crime, and our limited resources should be so directed.

Unlike the deinstitutionalization program, in which we did fund some smaller areas, we thought we had better focus what limited resources we had where the mammoth problems were.

In future guidelines we certainly will be cognizant and sensitive to the issue you raised.

Senator BAYH. I am sure there are more people concerned about that problem than rural or smalltown problems, because there are more people living there, after all. But, here again, if we are trying to determine a national approach I would hope, subsequently, we could give some attention to that.

[Testimony continues on p. 104].

EXHIBIT No. 13

[From the Congressional Record, July 23, 1976]

DEBATE ON S. 2212

UP AMENDMENT NO 237

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated:

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposed unprinted amendment No. 237.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

"On page 34, after section 28, add a new section as follows:

"'Sec. 31. Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

"'(a) After section 225(c) (6) add a new paragraph:

"'(7) The adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000, located within States which have no city with a population over 250,000."

"'(b) Add a new subparagraph (d) as follows:

"'(d) No city should be denied an application solely on the basis of its population.'"

Mr. STEVENS. Mr. President, at present the Juvenile Justice and Delinquency Prevention Act of 1974 regulations restrict cities with a population of under 250,000 from applying directly for certain special emphasis discretionary grants.

In Alaska the total population of the State is about 330,000 as of the 1970 census. About 180,000, or over one-third of the entire State population resides in Anchorage, the largest city in Alaska. While the population is comparatively small, the cities in Alaska are not exempted from juvenile delinquency problems. In the past 2 years, Alaska has experienced a major population growth directly related to the building of the trans-Alaska pipeline. A major impact of this population increase has been experienced in Alaskan cities where unemployment and high prices create a condition which fosters crime.

The applicant eligibility restriction is not unique to Alaska. There are 21 States in the Nation which have no city with a population over 250,000 as of the 1970 census. Therefore, all are restricted, as Alaskan cities, from applying directly for these LEAA grants.

Mr. President, I ask unanimous consent that a list of these 21 States, with the major city in each, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"Alaska—Anchorage	189,000
"Arkansas—Little Rock	184,000
"Connecticut—Hartford	158,017
"Delaware—Wilmington	80,386
"Idaho—Boise	74,990
"Iowa—Des Moines	201,404
"Maine—Portland	65,116
"Mississippi—Jackson	153,960
"Montana—Billings	61,581
"Nevada—Las Vegas	125,787
"New Hampshire—Manchester	87,754
"New Mexico—Albuquerque	243,751
"North Carolina—Charlotte	241,178
"North Dakota—Fargo	53,365
"Rhode Island—Providence	179,116
"South Carolina—Columbia	113,542
"South Dakota—Sioux Falls	72,488
"Utah—Salt Lake	175,885
"Vermont—Burlington	38,633
"West Virginia—Huntington	74,315
"Wyoming—Cheyenne	40,914"

Mr. STEVENS. Mr. President, I have been in contact with the Justice Department on this matter, but my appeals to have these regulations changed have been rejected. The Office of Juvenile Justice and Delinquency Prevention stated in a June 22, 1976 letter to me that their priorities have "developed out of pressing juvenile crime concern, such as youth gangs, which are particularly acute in large cities."

I am certainly aware of the gang problem that exists in the Nation's major metropolitan areas, however, our priorities must also take into account the juvenile crime that is most evident in the small cities of the Nation. Again, I maintain that a small population does not eliminate juvenile delinquency.

I am quite concerned at this time that this population requirement will continue to restrict many deserving cities in many States. I propose that this requirement may be waived in cities with a population of 40,000 or more in States which have no city over 250,000 in population. These cities should be allowed to apply directly to LEAA for juvenile delinquency special emphasis programs, authorized by the Juvenile Justice Delinquency Prevention Act of 1974.

Again, I emphasize that my amendment does not mandate that these people be given money. What it does is to eliminate the arbitrary restriction that currently prevents any city in 21 States from applying directly to LEAA. It would permit the city of Cheyenne, which has just over 40,000 population and is the largest city in the State of Wyoming, to make a direct application to LEAA.

There should be at least one city in each State that participates in this program. That is the intent of this amendment.

I have discussed the amendment with the managers of the bill and those involved, I hope the managers of the bill will see fit to accept the amendment.

Again I call the attention of the Senator from Arkansas to the fact that this amendment does not mandate any grants to these cities. It means that they can apply directly to LEAA—at least one city from each State can do so—for this type of assistance.

In my State, for example, with a large population center, they are required to apply through the State, under present regulations. As the State has to deal with all the cities, the possibility of one major area being able to get assistance is removed. I think Congress intended eligibility for the program in the larger metropolitan areas in each State, even though our large metropolitan areas in relation to cities such as New York, Chicago, and Los Angeles, are quite small.

I hope the managers of the bill will accept my amendment, which I think is reasonable in context.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I understand that the Senator has conferred with the Senator from Indiana with respect to this amendment. It does have some impact, I believe, on the Juvenile Justice Act of 1974 which was processed by the subcommittee chaired by the Senator from Indiana. Am I correct?

Mr. STEVENS. That is correct.

Mr. McCLELLAN. This applies to the Juvenile Delinquency Act alone.

Mr. STEVENS. Yes.

Mr. McCLELLAN. Those funds are administered by LEAA, so it does have an impact on this program.

Mr. STEVENS. Yes, it does.

Mr. McCLELLAN. I have no objection to the amendment, if it is simply a matter of trying to protect the Senator's State, to make certain that regulations do not regulate it out of the program. That is what I understand he is trying to do.

Mr. STEVENS. That is correct. I have discussed it with the Senator from Indiana and with the Senator from Nebraska and his staff. I hope the amendment will be accepted.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, the amendment and its rationale have been presented to this Senator and members of my staff. It is not a mandatory situation at all. It is a matter of adding a new element which can voluntarily be taken into consideration in the distribution of the special emphasis funds under the Juvenile Justice Act.

It meets a real problem in the 21 States that do have the limited population to which the Senator refers.

I have no objection; I think it would be well to adopt the amendment, and I shall vote for it.

Mr. McCLELLAN. Mr. President, unless there is some other discussion, I am perfectly willing to accept the amendment.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

EXHIBIT No. 14

[Excerpt from H. Rept. 94–1723, 94th Cong., 2d sess., Crime Control Act of 1976]

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) After section 225(c) (6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.".

(2) Add at the end a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

[Testimony continued from p. 101.]

ACT'S INTENT—ADMINISTRATOR OF OJJDP TO HAVE AUTHORITY

Senator BAYH. In the passage of this act it was the rather strong intention of Congress that whoever was going to be Administrator of your office—in this instance, Mr. Luger—had policy direction authority. I don't mean to slight Mr. Velde, and I think he knows the great respect I have for him. But the whole thrust of this program was to try to have someone with authority to act—to stop the buckpassing and to get to the heart of the problem.

Before we enacted the 1974 act we had about 39 different Federal agencies involved in delivery of services to youth. We were trying to get somebody on the hot seat, so we could say: "Wait a minute, Mr. Luger, or Smith, or Brown, what is the matter here?"; and not have the person say: "That is HUD's or HEW's, or Labor's responsibility."

Now if we are going to accomplish that goal, then you are going to have to have far greater policy direction.

Perhaps I should come back to the original question I posed to you, Mr. Velde. How are we going to make certain that this happens?

I am sure you have enough other decisions to make so you will not miss this burden.

Mr. VELDE. We could submit for the record the delegation of authority that has been executed. Mr. Luger and I do discuss some major policy questions regarding the program from time to time. This is more for my information than for my decision.

I have generally ratified what Mr. Luger has recommended, with very few exceptions. There is a delegation of authority, and he is in charge.

[Testimony continues on p. 107.]

EXHIBIT NO. 15

U.S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
April 21, 1976

DELEGATION OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

1. *Purpose.*—The purpose of this Instruction is to delegate authority for the administration and operation of the OOJDP to the Assistant Administrator, OJJDP.

2. *Scope.*—This Instruction is of interest to all LEAA personnel.

3. *Cancellation.*—This Instruction cancels LEAA Instruction I 1310.40 dated June 25, 1975 and I 1310.39 dated April 2, 1975.

4. *Functional delegation.*—The Assistant Administrator is delegated the authority and responsibility for implementing overall policy and developing objectives and priorities for LEAA's role in coordinating all Federal juvenile delinquency programs and for activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system, as authorized under the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415, hereinafter referred to as the "JD Act") and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, including the following:

(*a*) *Concentration of Federal effort.*—The Assistant Administrator, OJJDP, is delegated the authority to establish policies, objectives, and priorities for Federal juvenile justice and delinquency prevention programs and to advise the President, through the Attorney General and the Administrator, concerning planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(*b*) *Grants and program management.*—Subject to policy direction, allocation of funds and directives issued by the Administrator, the Assistant Administrator, OJJDP, is delegated the authority to administer, modify (not to exceed the original dollar amount of the award), extend, terminate, monitor and evaluate grants within program areas of assigned responsibility; and, to reject or deny grant applications submitted to LEAA within assigned programs. Grants may be extended for up to twelve months; however, the total period of award for any grant may not exceed 24 months including any extensions thereof.

(*c*) *Research, demonstration and evaluation.*—The Assistant Administrator, OJJDP, is delegated the authority to support research and demonstration projects in order to improve juvenile justice and delinquency prevention programs; to evaluate all federally-funded projects under the "JD Act" and other Federal, State and local programs upon the request of the Administrator; and to disseminate research and evaluation results, and pertinent data and studies in the area of juvenile delinquency.

(*d*) *Training.*—The Assistant Administrator, OJJDP, is delegated the authority to conduct training programs and related activities under Sections 244, 249, 250, and 251 of the "JD Act."

(*e*) *Information.*—The Assistant Administrator, OJJDP, is delegated the authority to collect, analyze and promulgate useful information regarding treatment and control of juvenile offenders; establish and operate an effective Information Clearinghouse and Information Bank.

(*f*) *Standards for juvenile justice.*—The Assistant Administrator, OJJDP, is delegated the authority to review existing reports, data and standards relating to the juvenile justice system in the United States, and prepare for review by the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, standards for juvenile justice at the Federal, State and local level and recommendations for Federal, State and local action to facilitate their adoption.

(*g*) *Technical assistance.* The Assistant Administrator, OJJDP, is delegated the authority to provide technical assistance to Federal, State and local governments, public and private agencies and courts in planning, operating, and evaluating juvenile delinquency programs.

5. *Redelegation.*—Authority delegated in this Instruction may be redelegated, in whole or in part, provided that any redelegation is in writing and approved by the Administrator. This restriction does not apply to the temporary redelegation of authority to the Deputy Assistant Administrator, under Section 201(e) of the "JD Act," or other deputy or assistant to be exercised during the absence of the Assistant Administrator or deputy or assistant. Authority redelegated by the Assistant Administrator shall be exercised subject to the Assistant Administrator's policy direction and coordination and under restrictions deemed appropriate.

6. *Records.*—The Office of Juvenile Justice and Delinquency Prevention shall keep such records concerning the delegations in paragraph 3 as the Assistant Administrator, Office of Operations Support and the Comptroller shall require. Records shall be forwarded to these offices as required.

RICHARD W. VELDE,
Administrator.

EXHIBIT No. 16

U.S. DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
May 5, 1976

DELEGATION OF ADMINISTRATIVE FUNCTION TO LEAA CENTRAL OFFICE HEADS

1. *Purpose.*—The purpose of this Instruction is to delegate the authority and responsibility for the administration of LEAA Central Offices to each Central Office Head.

2. *Scope.*—This Instruction is of interest to all LEAA personnel. The authority and responsibility delegated herein applies specifically to the following Assistant Administrators and Directors.

Assistant Administrators:
- Office of Inspector General.
- Office of Planning and Management.
- Office of General Counsel.
- Office of Regional Operations.
- Office of Operations Support.
- Office of the Comptroller.
- Office of National Criminal Justice Information and Statistics Service.
- Office of Juvenile Justice and Delinquency Prevention.

Directors:
- Executive Secretariat.
- Office of Equal Employment Opportunity.
- Office of Civil Rights Compliance.
- National Institute of Law Enforcement and Criminal Justice.
- Office of Congressional Liaison.
- Public Information Office.
- Office of Criminal Justice Education and Training.

These Assistant Administrators and Directors will be referred to as "Central Office Heads" hereinafter.

3. *Cancellation.*—This Instruction cancels LEAA I 1310.35A of June 25, 1975 same subject.

4. *General delegation.*—Central Office Heads are delegated the authority and responsibility for directing and supervising the personnel, administration and operation of their respective offices.

5. *Coordination.*—Central Office Heads shall be responsible for coordinating both administrative and functional activities of their offices with other LEAA offices to avoid duplication of effort and ensure effective program delivery.

6. *Personnel delegation.*—Central Office Heads are authorized to select candidates from among eligible applicants for appointment to positions within their offices (except as reserved by the Administrator in LEAA Instruction I 1310.16D dated April 6, 1976), to determine their respective duties, to designate employees for promotion, reassignment, training, awards, removal or disciplinary action and to request appropriate personnel action concerning these matters. This authority shall be exercised in accordance with policies, procedures and limitations set forth in directives issued by the Assistant Administrator, Office of Operations Support.

7. *Travel and per diem delegation.*—Subject to the Administration's Travel Regulations and within their approved travel budget, Central Office Heads are delegated the authority to authorize and approve travel, per diem and travel advances for the official travel of their personnel.

8. *Leave delegation.*—Subject to leave policies and regulations of the Administration, the Central Office Heads are authorized to approved annual leave, sick leave, administrative leave and other leave permitted by law.

9. *Overtime and compensatory leave delegation.*—Subject to LEAA Overtime and Compensatory Leave Regulations, and within their approved budget, the Central Office Heads are authorized to approve paid overtime and overtime for which compensatory leave will be granted.

10. *Redelegation.*—Authority delegated in this Instruction may be redelegated, in whole or in part, provided that any redelegation is in writing and approved by the Deputy Administrator for Administration. This restriction does not apply to temporary redelegation of authority to a deputy or an assistant to be exercised during the absence of the Central Office Head. Authority redelegated by the Central Office Head shall be exercised subject to the Central Office Head's policy direction and coordination and under such restrictions deemed appropriate.

11. *Records.*—Central Office Heads shall keep such records concerning the delegation of paragraphs four through nine as the Assistant Administrator, Office of Operations Support and the Comptroller shall require. Records shall be forwarded to these offices as required.

PAUL K. WORMELI,
Deputy Administrator for Administration.

[Testimony continued from page 104.]

Senator BAYH. When we started our investigations, 4 years ago, a major part of the problem was that the right hand didn't know what the left hand was doing. We really didn't have a major coordinated effort to try to approach the problems in a comprehensive way as have been enumerated. There was no one place which could focus in on these matters.

I think we need to insist that this is done. I believe this authority must apply to the LEAA maintenance-of-effort funds as well as the Juvenile Justice Act funds.

Are we on the same wavelength here? I don't want to make a Supreme Court case out of this, but if we are going to get results that is what must be done.

CONCERNING CLEAR, CONCISE GUIDELINES

Mr. VELDE. Mr. Chairman, there is one area where some discussion has occurred, I wouldn't call it disagreement, however, Mr. Luger mentioned earlier the new discretionary initiatives and the programs that have been issued.

I am sensitive to charges made in Congress, and elsewhere, that LEAA is burdened with redtape, so I have been, not only in my discussions with Mr. Luger, but other components of the agency, as well, quite insistent that guidelines, directives, and instructions that are issued by LEAA be as short and concise as possible, be in understandable English, and be realistic.

Mr. Luger has described this morning a new approach. One of the guidelines recently issued to announce a special emphasis discretionary program was roughly the size of the rest of LEAA's guidelines for the State planning agencies. A lot of the material was the research and evaluation results.

I have persuaded him that next time, a lot of that material could be an appendix, with the main body of the initiative itself more concise.

There is one program that we have under discussion now with respect to violence in schools in which I have a personal interest. I am more than willing, however, to make the delegation of authority a reality as well as something on paper. Although I retain an interest, concern, and commitment to this area, Mr. Luger is a Presidential appointee. He knows the field better than I, even though I did have a couple of years' experience as a staff member on this subcommittee. He has had a career in the field and I certainly defer to his expertise and judgment.

Senator BAYH. Again I don't wish to demean your responsibility. You, under this act, are still Administrator of LEAA. However, the whole thrust of this act was to bring in someone that could really pull the old and ongoing efforts together with the new programs; knock some heads; and, in consultation with you, put this program together, so when we had oversight hearings you could be doing something else. I know that would pain you greatly, but the person who is running the program with the proper delegation of authority would be on the hot seat.

I would like to read into the record the legislative authority; and perhaps you could give us, for the record so we have continuity, the administrative authority.

It says: "Section 527: All programs concerned with juvenile delinquency administered by the Administration shall be administered or subject to policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974." [P.L. 93-415, title 5, part C, 42 U.S.C. 3773.]

I think that is clear and I am glad to hear you are moving in that direction of this degree of delegation.

I just wanted to make certain, inasmuch as this is the first opportunity we have had to discuss this matter for the record.

[Testimony continues on p. 111.]

EXHIBIT No. 17

DEBATE ON S. 821

[Excerpt from the Congressional Record, July 25, 1974]

Senator BAYH. Title III establishes a new Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration to implement the entire Federal juvenile delinquency effort. This will be the one place in the Federal Government where citizens or representatives of States, localities, or public and private agencies, can go to find answers and solutions to the delinquency problem.

One of the vital objectives of S. 821 from its introduction has been to establish an office within the Federal Government which can provide the desperately needed leadership for the entire Federal delinquency effort. The provisions of title III provide for this leadership combined with the authority and resources to give direction within LEAA for all its juvenile delinquency programs. Section 471 (a) (c) establishes within LEAA an Office of Juvenile Justice and Delinquency Prevention headed by an Assistant Administrator who shall be appointed by the President with the advice and consent of the Senate. The appointment of the Assistant Administrator by the President will give this program the status required for national focus; it will emphasize the congressional intent of making this effort succeed. The need for a focal point for all Federal programs has been recognized by numerous witnesses who testified before the subcommittee. I am confident that the rank of Assistant Administrator combined with Presidential

appointment and Senatorial approval will enable LEAA to find an outstanding individual experienced in the field of juvenile delinquency to provide committed leadership to this program.

As the leader of the Senate subcommittee which has worked for so many years to assure the passage of this legislation, I can assure you that I will examine the appointment of the head of this program with all the care required to be certain that the choice is capable of providing strong creative leadership to this program. With the appointment of a person of the caliber required, I have every confidence that such leadership will be forthcoming.

* * * * * * *

TITLE III—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

"The first section of this title amends Section 203(a) of Title I of the Omnibus Crime Control and Safe Streets Act which provides for the composition of the State Planning Agency and any regional planning units within the State. According to the substitute amendment, the State Planning Agency and any regional planning units must be representative of agencies related to the prevention and control of juvenile delinquency and must include representatives of citizen, professional, and community organziations including organizations directly related to delinquency prevention. It is intended that the organizations listed for membership in the Advisory Group to the State program in Sec. 482(a)(3) are all eligible for appointment to the State Planning Agency and its regional units.

"This title creates a new Part F of the Omnibus Crime Control and Safe Streets Act. This title establishes on Office of Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Office") in the Department of Justice, Law Enforcement Assistance Administration, headed by an Assistant Administrator appointed by the President with the advice and consent of the Senate. The Assistant Administrator shall exercise all necessary powers subject to the direction of the Administrator of the Law Enforcement Assistance Administration. The Assistant Administrator will be assisted by a Deputy Assistant Administrator, and such other employees as are necessary to perform the duties vested in him. A position of Deputy Assistant Administrator is established to supervise and direct the National Institute of Juvenile Justice which is part of the Office. The Office shall administer Part F and shall administer or provide policy direction for all prior-existing LEAA juvenile programs to ensure coordination within LEAA.

"The Office will be the central coordinator of the entire Federal juvenile delinquency effort. This concept is important to the bill. There is general agreement that the Federal effort to date has been badly fragmented and lacking in direction and has had virtually no impact in reducing the spiralling rate of juvenile crime. This bill recognizes that there is a need for a centralized Federal response to the juvenile delinquency crisis. The Office will implement overall policy and develop priorities for all Federal juvenile delinquency programs.

ANNUAL REPORT

"The Assistant Administrator will be required to report annually on the activities of the Office to the President and Congress on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually and submit to the President and Congress a comprehensive plan for Federal juvenile delinquency programs with particular emphasis on prevention and diversion.

"The Administrator may provide technical assistance to any Federal, state or local government, courts, public or private agencies in the planning, establishment or operation or evaluation of juvenile delinquency programs. The Administrator is authorized to make grants to any public or private agency to carry out the purposes of this Act and is further authorized to transfer funds to any agency of the Federal government to develop or demonstrate new methods of juvenile delinquency prevention and rehabilitation.

"INTERDEPARTMENTAL COUNCIL

"This title establishes the Interdepartmental Council on Juvenile Delinquency, composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for

Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, and such representatives of other agencies as the President designates. The Council is to coordinate all Federal juvenile delinquency programs, to meet six times a year, and include its activities in the annual report prepared according to Sec. 474(b)(5). The Attorney General will serve as Chairman of the Council, and may appoint an Executive Secretary and such personnel as are necessary.

"NATIONAL ADVISORY COMMITTEE

"A National Advisory Committee for Juvenile Justice and Delinquency Prevention of 21 members and members of the Interdepartmental Council ex-officio will advise the Administrator of LEAA with respect to the planning, operations and management of Federal juvenile delinquency programs. One-third of its members shall be under the age of 26 and it is expected that some of its members will be individuals with experience within the juvenile justice system. A subcommittee of five members will serve as an Advisory Committee on the overall policy and operations of the National Institute of Juvenile Justice. Another subcommittee of five members will serve as an Advisory Committee on Standards for the Administration of Juvenile Justice.

"The National Advisory Committee will bring citizen participation and cooperation to the work of the Administration. The bill recognizes that we will only be able to do something meaningful about juvenile delinquency with the help and support of the public."

EXHIBIT NO. 18

DEBATE ON S. 821

[Excerpt from the Congressional Record, July 25, 1974]

TITLE III

Senator HRUSKA. Title III further amends the Omnibus Crime Control and Safe Streets Act to provide representation of juvenile justice experts in the planning process and to add a new part F dealing with juvenile justice and delinquency prevention and control to title I of that act.

Section 301 is a new provision, added by the substitute amendment, to amend section 203(a) of the Omnibus Crime Control and Safe Streets Act to provide for representation of agencies and organizations related to juvenile delinquency to State planning agencies and regional planning units.

Section 302(a) redesignates parts F, G, H, and I of title I of the Omnibus Crime Control Act, as amended, as parts G, H, I, and J, respectively.

Section 302(b) amends the Omnibus Crime Control and Safe Streets Act, as amended, by adding a new part F, entitled "Juvenile Justice and Delinquency Prevention." This title of part F reflects the need to encompass the entire juvenile justice system in attacking the problem of delinquency. The nine new sections added in part F are as follows:

Section 471 creates within the Department of Justice, Law Enforcement Assistance Administration—LEAA—an Office of Juvenile Justice and Delinquency Prevention Office, to be headed by an Assistant Administrator nominated by the President, by and with the advice and consent of the Senate, and subject to the direction of the Administrator of LEAA. Two Deputy Assistant Administrators are also provided for. One Deputy Assistant Administrator is to supervise and direct the National Institute for Juvenile Justice established under section 490 of the act.

Provision is made for three additional supergrades.

Section 472 authorizes the Administrator to select, employ and fix the compensation of officers and employees without regard to civil service and classification laws. Three officers may be appointed at a rate not above that prescribed for Government grade GS-18. Provision is also made for use of experts and consultants and the detailing of employees from other Federal agencies.

Section 473 permits the acceptance of voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 665(b).

Section 474 requires the Administrator to establish overall policy and develop objectives and priorities for all Federal juvenile delinquency, juvenile justice and related programs and activities. The Administrator shall consult in this effort

with the Interdepartmental Council on Juvenile Delinquency and the National Advisory Committee for Juvenile Justice and Delinquency Prevention. To carry out the purposes of the act, the Administrator is authorized and directed to undertake a number of responsibilities. These include advising the President, assisting other agencies when necessary, conducting and supporting evaluations and studies of juvenile delinquency programs and activities, coordinating programs and activities among Federal departments, developing analysis and evaluation of Federal functioning under the act, developing a comprehensive plan for Federal juvenile delinquency programs, and providing technical assistance. The Administrator may utilize the services of other Federal agencies on a reimbursable basis, and may request information and reports from the agencies as necessary. Funds may be transferred to other Federal agencies for the development of new methods or supplement existing programs in the area of juvenile delinquency prevention and rehabilitation. The Administrator is further authorized to make grants and enter into contracts to carry out the purposes of the act, and he may delegate any functions except that of making regulations. The Administrator must coordinate his activities as necessary with the Secretary of HEW as regards the Juvenile Delinquency Prevention Act (42 U.S.C. 3801, et. seq.).

[Testimony continued from p. 108.]

Mr. VELDE. Mr. Chairman, it should be noted for the record that LEAA itself is under the policy direction and control of the Attorney General. Under the terms of the 1974 act, he serves as the Chairman of the Federal Coordinating Council. There is thus a role reserved for the Attorney General.

Senator BAYH. I am certainly aware of that.

Section 475 provides for unified administration of juvenile delinquency programs funded by more than one Federal agency. The Administrator may request one agency to act for all. A single non-Federal share requirement may be established, and technical requirements may be waived where inconsistent.

Section 476 establishes an Interdepartmental Council on Juvenile Delinquency consisting of the heads of various Federal agencies whose programs have a direct bearing on the problems surrounding juvenile delinquency. The Attorney General is to serve as chairman on the council. The Council must meet a minimum of six times per year and must coordinate all Federal juvenile delinquency programs. An executive secretary and such personnel as necessary must be appointed by the chairman. Provision is made for the designees of the council members to serve in their place.

Section 477 establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention consisting of 21 members. Interdepartmental council members or their designees are to be ex-officio members of the committee. The regular members are to be appointed by the President and are to have special knowledge or experience concerning juvenile delinquency and juvenile justice. A majority of the members, including the chairman designated by the President, are not to be full-time employees of Federal, State, or local governments. At least seven of the members must be under the age of 26 at their appointment. The members must be appointed to 4-year terms on a staggered basis.

Section 478 specifies the duties of the Advisory Committee. As the name indicates, the committee is solely advisory and does not have authority independent of the President and the Administrator of LEAA. The committee must meet a minimum of four times a year and may make recommendations to the Administrator regarding planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. Subcommittees may be designated for particular purposes. One five-member subcommittee will form an Advisory Committee for the National Institute for Juvenile Justice. Another five-member subcommittee will form an Advisory Committee on Standards for Juvenile Justice.

Section 479 provides for the reimbursement of expenses of Advisory Committee members and for the compensation of members not employed by the Federal Government.

LITTLE PRIVATE AGENCY AND DELINQUENCY INVOLVEMENT WITH SPA/RPU

Senator BAYH. Mr. Luger, in your testimony submitted for the record you indicated that all of the 56 State planning agencies, and

regional planning units, of which there are 447, have complied with our provisions that require citizen juvenile delinquency participation.

Is that really the case? In other words, we found that some planning agencies had no one on them that had any familiarity with juvenile crime or youth activities.

I think my own State is one of them. There is little private agency involvement.

Now we have private agencies involved in the program. Who at LEAA decides whether these boards are in compliance?

Mr. VELDE. The LEAA regional administrators.

Senator BAYH. How often is this reviewed? Is there really a good faith effort to find out whether this happens? Of if a State says we have complied, that is it.

Mr. VELDE. It is an annual review process. It is a condition precedent to the State, regional, and local planning groups receiving planning funds.

The regional administrator must make a determination that there is compliance. In several States this past year, especially in the startup period, there have been some problems.

In 15 to 17 States changes in board composition at the State level have been insisted on by LEAA before we would make the planning funds available.

Our regional administrators have that responsibility and have been discharging it.

Senator BAYH. I don't want you to have to spend 2 or 3 weeks of man-hours getting this information. But would it be possible to give me the makeup of the State planning boards, the people who are on them, and their expertise?

EXHIBIT No. 19

[Excerpt from the National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System Report, pp. 6–7, Jan. 23, 1973]

THE SAFE STREETS ACT AND CRIMINAL JUSTICE PLANNING

The Safe Streets Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. To be eligible for Federal funds, the act required each State to create a State criminal justice planning agency (SPA) and to develop an annual comprehensive plan. Upon approval of the comprehensive plan by LEAA, a block action grant is awarded. The grants are called block action because they are awarded as a lump sum rather than on a categorical program-by-program basis, and because they are for direct law enforcement purposes. Smaller "block planning" grants also are awarded to support the planning and grant administration efforts of the SPA's and whatever regional planning councils the SPA's establish.

(The authorization for the Law Enforcement Assistance Administration contained in the Omnibus Crime Control and Safe Streets Act of 1968 expires on June 30, 1973. The President on March 14, 1973 submitted to Congress the Law Enforcement Special Revenue Sharing Act of 1973. This bill would extend the LEAA program and call for many changes in the structure of the LEAA operation. The bill would require States to prepare comprehensive plans covering a three year period and file these plans with LEAA. Yearly review and comment by LEAA would be required. As written the Special Revenue Sharing bill does not call for States to establish a specific law enforcement planning agency as a precondition to receiving LEAA funds, but it does require a planning process. It is anticipated that all States will continue to maintain a State planning agency or its equivalent in a general purpose State planning operation. The discussion that follows and the recommendations of the Commission that apply to SPA's would still apply to the States in carrying out their programs if the Special Revenue Sharing act is enacted into law.)

Since the passage of the Safe Streets Act, All 50 States, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Virgin Islands have established SPA's. Overseeing the policymaking of the SPA's are supervisory boards whose members represent State and local criminal justice offices, citizen groups, and non-criminal-justice public agencies. Although an SPA director is administratively responsible to his Governor, the comprehensive plan that he and his staff have designed must usually be approved by the SPA supervisory board. In most cases the Governor formally appoints members of the SPA supervisory board and the boards of any regional planning councils the State might establish.

Mr. VELDE. Yes. This is a group of about 1,500 persons. In some cases, one individual would be counted in several different categories.

For example, there is a requirement at the regional level that the majority of the board members be local elected officials. A juvenile judge might be an elected official. He would thus count in both categories.

There is some overlap. We can provide the information with the understanding that in some cases one individual may count for more than one category.

[Testimony continued on p. 118.]

EXHIBIT No. 20

SPA SUPERVISORY BOARD COMPOSITION—OFFICE OF REGIONAL OPERATIONS, OCTOBER 10, 1975

	Region I						Region II				Region III					
	Massachusetts	Rhode Island	Connecticut	Vermont	New Hampshire	Maine	New York	New Jersey	Virgin Islands	Puerto Rico	Pennsylvania	Maryland	West Virginia	Virginia	Delaware	District of Columbia
1. Membership:																
(a) Filled	41	22	22	20	32	27	26	21	10	11	16	30	32	18	44	29
(b) Vacant	0	4	6	0	0	3	3	0	1	5	0	0	0	0	0	0
2. CJ representation:																
(1) Police	7	3	4	3	11	8	5	4	1	1	2	4	5	3	7	1
(b) Courts representation:																
1. Courts administrator	3	1	0	1	0	1	1	1	0	2	0	0	0	0	2	1
2. Public defender representative.	3	1	1	3	1	1	1	1	0	0	0	2	0	0	1	1
3. Prosecutors representative	12	1	1	2	1	4	3	2	1	2	1	4	1	2	3	2
4. Judiciary representative	0	1	4	0	3	11	0	1	1	9	2	4	2	2	2	6
(c) Corrections	3	1	2	1	5	3	1	2	1	1	2	3	8	3	3	1
(d) Juvenile justice representative	4	4	2	2	6	3	2	5	1	1	3	5	6	2	6	6
(e) Public agencies with programs to reduce and control crime.	27	4	12	9	15	10	7	2	6	5	2	13	17	8	17	7
3. Community representative:																
(a) Citizens professional and community organizations.	4	4	6	6	11	5	2	2	2	3	4	5	5	3	12	11
4. General government:																
(a) Geography:																
1. Urban	36	17	10	6	8	16	----------	15	1	NA	7	----------	15	3	NA	29
2. Rural	5	5	12	14	22	11	----------	6	3	NA	9	----------	17	7	NA	NA
(b) Level of government:																
1. State	15	14	11	5	6	9	7	9	NA	NA	8	13	16	12	13	16
2. Local	26	12	5	7	13	13	12	8	NA	NA	4	12	18	4	7	NA
(c) Elected officials of general local government.	7	1	1	4	7	2	----------	13	NA	NA	2	9	6	3	6	2

	Region IV								Region V					
	Tennessee	Florida	South Carolina	Alabama	Kentucky	Mississippi	North Carolina	Georgia	Ohio	Minnesota	Indiana	Michigan	Wisconsin	Illinois
1. Membership:														
(a) Filled	21	35	25	49	61	21	28	37	34	27	12	33	30	28
(b) Vacant	0	0	0	0	0	0	5	0	0	0	0	0	0	0
2. CJ Representation:														
(a) Police	5	7	6	11	12	4	7	7	6	6	2	11	7	8
(b) Courts representation:														
1. Courts administrator	0	0	1	0	2	0	1	0	0	1	0	0	0	0
2. Public defender representative	0	1	0	0	2	0	1	2	1	2	4	1	0	0
3. Prosecutors representative	2	2	2	7	5	2	2	2	3	6	4	2	2	2
4. Judiciary representative	4	4	1	5	16	1	4	4	3	4	3	4	3	2
(c) Corrections	2	5	3	7	6	4	4	4	3	5	2	3	4	7
(d) Juvenile justice representative	1	5	8	6	18	3	2	4	3	6	2	6	10	5
(e) Public agencies with programs to reduce and control crime	2	4	3	3	15	1	1	18	10	3	10	7	5	1
3. Community representative:														
(a) Citizens professional and community organization	3	14	4	8	6	7	2	10	4	5	1	1	11	2
4. General Government:														
(a) Geography:														
1. Urban	14	28	16	62	23	8	11	14	28	14	8	61	3	27
2. Rural	7	7	9	38	38	13	9	14	7	4	5	12	8	1
(b) Level of government:														
1. State	8	20	9	11	21	8	8	13	13	5	4	26	3	6
2. Local	10	15	16	39	20	13	20	14	14	13	8	30	11	10
(c) Elected officials of general local government	8	13	5	7	14	5	10	NA	17	7	8	18	10	8

	Region VI					Region VII				Region VIII					
	Texas	Arkansas	Louisiana	New Mexico	Oklahoma	Iowa	Kansas	Nebraska	Missouri	North Dakota	Montana	Utah	Wyoming	South Dakota	Colorado
1. Membership:															
(a) Filled	20	19	59	17	39	9	17	22	20	32	16	27	25	20	25
(b) Vacant	0	3	NA	0	1	5	1	0	0	0	0	0	0	0	0
2. C J Representation:															
(a) Police	4	5	23	2	8	6	3	3	2	----------	3	3	6	4	6
(b) Courts representation:															
1. Courts administrator	0	1	1	0	1	0	0	1	0	1	0	0	0	1	1
2. Public defender representative	0	0	0	0	0	0	0	1	0	1	1	1	1	0	1
3. Prosecutor representative	3	2	7	2	3	1	1	2	1	2	2	2	2	2	2
4. Judiciary representative	7	6	15	7	14	0	3	2	3	2	2	3	2	1	11
(c) Corrections	3	5	14	3	1	3	4	2	3	3	3	1	2	4	1
(d) Juvenile justice representation	2	2	9	6	5	2	4	4	4	9	2	7	3	6	5
(e) Public agencies with programs to reduce and control crime	1	1	31	5	1	13	8	9	11	16	15	7	0	3	1
3. Community representative:															
(a) Citizens professional and community organization	2	2	6	4	6	1	9	7	6	11	9	3	9	3	2
4. General government:															
(a) Geography:															
1. Urban	8	1	44	5	15	18	12	7	15	17	13	3	13	9	66
2. Rural	12	2	15	4	24	9	4	16	6	16	3	6	13	9	9
(b) Level of government:															
1. State	6	7	14	8	6	9	11	7	8	----------	8	11	8	8	10
2. Local	14	9	38	4	14	8	4	9	5	----------	9	16	18	10	0
(c) Elected officials of general local government	9	6	22	4	8	5	4	7	3	----------	5	9	5	6	4

	Region IX						Region X				
	Hawaii	American Samoa	Guam	Arizona	California	Nevada	Idaho	Oregon	Washington	Alaska	Total
1. Membership:											
(a) Filled	15	15	8	20	26	17	22	18	29	13	1,365
(b) Vacant	0	0	1	0	1	0	0	0	0	2	41
2. CJ Representation:											
(a) Police	3	1	1	3	6	6	4	3	4	2	279
(b) Courts Representation:											
1. Courts administrator	0	0	0	1	1	0	0	0	1	1	23
2. Public defender representation	0	0	0	0	1		0	1	0	1	33
3. Prosecutors representation	4	1	1	3	4	3	3	2	2	2	143
4. Judiciary representation	1	1	1	2	2	2	4	0	2	2	188
(c) Corrections	1	1	1	3	3	6	1	2	2	1	172
(d) Juvenile justice representation	2	2	2	4	3	4	2	1	4	3	233
(e) Public agencies with programs to reduce and control crime	1	3	1	1		1	10	5	1	3	392
3. Community representation:											
(a) Citizens professional and community organization	1	3	2	2	2	3	3	7	9	2	297
4. General government:											
(a) Geography:											
1. Urban	9	NA	2	8		13	3	NA	27	11	441
2. Rural	6	NA		5		4	4	NA	2	2	415
(b) Level of Government:											
1. State	3	NA	NA	6	9	5	10	1	5	8	448
2. Local	10	NA	NA	14	15	11	7	12	13	5	630
(c) Elected officials of general local government	5	NA	NA	8	10	7	12	6	11	3	258

[Testimony continued from p. 113.]

Senator BAYH. I understand that. But, unfortunately, before we didn't have anybody in some of these categories in some States.

Mr. VELDE. In some States that is true.

ACT MANDATES PARTICIPATION FOR PRIVATE AGENCIES

Senator BAYH. The Juvenile Justice Act is the first time we have mandated that private agencies be involved in the distribution of Federal crime dollars.

Could you give us some idea of what kind of participation we have had from private agencies at the State and local level? What percentage of funds, how many grants, how many dollars have gone to private groups or organizations?

Mr. LUGER. As I mentioned, in our first initiative on deinstitutionalization, which amounted to about $12 million, we have analyzed the contracts and subgrants that have come to us and the revised budgets after the first 90 days of operation, approximately 71 percent is going through private not-for-profit agencies. We think that is a heavy involvement.

Senator BAYH. Can you provide that same breakdown for future programs?

Mr. LUGER. We will, as the grants are awarded.

Senator BAYH. Could you give me some idea of whether the inclusion of private agencies has prevented duplication, provided more expertise, with less redtape? We didn't want to create loopholes. I would like to know if, in this 71 percent, we are talking about private agencies that are in business—who expect to take advantage of funding like this—or are we talking about groups that go out and form solely to take advantage of these moneys?

That may be a tough question, but just as I want to make it possible for us to use the expertise of private agencies, and stop duplication, I don't want us to create a loophole here, where you are awarding money that isn't being spent the way we would like to have it spent.

Can we make an assessment of that?

Mr. LUGER. Yes, we will try to. We have good program monitoring to keep close tabs. As far as the private voluntary sector is concerned, we are going to have an intensive 2- or 3-day session with them in the near future to analyze our relationships, our expectations of one another, and our accountability models, and see how we can work together toward implementing the program as envisaged.

We will get back to you on that.

Senator BAYH. I would appreciate that.

Mr. Velde, you mentioned the role the Attorney General has here.

In the submission of budgets, I suppose this would move from Mr. Velde to the Attorney General and then to OMB and then to the President? Is that the way it works?

Mr. SCOTT. No, it is not. I goes to us and then to the Deputy Attorney General. The submission comes from LEAA to the Office of Management and Finance, and then it goes to the Deputy Attorney General, and the Attorney General.

Mr. VELDE. And then to OMB.

Senator BAYH. You are a deputy to an Assistant Attorney General, aren't you?

Senator BAYH. Whatever you do is under his asupices, I assume.

Mr. SCOTT. I didn't quite follow that. But the answer to your first question is that Mr. Velde submits his budget to my office, my office then analyzes his budget and "racks it up," and puts it in the context of the submissions from all of the other organizations, and then submits all the budgets to the Deputy Attorney General and Attorney General for their review.

DEPARTMENT OF JUSTICE "RACKS" JUVENILE CRIME BUDGET

Senator BAYH. I don't know whether "racks up" is the appropriate word——

Mr. VELDE. I think it is, Mr. Chairman.

Mr. SCOTT. There are 23 appropriations in the Department of Justice, and they would all answer "yes" to that question.

Senator BAYH. It is a remarkable coincidence that you used that word.

Do you have the figures there? I would like to know just what the Justice Department requested.

Mr. SCOTT. $40 million for the juvenile delinquency program.

Senator BAYH. I would like to know for fiscal years 1975, 1976, and 1977. Do you have those figures?

Mr. SCOTT. I don't have all of them.

Senator BAYH. How does that compare with what LEAA requested?

Mr. VELDE. Half. One-half.

Senator BAYH. I don't think "racks" is the right word. I think that is an understatement.

Mr. SCOTT. I would like to respond to that. In point of fact, as you well know, we get guidance from OMB on a departmental budget. Our guidance this year was in the neighborhood of $2.1 billion. The constituent organizations representing 23 appropriations in the Department of Justice submitted their budgets, and they totalled about $3.126 billion. So there was approximately $1 billion that someone had to do some adjustment with, and the $40 million that Mr. Velde is referring to is part of this adjustment.

Senator BAYH. That is half of the amount requested?

Mr. VELDE. Yes. The total administration budget request for LEAA is half of the original Agency request, as well. We asked initially for $1.4 billion for the whole Agency.

Senator BAYH. Mr. Scott, were those figures the overall request and OMB's edict?

Mr. SCOTT. I would have to submit them for the record to give them with exactitude. But I can give the magnitude generally.

It was $3.126 billion for all the organizations in the Department of Justice. And our planning guidance was in the neighborhood of $2.1 billion. In other words, we had about $1 billion difference.

[Subsequent to the hearing the following was received:]

EXHIBIT No. 21

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 27, 1976.

Hon. BIRCH BAYH,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: On May 20, 1976, I testified before your Subcommittee on behalf of the Assistant Attorney General for Administration, Mr. Glen E. Pommerening. I am enclosing the information which you requested be supplied for the record. For your convenience, I have identified that portion of the Department of Justice's FY 1977 budget request which specifically relates to the funding of the Juvenile Justice and Delinquency Prevention Act of 1974.

I would also like to clarify one item in reference to an inquiry you made concerning the Department's recent appeal to the Senate Appropriations Subcommittee. In a May 17, 1976, letter from Deputy Attorney General Tyler to Senator Pastore, the Department noted that the Law Enforcement Assistance Administration (LEAA) is required to expend approximately $110,000,000 for its Crime Control Act resources for juvenile justice programs. As the letter states, it was within this context that the Department requested modification of the restrictive earmarking language of the House Subcommittee allowance.

It is correct that the Administration proposed to delete the maintenance-of-effort provisions in its amendments extending both the Crime Control Act and the Juvenile Justice Act. Consequently, I understand your apparent displeasure in seeing the Department use the $110,000,000 requirement in its Senate appeal. However, the fact that both the House and the Senate Judiciary Committees have reported out LEAA reauthorization bills which retain a maintenance-of-effort provision (or a fixed percentage version thereof) indicated to us that this was a legitimate appeal argument.

I am pleased to have cooperated in your proceedings and hope that you find this supplementary information useful.

Sincerely,

EDWARD W. SCOTT, Jr.,
Deputy Assistant Attorney General for Administration.

Enclosure.

SUMMARY OF FISCAL YEAR 1977 BUDGET HISTORY
[In thousands of dollars]

	Request to department	Request to OMB	President's request
Total Department	$3,118,502	[1] $2,428,147	$2,150,378
LEAA	1,422,855	897,123	707,944
Juvenile justice	80,000	40,000	10,000

[1] Reductions made by the Department were in response to a final planning guideline of approximately $2,200,000,000 issued by the Office of Management and Budget.

Senator BAYH. The difference was $40 million and $80 million?

Mr. SCOTT. In the juvenile justice account, that is correct.

Mr. VELDE. $80, $40, and $10 million. The President's budget contained $10 million. As you previously noted, a request was also made for a deferral in fiscal 1976 of $25 million to 1977.

That request for deferral has not been approved. Therefore, the $10 million stands by itself.

Senator BAYH. So we can only speculate what the action would have been if the deferral had been agreed to, as far as budget requests are concerned.

What we are really saying is: That not only have you cut the request in half, but you have treated it more severely than the total request from the Department of Justice.

Mr. SCOTT. LEAA was treated more severely, in toto.

Senator BAYH. Yes.

Mr. SCOTT. Not just the juvenile justice account.

Senator BAYH. Juvenile justice is what we are directing ourselves to.

MR. SCOTT. The educational assistance, LEEP, was treated more severely than that.

Senator BAYH. Well, thank you, gentlemen, I appreciate it very much.

MR. VELDE. Thank you, Mr. Chairman. I want to echo Mr. Luger's expression of thanks and appreciation for your continuing interest and support of our program.

Senator BAYH. I hope to be able to continue to do that.

We are all very busy here, we are called to do duties and to perform responsibilities that go on simultaneously. So I appreciate the fact that our distinguished colleague from Vermont, Senator Leahy, is here with us today. We are fortunate to have witnesses from his home State of Vermont. He came to express his concern about this problem, and to welcome them to our subcommittee.

Senator.

STATEMENT OF HON. PATRICK J. LEAHY, U.S. SENATOR FROM THE STATE OF VERMONT

Senator LEAHY. Thank you very much, Mr. Chairman and Senator Mathias, I appreciate your courtesy.

I might say for the record I couldn't agree more with both of my distinguished colleagues and what they have said about the juvenile matters.

As you know, I was a prosecutor up to about a year and a half ago, and during the 9 years that I served as prosecutor, I personally reviewed every juvenile case that came to our office, because of my deep concern in this area.

And there is no question that in State after State after State where I have visited and discussed this matter, this is the sort of bottom of the barrel of priorities, this whole juvenile area, probably because it is so hard to put a finger on what you have accomplished when someone doesn't go wrong.

I know Senator Bayh and Senator Mathias are to be commended for their concern in this.

I am also very pleased to welcome Mr. Krell and Ms. Cummings to this subcommittee. I know that Senator Stafford was also trying to arrange to be here.

I actually served on the Governor's Commission on the Administration of Justice with both of them for a period of time. We discussed Lyndon Johnson's initial efforts in this area. I was the delegate from Vermont, one of the two delegates from Vermont to that first meeting, and served on the original Governor's Commission straight through until I began my State campaign, at which time I resigned from it.

AVERAGE GUIDELINES NOT FOR INDIVIDUAL STATES

I think we realize in Vermont, probably as much as anywhere else, that an awful lot of programs and an awful lot of guidelines are set up in Washington for the average State, or an average program. I doubt very much if there is such a thing as an average State, but if there is, it is not Vermont, and it is not Maryland, and it is not Indiana.

I strongly feel that an awful lot of discretion must be given to the individual States to tailor programs to work within the State.

I assume there is going to be public scrutiny of what they are doing. We are in a difficult area; I think LEAA has had some significant problems in the past, and I have been a critic of those problems while, at the same time, a supporter of those things I think have been done right.

I didn't intend to make a speech, Mr. Chairman, by any means, but I would recommend to the subcommittee that they listen, as I know they will, to what Mr. Krell and Ms. Cummings have to say, because based on my personal experience I hold them in highest regard. I think they have both done yeoman's service for the State of Vermont, and I think they have a deep understanding of the problems involved. I know they have a deep realization of the fact that a lot can be done when people are given the ability to tailor programs to fit their specific needs.

As I said before, the needs of Maryland are not those of Vermont, the needs of Indiana are not those of Washington, D.C., and we have this problem. So I appreciate very much the chance to introduce them, and I commend their work to this subcommittee.

Senator BAYH. Thank you, Senator. We know how busy you are. You are certainly welcome to stay as long as you want to, but I understand you have other responsibilities.

I appreciate the fact that you have been one of those for whom the battle has been tough. You have been in there lending your support and your vote, and I know we can count on that as we continue the battle.

What you said about the disparity of needs among our States is true. Of course that is also true about the disparity within the various States, particularly those States that have very heterogeneous complexions.

Interestingly enough, though, I suppose when you get down to basics—one of the things that this program is trying to do is to get down to basics—if you look at the human needs of children, they are really about the same. The pressures that surround them and their families are different, but the real basic needs of those children are the same.

Senator Mathias pointed out how we are trying to provide innovative new approaches to this problem.

Our next witnesses are Michael Krell, executive director, and Marian Cummings, juvenile justice planner, Governor's Commission on the Administration of Justice of the State of Vermont.

Ms. Cummings and Mr. Krell, thank you both for your patience. We don't get the opportunity to hear from the State people of your perspective very often, and we appreciate the special effort you made to give us your experience from Vermont.

Why don't you proceed as you see fit? Again, I am deeply grateful for your presence.

STATEMENT OF MICHAEL KRELL, EXECUTIVE DIRECTOR, ACCOMPANIED BY MARIAN CUMMINGS, JUVENILE JUSTICE PLANNER, GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE, STATE OF VERMONT

Mr. KRELL. Thank you very much. I am Michael Krell, the executive director of the Governor's Commission on the Administration of

Justice in Vermont, which administers the LEAA and Juvenile Justice Act in Vermont.

I have served in that capacity for over 3 years. I very much appreciate the opportunity to be here today. Our supervisory board chairman, John Downs, Esquire, a citizen member of our board, regrets he could not be here today, but also extends his sincere appreciation for being invited to attend today's hearing.

We are present here today because we have had a long and strenuous disagreement with the Administrator of LEAA regarding the provisions for match set forth in the Juvenile Justice Act.

We have submitted to you the documentation which sets forth in chronological order the elements of this disagreement, and the actions taken by both Vermont and LEAA. That is this document here. [Indicating.]

Senator, at this time I would like to add to that record [1] a letter from the Administrator of Law Enforcement Assistance Administration to Vermont Congressman James Jeffords, which letter is dated April 23, 1976, and which letter is in reply to Congressman Jeffords' letter of February 17, 1976, requesting the Administrator of LEAA to explain his position on the issue of match under the Juvenile Justice Act.

MATCH PROVISION OPINION OUTSIDE SPIRIT AND LETTER OF LAW

This letter from Mr. Velde dated April 23, 1976, does not, to my satisfaction, resolve the issue. We believe that the position which the Administrator takes, namely, that the authority to decide that match for juvenile justice funds will be hard cash rather than in-kind services, is not only outside of the spirit of the law, but also outside the letter of the law.

We have had the full support of our supervisory board, the Governor of the State of Vermont, and all of the members of our congressional delegation in this position.

We have a short statement about this controversy which sets forth our views on the use of juvenile justice funds in Vermont, the issues involved in the disagreement with LEAA, as well as a few thoughts on Federal-State relations in the administration of the program.

Marian Cummings, who is a mother of three, who owns a bicycle and ski shop in Bennington, Vt., who served as a citizen member of our supervisory board under the LEAA program, and who currently serves as our sole planner under the Juvenile Justice Act, will make our formal statement, and then we will be glad to answer any questions which you might have.

Thank you very much.

Ms. CUMMINGS. Senator Bayh, our statement is really designed to tell you why we participated in this act, what we intended to do with the funds, where we are because we don't have them, and why all this is happening.

In adopting the Juvenile Justice and Delinquency Prevention Act, Congress provided the State and local units of government and nonprofit agencies with a variety of methods to deal with the phenomenon of juvenile delinquency.

While offering new methods, Congress discouraged or even prohibited the use of others, which had failed to move this country toward

[1] See pp. 260–1.

a better relationship with its juveniles. Focusing on the practice of institutionalization as especially ineffective, Congress proscribed its application in placement of status offenders and discouraged its use with all adjudicated juveniles.

Vermont has demonstrated a firm dedication to deinstitutionalization for all categories of persons committed to its care. The mentally ill, retarded, adult offenders, and juveniles of all classifications have been placed over the past few years outside institutional settings.

On August 8, 1975, 300 citizens assembled in a cell block in Windsor, Vt., to celebrate the removal of the last inmate from the oldest operating prison in the United States.

Senator BAYH. How long has deinstitutionalization been going on?

NO MAXIMUM SECURITY PRISONS IN VERMONT

Ms. CUMMINGS. Over a 3-year period essentially we have been taking people out of institutions. We have no maximum security prison in Vermont any more.

Senator BAYH. What do you do with somebody who needs this care?

Ms. CUMMINGS. For the few that are deemed too violent and have a history of violence that is not commensurate with being put in a community correctional center, we have a contract with the U.S. Bureau of Prisons.

However, that is just in the neighborhood of 20 or 30 people.

Senator BAYH. Twenty or thirty people. I knew Vermont was small; however, what percentage is that of the total?

Mr. KRELL. It is very small, well under 10 percent of the population. We are small; I think we also are the least violent State in the Union. This is statistically hard to translate into some sense of reality; but statistically we are the least violent State in the Union.

Ms. CUMMINGS. We have approximately 4,000 adults involved with the Department of Corrections, either in community correctional centers or on probation, various programs.

Out of them we find we have at any given moment between 20 and 30 violent offenders. Out of somewhere in the vicinity of 1,800 children committed as either delinquents, status offenders, or children in need of care, we have about 20 violent children, and in most cases it is less than that.

Senator BAYH. So that I understand exactly what you are doing in Vermont, how are we defining violent? What types of acts?

Ms. CUMMINGS. Assaults, serious assaults, rapes, murders. We don't count even serious crimes, we don't add violence to just repeated offender, if they didn't commit a violent crime against another person.

I agree very much with what Mr. Luger said in terms of the fact it is a small number of people.

Senator BAYH. Is armed robbery a violent act?

Ms. CUMMINGS. Yes; it is, it is a crime against a person. It definitely is.

Senator BAYH. An armed robbery where no one is hurt?

Ms. CUMMINGS. It is a violent act; yes.

Senator BAYH. That would place 1 in the group of 20?

Mr. KRELL. Not necessarily, it would not in every case. It may in a particular case. In others it might not. These judgments are made by the Commissioner of Corrections.

Senator BAYH. What has been the result? How long have you been following this practice?

ALTERNATIVE CARE FACILITIES FOR JUVENILES

Mr. KRELL. The State of Vermont went on record in the late 1960's in favor of community corrections and we have been going that way ever since with the adult population.

We have, through the use of LEAA funds prior to the Juvenile Justice Act, helped establish alternative care facilities for youths in the State, so they do not have to go to our institution.

Mr. CUMMINGS. Three years ago we were able to get out of Safe Streets money and give to the Department of Corrections purchase of services money to place people, all kinds of people, adults and juveniles, outside institutions, and it has been since that time that the move has gone to keep people out of institutional settings, as far as corrections is concerned.

Senator BAYH. What has happened to the crime rate during that interim?

Mr. KRELL. The crime rate in Vermont is very hard to determine aside from violent crimes. In that area it is fairly stable and fairly low. We do not have what I would consider adequate reporting of crime in the State of Vermont. We are moving in that direction as fast as we can, but at this time it would be misleading to tell you we have accurate crime statistics for anything other than perhaps the most violent crimes.

Senator BAYH. Do you have a way of determining the response of someone who is under supervision in a noncustodial manner, as far as whether the person commits subsequent crimes?

Mr. KRELL. The Department of Corrections does keep track of any acts, any more arrests or anything of that nature done by anybody within their control, the persons on probation or whatever.

Senator BAYH. What has been the record there?

Mr. KRELL. It has been very good, very good.

Senator BAYH. What is good?

Mr. KRELL. I don't have the exact figures in mind, but I would be glad to supply them for the record.

[Testimony continues on page 137.]

EXHIBIT No. 22

STATE OF VERMONT,
GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE,
Montpelier, Vt., June 18, 1976.

Hon. BIRCH BAYH,
U.S. Senate,
363 Russell Office Building, Washington, D.C.

DEAR SENATOR BAYH: During our testimony of May 20th, we are asked for information regarding Vermont's experience with deinstitutionalization and noncustodial placement which will be added to the hearing report as Reference 20/KC=1. Your desire to receive that information was restated later in the testimony and that information was assigned Reference 20/KC=2. The citations refer to the same material.

The Vermont Department of Correction has provided us with available information which is pertinent to your question, and we have herewith enclosed that.

Again, we thank you for affording Vermont the opportunity to have its unique situation and experience considered in your determinations.

Very truly yours,

MICHAEL KRELL, Esq.,
Executive Director.

DEPARTMENT OF CORRECTIONS OFFICE MEMORANDUM

To: Marion Cummings, GCAJ.
From: William R. Steinhurst, Director, Division of Research and Planning.
Date: June 2, 1976.

Enclosed is the background information you requested on the Vermont correctional system. I have included some excerpted data from a draft report on the furlough program. In considering that data it is important to keep in mind that the furlough is not viewed as an isolated "treatment", but rather is one tool used by the Commodity Correctional Centers and other institutions to implement each individual's plan for community reintegration.

NUMBER OF FURLOUGHS, FISCAL YEAR 1975

	Number	Rate per sentence man-day
CCCC	6,946	0.288
RCCC	3,816	.367
SJCCC	3,683	.199
WCCC	2,151	.138
Subtotal	16,614	.242
St. Albans	584	.050
RTF-W	697	.056
SCF-W	73	.002
Total	17,968	.145

FURLOUGH HOURS, FISCAL YEAR 1975

	Hours	Hours per sentence man-day
CCCC	145,505	6.03
RCCC	76,649	7.27
SJCCC	168,719	9.11
WCCC	70,347	3.39
Subtotal	460,220	6.69
St. Albans	56,653	4.90
RTF-W	81,700	6.56
SCF-W	12,990	.46
Total	611,563	5.01

Number of furloughees, fiscal year 1975

CCCC	178
RCCC	81
SJCCC	127
WCCC	100
St. Albans	49
RTF-W	84
SCF-W	26
Total	543

FURLOUGHS BY LENGTH, FISCAL YEAR 1975

	Percent of furloughs	Percent of hours
Same day	81	16
Overnight	10	13
Over 72 hr	9	71
Total	100	100

FURLOUGHS BY PURPOSE, FISCAL YEAR 1975

	Percent of furloughs	Percent of hours	Percent same day
Work release	39	50	84
Program	19	30	82
School	1	1	91
Family visit	21	13	66
Maintenance	20	6	89
Total	100	100	

PURPOSE BREAKDOWN, JULY 1975, FURLOUGHS

Category	Number of furloughs	Number persons
Work release	622	105
Family visits	360	82
Programs:		
Alcohol	42	25
Drug	57	19
Mental health	24	11
Other	40	17
Maintenance:		
Seek work, etc.	120	35
Medical	20	17
Recreation	58	24
Other	26	21
Total	1,431	180

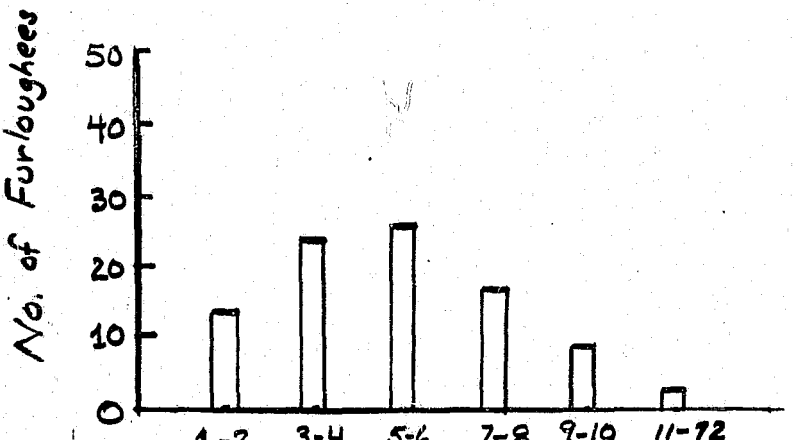
Percent furloughed by offense (within 3 months)

	Percent
Property	52
Persons	56
Intox, D.C.	22
DWI	53
Other motor vehicles	20
Drugs	71
Escape	50
Arson	0
Miscellaneous	25
Total	47

Percent furloughed by sentence length (within 3 months)

	Percent
60 days and under	23
60 days to 3 years	72
Over 3 years	46
Total	47

Time to First Furlough



Total: 93

107 Not furloughed within 3 mos.

FURLOUGH TRENDS (CCC's ONLY)

	Fiscal year—		
	1973	1974	1975
Number of furloughs	13,333	15,939	16,614
Number of furloughs per sentence man-day	.31	.29	.24
Furlough hours	207,843	411,251	460,220
Hours per sentence man-day	4.90	7.68	6.69
Average length (hours)	15.6	26.7	27.7

Furlough violations, fiscal year 1975

	Number
New crimes	0.9 per 1,000
Escapes	2.3 per 1,000
Minor infracioins (disciplinary reports)	6.7 per 1,000

POSTRELEASE SUCCESS RATES

[In percent]

Category	Furloughs	Number of furloughs
Male	83	[1] 60
Female	100	43
Age:		
16 to 20 yr	79	53
21 to 25 yr	100	43
26 to 35 yr	88	63
Over 35 yr	71	71
Offense:		
Property	69	58
Persons	100	67
Other	93	[1] 54
Sentence:		
Less than or equal to 30 days	71	55
Greater than 30 days	87	60
Prior convictions:		
None	90	89
1 or more	82	[1] 47
Total	84	[1] 56

[1] Definition: 6 mo without new convictions or detentions or parole violations.

Comparison of Shock Probation and Regular Probation Success Rates

(By William R. Steinhurst)

Shock Probation as provided for in Ohio statute (§ 2947.061 ORC) permits the sentencing judge to rescind a sentence of imprisonment of a committed felon 30 days after it is imposed if he determines that the commitment was made unnecessarily or mistakenly. Shock probation does not require that all convicted felons be incarcerated; it allows those who were incarcerated to be removed from prison. According to the Ohio Department of Rehabilitation and Corrections the availability of shock probation for felons has not increased the number committed, but has led to a slowly rising proportion of those committed being released after serving a few months of their term.

The Ohio Department of Rehabilitation and Corrections considers as successful a shock probation releasee who is not violated or recommitted on a new felony charge. As of 1974, using this definition, Ohio's 1973 shock probationers had a success rate of 86%. While it is not possible to compare Ohio and Vermont felonies directly, of the 1973 Vermont felons placed directly on probation approximately 90% had no violations or recommitments and 94% had no violations or recommitments for over 1 year.

Thus it appears that regular probation in Vermont is more successful than shock probation in Ohio ($\chi^2=12.9$, 1 d.f., $p. < .001$).

However, we are not only concerned with the rate of failure on the street, but also with the number of mistaken or unneeded imprisonments. Although the 10% who fail regular probation might have "benefited" from incarceration, it would have been at the cost of needlessly incarcerating the other 90%.

Furloughs and Furlough Violations by Certain Types of Offenders

(By William R. Steinhurst)

In response to the filing of H. 246 of 1975 an investigation of certain inmate furloughs was undertaken. The bill called for prohibition of all furloughs for inmates serving terms for murder, arson, or rape.

During FY 1973 and FY 1974, 867 furloughs were granted to those persons who would fall under this bill. These furloughs resulted in six violations of furlough rules, including one escape and five minor infractions. These violation rates and comparative figures for furloughs to all offenders during FY 74 are summarized in Table 1. (The detail by offense is given in Table 2.)

TABLE 1.—INCIDENT RATES

[In percent]

	Offender covered by H. 246	All offenders
Major violations	0.115	0.116
Minor violations [1]	.577	.734
Total	.692	.850

[1] Escape or any new conviction while on furlough.

Note that for each type of violation and for all violations, the H.246 offenders have lower incident rates than furloughees as a whole. However, because of the small number of violations involved, the differences are not significant.

SUMMARY

For each type of offender covered by H. 246 and for each type of furlough violation, the incident rates are very low and are not significantly different from those of the general inmate population. The success rate on furlough for H. 246 inmates is 99.308 percent. For all inmates it is 99.150 percent.

TABLE 2.—UNSUPERVISED FURLOUGHS

	Number of persons	Number of furloughs	Number of hours	Number of incidents			Incident rate (percent)		
				Major [1]	Minor	Total	Major [1]	Minor	Total
Murder (including manslaughter)	7	243	9,390	0	1	1	-------	0.412	0.412
Rape (including statutory and attempted)	11	583	12,804	1	4	5	0.172	.686	.858
Arson (all degrees)	4	41	1,906	0	0	0	-------	-------	-------
Subtotal	22	867	24,100	1	5	6	.115	.577	.692
All offenses	554	16,342	505,855	19	120	139	.116	.734	.850

[1] Escape or any new offense while on furlough.

PAROLE PERFORMANCE IN VERMONT AND THE UNITED STATES, VERMONT DEPARTMENT OF CORRECTIONS DIVISION OF RESEARCH AND PLANNING

This report has been compiled from data collected under the Uniform Parole Reports Project. Since 1967 Vermont has collaborated with other states in this on-going study of parole in the United States, the only one of its kind. Vermont data is collected by the Vermont Department of Corrections Research Division and forwarded to National Council on Crime and Delinquency Research Center in Davis, California, where it is analyzed and compared with similar data from the other states. The Uniform Parole Reports Project is sponsored by the Law Enforcement Assistance Administration and the National Probation and Parole Institutes.

For the purposes of these Reports successful parole performance has been defined as having "no technical violations and no sentences over 60 days." For other recidivism studies, the Research Division normally uses a more restrictive definition of a success, for example "no technical violations or convictions resulting in either probation or commitment." In this case, however, the broader definition of success must be used in order to produce data compatible with that of other states.

TABLE 1.—MALE PAROLEE SUCCESS RATES
[No difficulty and no sentences over 60 days]

	1 yr followup (percent)		2 yr followup (percent)		3 yr followup (percent)	
	Vermont	United States	Vermont	United States	Vermont	United States
Year of release:						
1967	77	71				
1968	79	71	79	63		
1969	78	72	66	64	64	63
1970	79	73	73	73	7	69
1971	82	77	67	71		
1972	75	79				
1973	[1] 83	81				

[1] Preliminary.

Only 12 women were released on parole in Vermont from 1970 to 1972. NCCD does not prepare statistics on parolee groups less than 50; hence, females are not included in Table 1. Of those 12 women, 10 had successful parole performance during the first year following release. Nationally the success rates for female parolees have remained 2 to 3 percent higher than success rates of male parolees for each of the years from 1969 through 1973.

Managing Change in Corrections[1]

(By Cornelius D. Hogan, Deputy Commissioner, William R. Steinhurst, Director, Planning and Research, Vermont Department of Corrections)

ABSTRACT

In December, 1974 the decision was made to close the Vermont Department of Corrections' maximum security prison at Windsor by June 1975, eliminating the state's only maximum security capability within about six months. Plans were needed to phase out the Windsor facility. At the same time, new programs had to be developed and existing programs had to be significantly modified in parallel with phasing out of maximum security. In order to meet the urgent need for coherent planning and strict monitoring of this changeover project, the Department used a network analysis method. This project planning and control technique, originally developed for the aerospace industry, greatly aided this complex correctional project. This article provides a brief description of the network method used and its impact on the control of a complex project in Vermont.

BACKGROUND

Until it was closed, Windsor State Prison in Vermont was the oldest operating maximum security prison in the United States. The original compound was constructed in 1807 during the presidency of Thomas Jefferson at a cost of approximately $38,000.[2] For many years the often modified 450 bed facility was continuously decried as being clearly inadequate for any constructive correctional purpose.[3] It had become physically insecure, unsafe and unhealthy. Recently the prison has had a history of recurring disorders and notoriety.

[1] The work reported in this article was supported in part by grant number VA–74–116 from the Vermont Governor's Commission on the Administration of Justice and the Law Enforcement Assistance Administration. Portions of this paper were presented at the Second Annual Research Exchange of the Association for Criminal Justice Research (Northeast/Canada) in May 1975.

[2] John Russell, Jr., "An Authentic History of the Vermont State Prison" (Windsor, Vt.: Wright and Sibley, 1812), p. 74.

[3] State of Vermont, "Report of the Special Committee to Study Conditions of the State Prison Plant and Facilities," Prison Invesigating Committee, August 27, 1954.
State of Vermont, "Report Regarding Conditions at the Vermont State Prison and House of Correction for Men," June 1, 1941.

Under a 1966 legislative mandate, the Department began to develop a number of alternatives to the maximum security prison.[4] In 1969, the prison housed about 77 percent of the adult incarcerated population and 13 percent of the state's total correctional population, including probation and parole; it also consumed over 36 percent of all funds appropriated for corrections, statewide.[5] By Fiscal 1975, the development and use of four community correctional centers, expanded use of probation and parole and other alternative programs in the community, resulted in the maximum security population shrinking to only 2.4 percent of all persons under correctional supervision. This small remainder, however, still demanded 25 percent of the Department budget. Furthermore, cost projections showed that the already ex cessive cash requirements of maximum security were certain to grow at a disproportionate rate for the foreseeable future. The situation, if allowed to continue in the face of a severe state revenue crisis (which had already led to a cutback in the total corrections appropriation) would have quickly resulted in irreparable harm to the community based portions of the system and the ultimate dismantling of those programs.

The fiscal crisis served as the catalyst for the Department to finally close the prison, not replace it, and substantially improve the capacity of its community oriented programs. The Windsor closing was possible primarily because of the Federal Bureau of Prison's willingness to accept up to 40 of Vermont's maximum security prisoners, who could not be served by the remaining programs in Vermont.

By closing Windsor, using part of its appropriation to meet an overall Department deficit, and applying the remaining funds to other programs, the Department was able to meet increased program demands and stress in the rest of the system. Stresses were anticipated due to the movement of inmates who had previously been housed in maximum security into community oriented programs and as a result of rising overall population levels.

The following objectives were established for the project: eliminate instate maximum security except for short-term detention; minimize the number of prisoners requiring maximum security;[6] fund the Department's anticipated deficit, then projected at approximately 10 percent of the operating budget; increase the staff of the Division of Probation and Parole by 25 percent; double the capacity of the St. Albans Diagnostic and Treatment Facility, a medium security facility; enhance the programs of the four regional community correctional centers; create a classification approach to meet the requirements of the new system, including the development of criteria and process for transferring persons out of state; upgrade volunteer services in the Department; increase the capacity of the Department's minimum security facility for alcoholics; upgrade other service capabilities around the system, e.g., vocational education, psychiatric services, and purchase of services.

To take the greatest possible advantage of the potential savings, this ambitious project was targeted to be completed by June 30, 1975. Using network analysis techniques for planning and control, the project was actually completed on August 1, only 31 days over the optimum duration.

Because of time constraints and the complexity of the project, it was necessary to quickly and positively identify the "pieces" of the project and structure their interconnections and timing. This allowed the identification of bottlenecks which had the potential to keep the prison open into the next fiscal year. It was also important to be able to monitor changes in the component activities of the project and to quickly assess any implied scheduling problems resulting from those changes. The Critical Path Method, a technique for analyzing networks of activities, was chosen for this purpose. It was surprisingly easy to implement.

THE CRITICAL PATH METHOD

Activity and network analyses have played an increasingly important role in the planning and management of complex projects. Two of the most commonly used methods are the Critical Path Method (CPM) and the Program Evaluation

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[4] Acts No. 345 of 1967 Adjourned Session and No. 199 of 1971 Adjourned Session of the Vermont Legislature.

[5] The Department of Corrections operates all correctional programs and facilities in Vermont for both adults and juveniles, including: probation, detention, community and institutional programs for sentenced persons, and parole.

[6] A contract agreement was reached in December 1974 between the Federal Bureau of Prisons and the State of Vermont which provides for up to 40 Vermont prisoners to be tuitioned to the Bureau.

and Review Technique (PERT).[7] Originally developed for the aerospace and building industries,[8] they are flexible enough to be adapted to model organized projects in any field. By proper selection of the particular techniques, the methods can be tailored to the level of detailed control and sophistication needed.

The networks used by these methods consist of a collection of branches and nodes. The branches usually represent activities and the nodes milestones. The nodes are the end points of the branches and represent starting and ending times of activities. . . . A node is realized when an activities terminating at the node have been completed. When a node is realized, all activities emanating from that node are released and can [begin] . . . A path of the network is a sequence of branches from [the beginning to the end of the network in] which no branch of the network is included . . . more than once.[9]

The CPM approach makes the assumptions that (a) all activities can be discretely identified, and (b) that the time to complete the project is the time to complete the path with the longest cumulative duration. This controlling path is referred to as the critical path.

The critical path is found by calculating the duration of each path in the network to identify the longest path. For complex projects this becomes a very tedious chore. A simple computer program, suitable for terminal use, was prepared to maintain lists of the activities, their durations and expected start and finish dates, and to help determine the critical path.

Having found the critical path, the activities on that path can be examined for possible time savings. The key principle is that shortening any activity on the critical path will, by definition, reduce the total project time. It may also be shortened by changing plans so as to free the activities of the critical path from dependence on peripheral activities. If changes in planned activity relationships or durations are made or anticipated as a result of this examination, the analysis can easily be rerun to evaluate the impact of the changes. If activity durations are inherently variable or cannot be projected exactly, more sophisticated methods allow for estimating approximate durations and calculating the probability of project completion by a given date.[10]

THE WINDSOR PROJECT ACTIVITY NETWORK

Figure 1 is a highly simplified version of the activity network chart used in this project. Each item on this chart represents from one to twenty-three individual activities. A somewhat more complete chart on illustration boards was used for a variety of informational briefings during the project. The actual working project control chart showed over ninety activities, with the durations, start and finish dates of each as well as other auxiliary data. This working chart was revised almost daily to reflect updated information on delivery dates, new tasks and other changes in the plan.

USING CPM

The Department was faced with balancing continuing safe and secure operation of its only maximum security facility with immediate and parallel investment in the other correctional programs which were to replace it. For example, consistent with thrifty Vermont tradition, much of the equipment crucial to Windsor security (e.g., chain link fencing, electronic locking systems, and closed circuit TV monitors) had to be removed to other facilities well before the completion of the project. An even greater problem was the need for transferring staff to the expanded medium security facility at St. Albans from their old posts at Windsor for retraining almost eight weeks before St. Albans could begin accepting new inmate transfers from Windsor.

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[7] Russell L. Ackoff and Maurice W. Sasieni, "Fundamentals of Operations Research" (New York: John Wiley and Sons, 1968). Chapter 11 provides mathematical overview of PERT. Jerome D. Wiest and Ferdinand K. Levy, "A Management Guide to PERT/CPM" (Englewood Cliffs, N.J.: Prentice-Hall, 1969) is a thorough nonmathematical treatment.

[8] James E. Kelley, Jr. and Morgan R. Walker, "Critical Path Planning and Scheduling," Proc. Eastern Joint Computer Conference" (Boston, Mass., 1959), pp. 160–173.

[9] A. Alan B. Pritsker, "The Gasp IV Simulation Language" (New York: John Wiley and Sons, 1974), pp. 238–240.

[10] This type of simulation technique treats activity durations as independent random variables with assumed means and various probability distributions and uses them to estimate a mean and probability distribution for the entire project duration. For examples see Pritsker, op. cit., pp. 238–256; Ackoff and Sasieni, op. cit., 289–292; and Dimitris N. Chorafas, "Systems and Simulation" (New York: Academic Press, 1965), pp. 253–269.

This type of problem was typical of the activity network planning problems which presented themselves throughout the life of the project in areas such as personnel reassignment, labor relations, construction and renovation, maintaining security, inmate classification, and financial planning.

The method has several characteristics that appeal to managers involved in complex projects. It is visually very clean and precise. This makes the method quickly grasped, regardless of one's background or level in the organization. Specifically, the CPM charts were easily understood by high level managers, supervisors, and line aspect personnel. Perhaps this is related to the "road map" aspect of the approach. It is more than a list of tasks or another statistical table. It enhances staff understanding of the project and is thereby highly motivating. This is because the technique is so straightforward that it becomes obvious to the observer that he may ignore the data only at his own risk. There is little room for misunderstanding or marginal comprehension. To ignore the CPM message is like having a road map in your glove compartment, being lost, and refusing to look at it.

Fig. I. Simplified Critical Path Chart:

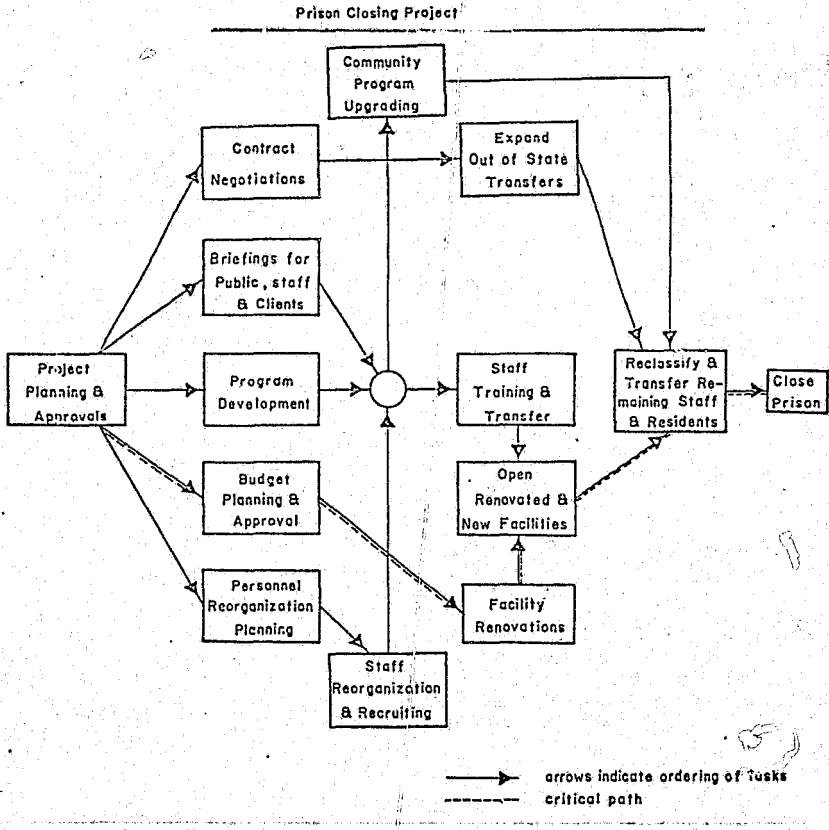

FIGURE 1

Because of the technique's clarity, it conveys a sense of direction and purpose and projects an image of precision and control. This became very clear during an early briefing arranged for key managers and technicians of the State Department of Personnel. The immediate understanding of the project's scope by this and

other key departments and their acceptance of the Department's methods and strategy was essential to the project's success. Issues with which the Department of Personnel was particularly concerned included the plan for placing Windsor employees in other state jobs, minimizing employee hardship, and relating our employee plans with those of other state agencies, all in the context of a rapidly deteriorating economic climate and under a progressive, employee-rights oriented labor contract.

Presentations based on the CPM model had similar payoff in discussions with our own employees, budget officials, the state buildings agency, human service agency managers, and, in a summary format, the media.

Thus far, this discussion has focused on using the CPM approach to assist persons other than project managers to obtain as full an understanding of the project as possible in the shortest time. In addition to this type of "external" usage, the CPM has characteristics that make it extremely valuable for the internal and direct management of such a complex project.

The visual, network character of CPM, shows the time dependencies between all necessary events and activities. This allows ongoing review of the activities and creates continuous, constructive management pressure to find the best combination, sequence, and timing of activities. One example of this phenomenon was the concern for the timing of security renovations and transfer of specific types of inmates. The sound initial understanding of those relationships provided by the activity network analysis allowed successful planning for inmate and staff transfers early in the project.

Another valuable characteristic of the CPM was the ability to automate the calculations in making time estimates and using an on line computer terminal to simulate changes in activity durations and linkages as time estimates changed. This allowed a variety of planning strategies to be developed, analyzed, "applied", and stored for future use if needed. It also allowed for some very real testing of "what if" situations. For example, on one occasion there was the possibility that the receipt of a key LEAA Discretionary Grant might be significantly delayed. Project managers were able to forecast in detail the time and cost effects that the projected delay would have on activities such as personnel hiring, renovations, and readiness of specific programs. This immediate information assisted the processing of the grant at a more acceptable rate for the project. Thus, information supplied by the CPM technique actually changed the situation that it was set up to monitor. In fact, it is our judgement that by eliminating this and other bottlenecks, the use of the CPM technique assisted in reducing the project duration by two or three months and resulted in direct cost saving at least equal to the Prison's personal services and operating budget for that time period.

In addition to this clear evidence of the CPM approach's worth in controlling the external perception and internal management of the project, it has inherent value as a pure planning tool. A major task that must be accomplished early in any complex project is the definition, organization, and staffing of the project activities. This initial conceptualization of the project in CPM terms promotes an early and objective assessment of the project's feasibility.

Another advantage of using CPM at this stage is that in the process of charting tasks, the significant activities fall naturally into functional groupings along network paths, without regard to formal tables of organization or paper responsibility. This allows the planners to bypass a substantial amount of organizational irrelevance and causes the project to be discussed on its own terms rather than fitted to a fragmented organizational hierarchy.

It will be seen that the project's tasks are organized and presented in the initial work product of CPM in such a way as to highlight the timing and interdependence of the project activities. This system oriented description sets the tone for the ongoing management and controlling of the project.

SUMMARY

CPM was extremely valuable in controlling and monitoring both the planning and execution of the complex reorganization involved in closing Windsor Prison and making significant changes in the rest of the correctional system within a limited period of time.

It had a direct, positive influence on the planning and execution of the project by creating a constant pressure to find the best methods and obtain the best results for each task.

It forced the early conceptual integration of major activities and then defined the precise relationships between those activities. Because of its rational approach and clear format, it was effectively used with people over whom the Department had little or no control. CPM was a major influence in this regard.

Fiscal Year 1973 Adult Probation Followup Study

By William R. Steinhurst, Director, Robert Squires, Research Assistant, Vermont Department of Corrections, Division of Research and Planning, November, 1975

Nine out of ten Vermont probationers remain successfully in the community for at least two years after being placed on probation.

Nearly nine out of ten first offenders placed on probation received no new convictions (except fines in a few instances) during the first two years.

Three-fourths of all probationers were considered successes at the end of two years.

These are some of the results of a recent study conducted by the Department of Corrections Division of Research and Planning on Vermont adult probation in FY 1973. During that year 2,921 adults were convicted and committed to the Department. Of these, 583 were confined in Vermont correctional institutions, and 2,338 were placed on probation. These probation cases were tracked for one year from their commencement; two year follow-up was done on all cases opened in the first half of that year. The definition of success used in this study was receiving no new sentences (other than fines) or technical violations during the follow-up period. Any new sentence was considered a failure even if suspended.

Probation was found to be an effective sentence both absolutely and relatively. Using the above definition, 1892 of the 2,338 probationers were successful for one year, a success rate of 80.2 percent. Furthermore, only 8.8 percent were found to have committed a new offense serious enough to warrant incarceration during the follow-up period. Of the 1,116 cases tracked for two years, 839 met the criteria for success rate of 75.2 percent. Less than 10 percent were incarcerated during the two year follow-up. Although one must exercise care when comparing different programs and groups of offenders, the 63.5 percent one year success rate for persons released from incarceration in FY 1973 found in an earlier Research Division study is significantly lower than the probation success rate found here. Probation success rates also compared favorably with those for parolees found in another study conducted by the Research Division in cooperation with the National Council on Crime and Delinquency. The difference is especially striking for the two year follow-up, where it was found that the proportion of serious failures among probationers was only one-fifth that for parolees.

The background data collected on the probationers provided the following profile:

They are generally young—half are 25 or under and three-fourths are 35 or under. Males predominate more than 9 to 1. About four-fifths are misdemeanants. Although most had previously had minor convictions, only a third had been on probation before and fewer than 15 percent had served a sentence of any length.

Forty-three percent of the group had been convicted for traffic offenses, 28 percent for property crimes, 15 percent for public order crimes such as disorderly conduct, 8 percent for crimes against persons, and 5 percent for drug offenses.

In attempting to determine what factors might indicate the probable success of different probation groups, several variables were examined including age, sex, seriousness of offense, prior record, and offense type.

As recidivism studies in other states have shown, the success rate was found to increase with age, particularly for male probationers. Two year success rates for males range from 66 percent for 16–18 year-olds to 97 percent for men over 55. The age-success correlation is not as pronounced for female probationers although a similar trend is evident. As a group, females did better on probation than males; the respective two-year success rates were 88 percent and 74 percent.

Offense seriousness was measured in two ways: by whether the crime was a misdemeanor or felony and by the length of the suspended sentence. In neither case was evidence found that the seriousness of the offense (defined by these statutory and judicial yardsticks) has a correlation with the overall success rate.

The probationer's prior criminal record was found to be very significant. Not surprisingly, the more extensive the previous involvement with the criminal justice system, the lower was the frequency of success, as seen in Table 1.

TABLE 1.—SUCCESS RATES AND PRIOR RECORD

[In percent]

Prior record	Success rate after 1 yr	Success rate after 2 yr
No prior convictions	88.5	87.0
Prior convictions	77.5	71.3
Prior probation	67.8	56.2
Prior incarceration	62.6	51.6
All probation cases	80.2	75.2

Success rates varied widely among probationers convicted of different crimes. Probationers convicted of traffic offenses generally had the highest success rates followed by those convicted of drug offenses, crimes against persons, property crimes, and public order offenses, but there was wide variation within each subgroup. Table 2 shows the frequency and associated one-year success rates for various selected offenses.

TABLE 2.—SUCCESS RATES FOR SELECTED OFFENSES

[In percent]

Offense	Number of cases	Success rate	Offense	Number of cases	Success rate
Sex offense	17	100.00	Breach of peace	52	78.13
DWI	637	89.01	Assault	147	76.19
C. & N	224	87.95	B. & E	127	74.01
Grand larceny	47	87.23	Disorderly conduct	219	68.04
Petty larceny	109	87.16	DLS	86	67.44
Fraud	126	78.57			

A more detailed report on this study will be available from the Research Division. Data are now being collected on FY 1974 and 1975 probationers, parolees, and other releases for future analyses.

[Testimony continued from page 125.]

Senator BAYH. We would appreciate having that.

What has been the general acceptance of the communities in the State of this kind of an approach?

Mr. KRELL. This is varying. There have been problems in some of the communities. We are trying to work with the Department of Corrections to move further into making community corrections be just that, community corrections, to involve the communities through volunteer programs and through other methods and strategies. We are right now preparing a discretionary grant application to LEAA to help with this particular aspect of it.

Some communities have reacted very, very well, and others are still upset in different ways with having a community correctional facility in their area. It is mixed, but I think we can work with the Commissioner of Corrections and the people of the different communities to get much more acceptance and a realistic actual involvement of the communities.

Senator BAYH. Is the thrust, generally, to have each community develop a facility for its own violators?

Mr. KRELL. No; we have approximately six or seven facilities in the State. The State is 180 miles long and 30 miles wide at the shortest point, and about 90 miles wide at its widest point.

Ms. CUMMINGS. We have had some backlash to this. There was a bill introduced in the last session of the legislature to limit the power of

the Commissioner of Corrections to have furloughs, to have work programs, work release programs. It didn't pass; it didn't get much support. But there is a reaction to this.

Senator BAYH. The judgment is made by the Commissioner of Corrections?

Ms. CUMMINGS. He has absolute discretion to do this.

Senator BAYH. How many people are there in Vermont?

Ms. CUMMINGS. A population of 435,000. We are continually reminded by LEAA we are no bigger than the city of Rochester, N.Y., and if I had all of those people in the land area of Rochester, N.Y., I wouldn't have as many problems dealing with them, I don't think.

We have no real cities in the State of Vermont. Burlington at night has a population of about 50,000; in the day with people coming in to work, about 75,000. That is our largest community. We don't have the human zoo syndrome of people in close spaces reacting violently to other people. We have very little violent crime.

Senator BAYH. Suppose somebody breaks into your shop and steals a bicycle, or five sets of skis, or some other item. How do you treat that person in Vermont? What is the response?

Ms. CUMMINGS. He gets quite a few chances to do that over and over again. He will be brought to court, and will be arraigned for breaking and entering, he would be treated in consideration of whether this was his first offense or not. He might be treated at a point on whether it was his second, or third.

Senator BAYH. I dislike trying to be specific when there could be so many different types; but could you give me some idea as to the probable correctional response?

Mr. KRELL. He would probably be put on probation, unless this was a continuing pattern or unless there was violence associated with it.

Ms. CUMMINGS. And this can happen many times over.

Senator BAYH. Have you tried the restitution program?

Ms. CUMMINGS. We are beginning to talk about developing a restitution program. We don't have one in the State now. We would like to develop one, and we have just not become involved with the department of corrections and other State agencies in figuring out how to set this up. We feel this not only would involve the individual offender in a constructive kind of way, but it would maybe appease the clientele out there in terms of any kind of backlash toward the deinstitutionalization programs.

If people have some kind of way to feel that their situation is solved when they are victimized in some way, I think they are less likely to want to lock the offenders in jails.

Senator BAYH. Is there not a genuine feeling for someone who is victimized—to want to keep them from being victimized again?

LOCKING UP PEOPLE ONLY MAKES THEM WORSE

Ms. CUMMINGS. I believe it is a legitimate feeling. I just know from the history that what we have been doing by locking people up in the name of protecting ourselves has been to make people worse. And we have never devised a system where we can keep people locked up forever. If locking them up makes them worse, then we are thwarting the thing we desire to achieve.

We find that keeping people out of institutions does one very good thing, it keeps them from getting worse.

Senator BAYH. One of the major reasons for the Juvenile Justice Act was to provide an alternative to the incarceration kind of response—which more often than not was happening to young people. We found it did make them worse.

I would be very interested in getting your track record there, if you could supply [1] that for us, because that is certainly an innovative approach to the problem. We can sell people if we get the results.

Ms. CUMMINGS. We still have an institution in Vermont for children, one institution in Vermont, called the Weeks School, and both status offenders who are adjudicated to the department of social and rehabilitation services, and juvenile delinquents may be placed there.

The school's average daily population ranges around 110 children; 40 percent of them are adjudicated delinquent; the other 60 percent are adjudicated as "without and beyond the control of their parents," which is Vermont's word for status offenders.

The Weeks School resembles a not quite first-rate boarding school. The rooms are attractive; there are no cells, and there is no security.

The few violent children that we have that are either dangerous to themselves or a danger to someone else, are sent to Maine, and we have very few there.

The Weeks School, by several people who have viewed it, has been classified by saying, "If there is such a thing as a good institution for young people, the Weeks School must be that institution."

But no one would contend that it is not an institution. And it continues to exist because of a number of questions that we haven't been able to answer. And we can't make any rational decisions about the school until we get the information to answer the questions.

We have experienced a lack of real knowledge regarding juvenile adjudication in Vermont, and about specific characteristics of adjudicated children.

By the middle of June data compiled by the department of corrections and funded by a $30,000 research grant from LEAA Safe Streets Act moneys will allow Vermont finally to know a good deal about its committed children. Persons involved with these children have suspected that there is little difference between Vermont's juvenile delinquents and status offenders. We do have people adjudicated as status offenders who have committed some pretty serious acts, that would be considered to be crimes, but they haven't been adjudicated that way. We find a number of judges don't like to adjudicate girls as delinquents, and we find that a lot of plea bargaining ends up in getting people adjudicated under different labels and thus the label may be meaningless.

The corrections department and our agency has decided we really have to know who these people are and why they are there before we can make any further decisions about the institution.

ANSWERS STILL NEEDED FOR DEINSTITUTIONALIZATION

And another need for information has resulted from what we find is the product of deinstitutionalization.

[1] Supra, Exhibit No. 22.

Three years of placing children in alternative situations have returned to Weeks School a certain population for whom there apparently was no appropriate alternative, no matter how much we tried.

It is a population for whom Weeks is at least more appropriate than anything else we could find. And this whole phenomena of the product of deinstitutionalization has caused the State to ask certain questions:

Are alternative settings better than institutions for all children?

Which of the available alternative care situations are effective and appropriate?

Are these alternative situations accountable for delivering quality human services and how can the State assure that accountability?

How can Vermont develop a full range of quality alternative to institutionalization?

These questions must be answered. Despite Vermont's demonstrated commitment to the deinstitutionalization, it has dedicated itself to the higher principle that if all children are removed from institutions the State must guarantee they will be better off, not worse. Vermont intended to apply resources from the Juvenile Justice Act toward buying both the time and the opportunity to answer the questions and to materalize the guarantee.

We proposed to allocate the bulk of the funds available under the statute to the Department of Corrections to purchase alternative care for its committed children. This device, labeled "purchase of services" in the vernacular, operates in the immediate sense to place children outside institutions. It also allows the State the opportunity to acquire information that measures the effectiveness of alternative care against that provided by the institution, and the effectiveness of individual alternative care situations against others.

In a broader sense, purchase of services creates the atmosphere necessary to the making of rational decisions. No information generated would cause Weeks to be dismantled if it were the only available placement situation for adjudicated children. Creating an institutional alternative seems difficult to many, while institutions are deemed convenient by those who are not compelled to reside within them.

VERMONT'S COMMITMENT TO DEINSTITUTIONALIZATION

The Vermont Legislature, in adopting a community corrections statute, bought the philosophy of deinstitutionalization but did not pay for it. Vermont's deinstitutionalization efforts have been initiated by the Executive, and are being effected administratively while LEAA, not Vermont's Legislature, has borne a great deal of the cost—$350,000 of LEAA funds made possible the closing of Windsor Prison.

Thus, in contrast to States which refused participation in the Juvenile Justice Act because they deemed the mandated deinstitutionalization unrealistic or undesirable, Vermont participated to that end, committing itself in good faith to try.

The Governor's Commission on the Administration of Justice received, on September 2, 1975, notification of a grant award of the fiscal year 1975 formula of $200,000 under the Juvenile Justice Act. On the 15th of September the Vermont Emergency Board, acting on behalf of the legislature accepted those funds and exercised the State's statutory option for the in-kind match.

Predicating its action upon notification of the award, and the State's acceptance of funds, the Governor's Commission on the Administration of Justice employed, in October, an additional staff person to implement both the requirement and the intent of the statute. LEAA was notified on October 21, that the State had exercised its in-kind match option. It was a month later, on November 20, that the agency received LEAA guidelines maintaining that there was no such option. The match was to consist of cash. The guidelines were soon followed by a letter from region I stating that since Vermont had not complied with the cash-match provision, no funds awarded might be expended or encumbered. The war of the match has been waged since that time. The Commission has given you the documentation of that war.

It speaks to the following points:

That the Administrator misconstrued the match provision of the statute, and that he violated the intent of Congress in so doing, and he continues to do both of the above.

Further, that the Administrator acted in less than good faith with the States by allowing grants to be awarded before indicating that LEAA's match requirement would be different from section 222(d) of the statute.

That these actions were taken, tolerated, and are continued indicates that all of us have a problem here. And that problem is of greater magnitude than Vermont's not having received formula funds under this statute.

It is even greater than seeing that today, in Vergennes, Vt., the population of the Weeks School is 15 percent greater than it was a year ago. The magnitude of the fundamental issue can be seen when one recognizes that the methods employed to operationalize that concept known as the New Federalism thwart the results the concept defined as desirable. Those affected by this are all of the people and all of the Government in this country.

Fundamental to the principle of the New Federalism is the conviction that the States must deal with those phenomena that the Nation as a whole finds unacceptable.

This principle recognizes certain truths: (1) That the phenomena take different forms in different locations; (2) that the means to deal with those phenomena must vary in response to local needs; (3) that the States, as a result of familiarity with the phenomena and more direct access to the variables which control it, are better able to define the form that action should take, and better able to implement that action.

In adopting this philosophy, it seems that Congress attempted, through the block-grant concept, to provide the States with the resources and expert assistance by which to take action, and to establish in reality the States' right to do so.

IMPLICATIONS OF THE "RIGHT TO ACT"

But another principle was overlooked. The right to act; that is, to do, implies the right to do wrong—to do wrong in good faith, but to do wrong. Without the right to do wrong, one cannot do at all. The application of the New Federalism has been toward assuring accountability for doing right, and not at all for doing.

Accountability, if it is to have a positive effect upon the administration of a program, must be considered as accountability for doing, and for doing intelligently in good faith. That kind of accountability comes from below and within, and cannot be imposed by administrative guidelines emanating from a distance. Either intelligent men of good faith will be employed by State government or they will not. Nothing outside the State can affect that.

And State governments have reason to employ men of good faith. In Vermont the State government is very visible, very accountable in a real sense.

If it can be conceded that intelligent men of good will and good faith exist within the States, it follows that they have more reason to do right and less to do wrong than anyone removed from them. They are in a position to assess the nature of the need, to use that assessment in developing a means to alleviate that need, and to observe closely the effect produced by the application of that means.

It seems that assisting the intelligent men of good faith in the States must have been the intention in the creation of the Law Enforcement Assistance Administration, and putting juvenile justice money within that.

But assistance has not been the result. Instead of organizing itself toward that end, LEAA Central directed itself to assuring that those responsible for implementing the program, for the actual doing, should do no wrong. This type of dedication and organization implies that LEAA Central knows what is right. Two thirds of all LEAA employees are situated in the Washington office, determining what is right and dedicating themselves to seeing that the States do it.

Although the LEAA regional office to which Vermont is assigned makes a good faith effort to be of assistance, the Boston employees have neither the manpower nor the authority to provide the amount and quality of assistance that we need. They, it appears, are as beleaguered as Vermont employees by the administrataive minutae of what LEAA Central establishes as right.

The New Federalism has been subjected to a lot of criticism from both the Congress and the citizenry. It is said that the block grant has served the Nation badly, that it is wasteful, counterproductive, and should be abolished. But the principle which is fundamental to producing desired results by means of the block grant never has been applied. Money has been made available to the States, but the authority to expend it in the best interest of the locality has not been transferred. Authority remains in Washington, where LEAA situates the bulk of its employees. Authority is not where the action is, and its inappropriate location, frustrates those who are.

Deinstitutionalization has come to be considered as an effective means to deliver human services to status offenders. There is nothing inherent in the principle that prohibits its application to the delivery of governmental services. Deinstitutionalization of the authority vested in LEAA Central would seem necessary to achieving the desired results of the New Federalism as applied through the block-grant concept, and its application in this instance would seem to be most appropriate. LEAA Central has committed a status offense by being, in the language of the Vermont statutes, "without and beyond the control of its parent."

PREPARED STATEMENT OF MICHAEL KRELL AND MARIAN CUMMINGS

In adopting the Juvenile Justice and Delinquency Prevention Act, Congress provided state and local units of government and nonprofit agencies a variety of methods to deal with the phenomenon of juvenile delinquency.

While offering new methods, Congress discouraged or prohibited the use of others which had failed to move this country toward a better relationship with its juvenile population. Focusing on the practice of institutionalization as especially ineffective, Congress proscribed its application in placement of status offenders and discouraged its use with all adjudicated juveniles.

Vermont has demonstrated a firm dedication to deinstitutionalization for all categories of persons committed to its care. The mentally ill, retarded, adult offenders and juveniles of all classifications have been placed over the past few years outside institutional settings. On August 8, 1975, three hundred citizens assembled in a cell block in Windsor, Vermont to celebrate the removal of the last inmate from the oldest operating prison in the United States. As a result, there is no maximum security prison in the State, and Vermont has travelled in a short time from the nineteenth to the twenty-first century in regard to institutionalization. Deinstitutionalization then is the wave of Vermont's recent past, its present and future.

Riding adroitly, however, on the crest of that wave, Vermont's Weeks School still exists as a placement possibility for adjudicated children. Weeks, operated by the Department of Corrections, is Vermont's only institution for juvenile offenders. Delinquents adjudicated to Corrections as well as status offenders adjudicated to the Department of Social and Rehabilitation Services may be placed there. The school's average daily population ranges around one hundred ten children with approximately forty percent of them adjudicated delinquent and the remainder classified as "without and beyond the control of their parents". That phraseology is "Vermontese" for status offender.

Together these children reside at Weeks which resembles a not quite first rate boarding school. The rooms are attractive. There are no cells as there is no security. No walls surround the school. Author William Nagel characterized Weeks by saying, "If there is such a thing as a good institution for young people, the Weeks School must be that institution".[1]

But no one would contend that Weeks is not an institution and it continues to exist as the result of certain unanswered questions. No rational, accountable decision can be made regarding Weeks until the information is available upon which to predicate the answers to those questions.

Vermont has experienced a lack of real knowledge regarding its adjudicated children. By the middle of June, data compiled by the Department of Corrections and funded by a $30,000 research grant from Law Enforcement Assistance Administration (LEAA) Safe Streets Act monies will allow Vermont finally to know a good deal about its committed children. Persons involved with these children have suspected that there is little difference between Vermont's juvenile delinquents and status offenders. Plea bargaining combined with some judges' unwillingness to adjudicate girls "delinquent", it is thought, render the labels meaningless. However, the Governor's Commission on the Administration of Justice and the Department of Corrections have agreed that the State must know, not "think", before some ultimate action is taken regarding the Weeks School.

The need for other information strangely results from the product of deinstitutionalization. Three years of placing some children in alternative situations have returned to Weeks a certain population for whom there apparently was no available appropriate alternative—a population for whom Weeks is at least more appropriate than any existing alternative.

This phenomenon has caused the State to ask certain questions:

(1) Are alternative settings better than institutions for all children?

(2) Which of the available alternative care situations are effective and appropriate?

(3) Are these alternative situations accountable for delivering quality human services and how can the State assure that accountability?

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[1] William G. Nagel, "The New Red Barn: A Critical Look at the Modern American Prison," Walker and Company, New York, 1973, p. 123.

(4) How can Vermont develop a full range of quality alternatives to institutionalization?

These questions must be answered. Despite Vermont's demonstrated commitment to deinstitutionalization, it has dedicated itself to the higher principle that if all children are removed from institutions the State must guarantee they will be better off, not worse. Vermont intended to apply Public Law 93–415 resources toward buying both the time and opportunity to answer those questions and to materialize that guaranty.

The State proposed to allocate the bulk of the funds available under the statute to the Department of Corrections to purchase alternative care for its committed children. This device, labeled Purchase of Services in the vernacular, operates in the immediate sense to place children outside institutions. It also allows the State the opportunity to acquire information that measures the effectiveness of alternative care against that provided by the institution, and the effectiveness of individual alternative care situations against others.

In a broader sense, Purchase of Services creates the atmosphere necessary to the making of rational decisions. No information generated would cause Weeks to be dismantled if it were the only available placement situation for adjudicated children. Creating an institutional alternative seems difficult to many, while institutions are deemed convenient by those who are not compelled to reside within them. The Vermont Legislature, in adopting a community corrections statute, bought the philosophy of deinstitutionalization, but did not pay for it. Vermont's deinstitutionalization efforts have been initiated by the Executive, and are being effected administratively while LEAA, not Vermont's Legislature, has borne a great deal of the cost. Three hundred and fifty thousand dollars of LEAA funds made possible the closing of Windsor Prison.

Thus, in contrast to states which refused participation in PL 93–415 because they deemed the mandated deinstitutionalization unrealistic or undesirable, Vermont participated to that end, committing itself in good faith, to try.

The Governor's Commission on the Administration of Justice received, on September 2, 1975, notification of a grant award of the FY '75 formula ($200,000) under PL 93–415. On the fifteenth of September the Vermont Emergency Board, acting on behalf of the legislature, accepted those funds and exercised the State's statutory option for in-kind match.

Predicating its action upon notification of the award and the State's acceptance of funds, the Governor's Commission on the Administration of Justice employed, in October, an additional staff person to implement both the requirement and intent of Public Law 93–415. LEAA was notified on October 21, that the State had exercised its in-kind match option. It was a month later, on November 20, that the agency received LEAA Guidelines maintaining that there was no such option. The match was to consist of cash. The guidelines were soon followed by a letter from Region I stating that since Vermont had not complied with the cash match provision, no funds awarded might be expended or encumbered. The war of the match has been waged since that time.

The Governor's Commission on the Administration of Justice has prepared for presentation to the Subcommittee an eighty-nine page Exhibit documenting each proceeding in its difference of opinion with the LEAA Administrator. Unembellished as it is, the Exhibit testifies clearly that the Administrator: (1) misconstrued the match provision of Public Law 93–415; (2) violated the intent of Congress in so doing; (3) continues to do both of the above; and (4) acted in less than good faith by allowing grants to be awarded before indicating that LEAA's match requirement would be different from Section 222(d) of the statute.

That these actions were taken, tolerated and continued indicates that those involved in and affected by these actions are experiencing a problem. That problem is of greater magnitude than Vermont's not having received formula funds under this statute. It is even greater than seeing that today, in Vergennes, Vermont, the population of the Weeks School is fifteen percent greater than it was a year ago. The magnitude of the fundamental issue can be seen when one recognizes that the methods employed to operationalize that concept known as the new federalism thwart the results the concept defined as desirable. Those affected by this are all of the people and all of the government in this country.

Fundamental to the principle of the new federalism is the conviction that the states must deal with those phenomena that the nation as a whole finds unacceptable. The principle recognizes certain truths:

(1) That the phenomena take different forms in different location.

(2) That the means to deal with those phenomena must vary in response to local needs.

(3) That the states, as a result of familiarity with the phenomena and more direct access to the variables which control it, are better able to define the form that action should take, and better able to implement that action.

In adopting the new federalism, Congress attempted, through the block grant concept, to provide the states with the resources and expert assistance by which to take action, and to establish in reality the states' right to do so. A functional right implies the ability to exercise it.

But another principle was overlooked. The right to act, i.e. to do, implies the right to do wrong—to do wrong in good faith but to do wrong. Without the right to do wrong, one cannot do at all. The application of the new federalism has been toward assuring accountability for doing right, and not at all for doing.

Accountability, if it is to have a positive effect upon the administration of a program, must be considered as accountability for doing, and for doing intelligently in good faith. That kind of accountability comes from below and within, and cannot be imposed by administrative guidelines emanating from a distance. Either intelligent men of good faith will be employed by state government or they will not. Nothing outside the state can affect that.

But State governments have been reason to employ intelligent men of good faith. In Vermont, state government is visible and accountable in the most real of senses. Lack of intelligence and good faith is easily identified and rarely excused.

If it can be conceded that intelligent men of good will exist within the states, it follows that they have more reason to do right and less to do wrong than anyone removed from them. They are in a position to assess the nature of the need, to use that assessment in developing a means to alleviate that need, and to observe closely the effect produced by the application of that means.

Assisting those intelligent men of good faith was the Congressional intent in funding, within the Executive, the Law Enforcement Assistance Administration. It's name implies as much. The establishment from Washington through the regions to the states of a decentralized network of human resource and expertise seemingly would create opportunity for that assistance.

Assistance, however, has not been the result. Instead of organizing itself toward that end, LEAA Central directed itself to assuring that those responsible for implementing the program, for the actual doing, should do no wrong. This type of dedication and organization implies that LEAA Central has the authority and knowledge to determine what is right. Two-thirds of all LEAA employees are situated in the Washington office determining what is right and dedicating themselves to assuring that the states do it.

Although the LEAA Regional office, to which Vermont is assigned, makes a good faith effort to be of assistance, the Boston employees have neither the manpower nor the authority to provide the amount and quality of assistance desirable. It appears, instead, that they are as beleaguered as Vermont employees by the administrative minutia of what LEAA Central establishes as right.

The new federalism has been subject recently to considerable criticism from both Congress and the citizenry. It is said that the block grant has served the nation badly, that it is wasteful, counterproductive and should be abolished. But the principle which is fundamental to producing desired results by means of the block grant never had been applied. Money has been made available to the states, but the authority to expend it in the best interest of the locality has not been transferred. Authority remains in Washington, where LEAA situates the bulk of its employees. Authority is not where the action is, and its inappropriate location frustrates those who are.

Deinstitutionalization has come to be considered as an effective means to deliver human services to status offenders. There is nothing inherent in the principle that prohibits its application to the delivery of governmental services. Deinstitutionalization of the authority vested in LEAA Central would seem necessary to achieving the desired results of the new federalism as applied through the block grant concept, and its application in this instance would be most appropriate. LEAA Central has committed a status offense by being, in the language of the Vermont Statutes, "without and beyond the control of its parent."

Senator BAYH. You mentioned your assessment of New Federalism. I believe there isn't much to be gained by getting into a longer dissertation on that.

You mentioned the money is made available but the authority to spend it is not. We are presented with a dilemma, really. I firmly believe if we get the solution closer to the problem, we are better off than trying to solve it here in Washington, D.C.

You are providing innovative new approaches to the problem. I think one can say, without necessarily accepting the totality of the Vermont approach, it is certainly a way in which you have stopped responding in a very negative manner which made the problem worse; that is the way to do it without question in a wide variety of instances.

How do I, as a policymaker, rationalize the desire to have that kind of policy which is—in my judgment, and certainly yours—the most preferable policy implemented at the State level; and see that other States follow the Vermont example with the granting of funds to the States, without requiring that they adhere to those standards which we find to be the most acceptable?

How do I rationalize that? In other words, we send a block grant to Vermont and you use it to program a whole series of innovative programs. I send a block grant to State X, and they build a new stainless steel 1984 juvenile institution that guarantees minor offenders will learn all of the tricks of the trade—so when they come out they will be a danger to the community.

WASTEFULNESS OF EXCESSIVE, MINUTE, DETAILED GUIDELINES

Mr. Krell. Senator, I don't think in any way Vermont would be suggesting that the legislation shouldn't set major policy; and, that when that policy is set, that the States taking the moneys are going to make a good faith effort to work toward the achievement of the goals set forth in the policy.

We are talking about excessive, minute, detailed guidelines that waste Federal employees' time, and State employees' time. We can apply for grant applications, and if those grant applications are not suitable with the programs we put in our comprehensive plan each year for the Law Enforcement Assistance Administration or for the discretionary moneys we apply for, they can deny the plans, the regional offices, or LEAA can deny the plans.

So they have a broad idea of what we want to do there. But in the particular instance we are talking about now—and there are other things in the Juvenile Justice Act we can point out—the Administrator has decided that the reasons that Congress went to hard match for the LEAA program in 1973 are applicable to the Juvenile Justice Act, and utilizes the legislative history of the 1973 revision of the LEAA Act as rationale to take the position that he has authority to decide whether or not hard match is accepted or soft match is accepted. In fact, there is a legislative history of the Juvenile Justice Act that makes it clear that he doesn't have that authority, and that the authority lies with the States and the other subgrantees to make that choice, and it is only in exceptional instances that he can exercise some discretion to insist upon hard match.

Here we are, that many letters back and forth [indicating], not to mention the phone calls, wasted staff time in our staff, wasted staff time on his staff, because of that position.

That is the kind of thing we don't need in implementing any of these programs, whether you call them New Federalism, Old Federalism, a block grant, or whatever.

And there are other things happening. One liners in the act come down to be six and seven pages of overbearing guidelines. And there are specific instances of that which we point out.

We feel that the LEAA program is a good program. We had trouble with it in the early days in Vermont, but it is working well now.

We think the Juvenile Justice Act is a good program, we want to see them funded at high levels. We don't think the people in LEAA Central have bad faith, but we would like to see more resources and people put in the regional offices, more discretion given to them, more authority given to them so that those people can come to Vermont and sit down with us; they meet the Governor, sit in on legislative sessions, sit in on the supervisory board sessions, meet the chief of police, and they know Vermont, they can tell us more what to do or what they won't accept than someone sitting in Washington.

This is our position, aside from the specific and obvious issue of the match.

Senator BAYH. You give LEAA regional people a high mark then?

Mr. KRELL. I do, indeed. I do not mean they give us everything, and that all is rosy between us; but in the 3½ years that I have been in the program they have been up there—at least I can only speak for our region certainly—but the people have been to Vermont, they know us and we know them.

The Directors of the States get down every 6 weeks to meet with the Administrator in region 1 and talk about specific problems that transcend individual programs or individual States, but which have a regional perspective.

This, to me, is a major point. I have made this point ever since I have been in the program.

Senator BAYH. We got in the discussion, very briefly on the question of soft match. This, I think, is clearly intended by Congress in the Act.

What are the alternatives utilized in Vermont for soft match?

Mr. KRELL. We have not been allowed to use soft match.

Senator BAYH. Not at all?

Mr. KRELL. Not yet. We have a waiver request in, I believe we have oral word it will probably be granted.

Senator BAYH. What did you intend to do?

Mr. KRELL. We intend to use people's time that is appropriate. There are people on the Advisory Board, other people who will put in their time.

SOFT MATCH VERSUS HARD MATCH

I believe a number of things about soft match. One, that the administrative nightmare of soft match alluded to by the LEAA Administrator and also by many of my own people—people in my own position in the United States—is just not so. I think it was very difficult, and there was a great deal of trouble with it in the early days of the LEAA program. But indeed there was trouble with many things in the early days of hte program, and we are much more sophisticated and better able to handle all kinds of things now.

I think if you set out to rationally deal with the accounting for soft match, you can do it.

We do have problems with hard match; there are audit exceptions and plenty of them with hard match.

Senator BAYH. Do you believe that if the State has a match requirement, that it will be more careful and more interested in the administration of the program?

Mr. KRELL. I would not believe that as a possibility. I would say in Vermont, however, that would not be the case—at least at the present time.

Senator BAYH. I am talking about a soft match.

Mr. KRELL. I understand; having soft match would make you spend the money more frivolously or something.

Senator BAYH. No; more frugally. The argument was given—and I can understand it is not totally reasonable—that if the States understand they have to put up a match, soft or hard, then it has the vested interest in following that program more carefully. By seeing that it is administered more frugally.

Mr. KRELL. I would say it doesn't matter whether it is hard match or soft match or no match, as far as we are concerned.

We would be focusing on the program and whether or not the program was working.

I think, with the soft-match provisions of the act, it will allow us to have more flexibility to start some programs that we could not start with the hard-match requirement.

And also the Juvenile Justice Act does not now contain an assumption of cost policy, so we could maintain a program for a longer time. I think it would certainly be the position of our supervisory board in the State that we would move into having programs prove themselves and get picked up by other funds.

But the question of forcing that on a 3-year basis or 4-year basis, which LEAA maintains should be the assumption of cost schedule for LEAA funds, will not allow us to utilize innovative new and different programs, that may in fact fail.

If they fail, we will try something else. I don't think the match features are the salient feature of it. In Vermont now, with the real fiscal crisis we have there, which has occupied the legislature, in total, almost for the past 2 years, requiring hard match for new innovative programs is, in fact, pushing them close to the brink of not getting off the ground.

I won't say it is impossible, but it would be very difficult for us to try some programs now if we had to come up with hard match.

Ms. CUMMINS. I think the issue of soft match really is a very basic one in terms of people who are within or without the system.

Children don't have any advocates in that system in Vermont. The juvenile judges are the district court judges acting under the juvenile court, not full time. Corrections people have other responsibilities. We don't have a youth authority per se. The people who really are advocates for children are the private nonprofit groups who are out there doing all kinds of good things for kids, on very limited funds, and yet they are the people who can get volunteers together, get nondollar community contributions, and that is what we want to be happening.

Now if I were from within that system, and were administering a program at the Federal level, if I were a judge or had a corrections background, maybe I would want hard match, because it operates to the advantage of the system in most States, the governmentally operated system can generate hard match.

Senator BAYH. Yes. I would appreciate it if you could give us a list, for the record, of the specific kinds of soft-match services that you were going to use—or hopefully will use.

Mr. KRELL. All right.

[Testimony continues on page 155.]

(EXHIBIT NO. 23)

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

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DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

June 18, 1976

The Honorable Birch Bayh
United States Senate
363 Russell Office Building
Washington, D.C. 20510

Dear Senator Bayh:

In response to your request during our testimony of May 30, 1976, for examples of in-kind match, we supply the following information.

Soft match for either a governmental or private non-profit agency can be comprised of goods and services of any ilk. Goods, for both types of agency, are such things as office space and equipment (typewriters, calculators, telephones, motor vehicles, etc.). Services amount to people's time whether paid or not. That the latter is appropriate and reasonable for a governmental agency is demonstrated by our proposal to provide in-kind match for PL 93-415 monies through allocation of staff time in the Department of Corrections.

We plan in FY '77 to grant to that Department approximately $200,000 to provide alternatives to institutional placement for adjudicated juveniles. This program, called Purchase of Services, will be administered by the Department's Division of Probation and Parole. It is the people in this Division who have both initial and continuing contact with any child in this State who is adjudicated under a delinquency petition to the custody of the Commissioner of Corrections.

Probation and Parole Officers are State employees. They and their salaries are in place. Asking them, however, to administer the Purchase of Services program demands that they function in a different manner and assume duties in addition to those to which they are regularly assigned. Rather than think in terms of probation or institutionalization, they must consider the possibility of alternative care. The time they expend in apprising themselves of the range of situations available, in evaluating the appropriateness of any situation for an individual

child, and in attempting to develop within a child an attitude conducive to successful placement, is worthy of being considered in-kind match.

Private non-profit agencies are developing other sound resources which represent match. Spectrum, a program for runaways, has arranged that a church prepare and donate clients meals. This results in a real saving in Spectrum's operating costs and a substantial contribution on the part of the church. The cost of these meals should be treated as match.

The Burlington Youth Services Bureau operates a tutorial program which is staffed by University of Vermont students who each donate many hours a week of their time. This again is a very real demonstration of match.

The private non-profit agencies in Vermont are operating in a great dearth of cash. Yet they manage to develop real resources that have the impact of dollars. Considering those resources as appropriate match would increase by ten percent an agency's cash available for engaging paid employees. Effective volunteers do not materialize. They are generated by the paid staff, as they are trained, directed and supervised. Allowing volunteers to represent match generates great incentive to develop the real personal commitment that insures, much more than does the raising of cash for match, the long term success of a program. Disallowing soft match reduces us to a statutory determination that the only measure of human dedication is cash. Logically it follows then that the rich are more dedicated than the poor, and the system, which in most states can generate cash, is more committed than the private agencies.

Yet PL 93-415 was adopted in Congressional recognition that the system had been unable to deliver on its commitment to socialize this country's children. Even those substantial cash match monies with cost assumption provision which were appropriated through PL 93-83 to the ends of systems improvement and crime reduction, had not materialized the system's commitment. Public Law 93-415 represents an attempt to place funds and develop programs outside that system where hope seems to lie, but where commitment must be measured in terms other than cash. This statute provides an opportunity to slice the pie another way, and to put the proverbial chicken in a different pot. The whole debate surrounding in-kind match can be reduced to very simple terms - whose pot gets the chicken.

Those within the system who see in-kind match as an advantage to the private agencies, go to great lengths to discredit the concept. Drawing upon their "poor" experience with its management, they relegate it to the realm of administrative impossibility. This is patent nonsense for if one sets his mind to demonstrating the

functional existence of soft match, there need not be administrative difficulty.

Soft match simply requires documentation particularly in regard to donated time. Records must be accurate and available. Payment of funds must be predicated upon the receipt of proper documentation which, in actuality, is no different from that required to support any payment for goods or services made by the State. We suggest frankly that the possibility exists that in-kind match historically has been difficult administratively. We suggest frankly that any historical difficulty in the administration of in-kind match bears a direct relationship to the perceived advantage on the part of individual administrators in making it so. In this context, it is necessary to observe that it is the system in the last analysis which administers soft match. It is also the system which acts as prosecutor, judge and jury as to its administrative feasibility. This situation does not provide even the most simple elements of a fair trial.

In order to provide further examples of specific applications of in-kind match we asked one of our subgrantees to describe those resources that are available which could represent match. The response to that request is hereto attached.

Very truly yours,

Michael Krell

MICHAEL KRELL, Esq.
Executive Director

MK/fcp
Attachment

YOUTH OPPORTUNITIES FEDERATION
94 Church Street
Burlington, Vermont 05401
802 - 863 - 2533

June 16, 1976

Marion Cummings
GCAJ
149 State Street
Montpelier, Vt.

Dear Marion:

In response to your request to identify resources which presently are not considered match for federal dollars, the Federation has generated the following list of resources/services which are currently in place.

		Cost
Spectrum:	Has 6 volunteers from the community working 5 hrs/wk. If paid at $2.30/hr for 40 weeks per year	$2,760
	The local churches supply Spectrum with three dinners a week for seven people per dinner. The cost of the food alone, not including labor for preparation or delivery is $3.00/meal = $9/wk x 52 wks	468

CONTINUED

2 OF 19

The Youth Service Bureau: Volunteers - 16 weeks; these people are in training at the University of Vermont in the College of Education and are placed with the Bureau to fill the needs of the Bureau's Alternative Education Program.

Volunteer	@ 12	hrs./wk	x 16 wks.	= 192
"	@ 20	"	"	= 330
"	@ 15	"	"	= 240
"	@ 9	"	"	= 144
"	@ 15	"	"	= 240
"	@ 9	"	"	= 144
"	@ 15	"	"	= 240
"	@ 12	"	"	= 192

1712 hrs.
X 2.30/hr.

3937.60

Most of the contributions to our system come from the University. Office of Volunteer programs makes a van available to youth agencies in Chittenden County. 4 drop-in centers in the city alone used the van a total of 4,800 miles over the last year. The University pays all maintenance and gas. If figured at a conservative $15¢/mi. it costs

$620.00

I hope these examples of match help as you tesitfy before Bayh's committee.

Sincerely,

Johannes Troost
Co-ordinator

[Testimony continued from page 149.]

Senator BAYH. Now to be the devil's advocate. One of our goals is to provide as many resources as we can for this new approach to juvenile crime; we recognize that all of the local governments are stretched economically and are having to make difficult choices; and the administration is making tough choices when it cuts back the LEAA budget; and each State has to make that tough choice too. Vermont, Pennsylvania all get more resources in this area, spendable resources.

Now doesn't the soft-match contribution—the services of people that would normally be making that kind of contribution anyhow—relieve the State legislature or the city government from having to make that tough choice, and thus you are not really getting any more resources in this area?

Mr. KRELL. It is about half-and-half, I would say. I would say it would bring new resources in, but certainly everybody involved as a potential soft-match person—I guess this is the best way to phrase it—would not be somebody who would not be working this way anyway.

But it will, I think, bring other resources in to deal with the objectives that we are trying to accomplish under the act.

But I would be less than truthful if I didn't say that I think it would also just be a way of utilizing some of the resources that are there already, and may well have been put to this.

Senator BAYH. That is not always bad, you know, if you can get enough additional money to do a program that is not already being done.

But if one of our goals is to try to maximize, and make all levels of government make those tough choices and try to get more resources into the areas we are concerned with, then I think that it is a legitimate question.

Are you working with private agencies there?

Mr. KRELL. Yes, we do.

Ms. CUMMINGS. The juvenile justice money for 2 fiscal years, if we ever get it, would amount to $400,000 for fiscal 1975 and 1976. We haven't received any of the formula money yet. If we get any for 1977, we have planned to take, all together, about $400,000 and put it into purchase of services, and $84,000 through an organization called the Alternative Care Review Board, which pulls everybody in the State together who deals with kids—education, welfare, corrections, even those people who enforce licensing procedures for what homes should be like. The $84,000 will go directly out there through that Board to those places that are providing care, so that they can raise themselves to the kind of standards that we want.

Alternative care involves two things: It is that somebody has a place out there that is fit to put a child in and provide him a service, and that somebody who has the child committed to him in the name of the State has the money to put him there.

We have been working at it from both ends. And all of these alternative care situations out there are private nonprofits. We are working with the Youth Services Bureau extensively in dealing with kinds of placements that they could do in terms of finding people within the community and within themselves who will place a child.

REAL NEED IS GOOD HOMES FOR CHILDREN

What we really need in the last analysis is a good home for every child, and we don't care if we get it through private nonprofit corporations or through Youth Services Bureaus that can find people to take them.

We are working at both ends of it. LEAA Central seems to have taken the position that you have to have money in order to demonstrate a commitment.

On page 15 of the documentation that we gave you, Mr. Luger was interviewed at one point, and he makes the statement:

> Frankly, I wonder about the sincertity of a State's commitment to juveniles when it complains about putting up 10 percent of a grant for say, $200,000.

If we were funded for 3 years at $200,000, plus in 1977 there is the fiscal turnaround, the State of Vermont would have to put up, in cold hard American dollars, $72,221. The entire State total budget——

Senator BAYH. For how long a period of time?

Ms. CUMMINGS. Because of the way the act has been administered, and in getting it started, we would have to put that up in less than a year. It would have been for September 1975 to August 31, 1976.

Senator BAYH. It is really for a 3-year period though?

Ms. CUMMINGS. It is for a 3-year period, but we would have to produce it in that year, because it has taken an extensively long time for this money to get out there.

Our total operating budget in the State of Vermont is $65 million. So $72,000 is a lot of money.

Mr. KRELL. That also, Senator, is a particularly significant figure, because in Vermont most services are delivered at the State level. The county government is not strong in Vermont, and very few services are paid for at the local level.

Senator BAYH. I have to say I can also understand Mr. Luger's thrust. You have a unique situation in Vermont. But you divide your $72,000 by 3 years and you have about $23,000 a year for a State to qualify for the kind of money we are talking about.

That is the kind of situation I was referring to a while ago. We are trying to get State and city governments, counties, all of them to really take a hard look and see if they can pinch a few more dollars.

Mr. KRELL. It has been a time of drawing back in Vermont from the delivery of services. And there are long arguments on the floor of the legislature and in the appropriations committees about amounts that are significantly less than $20,000 a year.

It may be somewhat difficult, when we are talking in the U.S. Senate and Congress about billions of dollars all the time, to understand; but it does make a difference. These programs have less chance—significantly less chance—of getting started at this time because of that.

Now if we get to program going and get it up, we have had fairly good success at having the State move in, or local government move in and take over programs. I don't think our assumption of cost ratio on the LEAA programs is a bad one at all.

But that startup, particularly at this time, and particularly for something that is different from the traditional way of delivering services, it can make a significant difference.

Ms. CUMMINGS. By the end of next year, we won't be giving any LEAA moneys at all to that whole range of alternative-care situations that we have started up over the last 3 years. The communities have helped, all kinds of groups have helped. They are now in a position, after this year, with the $84,000 more dollars, where their tuitions are reflecting their costs, and the only problem is to get enough money into the departments in the State so that they can buy the services.

ADMINISTRATORS SOFT MATCH ARGUMENT NOT VALID

Another argument used often against soft match by LEAA Central is Mr. Luger's other statement:

> If the hard match requirement is waived, it would make unnecessary the process through which a State legislature appropriates funds, and this would cut the State legislature out of the whole process of what the administration is doing.

That is absolutely not so. The State legislatures have to accept Federal funds into the State, and they have to do it officially. In Vermont they opted, under this act, when they did so, for in-kind match, simply saying that we haven't got any money.

Things are so stringent in Vermont that we have been through two freezes on employees, where you just don't fill jobs; and, at one point, to buy pencils or paper clips the request had to go to the Secretary of Administration for approval.

Although that sounds maybe silly, it is why we are not down here in some other committee asking to be bailed out of a massive disaster.

Mr. KRELL. I might say, Senator, I am sure our Supervisory Board and I know our staff would have fought very hard to get acceptance of the Juvenile Justice funds in Vermont if hard match had been the requirement.

I can't say, categorically, that we would not have been successful. But I can say it would have been a very good chance that we would not have been successful—and we would have been one of the States not participating at this point.

Senator BAYH. Of course, the whole thrust of the act is on the match. Have you, in your deinstitutionalization, run into status quo establishment problems?

One of the things you have to confront, whenever you start doing things differently, is that you run into people who have vested interests in maintaining their own piece of turf.

Did you run into that? And how have you dealt with it?

PROBLEMS OF JOB RELOCATIONS FACED BY VERMONT

Mr. KRELL. These problems have been faced in Vermont both with the corrections system and the Department of Mental Health.

I know that in every instance, while there has been resistance and pressure from geographical locations or particular groups of employees on the legislature and on administrators in the State of Vermont, that in each case they did go through with the deinstitutionalization. And, in each case, jobs were available for all the people that were affected by a deinstitutionalization move.

I am not saying everybody took a job that was offered, but they were available. So while there has been stress and strain—I don't know how there could not be—we have been able to pull it off, both in the mental health field and in the corrections field.

Ms. CUMMINGS. There was real difficulty in removing some of the guards from the Windsor Prison and in trying to relocate them in other places in the Department of Corrections. We are really focusing on in terms of training, because it is an entirely new kind of approach.

We were lucky in that a lot of people were very close to retirement, and we haven't replaced people as jobs ended.

We think that can happen in regard to the Weeks School. One of the reasons we have been trying to do this slowly is to get peoples' heads turned around to the fact that there is a different way of doing things and you need to be thinking about that.

There has been a lot of training for the Weeks School employees in terms of different counseling techniques, different ways to deal with children, not specifically telling them this place may not be here next year, but to start the process of relocating people.

We will do that accountably. We won't have empty institutions with employees looking at empty rooms.

Senator BAYH. Or in the unemployment lines.

Ms. CUMMINGS. Or on unemployment.

Senator BAYH. I think that is a perfectly normal reaction, everybody is concerned about protecting themselves.

The act, of course, requires that this be taken into consideration. I believe that we can be innovative enough to change the way we are doing things without causing dislocation hardships.

I do appreciate your responses. You have been very kind and patient here. I hope we can keep in touch with you and help you resolve this problem.

Mr. KRELL. Thank you very much, Senator.

If I might, could I make just three points in relation to some things I heard this morning?

Senator BAYH. Certainly.

Mr. KRELL. One, certainly your position on 1-year extensions—I have to support that very much.

It not only affects the Congress having to hear it every year, and the administrators here in Washington, but it does affect the States. If we hear of only a 1-year extension, or the legislature does—and they do ask these things, they ask us how long are you going to have this money, and I say well, it is a pretty popular act, but it has only been extended for 1 year—that can stop something from happening.

So I think 3- and 5-year extensions are in order, with good oversight by Congress in the meantime.

The other thing is, we agree very much on the need to review this 2-year commitment on deinstitutionalization. And the term you used this morning, "good faith," I would say is the proper term and perhaps should be incorporated into the act, rather than the word "unequivocable," which is used in the suggested new legislation presented by the administration.

Good faith is something that has been defined, it can be constructed, and we can understand and put some parameters on it, and I think that

would be the best term to put into the act, rather than "unequivocable," which I think is much more restrictive.

I know good faith has been defined in the legal process for years, particularly in other instances, but I think we can do it, and I think that is the term to use.

I think maybe it is as one of the Supreme Court Justices said at one time about pornography—he couldn't define it, but he knew it when he saw it. So maybe we should leave it up to the regional administrators to know it when they see it.

The other thing, obviously coming from the State of Vermont, is the constant focus of the LEAA program on the big cities and the urban problems.

We don't want to minimize their problems, some of us probably live in the country because of the crime in the cities. But we have studies coming out of LEAA that tell us what a great job, for example, the Los Angeles district attorneys do. Well, that is fine; and that study tells you a lot about the Los Angeles District Attorney's Office, which is the highest paid in the country, et cetera. It doesn't tell you much about the one- or two-man prosecutor's office across the country.

The same thing in the diversion programs. Obviously, diversion programs are incredibly important to the cities, but there is a whole set of different problems in the rural areas.

For example, the people don't live so close together, so how do you set up a diversion program when they live miles and miles apart.

I think LEAA would do well to turn their attention to the rural areas occasionally.

Thank you very much, Senator.

[Hearing concluded on p. 270.]

78-464 O - 77 - 13

(EXHIBIT NO. 24)

DOCUMENTATION OF THE DISAGREEMENT

REGARDING

INTREPRETATION OF MATCH PROVISION IN PL 93-415

BETWEEN

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

(LEAA STATE PLANNING AGENCY IN VERMONT)

AND

THE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Prepared for presentation to
Juvenile Delinquency Subcommittee
United States Senate
May 20, 1976

by

Governor's Commission on the
Administration of Justice

EXHIBIT I

Date	Identification	Location (If Included)
8/29/75	Notification of FY-75 formula grant award with special condition requiring the Governor's Commission on the Administration of Justice (GCAJ) to address the issue of ten percent match.	pp. 1-5
9/15/75	Vermont Emergency Board accepts funds on behalf of State of Vermont. Acceptance is predicated upon in-kind match.	
10/6/75	GCAJ employs planner to deal with all aspects of PL 93-415.	
10/14/75	Governor's Enabling Order.	p. 6
10/21/75	GCAJ letter to J. Michael Sheehan, Jr., Vermont State Representative, LEAA Region I Office, indicating that Vermont has chosen the option of in-kind match.	pp. 7-9
11/20/75	GCAJ receives PL 93-415 guidelines dated 10/29/75 stating the match shall be in cash.	p. 10
	GCAJ telephone call to Office of Senator Patrick J. Leahy for assistance. GCAJ referred to John Michael Rector, Esq., Staff Director and Chief Counsel, Juvenile Delinquency Subcommittee.	
	GCAJ telephone call to Mr. Rector who was unavailable and not reached until the following week. Staff person contacted was surprised at LEAA's intrepretation of the statutory match provision. LEAA had not informed the Subcommittee of its 10/29/75 guidelines.	
	GCAJ telephone call to Richard B. Geltman, General Counsel, National Conference of State Criminal Justice Planning Administrators asking for legal research and opinion.	
11/24/75	Mr. Sheehan's reply to GCAJ letter of 10/21/75 asserting that the match must be in cash and no funds might be obligated or expended for the FY-75 award.	p. 11
11/25/75	Correspondence from Richard B. Geltman supporting that LEAA acts beyond the statutory requirement.	pp. 12-13

12/3/75	GCAJ letter to Mr. Sheehan, LEAA Region I contending: The statute is clear. LEAA is beyond its authority and has not acted in good faith. GCAJ cannot accept the cash match requirement and hopes the matter can be resolved by reasonable negotiation.	pp. 14-17
	Copy to George K. Campbell, LEAA Regional Administrator.	
	GCAJ letter asking assistance and enclosing copy of above letter sent to: Senators Bayh, Stafford and Leahy, Congressman Jeffords.	p. 18
	Letter with copy of above to Mr. Geltman.	p. 19
12/5/75	Telegram from John H. Downs, Chairman, GCAJ to Richard W. Velde, Administrator, LEAA, asking Mr. Velde to indicate, please, a change in the guidelines and testifying to Vermont's desire to continue participation in PL 93-415.	p. 20
12/8/75	Copy of above telegram with cover letter to: Senators Bayh, Stafford and Leahy, and Congressman Jeffords.	p. 21
12/10/75	Telephone call from Congressman Jeffords' staff replying to letter of 12/3/75 and telegram of 12/5/75 and indicating support.	
12/18/75	Supportive replies of Senator Stafford and Senator Leahy to letter of 12/3/75 and telegram of 12/5/75.	pp. 22-25
12/30/75	GCAJ letter to Region I Administrator submitting Plan Supplement Document* upon which FY-76 participation in PL 93-415 is predicated. Letter explains: The GCAJ looks forward to its continued participation in the Juvenile Justice and Delinquency Prevention Act...and trusts that the initial difficulties... will be resolved speedily and to the best interest of the children and youth of Vermont.	pp. 26-27
1/2/76	Letter from Congressman Jeffords acknowledging earlier communications.	p. 28

*Plan Supplement Document included as separate exhibit (EXHIBIT II).

1/8/76	Letter of Mr. Velde to Thomas P. Salmon, Governor of Vermont stating: It has come to my attention that Vermont is reconsidering its decision to participate in the Juvenile Justice and Delinquency Prevention program...	pp. 29-30
1/14/76	Memorandum of Congressman Jeffords to GCAJ regarding progress in resolving match requirement and enclosing:	pp. 31-34
	Congressman Jeffords' letter of 1/6/76 to Senator Bayh;	pp. 35-36
	Senator Bayh's reply of 1/13/76;	p. 37
	Congressman Jeffords' letter of 1/14/76 to Mr. Velde;	pp. 38-39
	Congressman Jeffords' letter of 1/13/76 to Congressman Augustus F. Hawkins.	pp. 40-41
1/15/76	Memorandum of Senator Bayh and Mr. Rector to GCAJ conveying the following:	p. 42
	Jeffords-Bayh correspondence above;	pp. 35-37(above)
	Senator Bayh's letter to Attorney General Edward H. Levi;	p. 43
	Copy of Juvenile Justice Digest article entitled, "LEAA's Hard Match Requirement for JJDP Act Funding Blasted as Deliberate Misconstruction of Law".	pp. 44-45
1/20/76	Response of Governor Salmon to Mr. Velde's letter of 1/8/76. Governor Salmon contends that Vermont has demonstrated its intention to participate in PL 93-415.	p. 46
	Letters to Vermont's Congressional delegation forwarding copies of Mr. Velde's letter to Governor Salmon and the Governor's reply.	p. 47
1/26/76	GCAJ letter to Congressman Jeffords' staff enclosing article from Youth Alternatives entitled "LEAA to Require 10% Cash Match for Juvenile Act Funds".	pp. 48-50
1/30/76	Article from Juvenile Justice Digest containing interview with Milton Luger, Assistant Administrator, LEAA, Office of Juvenile Justice and Delinquency Prevention.	p. 51
2/6/76	Memorandum of Mr. Velde to all State Planning Agencies conveying amended guidelines.	pp. 52-55
2/11/76	Unsigned letter of Mr. Velde to Governor Salmon explaining new guidelines.	pp. 56-57

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

REGIONAL OFFICE
147 MILK STREET BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 223-7256

August 29, 1975

Mr. Michael Krell
Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

SUBJECT: Grant No. 75-JF-01-0050 Amount: $200,000

Dear Mike:

I am pleased to formally advise you that the Juvenile Justice Plan Supplement Document to Vermont's annual Comprehensive Law Enforcement and Criminal Justice Plan has been approved, and that the FY 75 formula grant award for Vermont, in the amount of $200,000 has been approved.

If you have any questions concerning this award, please feel free to contact the Administration. Official acceptance of the grant will take place upon return to the Regional Office of a duplicate counter-signed copy of the award statements which are enclosed.

Sincerely,

George K. Campbell

George K. Campbell
Regional Administrator

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

REGIONAL OFFICE
147 MILK STREET BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 223-7256

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George R. Campbell

George R. Campbell
Regional Administrator

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

REGIONAL OFFICE
147 MILK STREET BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 223-7256

RECEIVED
SEP 2 - 1975
GOVERNOR'S
JUSTICE COMMISSION

GRANT AWARD

GRANTEE: Vermont Governor's Commission on the Administration of Justice

GRANT AMOUNT: $200,000 GRANT NUMBER: 75-JF-01-0050

DATE OF AWARD: August 29, 1975 DURATION OF GRANT: 8/29/75 - 6/30/77

Award is hereby made in the amount and for the period shown above of a grant under Title II, sub-part 1, section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, in accordance with the plan set forth in the application dated August 1, 1975, and subject to the Administration's attached current conditions governing grants as well as the attached Special Conditions.

The grant shall become effective, as of the date of award, upon return to the Administration of the duplicate copy of this award and the attached Special Conditions executed for the grantee in the space provided below.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Regional Administrator

Accepted for the Grantee:

Michael Krell
Signature of Authorized Official

September 4, 1975
Date

Michael Krell, Esq., Executive Director
Typed Name and Title of Official

Cognizant Regional Office: Region I, Boston
Accounting Classification Code: T-S-JX-10-01-01
Appropriation #: 155/60400(91)
Document Control #: 75-0005

August 29, 1975

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

RECEIVED
SEP 2 - 1975
GOVERNOR'S
JUSTICE COMMISSION

REGIONAL OFFICE
147 MILK STREET BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 223-7256

SPECIAL CONDITIONS

Grantee (Name of SPA): Governor's Commission on the Administration of Justice

Grant Number: 75-JF-01-0050

In addition to the General Conditions contained in the application to which this grant is subject, it is also conditioned upon and subject to compliance with the following special condition(s):

1. Grantee agrees that except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

2. Grantee agrees that all criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein; the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

3. This grant award, or portion thereof, is conditional upon subsequent congressional or executive action which may result from Federal budget deferral or recision actions pursuant to the authority contained in Sections 1012(a) and 1013(a) of the Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301, P.L. 93-344, 88 Stat. 297 (July 12, 1974).

4. Prior to the obligation/expenditure of grant funds and prior to the submission of the JJDP supplement to the FY76 Comprehensive Plan, the grantee agrees to submit a revised budget to include the following:

   a. address the 10 percent match issue; PI

Special Conditions
Page Two

b. clarify programmatically, as required by para. 73, M 4100.1D, how formula grant money will be used;

c. and, allocate up to 15 percent for the planning function.

5. The grantee agrees to comply with the financial guidelines that are established by LEAA for the administration of the Juvenile Justice Delinquency and Prevention Act.

6. Prior to the expenditure or obligation of any funds, the grantee will submit to LEAA the following:

a. A-95 review comments;

b. and, the SPA Supervisory Board endorsement.

7. Within 30 days of this award, the grantee will address the issue of requesting a waiver of the local pass-through and, if deemed appropriate, submit to LEAA for review and approval a request for waiver.

8. Prior to the submission of the JJDP supplement to the FY76 Comprehensive Plan, the grantee agrees to submit to LEAA for review and approval the strategy for:

a. research, training and evaluation capacities for implementing the JJDP Act;

b. and, protecting the security and privacy of the recipients of the services provided by the JJDP Act.

(617-222-7254)

THOMAS P. SALMON
GOVERNOR

STATE OF VERMONT
EXECUTIVE DEPARTMENT
MONTPELIER, VERMONT

October 14, 1975

Mr. Michael Krell
Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, Vermont 05602

Dear Mr. Krell:

In order that the State of Vermont may comply fully with all provisions of Public Law 93-415 §223, I hereby indicate my full approval of the acceptance by this State, of funds available under said Statute, and certify that the Governor's Commission on the Administration of Justice is designated as the sole Agency for supervising the preparation and administration of the plan required thereunder.

I certify further, that the Agency has, as a result of my Executive Order #10 dated April 27, 1973 (which Order created the Agency), the power to implement the plan in conformity with the Statute. This power is subject only to the normal procedures of Executive and Legislative control applying to all Executive Agencies and Departments functioning within the State of Vermont.

Sincerely,

Thomas P. Salmon

TPS/mc

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

October 21, 1975

J. Michael Sheehan, Jr.
Vt. State Representative
LEAA - U.S. Department of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109

Dear Mr. Sheehan:

This letter represents our best effort to deal directly with the special conditions set forth in Mr. Campbell's communication of August 29, which notified this Agency of receipt of a formula grant under the Juvenile Justice and Delinquency Prevention Act of 1974.

The first condition, requiring that we address the issue of the ten percent match, was handled by the State Emergency Board at its meeting of September 15. The Board approved the acceptance by the State of Vermont of the formula grant available under Public Law 93-415, and did so with the specific understanding that the match would be "in-kind". Attached is a copy of Governor Salmon's letter, certifying the acceptance of funds and designating this Agency as the sole supervisor of such funds.

It is pertinent to note here that although Vermont's fiscal situation may not have achieved the status of national attention, severe steps have been taken within the past month to insure Vermont's fiscal accountability. The Governor impounded approximately three million dollars, effected lay-offs of a substantial number of state employees, ordered a freeze on all "non-essential" hiring, and called a special session of the Vermont General Assembly. The latter was unable to bring itself to address the issue directly, and did little more than approve the actions previously taken by the Governor. It is, however, within this context that the Governor and the Emergency Board, both fully aware that the statute called for ten percent match, approved acceptance of funds under the JD Act and did so upon the contingency that the match would be

not in cash, but in-kind.

The second special condition imposed by the notification of August 29, requiring programmatic clarification regarding the manner in which the formula grant money will be expended, presents to us a serious problem. The statute itself is clear that Congress intends the formula grants to be expended in a planned, "comprehensive" manner. We received, on September 2, notification of the grant award and we were forced to wait until September 15 for the State's acceptance of the funds, and approval of the match. Then, we were subject to the normal State personnel procedures regarding the creation of a position, and were not able to employ, until October 6, a planner whose attentions could be directed specifically to the JJDPA. Furthermore, we were unable to fill the vacancy created in June by the resignation of our regular Juvenile Justice Planner until the last week in September. Needless to say, until recently we have been operating with something of a dearth of staff in all those areas encompassed by the JJDPA.

In the last two weeks, we have proceeded with alacrity to direct outselves to the more immediate requirements of the Act. A task force appointed by the Supervisory Board and the staff have dedicated much time and effort to the construction of the Advisory Group required by the statute. We are in the process of soliciting names as possible nominees, from all segments of the statewide community to be affected by the availability or expenditure of the formula grant funds. Both staff and Board agree that the Advisory Group can and must have valuable input into the staff's preparation of the Plan required by the statute. We feel strongly that this Group will act as a continuing, two-way educational forum, providing information to the Board and staff, but also offering this agency the opportunity to extend information concerning its attitudes, programs and functions into the whole community of those involved or interested in Prevention and the Juvenile Justice System. Our delegation of a large segment of time to the tedious detail of constructing this group reflects our dedication to the principle that the Plan required by the JJDPA will be truly comprehensive, fully reflecting the needs of the juvenile population. In a state such as Vermont, where the Juvenile Justice System itself provides little in the way of detailed records and statistics, the contribution of such an Advisory Group necessarily must be of great importance.

Aside from the Advisory Group, we have, in the last two weeks, directed great effort toward identifying and assigning the tasks involved in preparing the Plan for FY '76. In accomplishing this, we unanimously made a certain value judgment in regard to the Plan, specifically, that it will represent a

comprehensive statement of where we would like to be with the population covered by the JJDPA, and ultimately, present specific courses of action which will allow us to reach that point. That value judgment, of course, precipitated another which was that no JJDPA funds would be expended until the Plan was complete, and the funds could be expended in accordance with the Plan. Actually then, when the Plan for FY '76 is prepared, we will consider then not only the formula funds available in that year, but also the formula monies we have received to date.

We could, of course, submit some sort of budget which would comply with the special condition, but we feel strongly that since we have reached no real agreement in regard to that expenditure, and the funds have not been subject to a rational planning process, that filing such a document would belie our integrity and insult your intelligence.

We have considered that approximately $84,000 of the formula funds we have already received, may be applied in a one-time manner to the efforts of the Alternative Care Review Board. We have not, however, yet reached real consensus regarding this course of action. If such consensus does occur, we will notify you immediately by filing a budget which reflects that expenditure. At this point, however, we can say only that no funds will be expended until the Plan is complete. Frankly, we find it difficult to deal on the one hand with a statute and guidelines that clearly direct that all expenditures should be planned to the fullest extent possible, and on the other, with a special condition which states that a budget dealing with expenditures should be filed before the planning process is complete.

The third special condition regarding the allocation of up to 15 percent for the planning function has already precipitated the hiring of one full-time planner to be paid from the JJDPA funds. Yesterday, the State Administration's freeze upon hiring was lifted officially, and we will proceed to seek one fiscal person and a secretary to assist in the planning and administration process. We intend further to file this week an application for the extra $15,000 special emphasis grant, and plan to use those funds for an additional planner.

We truly feel that in two weeks, we have come a long way. We could not, however, maintain our own integrity if we were to indicate in any way that we have gone farther than we actually have.

Very truly yours,

MICHAEL KRELL, Esq.
Executive Director

MK/mc
cc: George K. Campbell, Regional Administrator, LEAA

(2) For Projects Administered By Private Agencies.

(a) A project-by project-basis;

(b) An agency-by-agency basis if a given private agency is the recepient of support from more than one subgrant; or

(c) A program-by-program basis if the State Supervisory Board adopts this procedure.

b. Special Emphasis Grants. All applicants for grants under Subpart II must be prepared to provide at least 10 percent of the total project cost. At the discretion of the Administrator, LEAA, Federal funds awarded under Subpart II may be used to pay up to 100 percent of the cost of projects funded thereunder. Where the Administrator determines that the grantee has a unique facility, capability or service that is necessary to the efficient and judicious operation of the funded project or program, he may require the grantee to furnish such facility, capability or service as a matching contribution. Such determination shall be made on a grant-by-grant basis.

7. SOURCE AND TYPE OF FUNDS.

a. Formula Subgrants to State Agencies and Units of Local Government. Match for these grants must consist of cash appropriated or otherwise supplied by a state or unit of local government or contributed by a private agency subgrantee. This cash may be used to pay any permissable project cost.

b. Formula Projects Administered by Private Agencies. For those grants wherein a private agency is involved in the execution and management of the project, match must consist of cash contributed by the subgrantee or otherwise supplied by some other source. This requirement may be waived by the cognizant Regional Office (for Subpart I grants) in whole or in part and in-kind match substituted if:

(1) The project otherwise meets the criteria of the Act.

(2) It is consistent with the State Plan.

(3) It is meritorious, i.e., it will help alleviate the juvenile delinquency problem.

(4) A demonstrated and determined good faith effort has been made to find cash match.

78-464 O - 77 - 14

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

REGIONAL OFFICE
147 MILK STREET BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 223-7256

November 24, 1975

Mr. Michael Krell
Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mike:

This is in response to your letter of October 21, 1975 which, in part, concerned the match requirements of the Juvenile Justice and Delinquency Prevention Act. Regarding the match requirement, I call your attention to LEAA Guideline M 7100.1A, Change 3, dated October 29, 1975. Specifically in Chapter 7, paragraph 7.a, the requirement is that for formula grants to State agencies and units of local government the match "...must consist of cash...." For those awards made to private agencies, the Regional Office may waive the cash requirements, in whole or in part and substitute in-kind match for some specific reasons.

In addition, I want to remind you that Special Condition #4 of the FY75 Plan Supplement Document, award #75-JF-01-0050, is still in effect. Therefore, until the State provides the appropriate cash match, no funds may be obligated or expended from this award - #75-JF-01-0050.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,

J. Michael Sheehan, Jr.
VT State Representative

cc: Forrest Forsythe, Deputy Director, GCAJ
Barbara Scott, Program Coordinator, GCAJ
Lee Buddendeck, RO I Financial Management Specialist
David Graves, RO I Juvenile Justice Specialist

SUITE 204 • 1909 K STREET, N.W. • WASHINGTON, D.C. 20006 (202) 872-0620

National Conference of State Criminal Justice Planning Administrators

November 25, 1975

Ms. ~~Mary~~ Ann Cummings
Governor's Commission on the Administration
Of Justice
149 State Street
Montpelier, Vermont 05602

Dear Mary Ann:

Attached, per your request, is the correspondence between the National Conference and LEAA relative to M7100.1A Chg-3 which contains the requirement that Juvenile Justice and Delinquency Prevention Act funds must be matched with cash.

You should be aware that LEAA is relying upon Section 228(c) of the JJDPA for the authority to require cash match. In the absence of specific legislative history on Section 228(c) or Section 222(d), one has to go to the general purposes of the Act to make the determination whether LEAA is within its authority to insist upon its general requirement. There are three indications that in kind match should as a general rule be available, and that cash match should be required by LEAA only in exceptional cases.

(1) Section 222(d) requires a ten(10) percentum match. It states that it shall be either in cash or kind. The only limitation on which match to provide is that the non-federal share be consistent with the maintenance of effort provision of Section 261. The JJDPA, in contrast to the Crime Control Act, appears to attempt to encourage the involvement of all kinds of potential grantees, so long as they are willing to make a minimal resource commitment to the program. The thrust of the JJDPA is to be inclusive, permitting a variety of grantees, public and private, to participate in the program, and easing the burdens and barriers that would limit such involvement. In kind match makes it easier for grantees to participate. A cash match requirement makes participation more difficult. Thus, utilizing the cash requirement as a general rule would seem to violate the spirit of the Act.

(2) At least as to the formula grant portion of Part B, whether in cash or kind match should be provided appears to be a decision left to the grantee, the State. In cases where determinations are to be made by LEAA, the specific statutory language is usually present in the JJDPA stating that the Administrator is to make the decision. Section 222(d) does not give that power to the Administrator. Only if in kind match would reduce the maintenance of effort requirement would it appear that the State could not use in kind match.

(3) Formula grant funds are intended to be given to the States with a minimum number of restrictions beyond those imposed by statute. The funds are made available to the States through their State plans. Thus, the imposition of cash match and other terms and conditions beyond the statutory minimum requirement, following the example of the Crime Control Act, should be the result of State not federal decisions.

It would appear that Section 228(c) of the JJDPA permitting the Administrator to require the recipient of any grant to contribute money, facilities, or services, is a power to be utilized as the exception rather than the rule.

The general rule is to permit in kind match. Section 228(c) permitting the requirement of in cash match would seem to warrant limited application. A consistent reading of Section 228(c) would be that a cash match requirement be applied selectively, and that the Administrator make a grant-by-grant and contract-by-contract determination as to whether cash match is warranted.

The Administrator under this construction must determine that the success of a particular program requires cash or some other contribution as prerequisite to funding. Thus, the general requirement found in M7100.1A Chg-3 paragraph 7, is illegal because the Administrator makes it more difficult for grantees to participate in the program without making the specific counterbalancing judgment that the success of an individual program requires this type of contribution.

Even, in arguendo, if one construes that LEAA has the authority to make a general rule to require cash match, Section 228(c) requires the Administrator to determine that the requirement contributes to the purposes of Part B. There is not evidence that the Administrator has made this determination. If he were to make the determination that cash match was required to either eliminate administrative problems or make more money available for programs, it could be argued that both these rationales had already been rejected implicitly by Congress. Congress had knowledge of how in kind match programs operated under LEAA in the past, yet it specifically provided for in kind match nonetheless. Secondly, Congress could have either authorized more money or required cash match from the beginning. It can be argued that Congress provided in kind match because it knew how difficult it had been for public and private agencies to get cash for matching federal programs.

Mary Ann, I hope the enclosed materials and the above interpretative analysis prove useful. I would be happy to discuss the issue further with you, Michael or your General Counsel, either in terms of substance or tactics. If you have any questions, feel free to call.

Sincerely,

Richard B. Geltman
General Counsel

RBG:rah

Enclosures

JOHN H. DOWNS
CHAIRMAN

EXECUTIVE DIRECTOR
ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

December 3, 1975

J. Michael Sheehan, Jr.
Vermont State Representative
LEAA U.S. Department of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109

Dear Mr. Sheehan:

We are in receipt of your communication dated November 24 calling our attention to the Law Enforcement Assistance Administration's (LEAA) recent requirement that match for formula grants awarded under the Juvenile Justice and Delinquency Prevention Act are to consist of cash. We received the LEAA Guideline M 7100.1A, Change 3, notifying this agency to that effect on Tuesday, November 20. They were delivered by hand at the JJDPA Workshop led by Messrs. Lugar and Nader of the Washington JJDPA office.

Primarily we wish to indicate that our initial reaction was one of shock and disbelief. This Act was passed in September of 1974. Each state's planning agency enthusiastically was encouraged to request funds under the formula. Much publicity regarding the Act was disseminated by LEAA, not only to the SPA's, but also to the public so much that this office has received numerous requests from the citizenry of this state for information regarding our position on the funds available and the formation of the advisory group.

Before making the decision to request formula funds, we made a careful study of the Act with an eye towards whether the funds themselves possibly could justify the grief involved in administering them. The work, for example, in finding the people for an advisory group whose constitution is so carefully

prescribed by the Act, seemed somewhat overwhelming. Actually it was, for it demanded approximately 150 manhours to construct the group. The Act's clear requirement that state planning agencies were to undertake a massive and concerted effort to attack juvenile delinquency at its roots, was also a consideration.

However, we are experiencing here in Vermont, the effects of delinquency, along with severe economic deprivation on the part of this State and its people. The delinquency problem is growing (Corrections' juvenile caseload rose 18% between September '74 and September '75, with a 48% increase in juvenile probation), the State's funds are short, and the Act provides, in section 222(d):

> The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261 (section 261 does not pertain to match).

Furthermore, we observed in the legislative history, that Senator Bayh, whose child this legislation was, stood on the floor of the Senate on the day of final passage and said:

> The agreed upon match provision is in lieu of the Senate provision for no match and the House provision for a 90 percent cash, or hard match.

We believed, then, as would most reasonable men, that the match could be soft, since the Act so states, and the legislative history so supports. On that basis, we made the decision to apply for funds, feeling that the problem, and Vermont's lack of monies to deal with it, forced us to do so.

And nothing was forthcoming indicating that the option for soft match would be removed. Our official notification of the grant award required only that we "address the ten percent match issue", which we did by stating in our October 21 communication to you, that the State accepted the funds on the basis of soft match. In good faith we submitted to the State's Emergency Board a request, on the basis of soft match, for approval of our acceptance of the funds. In good faith, the Governor authorized on the basis of soft match, this agency to administer the funds. In good faith, we employed, in October, a planner who has directed her full efforts to the requirements of the Act and the preparation of the plan.

Primarily, we contend that no federal agency, including LEAA, has the authority to thwart such specific language in the Act, and such obvious legislative intent.

Secondly, we further contend, that LEAA has not acted in good faith.

In spite of the fact that detailed guidelines were issued regarding the planning effort, nothing was forthcoming regarding the peculiar interpretation of the match provision. In July, before we submitted our Plan Supplement Document in support of a request for formula funds, our representative at the regional meeting in Bedford was told by people from the Boston office that "The only question seems to be whether there will be soft match or no match". We wondered a bit at that. The Act states "in cash or in kind". It does not say "no". Furthermore, Notice M 4150.1, dated July 3, 1975, stated in paragraph 6(d) that for the initial special emphasis grant of $15,000 for planning and administration there would be no match, and the formula grant requires "no state buy in, but does require ten percent (10%) match". Nothing was said about eliminating the soft match option.

Three weeks ago, our fiscal person attended an auditing school in Washington and when she asked specifically for instructions regarding the handling of JJDP Act funds and the soft match, (the Act, because of the nonsupplanting provision requires separate books and soft match alone involves difficult bookkeeping procedures), she was told that no decisions involving those guidelines were yet forthcoming. When we received the guidelines, they were dated October 29. Furthermore, at a Chicago meeting held but two weeks ago and attended by Vermont's Corrections Commissioner, in discussing the Act, Mr. Lugar made no mention of LEAA's interesting interpretation of the match provision. Without doubt, this has been the best kept secret of the century since we have reason to believe the decision was made as early as last Spring. Mr. Nader, last week, informed one of our staff members, "We decided that last May."

We had no reason to assume that match was in any way a question, yet apparently it was, and has been for some time. Had we known, that would have been a part of our consideration of whether to apply for the formula. We have been placed in a most difficult and untenable position as the result of treatment on the part of LEAA that must be considered as not in good faith.

We hope the matter can be resolved by reasonable negotiation, in a timely manner. Two years to "deinstitutionalize status offenders" weighs heavily upon us. But so strongly do we feel about the manner in which this has been handled, that resort to the Courts is a step we are not unwilling to take.

Very truly yours,

FORREST FORSYTHE
Deputy Director

FF/mc

cc: The Honorable Birch Bayh
The Honorable Patrick Leahy
The Honorable Robert Stafford
The Honorable James Jeffords
George K. Campbell, LEAA Regional Administrator, Region I
Richard W. Velde, Administrator, LEAA
Richard B. Geltman, Esq., General Counsel, National Conference of State Criminal Justice Planning Administrators

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

EXECUTIVE DIR.

ROBERT J. GR
DEPUTY DIRECTO

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

December 3, 1975

The Honorable Birch Bayh
Chairman
Special Subcommittee of Senate Judiciary Committee
to Investigate Juvenile Delinquency
A-504
U.S. Senate
Washington, D.C. 20510

ATTN: John Rector

Dear Senator Bayh:

Enclosed, please find our letter to the regional office of L.E.A.A.

As advised by Senator Leahy's staff, we contacted the Subcommittee to Investigate Juvenile Delinquency. The person there, to whom we spoke, expressed surprise at L.E.A.A.'s position regarding "match", but had not been apprised of it before we called.

We feel we have been treated badly by L.E.A.A. If you feel as we do, we would appreciate your conveying your concerns to Richard W. Velde, Administrator, L.E.A.A.

Unless L.E.A.A. changes its position on this matter, we will be unable to participate in the Juvenile Justice Act. We do not have, nor can we obtain, cash match

Very truly yours,

FORREST FORSYTHE
Deputy Director

FF/mc

Enclosure

Same letter to Stafford and Senator's Stafford and Leahy, Congressman Jeffords

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
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149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

December 3, 1975

Richard B. Geltman, Esq.
General Counsel
National Conference of State Criminal Justice
Planning Administrators
Suite 204
1909 K Street, N.W.
Washington, D.C. 20006

Dear Dick:

Many thanks for the material your supplied. It is of much assistance in our effort since we've decided to fight, as you can see by the attached.

We have contacted our congressional delegation and Senator Bayh's Subcommittee. The staff person there was surprised by L.E.A.A.'s position, but had not been apprised of it until we called. We also plan to contact the S.P.A.'s of the four other New England states participating in the JJDP Act, and those who indicated to you their adversity to hard match.

We will ask these agencies to request their congressional delegations to convey their concerns to Senator Bayh's Subcommittee and to Mr. Velde. Our tactic, for the time being, is to apply so much pressure to the top of the superstructure, that something in the bowels of the ship has to give.

Many thanks again,

Marian M. Cummings
JJDP Act Planner

MMC/sb

Enclosure

T E L E G R A M

TO: Richard W. Velde, Administrator, Office of Administration
U.S. Dept. of Justice - L.E.A.A. - Washington, D.C. 20550

FROM: John H. Downs, Chairman, Governor's Commission on the Administration of Justice

RE: P.L. 93-415 match

DATE: December 5, 1975

On the basis of earlier information from the regional office, we advised Vermont's Legislature and Executive that acceptance of JJDP Act funds included soft match option. We are placed in embarrassing and intolerable position by recent directive to contrary.

Vermont's economy will not generate cash match. Unless soft option is allowed, we will be unable to participate.

The Act's language supports legislative intent to allow cash or in kind match, at the option of the states.

Vermont's increasing rate of delinquency is associated with its depressed economy. Congress, in providing soft match, obviously intended to assist poor states like this one.

Please get back to me as soon as possible to indicate a change in your guideline. We, in Vermont, wish to continue our participation in the JJDP program.

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

December 5, 1975

The Honorable Birch Bayh
Chairman
Special Subcommittee of Senate Judiciary Committee
to Investigate Juvenile Delinquency
A-504
U.S. Senate
Washington, D.C. 20510

ATTN: John Rector

Dear Senator Bayh:

Enclosed, please find copy of telegram sent under my signature to Richard W. Velde, Administrator, L.E.A.A.

Any assistance you might render, regarding L.E.A.A.'s intrepretation of the match provision in P.L. 93-415, will be appreciated.

Very truly yours,

John H. Downs

John H. Downs
Chairman

JHD/mc

Enclosure

Reply to: 9 Prospect Street
St. Johnsbury, Vt. 05819

Same letter to Stafford
Senators Bayh, Stafford
Leahy, & Congressman
Jeffords

ROBERT T. STAFFORD
VERMONT

8219 SENATE OFFICE BUILDING
TEL. (202) 224-3141

NEAL J. HOUSTON
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
LABOR AND PUBLIC WELFARE
PUBLIC WORKS
VETERANS' AFFAIRS
SPECIAL COMMITTEE ON AGING

December 18, 1975

Mr. Forrest Forsythe
Deputy Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mr. Forsythe:

Enclosed is a copy of my letter to Mr. John Downs regarding Vermont's problem with L.E.A.A.'s interpretation of the match provisions of PL 93-415.

The letter is self-explanatory.

When I receive a reply to my letter from L.E.A.A., I shall be in touch with you.

Sincerely yours,

Robert T. Stafford
United States Senator

RTS/mk

Enclosure

ROBERT T. STAFFORD
VERMONT

8219 SENATE OFFICE BUILDING
TEL. (202) 224-3141

NEAL J. HOUSTON
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
LABOR AND PUBLIC WELFARE
PUBLIC WORKS
VETERANS' AFFAIRS
SPECIAL COMMITTEE ON AGING

December 18, 1975

Mr. John H. Downs
Chairman
Governor's Commission on the
Administration of Justice
9 Prospect Street
St. Johnsbury, VT 05819

Dear John:

Thank you for your recent letter concerning Vermont's problems with the match provisions of PL 93-415.

I have written Mr. Velde supporting the Vermont position, and I have also discussed the problem with Senator Bayh, Chairman of the Subcommittee on Juvenile Delinquency. He informed me that the Subcommittee was preparing a formal protest to L.E.A.A. on their interpretation. I offered to be of any assistance that he felt I could be to this endeavor.

Sincerely yours,

Robert T. Stafford
United States Senator

RTS/mk

United States Senate
COMMITTEE ON
AGRICULTURE AND FORESTRY
WASHINGTON, D.C. 20510

December 18, 1975

Mr. Forrest Forsythe
Deputy Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mr. Forsythe:

Thank you for your letter of December 3 concerning the Law Enforcement Assistance Administration's recent requirement that match for formula grants awarded under the Juvenile Justice and Deliquency Prevention Act must consist of cash.

As I have told John Downs, I have written Mr. Velde and have been in touch with Senator Bayh's Subcommittee. I have offered my assistance in Senator Bayh's and the Subcommittee's efforts to have L.E.A.A. correct this error.

Thank you for bringing the problem to my attention. I will keep you advised of developments.

Sincerely,

PATRICK J. LEAHY

PJL/jeb

United States Senate

COMMITTEE ON
AGRICULTURE AND FORESTRY
WASHINGTON, D.C. 20510

December 18, 1975

John H. Downs, Esq.
Chairman
Governor's Commission of the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear John:

Thank you for your letter of December 8 concerning the Law Enforcement Assistance Administration's recent requirement that match for formula grants awarded under the Juvenile Justice and Deliquency Prevention Act must consist of cash.

I appreciate your concern, and I have written Mr. Velde.

My office has also been in touch with the Senate Judiciary Committee's Subcommittee to Investigate Juvenile Deliquency. The Subcommittee's chief counsel, John Rector, is very much aware of this problem and is working on congressional response to it. I have offered him my assistance.

I'll keep you advised of developments.

Sincerely,

PATRICK J. LEAHY

PJL/jeb

December 30, 1975

George K. Campbell, Regional Administrator
U.S. Department of Justice
Law Enforcement Assistance Administration
100 Summer Street, 19th Floor
Boston, Massachusetts 02110

Dear Mr. Campbell:

I am very happy to transmit to you the 1976 Plan Supplement Document required by the Juvenile Justice and Delinquency Prevention Act of 1974. This document contains a description of Vermont's juvenile justice system and delinquency prevention efforts and outlines the direction future programming in these areas will take.

This report was prepared by the staff of the Governor's Commission on the Administration of Justice. The staff consulted juvenile justice professionals, judges, prosecutors, public defenders, police officers, personnel at the Department of Corrections, and many other people working with children in both the public and private sector.

In the future the Juvenile Justice and Delinquency Prevention Plan will be developed with the active participation of the advisory group that the Act requires. A list of nominees for this group has been prepared by the Commission and is now under consideration by Governor Salmon. The Governor, however, is postponing the formal naming of this group until the question of match is finally decided. Time constraints dictated that the Commission staff develop this document before the advisory group was named. The 1976 Plan Supplement Document is a descriptive report which poses problems and suggests directions. The Plan Supplement Document does conclude that a more clear focus on the scope of laws governing juveniles is the first step toward constructive change in the existing juvenile justice system. Research done for this document supports that the Commission's position on delinquency prevention programs should be refined. The Commission will be able to develop that position with increasing confidence as it works with the advisory group in the future.

The Supervisory Board of the Governor's Commission on the Administration of Justice will meet on January 15, 1976 to consider this Plan Supplement

26

Document and budget allocations for the funds associated with it. Once the Board has acted, the Commission will send an Attachment A to the Regional Office and affix dollar amounts to the programs included in this document.

The Governor's Commission on the Administration of Justice looks forward to its continued participation in the Juvenile Justice and Delinquency Prevention Act of 1974 and trusts that the initial difficulties encountered in the implementation of the Act will be resolved speedily and to the best interests of the children and youth of Vermont.

Very truly yours,

FORREST FORSYTHE
Deputy Director

FF/pam

Enclosures

JAMES M. JEFFORDS
VERMONT CONGRESSMAN

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
DAIRY AND POULTRY—
RANKING MINORITY MEMBER
CONSERVATION AND CREDIT

COMMITTEE ON EDUCATION
AND LABOR
SUBCOMMITTEES:
SELECT EDUCATION
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 2, 1975

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BURLINGTON, VERMONT 05401
(802) 862-5788

Mr. Forrest Forsythe
Deputy Director
Govenor's Commission on the Administration of Justice
149 State Street
Montpelier, Vt. 05602

Dear Mr. Forsythe:

Thank you for your letter regarding the difficulties that you have experienced with the LEAA regarding their interpretation of the Juvenille Justice Act.

I have spoken with Bob Gray on the matter and realize the loss of potential revenue that Vermont will incur if a hard match is required.

I am looking into the matter and will be back in touch with you as soon as I get a clarification as to what the exact intent of Congress is and if LEAA is violating this intent.

Again, thank you for bringing this matter to my attention.

Sincerely,

James M. Jeffords

JMJ:kmcg

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OFFICE OF THE ADMINISTRATOR

JAN 8 1976

RECEIVED
JAN 12 1976
GOVERNOR'S
JUSTICE COMMISSION

Honorable Thomas P. Salmon
Governor of Vermont
State House
Montpelier, Vermont 05602

Dear Governor Salmon:

It has come to my attention that Vermont is reconsidering its decision to participate in the Juvenile Justice and Delinquency Prevention program which is available to it through the Law Enforcement Assistance Administration.

The new Juvenile Justice and Delinquency Prevention legislation is considered by many as one of the most important program thrusts by the Federal Government in supporting States and local communities' efforts in preventing juvenile delinquency and improving the care and treatment of our Nation's youth.

As is the case in implementing most major new program efforts, there are many questions yet unanswered, and concern over what will be expected from States and how best to proceed. We realize that the guidelines to follow in completing the juvenile delinquency planning requirements place a heavy responsibility on the participating States.

A decision by Vermont not to participate would be very disappointing, especially in view of the important role your State has played in adult corrections reform. The closing of the State prison and the creation of an integrated community-based correctional system has gained national attention and the respect of corrections professionals.

JAN 8 1976

I encourage Vermont to remain in the Juvenile Justice and Delinquency Prevention program and I know that George Campbell, our Regional Administrator, will provide any assistance possible to support such an effort. Mr. Campbell can be reached at 100 Summer Street, 19th Floor, Boston, Massachusetts 02110, telephone number 617-223-4671.

If I may be of any help in this matter, please do not hesitate to contact me or my staff.

Sincerely,

Richard W. Velde

Richard W. Velde
Administrator

cc: Vermont SPA

JAMES M. JEFFORDS
VERMONT CONGRESSMAN

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
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January 14, 1976

Mr. Michael K. Krell
Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, Vermont 05602

Dear Mike:

As you know, I am well aware of your concern over the changed LEAA guidelines regarding the match state and local programs must provide if they receive federal financial assistance under the Juvenile Justice and Delinquency Prevention Act.

To better update the Commission on my efforts on Vermont's behalf, I am transmitting to you a memorandum describing what I have attempted to do along with other supplemental materials.

I hope this is useful to you and the Commission.

Sincerely,

James M. Jeffords

JMJ:pme

JAMES M. JEFFORDS
VERMONT CONGRESSMAN

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
DAIRY AND POULTRY—
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Congress of the United States
House of Representatives
Washington, D.C. 20515

January 14, 1976

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(802) 862-5795

MEMORANDUM

TO: The Supervisory Board of the Governor's Commission on the Administration of Justice

FROM: Congressman James M. Jeffords

RE: Update on progress in resolving matching requirements for Juvenile Justice funds

In December, 1975, both John Downs, Chairman of the Governor's Commission on the Administration of Justice, and Forrest Forsythe, Deputy Director, notified me that Vermont's participation in the Juvenile Justice and Delinquency Prevention program is being jeopardized because of the issuance of new guidelines by the Law Enforcement Assistance Administration governing formula grant matching requirements.

LEAA's Guideline M7100.1A, Change 3, proposed a significant change in the matching requirement by stipulating that states were to match the receipt of federal financial assistance in cash whereas P.L. 93-415, the Juvenile Justice and Delinquency Prevention Act, provided states the option of matching in cash or in kind.

Having received notification of the problem and the effect it would have on Vermont, I set out to affect a solution.

As a Member of the House Education and Labor Committee, which has jurisdiction for this legislation in the House of Representatives, I was in an advantageous position to discuss the background and details of this Act. I would like to share with you what steps I have taken.

As you well know, the law is plain. Section 222(d) reads:

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

Still, in circumstances where there is debate over regulations promulgated under the law, it is vital to document the intent of Congress. In this regard, I noted in the conference report, H. Rpt. 93-1298, that it was the intent of the House and Senate conferees to allow State or local programs to match federal funds in cash or in kind. In the Joint Explanatory Statement of the Committee of Conference, it is stated that:

> The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

Thus, where no specific in kind provision was contained in the differing bills passed by the House and the Senate, the conferees explicitly provided for in kind matching, which was later approved by both Houses in passing the conference report.

It was clear to me what the law stated and what the intent of Congress was in this matter. I then informed LEAA directly through my staff and staff of the Education and Labor Committee of my serious objections to its misapplication of the law. LEAA responded that Section 228 (c) of the Act gave the Administrator the power to require a cash or hard match.

Section 228 (c) reads:

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

After hearing this, I wrote to Senator Birch Bayh, Chairman of the Senate delegation to the conference committee, and to Congressman Augustus F. Hawkins, Chairman of the Subcommittee on Equal Opportunities and of the House conferees, informing them of Vermont's difficulty and detailing my interpretation of congressional intent and the law. Both Senator Bayh and Chairman Hawkins responded that my position is correct. (I am enclosing copies of their replies for your information.) You should note especially that Senator Bayh states that the Administrator can require a hard match under Section 228 (c) only in exceptional circumstances.

Finally, I have written Administrator Velde to protest the administrative indiscretion LEAA has shown in requiring a hard match and to document the clear congressional intent on the option of in kind matching. (For your information, I have also provided copies of my correspondence with Mr. Velde.)

Please be assured that I will follow this matter until it is resolved and the in kind option is restored.

JAMES M. JEFFORDS
VERMONT CONGRESSMAN

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
DAIRY AND POULTRY—
RANKING MINORITY MEMBER
CONSERVATION AND CREDIT

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Congress of the United States

House of Representatives

Washington, D.C. 20515

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January 6, 1976

The Honorable Birch Bayh
United States Senate
363 Russell Office Building
Washington, D.C.

Dear Senator Bayh:

As the principal architect of S. 821, the Juvenile Justice and Delinqency Prevention Act of 1974, I thought you would be interested in a situation which has developed in Vermont with regard to this program. LEAA Guideline M7100.1A, change 3, received in Vermont on November 20, directed that Vermont's share of programs under the Act be in cash, and not in kind. As you know, if the matching cash is not available, Vermont stands to lose this vital program.

According to the conference report, H. Rpt. 93-1298, it seems clear it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. In the Joint Explanatory Statement of the Committee of Conference, it is stated on page 41 of the above report that:

> The House amendment provided for a 10% matching share requirement in cash for State and local program. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

Thus, by an explicit act of the Committee of Conference, in kind matching was provided for and later approved by both Houses of Congress.

The law itself seems plain. As you well know, Section 222 (d) reads:

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

I was not a Member of the House of Representatives when this legislation was acted upon and not privy to the deliberations of the Committee of Conference. It is, however, my understanding that the House, whose bill provided only for cash match, receded to the Senate desire to allow an in-kind match option as well. Because you were Chairman of the Senate delegation and principal architect of the Act, I would like to ask you if it was the intention of the Committee of Conference to provide the option for states and localities to match federal financial assistance provided by the Act in cash or in kind?

In addition, the Law Enforcement Assistance Administration has asserted that Section 228(c) of such Act provides the Administrator the power to require that the match be made in cash. This section reads:

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

Does this section negate the law as provided for in Section 222(d) of Title II of the Act and the intent of the conferees?

Senator, your counsel in this matter is of vital importance to an expeditious and correct solution to the problem which has arisen, a problem which quite obviously has applicability to many states. The financial picture in many states, as in Vermont, makes the option of in-kind match critical for implementation of the program. I hope to hear from you shortly.

Sincerely,

Jim Jeffords

James M. Jeffords

JMJ:dd
cc: John Downs, Chairman, Governor's Commission on Administration of Justice
Michael Krell, Executive Director, Governor's Commission on Administration of Justice

Jeffords, HON. J.
BB/rj
RE: VERMONT: JUVENILE JUSTICE ACT and LEAA SOFT-HARD MATCH

January 13, 1976

Honorable James M. Jeffords
House of Representatives
Washington, D. C.

Dear Congressman Jeffords:

The purpose of this correspondence is to respond to your perceptive letter of January 6,1976, outlining your concern that guidelines regarding the appropriate matching requirement promulgated by LEAA ostensibly to implement the Juvenile Justice and Delinquency Prevention Act, P.L. 93-415, are contrary to the intent of its sponsors and the Congress. I concur in your analysis.

Our near half-decade review of LEAA policy made abundantly clear the need to facilitate the receipt of assistance by public and private entities, especially in the area of delinquency prevention. A primary obstacle to such progress was the 10 percent "hard" match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expressions of intent consistent with this objective.

As you know, the House bill incorporated the cash or "hard" match in its bill and a compromise was reached by the Conferees which was designed to allow in-kind or "soft" match rather than the absolutist approach of the two original bills. Thus, the legislative intent is clear that in-kind match should be the general rule, but that in exceptional circumstances the Administrator, as you note under §228(c), could provide for a waiver scheme and require hard match.

I hope that my assessment in this matter will be of assistance to you and the citizens of Vermont.

With warm regards,

Sincerely,

BIRCH BAYH
Chairman

JAMES M. JEFFORDS
Vermont Congressman

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE
DAIRY AND POULTRY
RANKING MINORITY MEMBER
CONSERVATION AND CREDIT

COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE
ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 14, 1976

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Montpelier, Vermont 05602
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P.O. Box 574
199 College Street
Burlington, Vermont 05401
(802) 862-5245

The Honorable Richard W. Velde
Administrator
Law Enforcement Assistance Administration
U.S. Department of Justice
Washington, D.C. 20531

Dear Mr. Velde:

I am writing to protest your ruling which changes the guidelines regarding the appropriate matching requirement promulgated by LEAA to implement the Juvenile Justice and Delinquency Prevention Act, P.L. 93-415. The ruling in question, LEAA guideline M 7100.1A, Change 3, received in Vermont on November 20, directed that States' share of programs under this Act be in cash, and not in kind. Thus, if the matching cash is not available from the State budget, Vermont and other states stand to lose this vital program.

This ruling violates the clear intent of Congress to allow State or local programs to match federal funds in cash or in kind, and you abused your discretion as Administrator of this program in so ruling. I therefore request that you reverse this requirement of "hard match" from State and local agencies and allow the "soft" or in-kind match as expeditiously as possible.

Nowhere in the legislative history of this Act is there justification for such a hard-match ruling. According to the conference report, H. Rpt. 93-1298, it seems clear it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. In the Joint Explanatory Statement of the Committee of Conference, it is stated on page 41 of the above report that:

> The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The Honorable Richard W. Velde
January 14, 1976

page 2

Thus, by an explicit act of the Committee of Conference, in kind matching was provided for and later approved by both Houses of Congress.

The law itself seems plain. As you well know, Section 222 (d) reads:

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

In order to ascertain that my interpretation of the intent of the conferees was not in error, I requested the opinions of Senator Birch Bayh and Representative Augustus Hawkins, who, as you know, were the Chairmen of the Senate and House subcommittees which authored the legislation, and were Conference managers. The correspondence is enclosed.

As you will see from a reading of the enclosed correspondence both Senator Bayh and Representative Hawkins agree totally that the intention of the conferees was for States to have a soft-match option, and that any other interpretation by the Administrator is a violation of this intent.

Furthermore, it has been indicated to me that you maintain that Section 228 (c) gives you the discretion of requiring a hard or cash match in this case. Once again, the legislative intent is to provide this option to you in exceptional circumstances only, as both Senator Bayh and Representative Hawkins point out. The defense of your position is not only opposite this intent, it is contrary to fact as well.

Thank you for your interest in this important matter and for a prompt resolution of the problem. I expect to hear from you shortly.

Sincerely,

James M. Jeffords

JMJ:dd

JAMES M. JEFFORDS
[illegible]
COMMITTEE ON AGRICULTURE
AGRICULTURE
DAIRY AND POULTRY—
RANKING MINORITY MEMBER
CONSERVATION AND CREDIT
COMMITTEE ON EDUCATION
AND LABOR
SUBCOMMITTEES:
ON ESE EDUCATION
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION

Congress of the United States

House of Representatives

Washington, D.C. 20515

January 13, 1976

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125 College Street
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The Honorable Augustus F. Hawkins
Chairman
Subcommittee on Equal Opportunities
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As the principal architect of the Juvenile Delinquency Prevention Act of 1974, I thought you would be interested in a situation which has developed in Vermont with regard to this program. LEAA Guideline M7100.1A, change 3, received in Vermont on November 20, directed that Vermont's share of programs under this Act be in cash, and not in kind. As you know, if the matching cash is not available, Vermont stands to lose this vital program.

According to the conference report, H. Rpt. 93-1298, it seems clear it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. In the Joint Explanatory Statement of the Committee of Conference, it is stated on page 41 of the above report that:

> The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

Thus, by an explicit act of the Committee of Conference, in kind matching was provided for and later approved by both Houses of Congress.

The law itself seems plain. As you well know, Section 222 (d) reads:

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

I was not a Member of the House of Representatives when this legislation was acted upon and not privy to the deliberations of the Committee of Conference. It is, however, my understanding that the House, whose bill provided only for cash match, receded to the Senate desire to allow an in-kind match option as well. Because you were Chairman of the House delegation and principal architect of the Act, I would like to ask you if it was the intention of the Committee of Conference to provide the option for states and localities to match federal financial assistance provided by the Act in cash or in kind?

In addition, the Law Enforcement Assistance Administration has asserted that Section 228 (c) of such Act provides the Administrator the power to require that the match be made in cash. This section reads:

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

Does this section negate the law as provided for in Section 222 (d) of Title II of the Act and the intent of the conferees?

Mr. Chairman, your counsel in this matter is of vital importance to an expeditious and correct solution to the problem which has arisen, a problem which quite obviously has applicability to many states. The financial picture in many states, as in Vermont, makes the option of in-kind match critical for implementation of the program.

I have sent a similar letter to Senator Bayh to get his opinions on this matter. I hope to hear from you shortly.

Sincerely,

James J. Jeffords

JMJ:bsp

1/15/76

United States Senate

MEMORANDUM

It is a pleasure to send the enclosed material in response to your recent request. If there is any other way that I can be of service, please do not hesitate to let me know.

Sincerely,

BIRCH BAYH
Chairman

Subcommittee to Investigate
Juvenile Delinquency

Pp. 42

55 D.R. File

Levi, Hon. E.H.
BB/rj
RE: Juvenile Justice Act provisions.
BC: VELDE, LUGER, J.J. DIGEST, NCCD AND NYAP

January 15, 1976

Honorable Edward H. Levi
Attorney General of the United States
Department of Justice, Room 5111
Constitution Avenue & 10th Streets, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

As you know I have a special interest in the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, and helping to assure that it is implemented consistent with the intent of the overwhelming bipartison support it received in the Congress.

I have enclosed recent correspondence between myself and the Honorable James M. Jeffords regarding LEAA guidolines on the subject of appropriate matching requirements for prospective public and private recepients under the Act. The Administrator has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation.

Unfortunately, this recent misconstruction of the Act's provisions is merely one of the myriad of Administration-induced obstacles preventing the establishment of the program and new priorities embodied in the Act's provisions.

I am sure that, as you have in the past, you will do whatever you can to assist in these matters of mutual concern.

With warm regards,

Sincerely,

BIRCH BAYH
Chairman

Enclosure

43

stay only a set time before being transferred and should get economic incentives similar to military combat pay. "The combination of continued violence and threats of violence with little or no support from school administrators results in teachers who experience psychological and physiological depletion and ultimate collapse. Teachers are the target and they are not prepared," Bloch said.

Sen. Bayh Writes The Attorney General

LEAA'S HARD CASH MATCH REQUIREMENT FOR JJD ACT FUNDING BLASTED AS DELIBERATE MISCONSTRUCTION OF LAW

'This Is Merely One Of The Myriad Administration-Induced Obstacles To Establishment Of The JJD Act'

In a letter mailed yesterday to the Attorney General, Edward H. Levi, Senator Birch Bayh (D-IN) has put the Justice Department on notice that the Law Enforcement Assistance Administration is *deliberately misconstruing* the intent of Congress by requiring at least a 10 percent *hard* cash match for any money received under the Juvenile Justice and Delinquency Prevention Act of 1974.

Bayh's action came after Rep. James M. Jeffords (R-VT) wrote the senator on Jan 6, asking if it was the intention of the Act "to provide the *option* for states and localities to match federal financial assistance. . .in cash or in kind?"

In his Jan. 15 letter to the Attorney General, Senator Bayh states that LEAA Administrator Richard Velde "has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation.

"Unfortunately," the senator told Levi, "this recent misconstruction of the Act's provisions is merely *one of the myriad* of administration-induced obstacles preventing the establishment of the program and new priorities embodied in the Act's provisions."

'Vermont Stands To Lose'

In his letter to Bayh, Rep. Jeffords said LEAA Guideline M7100.1A, change 3, was received in Vermont on November 20, directing that the state's share of juvenile programs under the Act be in cash and not in kind. "As you know," Jeffords wrote, "if the matching cash is not available, Vermont stands to lose this vital program."

Jeffords said flatly that it was his understanding of the compromise worked out by the House-Senate Conference Committee, before the Act's final passage, "that the House, whose bill provided only for hard cash match, *receded* to the Senate desire to allow an in-kind match option as well."

The Vermont congressman quoted Section 222 (d) of the Act which states that federal financial assistance shall not exceed 90 percent of approved project costs and that the non-federal share "shall be made in cash or kind consistent with the maintenance or programs required. . ."

Jeffords pointed out, however, that the LEAA has interpreted the Act's Section 228 (c), to provide Administrator Richard Velde with the power to *require* that the match be made in cash. Section 228 (c): "Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recepient of any grant or contract to contribute money, facilities or services."

The congressman from Vermont puts the paramount question to Sen. Bayh in the most direct terms: "Does (Section 228 (c)) negate the law as provided for in Section 222 (d) of Title II of the Act and the intent of the (House-Senate) conferees?

"Senator, your counsel in this matter is of vital importance to an expiditious and correct solution to the problem which has arisen, a problem which quite obviously has applicability to many states. The financial picture in many states, as in Vermont, makes the option of in-kind match critical for implementation of the program. I hope to hear from you shortly."

In-Kind Match The Rule

Sen. Bayh's Jan. 13 reply to Rep. Jeffords, agrees that the hard match requirement now being promulgated by the LEAA "ostensibly to implement the Juvenile Justice and Delinquency Prevention Act. . . (is) contrary to the intent of its sponsors and the Congress."

Bayh said a five-year review of LEAA policy "made abundantly clear" the need to clear redtape away from the mechanism used to provide federal

funds for public and private groups working in the area of juvenile delinquency prevention.

Historically, Bayh said "A primary obstacle to such progress was the 10 percent hard match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expressions of intent consistent with this objective.

"As you know, the House bill incorporated the cash or hard match in its bill and a compromise was reached by the conferees which was designed to allow in-kind or soft match rather than the absolutist approach of the two original bills. Thus the legislative intent is clear that in-kind match *should be the general rule*, but that in exceptional circumstances the (LEAA) administrator, as you note under Section 228 (c), could provide for a waiver scheme and require hard match." ■

NYC TEACHER ASSAULTS UP A WHOPPING 55 PERCENT

The number of reported attacks on New York City school teachers is skyrocketing. The rate of incidents for the first three months of the current academic year is up a whopping 55 percent over the same period last year, despite a teachers' strike in September which shut the system down for six days.

From September through November there were 289 reported assaults on teachers (95 more than for the same period last year) and 173 robberies of teachers, students and others just on *school grounds* (67 more than last year).

School Chancellor Irving Anker told the state subcommittee on juvenile delinquency, "There are no simple answers or cheap solutions to the problem." Anker described the "big-city school" as "an arena in which many of the crushing social problems of the city itself intrude and are acted out not only by the students themselves but more often by the forces that invade the schools." Anker said more than 10 percent of last year's school incidents were caused by intruders. ■

DOCTOR CALLS FOR MEDICAL ACTION AGAINST VIOLENCE ON TELEVISION

Mountains Of Facts Say TV Violence Does Stimulate Juvenile Delinquency

A Seattle child psychiatrist has called for an "organized cry from the medical profession" against violence on television and its effects on children.

Dr. Michael B. Rothenberg of Seattle's Children's Orthopedic Hospital and Medical Center and the University of Washington School of Medicine said that such an outcry from the medical profession is long overdue and should be accompanied by specific recommendations based on sound child development principles and hard data.

Rothenberg, writing in the December issue of the Journal of The American Medical Association, said the hard data is already available from 25 years of investigation into the relationship of television violence and agressive behavior in children.

He said 146 articles in science journals, representing 50 studies involving 10,000 children and adolescents from every conceivable background, all showed that viewing violence produces increased agressive behavior in the young.

Rothenberg said immediate remedial action in terms of television program is warranted, and he suggested that every doctor's office and health clinic have available the guidelines for children's programing worked out by San Francisco's Committee on Children's Television, a parent and professional pressure group. ■

CHILD ABUSE CONFERENCE HELD

Rapid social change is one of the major causes of the more than one million instances of child abuse and neglect each year in the U. S.

"We have a dramatic increase in the expected numbers of child abuse and neglect," Stanley Thomas told the 800 persons attending the three-day National Conference on Child Abuse and Neglect in Atlanta last week. But he said he did not have figures available on the amount of the increase. A lessening stability in family life styles such as one-parent families and grandparents no longer living with the family are among factors leading to the increase, Thomas said.

40

January 20, 1976

Richard W. Velde, Administrator
U. S. Department of Justice
Law Enforcement Assistance Administration
Washington, D. C. 20530

Dear Mr. Velde:

The Governor's Commission on the Administration of Justice recently submitted to the Boston Regional Office of the Law Enforcement Assistance Administration a supplement to its 1976 Comprehensive Criminal Justice Plan which outlined Vermont's juvenile justice system. Submission of this report documents Vermont's present intention to participate in the Juvenile Justice and Delinquency Prevention Act of 1974.

Vermont's initial decision to participate in this program was predicated upon matching funds being provided in cash or in-kind. Until the question of match is decided, the Governor's Commission will not expend formula funds awarded to it under this Act.

I realize that most new programs have difficulties in their early stages of implementation, but I sincerely hope that disagreements on how a program should be implemented will not distract either the Law Enforcement Assistance Administration or the State of Vermont from the primary objective of this program, better service for children and youth in Vermont and the nation.

Sincerely,

Thomas P. Salmon

cc: Michael Krell, Executive Director, Governor's Commission on the Administration of Justice
Hon. James M. Jeffords, Vermont Congressman, The House of Representatives
Hon. Patrick J. Leahy, Vermont Senator, United States Senate
Hon. Robert T. Stafford, Vermont Senator, United States Senate

46

January 20, 1975

Hon. Patrick J. Leahy
Vermont Senator
United States Senate Office Building
Washington, D. C. 20510

Dear Senator Leahy:

I am passing on to you recent correspondence between Richard Velde, Administrator of the Law Enforcement Assistance Administration, and Governor Salmon regarding match for Juvenile Justice and Delinquency Prevention Act funds.

I will keep you informed of our progress on this matter.

Very truly yours,

MICHAEL KRELL, Esq.
Executive Director

MK/pam

Encs.

bc. Forrest Forsythe, Deputy Director
Marian Sumlin, Planner, JJDPA
Bruce Underwood, Youth Planner

47

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

January 26, 1976

Mr. Tim Hayward
Congressman James Jeffords Office
Box 676
Federal Building
Montpelier, Vermont 05602

Dear Mr. Hayward:

This morning I spoke with Robert Gray at Congressman Jeffords office and he suggested that I forward the attached article to you so that you could teletype it to their Washington office. I appreciate all your efforts on our behalf pertaining to the issue of in-kind match for funds received under the Juvenile Justice and Delinquency Prevention Act.

Best regards.

Very truly yours,

Michael Krell

MICHAEL KRELL, Esq.
Executive Director

MK/fcp
Enclosure

youth alternatives

A PUBLICATION OF THE NATIONAL YOUTH ALTERNATIVES PROJECT

Volume III, Number 1 Washington D.C. January 1976

Decision means problems for youth services

LEAA to require 10% cash match for Juvenile Act funds

(The following article was written by Mark Thennes, coordinator of NYAP's Juvenile Justice Project.)

Word has finally filtered down to the private sector that LEAA Administrator Richard Velde--with the concurrence of the Office of Juvenile Justice--has interpreted the Juvenile Justice and Delinquency Prevention Act as allowing LEAA to require at least 10% cash matching funds. All units of local government and, with rare exceptions, all private agencies will be required to secure a 10% cash (or hard) match rather than a 10% in kind (or soft) match for Juvenile Justice Act funds.

The probable effect of this administrative decision will be to make it more difficult for youth services--public and private alike--to participate in the Act. In tight fiscal times, youth services will be required to spend even more time acquiring the cash match; and there is the possibility that some states will not participate in the Act because of legislatures not providing the matching funds. This decision, then, may potentially sabotage the purposes of the Act.

Fiscal Guidelines M7100.1A Change 3, dated October 29, 1975, outline a difficult and bureaucratic process by which private agencies might obtain exceptions--though the rule will be exceptions will not be granted lightly. The appropriate LEAA Regional Office may grant exceptions if:

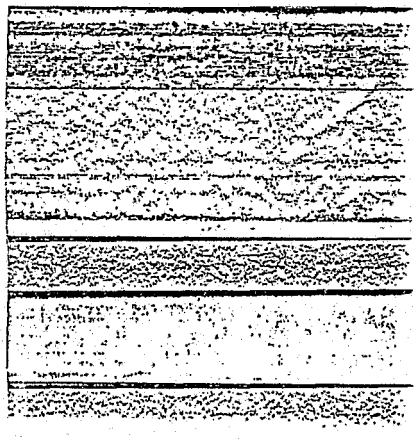
(1) A project meets the Act's requirements, is consistent with the State Plan, and is meritorious.

(2) A demonstrated and determined good faith effort has been made to find a cash match.

(3) No other reasonable alternative exists except to allow an in kind match.

Taking its line of argument from the Act it-

(continued on page 3)



49

Cash match

(continued from page 1)

self, LEAA quotes Sec 222(d), "the nonfederal share shall be made in cash or kind", and Sec 228(c), "(the Administrator) may require the recipient of any grant or contract to contribute money, facilities, or services." With capricious reasoning, LEAA maintains that its intention is to allow private agencies to participate in the program and to fulfill the intent of Congress to integrate the Juvenile Justice Act with the Safe Streets Act (which Congress required a 10% hard cash match for).

A persistent argument for cash rather than in kind is that cash is easier for LEAA accountants to count. However, the purposes of the Juvenile Justice Act do not list making the jobs of accountants easier.

In previous debate, both Sens. Hruska (R-Neb) and Bayh (D-Ind) made references to changing LEAA policy to in kind match for the Juvenile Justice Act. In his speech of August 19, 1974, Hruska noted:

"The conferees agreed upon a compromise match provision for formula grants. Federal financial assistance is not to exceed 90% of approved costs with the nonfederal share to be in cash or kind, a so-called soft match. This means that private agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon match provision is in lieu of the provision of the Senate for no match and the House provision for a 10% cash, or hard match."

Two other references were made during the debate to a compromise between the House and the Senate. In the opinion of NYAP, the LEAA Fiscal Guidelines contradict the intent of that compromise, and as such clearly exceed the administrative authority of LEAA.

The Vermont Commission on the Administration of Justice (the LEAA State Planning Agency) has challenged the interpretations LEAA has made. They are considering seeking relief through administrative procedures or legal action. They have questioned whether LEAA has acted in "good faith", labeling this decision as "one of the best kept secrets of the century."

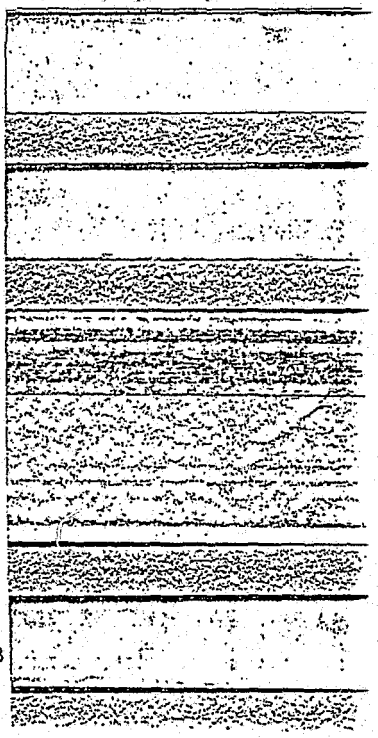
The preliminary decision to require cash match was formulated last Spring, with most State Planning Agencies not being notified until late November--after already agreeing to participate in the Act.

LEAA failed to consult any national private youth organization on these Guidelines. Previously, LEAA had invited their comments on the Juvenile Justice Act Program Guidelines and received valuable input from the private sector. Additionally, it failed to heed input from national public organizations which strongly encouraged LEAA to drop the hard cash requirements.

It appears that Mr. Velde is unaware of the hardships this decision will cause for community based youth services. Both he and the Senate Subcommittee to investigate Juvenile Delinquency could benefit from hearing from youth workers about the potential implications of this administrative decision. (Remember that feedback on guidelines is not lobbying.) You can write:

Richard Velde, LEAA Administrator, 633 Indiana Ave. N.W., Washington D.C. 20531;

U.S. Senate Subcommittee to investigate Juvenile Delinquency, Washington D.C. 20510.



The juvenile has been identified only as a 16-year old. The three adults are Daniel M. Thomas, 27, his wife, Lattie Mae, 25, and Lee Otis Martin, 19. On hand with Troelstrup to announce the arrests of what the police now believe to be the persons who have terrorized central Florida for the past several months were seven sheriffs from the area involved.

Special Report

MILTON LUGER ADDRESSES QUESTIONS ON MATCHING FUNDS, NEW PROGRAMS, THE COMMUNITY CORRECTIONS BACKLASH

What Is Needed Is A Diversified Set Of Treatment Options For Kids

Last week, Juvenile Justice Digest interviewed Milton Luger, the new assistant administrator of the Law Enforcement Assistance Administration for the Office of Juvenile Justice and Delinquency Prevention.

Mr. Luger was nominated for the position late last year by President Ford, was quickly confirmed by the Senate and sworn in on Nov. 21. Luger headed up the New York State Division for Youth from 1966 to 1975. He has been long recognized as a front-line fighter for effective juvenile delinquency prevention programming.

In the following exclusive interview, Luger explains his position on the hard-match, soft-match funding requirement issue (see story Vol. 4, No. 1, p5). Other major topics addressed include the proposed fiscal 1977 budget for the Office of Juvenile Justice and Delinquency Prevention; the OJJDP's special emphasis initiative programs; the school classroom, which Luger calls "a microcosm of a society in trouble with itself"; the importance of juvenile programs that stress youth participation and decision-making; and the backlash currently building up against community-based juvenile corrections.

The Interview

Q. In a Jan. 15 letter to the Attorney General, Sen. Birch Bayh said LEAA's 10 percent hard-match requirement for Juvenile Justice Act funding support is a "deliberate misconstruction" of that law and the intent of Congress. Can you clear up the question?

A. There is much misinformation going around about this whole matter. . . Originally, the State Planning Agencies themselves implored the LEAA to keep a hard-match requirement of JD Act funds. And I don't think the SPAs made their request just because they want an easy audit. They really feel, as I do, that there would be too much games-playing with a blanket soft-match requirement.

I should make clear that the LEAA never said private, non-profit agencies could not get a soft-match. A soft-match can be approved for such agencies when certain conditions are met (that the program needing the soft-match is actually necessary, that it is consistent with the state criminal justice plan and that a good faith effort has been made to raise the cash). Everybody I've spoken to here has recognized the need for a soft-match, especially for smaller, fledgling private agencies. There has never been a question on that score.

Q. What about public agencies?

A. This is the real question. Frankly, I wonder about the sincerity of a state's commitment to juveniles when it complains about putting up 10 percent of a grant for, say, $200,000.

If the hard-match requirement were totally waived, it would make unnecessary the process through which a state legislature appropriates funds to make up the 10 percent cash match. This would cut the state legislature completely out of the process, removing a state's juvenile delinquency prevention program from the scrutiny of elected officials.

Right now, we are re-analyzing our interpretation of the JD Act on this point. In just a few weeks we will make available a clarification of that interpretation which will be satisfactory to all concerned. A flexibility will be achieved so this soft-match, hard-match question will not develop into a problem in this and future years.

The FY 77 Proposal

Q. How much money is allocated the OJJDP in President Ford's proposed FY 77 budget?

A. The allocation for the OJJDP is around $10 million. That's a drop of around $30 million from FY 76. However, that is money from what I hope will just be the first go-around. . .Of course, I have

p.s.1

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

8/4/-76

OFFICE OF THE ADMINISTRATOR

TO : All State Planning Agencies

FROM: Match Requirement Under the Juvenile Justice and Delinquency Prevention Act of 1974

The guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act are being revised to establish parallel match provisions for State agencies/units of local government and private agencies. The proposed revision (copy attached) permits in-kind match to be substituted for cash for any project, upon the request of the State planning agency to the cognizant LEAA Regional Office, if the State planning agency makes a formal determination that two specified criteria are met.

The guideline will replace the current provision for source and type of matching funds set forth in LEAA Financial Guideline M 7100.1A CHG 3, Chapter 7, paragraph 7 (October 29, 1975). This guideline change is being incorporated into the next Financial Guideline. Effective immediately, LEAA will consider requests from State planning agencies for action consistent with the proposed revision.

Richard W. Velde
Administrator

5-2

LEAA FORM 1331/8 (8-72)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TO : All Central Office Heads and Regional Administrators

DATE: FEB 6 1976

FROM : Administrator

SUBJECT: Match Requirement Under the Juvenile Justice and Delinquency Prevention Act of 1974

The guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act are being revised to establish parallel match provisions for State agencies/units of local government and private agencies. The proposed revision (copy attached) permits in-kind match to be substituted for cash for any project, upon the request of the State planning agency to the cognizant LEAA Regional Office, if the State planning agency makes a formal determination that two specified criteria are met.

The guideline will replace the current provision for source and type of matching funds set forth in LEAA Financial Guideline M 7100.1A CHG 3, Chapter 7, paragraph 7 (October 29, 1975). This guideline change is being incorporated into the next Financial Guideline. Effective immediately, LEAA will consider requests from State planning agencies for action consistent with the proposed revision.

Richard W. Velde
Administrator

53

Revision to M 7100.1A CHG 3, Chap. 7, Para. 7 (October 29, 1975)

Effective February 6, 1976

7. SOURCE AND TYPE OF FUNDS

a. Formula Subgrants to State Agencies and Units of Local Government

Except as provided in 7.c. below, match for these grants must consist of cash appropriated or otherwise supplied by a State or unit of local government or contributed by a private agency subgrantee. This cash may be used to pay any permissible project cost.

b. Formula Subgrants to Private Agencies

Except as provided in 7.c. below, for those grants where a private agency is involved in the execution and management of the project, match must consist of cash contributed by the subgrantee or otherwise supplied by some other source. This cash may be used to pay any permissible project cost.

c. Substitution of In-Kind Contributions

The requirement of cash match in 7.a. and b. above may be waived by the cognizant Regional Office (for Subpart I grants) in whole or in part and in-kind match substituted upon the request of the State planning agency, if the State planning agency makes a formal determination that:

(1) A demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) No other reasonable alternative exists except to allow in-kind match.

Where waiver of the cash match requirement is requested for funds to be utilized to support the operations of the State planning agency under the Juvenile Justice Act, the formal determination that the applicable criteria for waiver have been met will be made by the Regional Office. The Regional Office may request the State planning agency to provide information required to assist it in making this determination.

In-kind match may be used to pay any permissible project cost according to the principles set forth in Federal Management Circular 74-7, Attachment F.

5-4

2

d. Determinations (1) and (2) above shall be reviewed annually by the State planning agency and may be resubmitted to the Regional Office.

e. Special Emphasis Grants

Match for these grants, if required under 6.b. above, must consist of cash appropriated or otherwise supplied by a State or unit of local government or contributed by a private agency or otherwise supplied by some other source. In the discretion of the Administrator, any cash match requirement may be waived by LEAA, in whole or in part, if the applicant demonstrates that a determined good faith effort has been made to obtain cash match and cash match is not available.

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

February 11, 1976

The Honorable Thomas P. Salmon
Governor
State of Vermont
State Capitol
Montpelier, Vermont

Dear Governor Salmon:

This is in response to your recent inquiry regarding Law Enforcement Assistance Administration guidelines implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). Of particular concern to you were financial guidelines which treated public agencies and private nonprofit organizations differently with regard to the use of in-kind match.

Following the receipt of comments from concerned individuals and agencies, LEAA carefully reviewed the guideline requirements. As a result of this review, a determination has been made to revise the guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act to establish parallel match provisions for State agencies/units of local government and private agencies. The proposed revision permits in-kind match to be substituted for cash for any project, upon the request of the State planning agency to the cognizant LEAA Regional Office, if the State planning agency makes a formal determination that the two following criteria are met:

(1) A demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) No other reasonable alternative exists except to allow in-kind match.

The stated preference for hard match is felt to be consistent with section 228(d) of the Act, which permits the Administrator to require the recipient of any grant or contract to contribute money, facilities, or services if it is determined that such action will contribute to the purposes of the program. The general reasons for requiring a preference for hard match are fourfold: First, State and local legislative oversight is insured, thus guaranteeing some State and local governmental control over Federally assisted programs; Second, State and local fiscal controls would be brought

into play to minimize the chances of waste; Third, the responsibility on the part of State and local governments to advance the purpose of the program is underscored; and Fourth, continuation of programs after Federal funding terminates is encouraged by requiring a local financial commitment.

It was for the above-cited reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match. It was also felt by the Congress, as indicated in the legislative history of the amendments, that in-kind match had led to imaginative bookkeeping by recipients of funds, and that significant monitoring problems had resulted for LEAA and the State planning agencies.

For your full information, a copy of the proposed guideline revision, as well as copies of the notices sent by LEAA to central office heads, regional administrators, and State planning agencies is enclosed. The guideline change is being incorporated into the next Financial Guideline. Effective immediately, however, LEAA will consider requests from State planning agencies for action consistent with the proposed revision.

Your interest in this matter and in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

Richard W. Velde

Richard W. Velde
Administrator

Enclosure

ROBERT T. STAFFORD
VERMONT

5219 SENATE OFFICE BUILDING
TEL. (202) 224-5141

NEAL J. HOUSTON
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
LABOR AND PUBLIC WELFARE
PUBLIC WORKS
VETERANS' AFFAIRS
SPECIAL COMMITTEE ON AGING

February 16, 1976

Mr. Forrest Forsythe
Deputy Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mr. Forsythe:

Enclosed is a copy of a reply from LEAA concerning my inquiry on the "in-kind" match problems.

The letter is self explanatory. If I can be of any more assistance in this matter, please let me know.

Sincerely yours,

Robert T. Stafford
United States Senator

RTS/mk

Enclosure

5/8

United States Senate
COMMITTEE ON
AGRICULTURE AND FORESTRY
WASHINGTON, D.C. 20510

February 17, 1976

Mr. Forrest Forsythe
Deputy Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mr. Forsythe:

As you undoubtedly know by now, the Administrator of the Law Enforcement Assistance Administration has decided to revise the guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act to permit in-kind match to be substituted for cash if two specified criteria are first met. Enclosed for your information is a copy of the letter I received from Mr. Velde in response to my inquiry on your behalf in regards to in-kind match.

I hope the revised guidelines are sufficient for Vermont's needs. Please let me know if there are any further steps I can take to be of assistance.

Sincerely,

PATRICK J. LEAHY

PJL/jeb

Enclosure: February 11 letter from Mr. Velde

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE [AREA CODE 802] 828-2351

February 19, 1976

The Honorable Robert T. Stafford
United States Senate
Washington, D.C. 20510

Dear Senator Stafford:

Thank you for your letter of February 16, with a copy of Mr. Velde's reply to your inquiry on the subject of match for JJDP Act funds.

We appreciate Mr. Velde's consideration of the concerns we expressed regarding the LEAA Guideline requirement for cash match for JJDP Act funds. Unfortunately, however, we think that the position he has taken in permitting in-kind match to be substituted for cash match upon request to the LEAA Regional Office is one in which he continues to exceed his authority.

Our position has been and still is that the words of the Act allow either cash or in-kind match and that, therefore, Mr. Velde does not have the authority which, by means of his revised Guideline, he has attempted to pass to the Regional LEAA offices.

I appreciate the reasons Mr. Velde gave for "requiring a preference" for hard match. I must observe, however, that none of them seems to us to be persuasive. As he says, the reasons he lists apply to the Omnibus Crime Control and Safe Streets Act as amended and I am quite sure that the Congress was aware of them when it passed the JJDP Act specifying that match could be either in cash or in-kind.

Also, the last of his reasons--that a cash requirement encourages continuation of programs by local agencies when Federal funding stops--seems perhaps not to the point since the JJDP Act specifically states that under it Federal funding is to be continuing as opposed to the Safe Streets Act which prohibited continuous Federal funding.

60

Vermont may, in this situation, apply to the Regional office of LEAA requesting the use of in-kind match but it will do so only on the understanding that it holds to its position, as confirmed by Senator Bayh, that both the intent of Congress and the words of the Act allow either in-cash or in-kind match for JJDP Act programs and that, therefore, any decision requiring one or the other or delegation of the decision is beyond the authority of LEAA.

Sincerely,

FORREST FORSYTHE
Deputy Director

FF/fcp
cc: Senator Birch Bayh
Senator Patrick Leahy
Congressman James M. Jeffords
John H. Downs, Chairman, GCAJ Supervisory Board

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

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M E M O R A N D U M

To: Joseph Jamele, Jr., Secretary of Civil & Military Affairs

From: Michael Krell, Esq., Executive Director

Date: February 25, 1976

Re: Letter of Richard Velde
Juvenile Justice & Delinquency Prevention Act

The guidelines which are the subject of Velde's letter direct themselves to a change precipitated by the actions of this Agency. They represent recognition by L.E.A.A. that it was acting beyond the authority of the Juvenile Justice Act when L.E.A.A. required cash match.

The new guidelines and the position taken by Velde in this letter represent partial retreat. The intention of the act is clear. Match should be in cash or kind at the option of the State, and L.E.A.A. has no authority to require what we know will be some detailed, time-consuming "determination" that cash match is not available.

We have $200,000 of the funds subject to all this and are eligible for $400,000 more. We are debating presently whether to make the "determination" under protest and expend the funds, or whether to refuse the funds until L.E.A.A. complies with the intent of the act. In either case, we will continue to contend that L.E.A.A. is without the authority it has appropriated for itself in administering the Juvenile Justice Act.

During the battle which has been joined since November, Velde has been a most elusive character. He so irritated Senator Bayh whose baby the bill was, and who chairs the Senate Judiciary Committee's Subcommittee on Juvenile Justice, that Bayh wrote a letter of complaint to Attorney General Levi. Attached is a copy of that letter which along with massive pressure from our Congressional Delegation caused Velde to retreat somewhat from his original position.

We think it interesting that he conveys his new position by means of an unsigned letter. There is much in that epistle which affects us substantially, and we feel strongly that the letter should bear the signature of its author. If Velde is willing to stand behind the position taken by the letter, we have much with which to respond. If he is not willing to do so, then response is an exercise in futility.

In the event you decide, as we recommend, to return the letter for signature, we have attached a draft which would accomplish that.

Please let us know what action is taken.

MK/lfa

Attachments (2)

Mike Kreeb - FYI

THOMAS P. SALMON
GOVERNOR

STATE OF VERMONT
EXECUTIVE DEPARTMENT
MONTPELIER, VERMONT

February 25, 1976

Richard W. Velde, Administrator
United States Department of Justice
Law Enforcement Assistance Administration
Washington, D.C. 20531

Dear Mr. Velde:

We are in receipt of what appears to be your letter of February 11, 1976, regarding revised financial guidelines for the Juvenile Justice and Delinquency Prevention Act.

We assume the letter's lack of signature reflects a simple clerical oversight and is probably of little significance. However, because the letter explains the thinking embodied in guidelines which have substantial impact on this State's fiscal position regarding Juvenile Justice funds, we would appreciate your affixing a signature.

Sincerely,

Thomas P. Salmon

TPS:mk

Enclosure

cc

WASHINGTON CRIME NEWS SERVICES ISSN 0094-2413

Juvenile Justice Digest

A Summary of Significant News Events in the Field of Juvenile Delinquency Prevention

RICHARD J. O'CONNELL, Publisher
NANCY VAN WYEN, Subscription Director
CHARLES A. BAILEY, Editor
JAMES A. GEORGES, Associate Editor

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Vol. 4 No. 4 February 27, 1976 Page 1

Effective Immediately:

LEAA HARD MATCH REQUIREMENTS FOR JJD ACT FUNDING REVISED

Soft Match Now Allowed After SPA Determines Good Faith Effort And No Other Reasonable Alternative

* * * * * *

"Levi Says In-Kind Match Produces Some 'Imaginative Bookkeeping'

Effective immediately, the Justice Department has revised LEAA guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act of 1974. Parallel match provisions for state agencies/local units of government *and* private agencies have been established, *Juvenile Justice Digest* has learned from a Capitol Hill source.

The revision permits an in-kind or "soft match" to be substituted for cash for *any* project, upon the request of the state planning agency involved to the regional LEAA office. However, before any such a request can be made, the SPA must first determine that:

- A demonstrated and determined good faith effort has been made to obtain cash match and a cash match is simply not available, and
- No other reasonable alternative exists except to allow an in-kind soft match.

(See REVISION, page 9)

IN THIS ISSUE

(Continued from page 1)

LEAA REQUIREMENT REVISED

In a letter sent late last week to Sen. Birch Bayh (D-IN), chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, Attorney General Edward H. Levi said the Justice Department still has a clear preference for the cash match.

"The stated preference for hard match is felt to be consistent with section 228 (d) of the Act, which permits the (LEAA) administrator to require the recipient of any grant or contract to contribute money, facilities or services if it is determined that such action will contribute to the purposes of the program," Levi wrote.

Specific reasons for desiring the hard match whenever possible, Levi said, include: "First, state and local legislative oversight is insured, thus guaranteeing some state and local government control over federally assisted projects; second, state and local fiscal controls would be brought into play to minimize the chances of waste; third, the responsibility on the part of state and local governments to advance the purpose of the program is underscored; and fourth, continuation of programs after federal funding terminates is encouraged by requiring a local financial commitment."

Levi went on to say that it was for the above cited reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to use a hard match requirement, rather than the previously used in-kind match setup. "It was also felt by the Congress, as indicated in the legislative history of the amendments, that in-kind match had led to *imaginative bookkeeping* by recipients of funds and that significant monitoring problems had resulted for LEAA and the SPA's," the Attorney General said.

In his Feb. 20 letter, Levi told Bayh that notice of the revision has been issued to SPA's by the LEAA and will be incorporated into the agency's next financial guideline. "Effective immediately, however, LEAA will consider requests from SPA's for action consistent with the proposed revision," Levi concluded.

Behind Levi's Decision

In an exclusive story last month, *Juvenile Justice Digest* reported on Sen. Bayh's charge that the LEAA has been deliberately misconstruing the intent of Congress by requiring at least a 10 percent hard match for any money received under the JJD Act (see story, Vol. 4, No 1, p5).

Bayh's action came after Rep. James M. Jeffords (R-VT) wrote the senator on Jan. 6, asking if it was the intention of the Act "to provide the option for states and localities to match federal financial assistance . . . in cash or in kind?"

In his Jan. 15 letter to the Attorney General, Sen. Bayh said LEAA Administrator Richard Velde "has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation.

"Unfortunately, this recent misconstruction of the Act's provisions is merely one of a myriad of administration-induced obstacles preventing the establishment of the program and new priorities embodied in the Act's provisions."

The SPA View

In the last issue, *JJD* published parts of a memo issued by the National Conference of State Criminal Justice Planning Administrators to all SPA directors (see story, Vol. 4, No. 3, p1). The memo makes clear the National SPA Conference position opposing implementation of the JJD Act in favor of straight LEAA block grant allocations for funding all types of crime fighting.

"The National Conference supports a block grant program which permits the states to determine how federal funds should be expended . . . The National Conference believes the degree of emphasis juvenile justice and delinquency prevention programming should receive is the decision of each state and that . . . federal legislation should not arbitrarily establish a uniform national priority standard for juvenile justice that could be highly inappropriate to the needs, problems and priorities of one or more states."

On the hard match/soft match question, the National SPA Conference memo said JJD Act Section

JAMES M. JEFFORDS
VERMONT CONGRESSMAN
COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
DAIRY AND POULTRY—
RANKING MINORITY MEMBER
CONSERVATION AND CREDIT
COMMITTEE ON EDUCATION
AND LABOR
SUBCOMMITTEES:
SELECT EDUCATION
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION

Congress of the United States
House of Representatives
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February 26, 1976

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GOVERNOR'S
JUSTICE COMMISSION

Mr. Michael Krell
Executive Director
Governor's Commission on Administration of Justice
149 State St.
Montpelier, Vermont 05602

Dear Mike:

I thought that you would be interested in the enclosed copies of Jim's recent correspondence with Pete Velde. Bob has said that he updated the situation for you on the phone.

Incidentally, the President has asked for a deferral of $15 million for the Juvenile Justice and Delinquency Prevention program until 1977. This is usually tantamount to the elimination of that level of funding. Congress has 45 legislative days in which to pass a resolution of disapproval or else the deferral will stand. Such a resolution has already been introduced, and Jim has written to the Chairman and Ranking Member of the House Appropriations Committee to express his objections to the deferral.

Sincerely,

Bruce S. Post

February 17, 1976

The Honorable Richard W. Velde
Administrator
Law Enforcement Assistance Administration
U.S. Department of Justice
Washington, D.C. 20531

Dear Mr. Velde:

Thank you for your reply to my letter regarding LEAA guidelines for the Juvenile Justice and Deliquency Prevention Act, P.L. 93-415.

In your letter, you stated that "of particular concern" to me were financial guidelines which treated public agencies and private nonprofit organizations differently with regard to the use of in-kind match. I did not express any such concern. What did concern me was LEAA's circumvention of the intent of Congress to provide in law the option for States to match in kind or with cash.

As I stated in my letter of January 14 and restate here, nowhere in the legislative history of the Act is there justification for the hard match reling. According to the conference report, H. Rpt. 93-1298, it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. Once again, I refer to the Joint Explanatory Statement of the Committee of Conference where it is stated on page 41:

> The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The law itself is plain. Section 222 (d) reads:

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

6 f

The Honorable Richard W. Velde
February 17, 1976
Page Two

Thus, Congress specifically provided for the option of cash match or in-kind match.

In addition, both Congressman Hawkins and Senator Bayh have agreed with my analysis of congressional intent. I have already supplied you with their letters to me on the intent of Congress regarding in-kind match and also the ability of the Administrator to require a hard match under Section 228 (c) only in exceptional circumstances.

Mr. Velde, I appreciate your reply and the statement of your position. I regret, however, that you did not answer my concern that LEAA is ignoring congressional intent.

Therefore, I request that you answer:

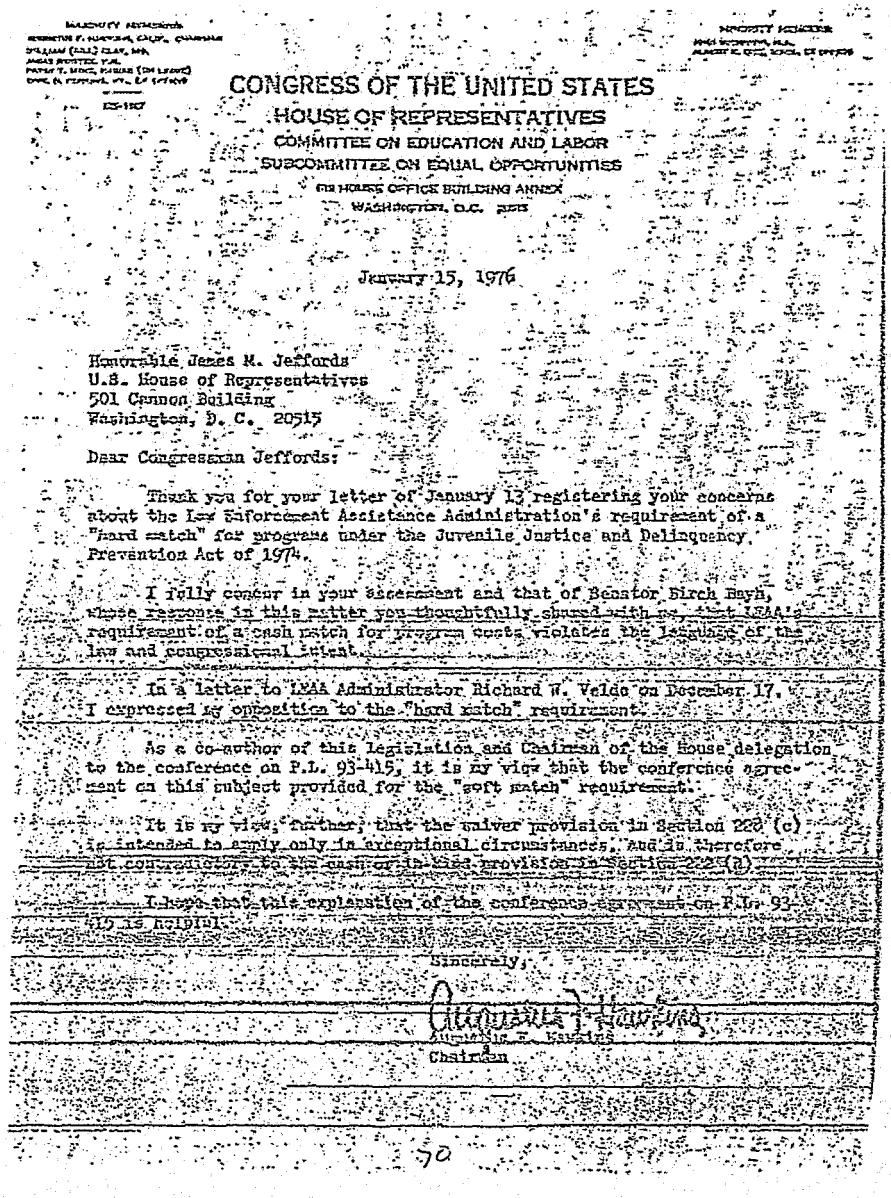
1. Because the Joint Explanatory Statement of the Committee of Conference is indicative of congressional intent to provide States with the option to elect hard match or in-kind match, what leads you to believe that you can remove that option?

2. Because Section 222 (d) of the law provides this option, what authority do you have to disregard the law?

Sincerely,

James M. Jeffords

JMJ:bsp



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON EQUAL OPPORTUNITIES
626 HOUSE OFFICE BUILDING ANNEX
WASHINGTON, D.C. 20515

January 15, 1976

Honorable James M. Jeffords
U.S. House of Representatives
501 Cannon Building
Washington, D. C. 20515

Dear Congressman Jeffords:

Thank you for your letter of January 13 registering your concerns about the Law Enforcement Assistance Administration's requirement of a "hard match" for programs under the Juvenile Justice and Delinquency Prevention Act of 1974.

I fully concur in your assessment and that of Senator Birch Bayh, whose response in this matter you thoughtfully shared with me, that LEAA's requirement of a cash match for program costs violates the language of the law and congressional intent.

In a letter to LEAA Administrator Richard W. Velde on December 17, I expressed my opposition to the "hard match" requirement.

As a co-author of this legislation and Chairman of the House delegation to the conference on P.L. 93-415, it is my view that the conference agreement on this subject provided for the "soft match" requirement.

It is my view, further, that the waiver provision in Section 222 (c) is intended to apply only in exceptional circumstances, and is therefore not contrary to the cash or in kind provision in Section 222(b).

I hope that this explanation of the conference agreement on P.L. 93-415 is helpful.

Sincerely,

Chairman

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON EQUAL OPPORTUNITIES
619 HOUSE OFFICE BUILDING ANNEX
WASHINGTON, D.C. 20515

December 17, 1975

The Honorable Richard W. Velde
Administrator
Law Enforcement Assistance Administration
U. S. Department of Justice
Washington, D. C. 20531

Dear Mr. Velde:

It has come to my attention that LEAA has recently issued a change in guidelines on financial management for planning and action grants to cover grants under the Juvenile Justice and Delinquency Prevention Act. I note that paragraph number seven of chapter seven of the financial management manual requires state and local agencies to meet the non-federal matching share in cash; private agencies must match in cash unless they receive a waiver from the Regional Office.

As the author, with Senator Birch Bayh, of the Juvenile Justice and Delinquency Prevention Act of 1974, I believe that this requirement clearly violates congressional intent.

Section 222(c) of the Juvenile Justice and Delinquency Prevention Act states that the non-Federal share shall be made in cash or kind. Further, in a floor statement during Senate consideration of the Conference Report on S. 821, Senator Roman Hruska explained the compromise match provision contained in the conference bill.

> "Federal financial assistance is not to exceed 90 percent of approved costs with the non-Federal share to be in cash or kind, a so-called soft match. This means that private nonprofit agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon match provision is in lieu of the Senate provision for no match and the House provision for a 90 percent cash, or hard match." (S 15265, Congressional Record, August 19, 1974.)

Nowhere in the legislative history of this bill is there justification for requiring a hard match from either state and local agencies or private nonprofit agencies. Nor is there justification for the Administrator's discription in requiring a hard match.

I urge you to rescind this requirement and allow grantees to meet the non Federal share in cash or in kind as provided in the PL-93-415.

Sincerely,

Augustus F. Hawkins
Chairman

JJDP File

COMMITTEES:
LABOR AND PUBLIC WELFARE
PUBLIC WORKS
VETERANS' AFFAIRS
SPECIAL COMMITTEE ON AGING

United States Senate
WASHINGTON, D.C. 20510

March 1, 1976

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MAR 4 1976
GOVERNOR'S
JUSTICE COMMISSION

Mr. Forrest Forsythe
Deputy Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, VT 05602

Dear Mr. Forsythe:

Thank you for your letter of February 19 concerning LEAA's continued refusal to recognize the provisions of the JJDP Act permitting in-kind match.

You are quite right that the arguments advanced by Mr. Velde do not hold water and are quite contrary to the intent of Congress in its adoption of the JJDP Act. Senator Bayh and I are drafting a response to Mr. Velde's letter again to point out that the clear Congressional intent of the JJDP Act and the use of legislative intent behind the Safe Streets Act does not apply to the JJDP Act.

I would agree with the last paragraph of your letter. If any problems develop, please let me know.

Sincerely yours,

Robert T. Stafford
United States Senator

RTS/mk

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

March 3, 1976

The Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter of February 17, 1976, which noted the present status of matching funds for Juvenile Justice and Delinquency Prevention Act funds and forwarded copies of Mr. Velde's letter to you.

We appreciate very much your interest and actions in this matter. By revising the guideline requirements regarding matching funds, Mr. Velde has gone far in recognizing the intent of Congress and made it possible for Vermont to participate in the Act as we would like to do. This revision, I am sure, was largely the result of your actions, those of the other members of the Vermont delegation and of Senator Bayh.

I anticipate that we will apply for permission to use in-kind match for the funds provided by the Act. I must also say, however, that in doing so we will maintain our position that no such permission should be required since the wording of the Act makes it clear that either cash or in-kind match is acceptable.

Again, we appreciate the help you have given in this matter and would appreciate anything more that you see fit to do in connection with our position that a waiver of cash match requirement should not be necessary.

Sincerely,

FORREST FORSYTHE
Deputy Director

FF/fcp
cc: John H. Downs, Chairman
GCAJ Supervisory Board

74

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 826-2351

March 11, 1976

J. Michael Sheehan, Jr.
Vt. State Representative
LEAA - U.S. Department of Justice
100 Summer Street, 19th Floor
Boston, Massachusetts 02110

Dear Mr. Sheehan:

Attached please find two applications for funds available under Public Law 93-415.

In accordance with your instructions, one is a re-application for monies awarded August 29, 1975 as grant number 75-JF-01-0050 which represents the FY 75 formula. The second is an original application for $250,000 representing the FY 76 formula of $200,000 and $50,000 covering the transition to the new fiscal year.

Revision to M 7100.1A Change 3, Chapter 7, Paragraph 7, effective February 6, 1976, has made possible our application for these funds. However, these applications should not be construed as acceptance of LEAA Central's authority to make any requirement whatsoever regarding the nature of the match. Our position has been and will continue to be that the statute allows match in cash or in kind at the option of the states. It requires no such waiver and determination as specified by LEAA Central in Paragraph 7(c) of the February 6 Guidelines. Thus LEAA continues to exceed its authority under the statute.

Our first consideration, however, is the needs of the juvenile population of this State and the insufficiency of available resources which causes those needs to be unmet. It is then out of economic necessity that we apply for the paragraph 7 waiver of cash match and include in the application the determination upon which the waiver may be predicated.

As a result of circumstances peculiar to this State, we have also included in the application information regarding assurances 15(b) and (c), 25, 26, and 27.

Very truly yours,

Michael Krell

MICHAEL KRELL, Esq.
Executive Director

MK/fcm

DETERMINATION AND REQUEST FOR WAIVER

(M 7100.1A Change 3, Chapter 7, Paragraph 7, Effective February 6, 1976)

The State Emergency Board, which acts as agent of the Vermont General Assembly and has statutory authority to approve or reject acceptance by this State of federal funds, met on September 15, 1975, to consider monies generally associated with PL 93-415, and particularly the FY 75 formula. The Board accepted that formula but specified that the acceptance was predicated upon the in kind match option provided by the statute. It emphasized that this State's receipt of any funds available under PL 93-415 must not affect the flow of the State's cash resources. The State was and still is operating in a deficit situation.

On December 10, when the Board met to consider the $15,000 no match discretionary planning grant associated with the Act, this Agency informed the Board that the option of in kind match, as a result of recently issued LEAA Guidelines, was a matter of considerable question. The Board reminded this Agency that its original acceptance of the FY 75 formula had been predicated upon in kind match, that if in kind match proved to be unallowable the acceptance would be withdrawn, and finally, that without in kind match, no approval would be forthcoming for funds provided under the statute for FY 76 and 77.

In twice presenting this matter to the Emergency Board and in twice being told PL 93-415 monies would be accepted in this State only if they did not affect the flow of this State's cash resources, the Governor's Commission on the Administration of Justice has made the formal determination required by Chapter 7, Paragraph 7c, of the February 6 guidelines.

DISCLAIMER

The submitting of this application should not be construed as acceptance by the Governor's Commission on the Administration of Justice of LEAA Central's authority to compel states to make the formal determination specified by the February 6, 1976 Guideline revision to M 7100.1A Change 3, Chapter 7, Paragraph 7c, and thus, to request a waiver of the cash match "requirement".

This Agency's position has been and will continue to be that PL 93-415 made no cash match requirement, that the statute clearly allows match in cash or in kind at the option of the states, and that LEAA in requiring a waiver of a so-called cash match provision, continues to exceed its authority under the statute.

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

April 2, 1976

Richard B. Geltman, General Counsel
National Conference of State Criminal
Justice Planning and Administrators
Suite 204
1909 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Geltman:

The belatedness of this letter prohibits its affecting the position taken by the National Conference regarding amendatory language for LEAA's proposed legislation to re-authorize PL 93-415. But because we do not concur with the Conference's recommendations, we feel it appropriate to state, for the record, the nature of our position.

We too are concerned with flexibility, but we fail to see how disposing of 93-415 and combining its appropriation with that of the Crime Control Act would enhance the measure of flexibility. We find it appropriate to ask, "flexibility to what end?" If the desired result is flexibility to determine whether to deal at all with the juvenile population, admittedly the Crime Control Act best provides that flexibility. But once it is determined that the juvenile population is one upon which we must focus (and the Congress has made that determination) PL 93-415 offers greater flexibility by which to do so. Although the Act does prescribe some methods to be applied in the juvenile process, it also broadens the area and scope in which juveniles may be seen. As a result, juveniles under the Juvenile Justice Act may be approached by means other than "systems improvement", terminology which generally describes their fate under the Crime Control Act.

Secondly in regard to assimilating the Juvenile Justice Act into Crime Control, we feel it naive to assume that both levels of funding would be maintained. To the contrary, historical perspective suggests that the funds for juveniles would diminish in such an amalgamation. Other than in the name

of "education" through the public schools, in the three quarters of a century since the creation of the Juvenile Court, this society has demonstrated both the inability and unwillingness to develop the resources to support those children whom the school does not socialize. The thing speaks for itself and 93-415 represents the culmination of the best efforts of many whose hope it was to make the future different from the past.

Beyond the discussion of absorbing 93-415 into the Crime Control Act, the National Conference seems to have adopted the attitude that since the amalgamation is unlikely, converting 93-415 into a replica of the Crime Control Act for juveniles is somehow desirable in the name of flexibility. We cannot agree with that premise. Frankly, the Crime Control Act's match and assumption of costs provisions do a great deal more to preclude flexibility than they do to allow it. Administrative consistency, rather than flexibility, seems to be the Conference's underlying desired result and again we ask, to what end? Consistency in administrative practice is always easy and convenient, but clearly the intent of Congress was to focus upon the juvenile population by means quite different from those allowed by the Crime Control Act. As the Council of State Governments has said:

> Understandably, all of the unique problems of administering the Juvenile Justice Act have not yet surfaced; but, certainly, enough of them have emerged to clearly dissuade anyone of the notion that this is identical in nature to the Crime Control Act program, but for a younger population -

In times of fiscal constraint when direct cash flow is a matter of prime concern, soft match allows a broader spectrum from which to choose subgrantees and thus a greater opportunity for program development. Soft match does not have to be administratively difficult or impossible although the Conference along with L.E.A.A. takes the position that it is both. This attitude stems from what we believe is a misevaluation of L.E.A.A.'s previous experiences.

In earlier days, programs were funded by 75% federal monies requiring 25% match, 10% of which was cash and 15% in kind. This was not simple soft match. Assessing the administrative characteristics of soft match on the basis of this inherently abortive conglomerate, which entailed a third memory for accounting procedures, can only by characterized as inappropriate and inconclusive. Judging an individual apple by the quality of a multi-ingredient fruit salad involves a mental process beneath any acceptable norm of intellectual

evaluation. On the basis of that kind of thinking, we could have concluded as easily that cash match was the fly in the ointment.

In addition, those who refer to L.E.A.A.'s earlier experience as a basis for discrediting the whole concept of soft match fail to consider that this conglomerate match was required during the traumatic period of the Monster's gestation and birth. Disorder and confusion were inherent in that process and little of what occurred then can be applied as an evaluatory tool to assess what we do today.

Finally, we suggest that the funding policy embodied in as important a piece of legislation as PL 93-415 can have far reaching effects upon a myriad of programs in the individual states. The Act's clear intent was to exercise a leverage not cognizant of the boundaries of individual state programs or agencies. Thus, we feel that such fundamental questions as reauthorization of the Act and the terms upon which such reauthorization might be predicated, are appropriate considerations for the National Governor's Conference in the same vein as were the handgun proposals. The manner in which we deal with our juvenile population simply must be as worthy of that consideration as the manner in which we deal with handguns.

Very truly yours,

Michael Krell

MICHAEL KRELL, Esq.
Executive Director

MK/lfa

ccs: The Honorable James M. Jeffords, Congressman
State of Vermont
The Honorable Patrick J. Leahy, Senator
State of Vermont
The Honorable Robert T. Stafford, Senator
State of Vermont
Richard Velde, Administrator
L.E.A.A., Washington, D.C.
George Campbell, Regional Administrator
L.E.A.A., Boston, Massachusetts
Hank Weisman, Executive Secretary
Nat'l. Conf. of State Criminal Justice
Planning Administrators, Washington, D.C.
Richard Newcombe, Special Asst. to Deputy Administrator
for Administration, L.E.A.A., Washington, D.C.
All State Planning Agencies

April 16, 1976

The Honorable Robert T. Stafford
United States Senate
Washington, D.C. 20510

Re: P.L. 93-415

Dear Senator Stafford:

As you know, the Law Enforcement Assistance Administration (LEAA) has issued new guidelines providing that the "requirement" of cash match in the Juvenile Justice and Delinquency Prevention Act might be waived upon request of the State Planning Agency, if the Agency formally determines that:

(1) a demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) no other reasonable alternative exists except to allow in-kind match.

We are most grateful for your efforts in precipating the guideline change.

In spite of the changed guidelines, we continue to maintain that P.L 93-415 contains no cash match requirement and that LEAA has no legal authority to demand a request for waiver which could be denied.

Unyielding dedication to principle would cause us to refrain from applying for P.L 93-415 monies until such time as LEAA shared this knowledge with us. Recognition of the unmet needs of our juvenile population causes us to do otherwise.

81

Thus we have applied for 93-415 funds, requesting a waiver of the cash match "requirement", and making the determination specified by LEAA. In good faith we found it necessary to include in the application a disclaimer stating that its submission must not be construed as acceptance by this Agency of LEAA Central's authority to require a waiver request. LEAA has been and is now beyond its authority under the act. It will continue to be so until an authority greater than LEAA brings the Agency to recognize squarely the clear intent of Congress as expressed in P.L 93-415.

We sincerely urge you to continue your efforts in persuading LEAA to limit its authority to comply with the clear intent of P.L 93-415.

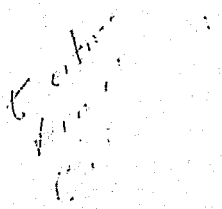
Very truly yours,

MICHAEL KRELL, Esq.
Executive Director

MK/lfa

Encls. (3)

cc: Richard Velde, Administrator
LEAA, Washington, D.C. 20531
Richard B. Geltman, General Counsel
Nat'l. Conf. on State Criminal Justice
Planning and Administrators
Washington, D.C. 20006
John Rector, Legislative Aide
Senate Subcommittee on Juvenile Delinquency
Washington, D.C. 20510



82

THOMAS P. SALMON
GOVERNOR

JOHN H. DOWNS
CHAIRMAN

MICHAEL KRELL
EXECUTIVE DIRECTOR

ROBERT J. GRAY
DEPUTY DIRECTOR

STATE OF VERMONT
GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE
149 STATE STREET
MONTPELIER, VERMONT 05602
TELEPHONE (AREA CODE 802) 828-2351

MEMORANDUM

TO: All Region I SPA Directors

FROM: Forrest Forsythe, Deputy Director, Governor's Commission on the Administration of Justice

DATE: May 6, 1976

SUBJECT: PL 93-415 Funding

In response to Mary Hennessey's recent conference call to Region I Directors regarding the jeopardy in which FY 77 funding of PL 93-415 may find itself, we have submitted the attached statement to the following:

Congressman James M. Jeffords
Senator Robert T. Stafford
Senator Patrick J. Leahy
John Rector, Counsel
Special Senate Subcommittee on Juvenile Delinquency
Richard Geltman, General Counsel
National Conference of State Criminal Justice
Planning Administrators

/fcp

STATEMENT REGARDING FY 77 FUNDING
of
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT
PL 93-415

This statement is predicated upon the following facts and assumptions regarding FY 1977 funding of PL 93-415:

The President has recommended funding at a level of $10,000,000;

The House is expected to approve an appropriation of $40,000,000;

Senator Bayh's proposal to increase funding to $100,000,000 was at some point defeated;

The Senate Appropriations Committee is considering the matter.

The Juvenile Justice and Delinquency Prevention Act was passed in September 1974. The Act resulted from almost unprecedented Congressional recognition of failure, both society's and government's. Not the family, nor the school, nor forty federal juvenile programs were socializing and humanizing the nation's children to an extent acceptable to either the children or adults. Furthermore, in the three quarters of a century since the passage of the first Juvenile Court Act, this society has demonstrated both the inability and unwillingness to develop the resources of both knowledge and funds, to support those children who are not socialized by existing processes. Public Law 93-415 represented the culmination of Congressional effort to make the future different from the past.

In attempting that, Congress directed the states to find alternatives to and in the system of juvenile justice, a system which has not served this nation well. The statute specified:

CONTINUED

3 OF 19

Section 223 (a) (12)

> . . . within two years after submission of the plan (Vermont's was submitted December 31 last) . . . . 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;

In short, Congress told Vermont that all those children adjudicated "without and beyond the control of their parent", committed to the custody of the Commissioner of Social and Rehabilitation Services and placed at the Weeks School[1] were to be anywhere but there by the end of 1977. Those children average about 60% of the approximately 110 children living at Weeks.

As you know, Vermont has demonstrated dedication to de-institutionalization for all categories of persons committed to its care. Adult offenders, the mentally ill, the retarded and juveniles of all classifications have been removed over the past few years from institutional settings. Only 60 of the approximately 1300 children committed to the care and custody of the Commissioner of Social and Rehabilitation Services are at Weeks. About 50 of some 400 children with whom Corrections is involved find themselves at that institution. Deinstitutionalization then seems to be the wave of the present and the future.

But at the crest of that wave, the Weeks School still exists as a placement possibility for both adjudicated delinquents and status offenders. It does so for a number of reasons, one of which has been the lack of real knowledge regarding Vermont's

---

[1] The Weeks School, operated by the Department of Corrections, is Vermont's only State institution for juveniles. Both delinquents adjudicated to Corrections and status offenders adjudicated to Social and Rehabilitation Services may be placed there.

adjudicated children. By June, data compiled by the Department of Corrections through an LEAA funded research grant will allow us to know a good deal about our juvenile clientele. We have suspected that there may be little difference between our juvenile delinquents and status offenders. Plea bargaining combined with many judges' unwillingness to adjudicate girls "delinquent", we think, render the labels meaningless. However, we must know, not think, before some ultimate action is taken in regard to Weeks.

Weeks continues to exist for another reason strangely resulting from the product of deinstitutionalization. Three years of placing children in alternative situations have returned to Weeks a certain population for whom there apparently was no appropriate alternative placement - a population for whom Weeks is at least more appropriate than any existing alternative. This situation then causes us to ask certain questions:

> Are alternative settings better than institutions for all children?
>
> Are available alternative care situations effective and appropriate?
>
> Can the state assure accountability for delivery of services outside its institutions?

We are then committed to deinstitutionalization. We feel instinctively a rightness in that philosophy. Institutions, generally speaking, are bad places to put kids. Our commitment however is not a blind one for we are accountable, not only to the state, but to every one of those children who will be affected by the decisions we make. We will not make those decisions on the basis of vague, good philosophies, but will predicate them upon knowledge of the clientele, its needs, and the quality of all resources we might apply to meeting those needs. In short,

we commit ourselves to this: if we take all kids out of the institutions, we will guarantee that they will be better off, not worse.

It is this commitment that caused us to participate in PL 93-415. We believed it would provide us with the resources to buy the time and opportunity to make a rational decision concerning both Weeks and alternative care. We proposed allocating most of the formula monies available under the statute to increasing Purchase of Services so that the decision regarding Weeks could be based upon empirical data pertaining to both Weeks and alternative care. Purchase of Services allows the opportunity to place children in alternative care situations, an opportunity which will be nonexistent without PL 93-415 funds.

To date, Vermont has not received any of the block monies appropriated under PL 93-415. A $15,000 planning grant was awarded but the $200,000 for each of Fiscal Years 1975 and 1976 has not been awarded although we expect to receive that $400,000 by June.

During the past year the planner employed under the $15,000 planning grant, has been required to dedicate at least half of her time to dealing with the administrative nonsense resulting from LEAA's confused attempts to implement PL 93-415. LEAA misinterpreted Congressional intent and exceeded its statutory authority in requiring cash rather than in-kind match. The war which resulted from our conviction that although we are a small state, we are as able as LEAA Central to read statutes, has been costly in terms of time and manpower.

At this point we are engaged in something of a stand-off with LEAA Central. That agency has provided for a waiver procedure by which in-kind match might be allowable. Although the

agency was acting beyond the authority of the statute in requiring the waiver, we chose to apply. We did so and at the same time filed a disclaimer stating that the application should not be construed as recognition of LEAA's authority to require a waiver. We could not recognize LEAA's authority to require it.

We expect to be granted the waiver. We expect to receive a total of $400,000 during the month of June. If we do not, there will be no monies available in this state for alternatives to institutional placement for juveniles. The truth is, however, we have done nothing but expect since September of 1974 when PL 93-415 was adopted. To date, our expectations have come to naught.

During all this "expecting" certain incidents occurred which we did not expect. We did not expect $15,000,000 of the FY 1976 appropriation to become subject in January to a Presidential Deferral Request. When Congress rejected the request, we did not expect the President's Budget for FY '77 to propose a funding level of $10,000,000. When that happened, we did not expect any Congressional body to take that seriously.

To reiterate, we believe that 93-415 represents Congressional effort to make the future different from the past for this country's juveniles. After a year of dealing with an administrative iron curtain, we have come finally to a point where we might receive 93-415 funds to implement its intent only to face the real possibility that monies may be diminished substantially.

If the act if funded below $18,000,000, the bottom line formula will be cut. If that is the case, the process created to provide a rational base for our ultimate decision regarding juvenile placement will be aborted and children will be returned

to institutions.

We believe in the intent of the Juvenile Justice and Delinquency Prevention Act. We also believe it can be implemented. Now that such implementation is within the realm of the possible and over a year has been dedicated to reaching that point, withdrawing funds would represent the cruelest of all possible blows. If that withdrawal were to occur, the major effect of 93-415 would be to have trained a vast number of people to deal with LEAA's interpretation of the Juvenile Justice and Delinquency Prevention Act; people who much prefer and are now ready to deal instead with juvenile justice.

If Congress truly intends to make the future different from the past, it must demonstrate that intention by continued funding at a meaningful level of PL 93-415.

cc: Congressman James M. Jeffords
Senator Robert T. Stafford
Senator Patrick J. Leahy
John Rector, Senate Subcommittee on Juvenile Delinquency
Richard Geltman, General Counsel, National Conference of State Criminal Justice Planning Administrators
All Region I SPA Directors

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 6, 1976.

Hon. BIRCH BAYH,
U.S. Senate,
Russell Office Building,
Washington, D.C.

DEAR SENATOR BAYH: As the principal architect of S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974, I thought you would be interested in a situation which has developed in Vermont with regard to this program. LEAA Guideline M7100.1A, change 3, received in Vermont on November 20, directed that Vermont's share of programs under the Act be in cash, and not in kind. As you know, if the matching cash is not available, Vermont stands to lose this vital program.

According to the conference report, H. Rpt. 93–1298, it seems clear it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. In the Joint Explanatory Statement of the Committee of Conference, it is stated on page 41 of the above report that:

"The House amendment provided for a 10% matching share requirement in cash for State and local program. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind."

Thus, by an explicit act of the Committee of Conference, in kind matching was provided for and later approved by both Houses of Congress.

The law itself seems plain. As you well know, Section 222(d) reads:

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

I was not a Member of the House of Representatives when this legislation was acted upon and not privy to the deliberations of the Committee of Conference. It is, however, my understanding that the House, whose bill provided only for cash match, receded to the Senate desire to allow an in-kind match option as well. Because you were Chairman of the Senate delegation and principal architect of the Act, I would like to ask you if it was the intention of the Committee of Conference to provide the option for states and localities to match federal financial assistance provided by the Act in cash or in kind?

In addition, the Law Enforcement Assistance Administration has asserted that Section 228(c) of such Act provides the Administrator the power to require that the match be made in cash. This section reads:

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

Does this section negate the law as provided for in Section 222(d) of Title II of the Act and the intent of the conferees?

Senator, your counsel in this matter is of vital importance to an expeditious and correct solution to the problem which has arisen, a problem which quite obviously has applicability to many states. The financial picture in many states, as in Vermont, makes the option of in-kind match critical for implementation of the program. I hope to hear from you shortly.

Sincerely,

JAMES M. JEFFORDS.

Re: Vermont: Juvenile Justice Act and LEAA soft-hard match

JANUARY 13, 1976.

Hon. JAMES M. JEFFORDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN JEFFORDS: The purpose of this correspondence is to respond to your perceptive letter of January 6, 1976, outlining your concern that guidelines regarding the appropriate matching requirement promulgated by LEAA ostensibly to implement the Juvenile Justice and Delinquency Prevention Act, P.L. 93–415, are contrary to the intent of its sponsors and the Congress. I concur in your analysis.

Our near half-decade review of LEAA policy made abundantly clear the need to facilitate the receipt of assistance by public and private entities, especially in the area of delinquency prevention. A primary obstacle to such progress was the 10 percent "hard" match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expressions of intent consistent with this objective.

As you know, the House bill incorporated the cash or hard match in its bill and a compromise was reached by the Conferees which was designed to allow in-kind or "soft" match rather than the absolutist approach of the two original bills. Thus, the legislative intent is clear that in-kind match should be the general rule, but that in exceptional circumstances the Administrator, as you note under § 228(c), coud provide for a waiver scheme and require hard match.

I hope that my assessment in this matter will be of assistance to you and the citizens of Vermont.

With warm regards,

Sincerely,

BIRCH BAYH,
Chairman.

Re: Juvenile Justice Act provisions

JANUARY 15, 1976.

HON. EDWARD H. LEVI,
Attorney General of the United States, Department of Justice, Constitution Avenue and 10th Streets, N.W., Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know I have a special interest in the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93–415, and helping to assure that it is implemented consistent with the intent of the overwhelming bipartisan support it received in the Congress.

I have enclosed recent correspondence between myself and the Honorable James M. Jeffords regarding LEAA guidelines on the subject of appropriate matching requirements for prospective public and private recipients under the Act. The Administrator has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation.

Unfortunately, this recent misconstruction of the Act's provisions is merely one of the myriad of Administration-induced obstacles preventing the establishment of the program and new priorities embodied in the Act's provisions.

I am sure that, as you have in the past, you will do whatever you can to assist in these matters of mutual concern.

With warm regards,

Sincerely,

BIRCH BAYH,
Chairman.

Enclosure.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., January 16, 1976.

Sen. Bayh Writes The Attorney General[1]

LEAA'S HARD CASH MATCH REQUIREMENT FOR JJD ACT FUNDING BLASTED AS DELIBERATE MISCONSTRUCTION OF LAW

"THIS IS MERELY ONE OF THE MYRIAD ADMINISTRATION-INDUCED OBSTACLES TO ESTABLISHMENT OF THE JJD ACT"

In a letter mailed yesterday to the Attorney General, Edward H. Levi, Senator Birch Bayh (D-IN) has put the Justice Department on notice that the Law Enforcement Assistance Administration is *deliberately misconstruing* the intent of Congress by requiring at least a 10 percent *hard* cash match for any money received under the Juvenile Justice and Delinquency Prevention Act of 1974.

Bayh's action came after Rep. James M. Jeffords (R-VT) wrote the senator on Jan. 6, asking if it was the intention of the Act "to provide the *option* for states and localities to match federal financial assistance . . . in cash or in kind?"

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[1] Reprinted from the Juvenile Justice Digest, published by Washington Crime News Services, Charles A. Bailey, editor, Vol. 4, No. 1, 1/16/76, pp. 5–6.

In his Jan. 15 letter to the Attorney General, Senator Bayh states that LEAA Administrator Richard Velde "has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation.

"Unfortunately," the senator told Levi, "this recent misconstruction of the Act's provisions is merely *one of the myriad* of administration-induced obstacles preventing the establishment of the program and new priorities embodied in the Act's provisions."

"VERMONT STANDS TO LOSE"

In his letter to Bayh, Rep. Jeffords said LEAA Guideline M7100.1A, change 3, was received in Vermont on November 20, directing that the state's share of juvenile programs under the Act be in cash and not in kind. "As you know," Jeffords wrote, "if the matching cash is not available, Vermont stands to lose this vital program."

Jeffords said flatly that it was his understanding of the compromise worked out by the House-Senate Conference Committee, before the Act's final passage, "that the House, whose bill provided only for hard cash match, *receded* to the Senate desire to allow an in-kind match option as well."

The Vermont congressman quoted Section 222(d) of the Act which states that federal financial assistance shall not exceed 90 percent of approved project costs and that the non-federal share "shall be made in cash or kind consistent with the maintenance or programs required . . ."

Jeffords pointed out, however, that the LEAA has interpreted the Act's Section 228(c), to provide Administrator Richard Velde with the power to *require* that the match be made in cash. Section 228(c): "Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities or services."

The congressman from Vermont puts the paramount question to Sen. Bayh in the most direct terms: "Does (Section 228(c)) negate the law as provided for in Section 222(d) of Title II of the Act and the intent of the (House-Senate) conferees?

"Senator, your counsel in this matter is of vital importance to an expeditious and correct solution to the problem which has arisen, a problem which quite obviously has applicability to many states. The financial picture in many states, as in Vermont, makes the option of in-kind match critical for implementation of the program. I hope to hear from you shortly."

IN-KIND MATCH THE RULE

Sen. Bayh's Jan. 13 reply to Rep. Jeffords, agrees that the hard match requirement now being promulgated by the LEAA "ostensibly to implement the Juvenile Justice and Delinquency Prevention Act . . . (is) contrary to the intent of its sponsors and the Congress."

Bayh said a five-year review of LEAA policy "made abundantly clear" the need to clear redtape away from the mechanism used to provide federal funds for public and private groups working in the area of juvenile delinquency prevention.

Historically, Bayh said "A primary obstacle to such progress was the 10 percent hard match requirement under the Safe Streets Act". It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expression of intent consistent with this objective.

"As you know, the House bill incorporated the cash or hard match in its bill and a compromise was reached by the conferees which was designed to allow in-kind or soft match rather than the absolutist approach of the two original bills. Thus the legislative intent is clear that in-kind match *should be the general rule*, but that in exceptional circumstances the (LEAA) administrator, as you note under Section 228(c), could provide for a waiver scheme and require hard match."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 19, 1976.

Hon. BIRCH BAYH,
Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Russell Office Bldg., Washington, D.C.

DEAR SENATOR BAYH: I want to thank you for your assistance regarding the LEAA guidelines requiring hard match for states receiving funding under the Juvenile Justice and Delinquency Prevention Act.

I recently received a letter from Mr. Richard Velde, Administrator of LEAA, about my concern. I want to share with you his letter, which I consider unresponsive to the question of congressional intent in this matter, along with my subsequent reply to him.

With best wishes, I am

Sincerely,

JAMES M. JEFFORDS.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., February 11, 1976.

Hon. JAMES M. JEFFORDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN JEFFORDS: This is in response to your recent inquiry regarding Law Enforcement Assistance Administration guidelines implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415). Of particular concern to you were financial guidelines which treated public agencies and private nonprofit organizations differently with regard to the use of in-kind match.

Following the receipt of comments from concerned individuals and agencies, LEAA carefully reviewed the guideline requirements. As a result of this review, a determination has been made to revise the guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act to establish parallel match provisions for State agencies/units of local government and private agencies. The proposed revision permits in-kind match to be substituted for cash for any project, upon the request of the State planning agency to the cognizant LEAA Regional Office, if the State planning agency makes a formal determination that the two following criteria are met:

(1) A demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) No other reasonable alternative exists except to allow in-kind match.

The stated preference for hard match is felt to be consistent with section 228(d) of the Act, which permits the Administrator to require the recipient of any grant or contract to contribute money, facilities, or services if it is determined that such action will contribute to the purposes of the program. The general reasons for requiring a preference for hard match are fourfold: First, State and local legislative oversight is insured, thus guaranteeing some State and local governmental control over Federally assisted programs; Second, State and local fiscal controls would be brought into play to minimize the chances of waste; Third, the responsibility on the part of State and local governments to advance the purpose of the program is underscored; and Fourth, continuation of programs after Federal funding terminates is encouraged by requiring a local financial commitment.

It was for the above-cited reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match. It was also felt by the Congress, as indicated in the legislative history of the amendments, that in-kind match had led to imaginative bookkeeping by recipients of funds, and that significant monitoring probems had resulted for LEAA and the State planning agencies.

For your full information, a copy of the pronosed guideline revision, as well as copies of the notices sent by LEAA to central office heads, regional administrators, and State planning agencies is enclosed. The guideline change is being incorporated into the next Financial Guideline. Effective immediately, however, LEAA will consider requests from State planning agencies for action consistent with the proposed revision.

Your interest in this matter and in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE,
Administrator.

Enclosures.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 17, 1976.

Hon. RICHARD W. VELDE,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. VELDE: Thank you for your reply to my letter regarding LEAA guidelines for the Juvenile Justice and Delinquency Prevention Act, Public Law 93-415.

In your letter, you stated that "of particular concern" to me were financial guidelines which treated public agencies and private nonprofit organizations differently with regard to the use of in-kind match. I did not express any such concern. What did concern me was LEAA's circumvention of the intent of Congress to provide in law the option for States to match in kind or with cash.

As I stated in my letter of January 14 and restate here, nowhere in the legislative history of the Acts is there justification for the hard match ruling. According to the conference report, H. Rept. 93-1298, it was the intent of the conferees to allow State or local programs to match federal funds in cash or in kind. Once again, I refer to the Joint Explanatory Statement of the Committee of Conference where it is stated on page 41:

The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The law itself is plain. Section 222(d) reads:

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

Thus, Congress specifically provided for the option of cash match or in-kind match.

In addition, both Congressman Hawkins and Senator Bayh have agreed with my analysis of congressional intent. I have already supplied you with their letters to me on the intent of Congress regarding in-kind match and also the ability of the Administrator to require a hard match under Section 228(c) only in exceptional circumstances.

Mr. Velde, I appreciate your reply and the statement of your position. I regret, however, that you did not answer my concern that LEAA is ignoring congressional intent.

Therefore, I request that you answer:

(1) Because the Joint Explanatory Statement of the Committee of Conference is indicative of congressional intent to provide States with the option to elect hard match or in-kind match, what leads you to believe that you can remove that option?

(2) Because Section 222(d) of the law provides this option, what authority do you have to disregard the law?

Sincerely,

JAMES M. JEFFORDS.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 20, 1976.

Hon. BIRCH BAYH,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your recent inquiry regarding Law Enforcement Assistance Administration guidelines implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). Of particular concern to you were financial guidelines which treated public agencies and private nonprofit organizations differently with regard to the use of in-kind match.

Following the receipt of comments from concerned individuals and agencies, LEAA carefully reviewed the guideline requirements. As a result of this review,

a determination has been made to revise the guidelines for matching funds under the Juvenile Justice and Delinquency Prevention Act to establish parallel match provisions for State agencies/units of local government and private agencies. The proposed revision permits in-kind match to be substituted for cash for any project, upon the request of the State planning agency to the cognizant LEAA Regional Office, if the State planning agency makes a formal determination that the two following criteria are met:

(1) A demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) No other reasonable alternative exists except to allow in-kind match.

The stated preference for hard match is felt to be consistent with section 228(d) of the Act, which permits the Administrator to require the recipient of any grant or contract to contribute money, facilities, or services if it is determined that such action will contribute to the purposes of the program. The general reason for requiring a preference for hard match are fourfold: First, State and local legislative oversight is insured, thus guaranteeing some State and local governmental control over Federally assisted programs; Second, State and local fiscal controls would be brought into play to minimize the chances of waste; Third, the responsibility on the part of State and local governments to advance the purpose of the program is underscored; and Fourth, continuation of programs after Federal funding terminates is encouraged by requiring a local financial commitment.

It was for the above-cited reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match. It was also felt by the Congress, as indicated in the legislative history of the amendments, that in-kind match had led to imaginative bookkeeping by recipients of funds, and that significant monitoring problems had resulted for LEAA and the State planning agencies.

For your full information, a copy of the proposed guideline revision, as well as copies of the notices sent by LEAA to central office heads, regional administrators, and State planning agencies is enclosed. The guideline change is being incorporated into the next Financial Guideline. Effective immediately, however, LEAA will consider requests from State planning agencies for action consistent with the proposed revision.

Your interest in this matter and in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

EDWARD H. LEVI,
Attorney General.

Enclosures.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., April 23, 1976.

Hon. JAMES M. JEFFORDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN JEFFORDS: This is in response to your further inquiry regarding Law Enforcement Assistance Administration guidelines implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). You will recall that I originally corresponded with you regarding financial guidelines dealing with the use of in-kind match in February of this year.

Following receipt of your additional correspondence, LEAA's Office of General Counsel reviewed the issues which you raised. It is the opinion of that Office and of LEAA that the guideline as revised is an appropriate exercise of authority by the Agency.

Section 222(d) of the Act provides the basic requirement with regard to the level of Federal funding permitted and the quality of matching funds required:

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

This provision applies solely to formula grant funds awarded under subpart I of Part B of the Act.

Under the heading "General Provisions," applicable to both subpart I and subpart II (Special Emphasis) grants under Part B, Section 228(c) authorizes the Administrator to require the recipient of any grant or contract under Part B to contribute cash match: "(c) Whenever the Administrator determines that it will contribute to the purposes of this part. he may require the recipient of any grant or contract to contribute money, facilities, or services."

In formulating a guideline to implement these statutory provisions, LEAA was aware that the Section 222(d) provision represented a compromise between the Senate and House passed bills. The Conference Report on S. 821 commented on the compromise provision as follows: "The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind." (S. Rep. No. 93–1103, August 16, 1974, p. 41.)

A statement by Senator Roman Hruska, minority floor manager for the bill during Senate debate on the adoption of the Conference Report, explained the purpose for the compromise provision in these words: "The conferees agreed upon a compromise match provision for formula grants. Federal financial assistance is not to exceed 90 percent of approved costs with the non-federal share to be in cash or kind, a so called soft match. This means that private non-profit agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon match provision is in lieu of the Senate provision for no match and the House provision for a 90 percent cash, or hard match." (120 Cong. Rec. S. 15265 (daily ed., August 19, 1974).)

The compromise "in cash or kind" provision was apparently motivated by concern that the private non-profit sector might have difficulty in obtaining cash matching funds. This concern was taken into account by LEAA in formulating the guideline requirements for use of in-kind match.

The LEAA guideline provision which you have called into question (Financial Guideline M 7100.1A Chapter 7, paragraph 7), does not preclude the use of in-kind match by either governmental or private non-profit grantees. The guideline, formulated under the authority granted to the Administrator in Section 228(c), merely states a preference for cash match. The decision to incorporate this preference in the guideline was based upon a determination that a cash contribution contributed to the purposes of Part B of the Act.

As I indicated to you in my earlier letter, LEAA has had extensive experience with in-kind match under the Omnibus Crime Control and Safe Streets Act. Use of in-kind match led to "imaginative" bookkeeping by recipients and significant monitoring problems for LEAA in determining whether costs had been added to a program or project which had already been paid, had previously been used to match another project, or would be paid in any event.

Of greater importance is the matter of commitment which is fostered by a cash match requirement. First, cash insures careful oversight and thus guarantees some state and local control over federally assisted programs. Second, cash match brings into play controls to minimize the chances of waste. Third, cash match underscores that it is primarily the responsibility of state and local governments and organizations to fight crime and delinquency. Fourth, cash match requires a financial commitment to special projects. This encourages close cooperation and coordination between state government, local government, and private sector providers of services, and helps assure continuation of support beyond the period of federal assistance.

For these reasons, LEAA exercised its authority under Section 228(c) of the Juvenile Justice and Delinquency Prevention Act and placed a condition on the use of in-kind match. Such action is felt to be a valid exercise of the authority consistent with the intent underlying enactment of the cited provisions. It should also be noted that the guideline, as revised, is being implemented without serious difficulty, and the use of in-kind match has been permitted in appropriate circumstances.

Your continued interest in the juvenile programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE,
Administrator.

YOUTH SERVICE CENTER,
Kansas City, Mo., December 2, 1975.

Mr. JOHN RECTOR,
Senator Birch Bayh's Office,
Senate Office Building,
Washington, D.C.

DEAR JOHN: It has recently come to my attention that the Juvenile Delinquency Act of 1974 Guidelines have had some significant rewriting. The original act clearly states that "in kind" match monies may be used to achieve the necessary 10% match required by law. I spoke to the state LEAA folks today and they told me that the latest information indicates that "in kind" match would not be acceptable, that only cash match would be eligible.

John, this approach in effect freezes out the local not-for-profit agencies. Just as the Omnibus Crime Act did. I personally represent 28 not-for-profit agencies and I know their financial situations will not allow them to participate under these new regulations. It appears to me that this is cutting off the nose to spite the face. The intent of the original act is clearly supportive of local private not-for-profit agency involvement.

If you would look into this situation for us we would be very appreciative. This business of writing laws that in effect limit or negate private participation cannot be tolerated without formal protest. On behalf of the Kansas City youth serving agencies I hereby request that you register our outcry with the appropriate persons and seek rescission of this regulation at the earliest possible moment.

Thank you for your consistent involvement and support of our program. We remain indebted to you for your concern and dedication.

Sincerely,

CATHERINE MCDERMOTT,
Associate Director.

NATIONAL YOUTH ALTERNATIVES PROJECT,
Washington, D.C., December 22, 1975.

From: Mark Thennes

To: State Contact People/NNRYS Steering Committee, NFSAYSB Board of Directors

Re: LEAA fiscal guidelines requiring 10 percent hard cash match for JJDPA funds

LEAA Administrator Richard Velde—and the Office of Juvenile Justice—have opted for "interpreting" the Juvenile Justice Act as allowing LEAA to require at least 10 percent hard cash match. All units of local government and—with rare exceptions—private agencies will be required to secure 10 percent cash for any monies they receive under the Act, rather than a 10 percent in kind (or soft) match.

The enclosed page outlines this administrative decision. Fiscal Guidelines M7100.1A Change 3, dated October 29, 1975, outlines a difficult and bureaucratic process by which private agencies might obtain waivers to the hard cash match requirement. With "waivers not to be granted lightly", the appropriate LEAA Regional Office can grant exemptions if:

(1) The project otherwise meets the requirements of the Act.

(2) It is consistent with the State Plan.

(3) It is meritorious, i.e., it will help alleviate the juvenile delinquency problem.

(4) A demonstrated and determined good faith effort has been made to find cash match.

(5) No other reasonable alternative exists except to allow in kind match.

Taking its line of argument from the Act itself, LEAA quotes Sec 222(d) ". . . the nonfederal share shall be made in cash or kind consistent with the maintenance of programs required by Sec 261" and quoting Sec 228(c) "whenever the Administrator determines it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services".

The sophistry of the LEAA defense becomes more transparent as LEAA maintains that its intention here is to allow private agencies to participate in the

program and to fulfill the "intent of Congress" to integrate the JJDPA with the Safe Streets Act (which Congress required a 10 percent hard cash match for). The persuasive argument for cash over in kind match is only that hard cash is easier to count for LEAA accountants. The primary purposes of the JJDPA are not, however, to make the jobs of accountants easier!

In Congressional debate on the floor of the Senate, both Sens. Hruska and Bayh made clear references to changing LEAA policy to in-kind match for Juvenile Justice Act funding. Sen. Hruska, In Congressional Record of Senate, August 19, 1974 S15265:

"The conferees agreed upon a compromise match provision for formula grants Federal financial assistance is not to exceed 90 percent of approved costs with the nonfederal share to be in cash or kind, a so called soft match. This means that private agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon match provision is in lieu of the provision of the Senate for no match and the House provision for a 10 percent cash, or hard match."

Two other references to a compromise between the House and Senate were made when the JJDPA was passed by Congress. The LEAA Guidelines contradicts the intent of that compromise, and as such clearly exceeds the administrative authority of LEAA.

This dispute might have been avoided had not LEAA intentionally failed to consult any national private youth organization. Previously, LEAA had invited their comments on the JJDPA Program Guidelines, and received valuable input from the private sector. Additionally, it failed to heed input from national public organizations which strongly encouraged LEAA to drop the hard cash requirement. One of the State Planning Agencies is considering legal action against LEAA for overstepping its authority with these Guidelines.

Another piece of the Guidelines is also of interest to youth services. In a brilliant administrative trick, LEAA has found a way around the JJDPA's requirement of Continuation support for programs that prove successful. For Special Emphasis funds from LEAA's Office of Juvenile Justice, a definite scope of work will be announced according to preset timelines for accomplishing that work. Thus, youth services can apply for Special Emphasis funding, but LEAA will determine before hand that a "work initiative" can be successfully accomplished in, say, three years, after which it will not provide Continuation Support. If this trick is passed along to the State Planning Agencies, it will allow the entire LEAA system to continue to fund programs on its own phase out schedule—a clear violation of the Congressional intent of Continuation Support.

The decision's effect.—This administrative decision "inadvertantly" sabotages the purposes of the JJDPA. It makes it more difficult for youth services—public and private alike—to participate in the Act. In increasingly tight fiscal times, it makes it more difficult to obtain funds from legislatures and foundations. Some states may not be able to secure the cash match required to participate in the Act. Clearly LEAA—and Velde—have not heard from the private sector about the affects of this decision.

Your response.—Write a letter directly to Velde. Make reference to your perceptions of the difficulty or ease in meeting the cash match. Note it affect on your youth work. Keep it in the perspective of community based youth services. Mention the lack of private input. Velde needs to be kept posted—and honest—by youth services as to the implications of his actions. Send CARBONS or separate letters to:

Birch Bayh, US Senate/Rep Augustus Hawkins, US House/your representatives/NYAP; Richard Velde, Administrator, LEAA, 633 Indiana Ave NW, Washington, D.C. 20531.

Offering opinions and attempting to change guidelines is not lobbying. Happy New Year.

(b) *Special Emphasis Grants.*—All applicants for grants under Subpart II must be prepared to provide at least 10 percent of the total project cost. At the discretion of the Administrator, LEAA, Federal funds awarded under Subpart II may be used to pay up to 100 percent of the cost of projects funded thereunder. Where the Administrator determines that the grantee has a unique facility, capability or service that is necessary to the efficient and judicious operation of the funded project or program, he may require the grantee to furnish such facility, capability or service as a matching contribution. Such determination shall be made on a grant-by-grant basis.

7. Source and type of funds

(a) *Formula Subgrants to State Agencies and Units of Local Government.*—Match for these grants must consist of cash appropriated or otherwise supplied by a state or unit of local government or contributed by a private agency subgrantee. This cash may be used to pay any permissable project cost.

(b) *Formula Projects Administered by Private Agencies.*—For those grants wherein a private agency is involved in the execution and management of the project, match must consist of cash contributed by the subgrantee or otherwise supplied by some other source. This requirement may be waived by the cognizant Regional Office (for Subpart I grants) in whole or in part and in-kind match substituted if:

(1) The project otherwise meets the criteria of the Act.

(2) It is consistent with the State Plan.

(3) It is meritorious, that is it will help alleviate the juvenile delinquency problem.

(4) A demonstrated and determined good faith effort has been made to find cash match.

(5) No other reasonable alternative exists except to allow in-kind match.

(c) Determinations (1) through (5) above shall be reviewed annually by the SPA.

(d) Special Emphasis Grants to State Agencies and Units of Local Government. The principles outlined in paragraph 7a shall apply.

(e) Special Emphasis Grants to Private Agencies. The principles outlined in paragraph 7b shall apply. Requests for waiver of the requirements shall be submitted to the Administrator, LEAA, for approval.

LIGHTHOUSE, INC.,
YOUTH SERVICE BUREAU INFORMATION AND COUNSELING,
Catonsville, Md., January 8, 1976.

MR. RICHARD VELDE,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. VELDE: Recently, I learned of LEAA's decision to require programs participating under the Juvenile Justice and Delinquency Prevention Act to secure 10% of their budgets in cash. As a worker in a Youth Service Bureau for the past four years, this news is disturbing to me in several ways.

Having received grant monies through Maryland's State Planning Agency, I have experienced directly the problems and difficulties in raising "required cash" to maintain the continuance of my project. What it in effect does is turn workers into fund raisers rather than allow those workers the time to meet the needs of their respective communities.

In the first year of operation, we found it a much easier task to supply the requirement of "in-kind" services. There is no question that contracting for in-kind services required far less time than the numerous fund raising events we have had to sponsor.

I personally feel that this decision only makes it harder for youth service programs nationally to continue providing the kind of quality services to youth that are so vital to communities.

Sincerely,

OLIVER BROWN,
Assistant Director.

Date: January 9, 1976.
To: NCOCY Youth Development Cluster.
From: Betty Adams.
Subject: LEAA Fiscal Guidelines Requiring 10% Cash Match for Funds Under the Juvenile Justice and Delinquency Prevention Act.

LEAA has recently issued Fiscal Guidelines which eliminate in-kind matching for programs funded under the Juvenile Justice and Delinquency Prevention Act (JJ&DPA). The LEAA guidelines require a 10% hard cash match by recipients of funds under the Act. This hard cash match requirement is in direct conflict with the intent of Congress as expressed in the Conference Report on the JJ&DPA.

The hard cash match requirement will of course make in increasingly difficult for both public and private agencies to participate in the JJ&DPA and is a con-

cern that is within the parameters we have outlined for the Youth Development Cluster.

It has been suggested that the Cluster notify LEAA Administrator, Richard Velde of our opposition to the new requirement. Attached is a draft letter which would express such concern. Please review the letter and contact me (202/ 393–43332) or Shari Kaplan Papish at the NCOCY office 202/ 785–4180) if you concur with this approach and if your organization will lend its endorsement to the letter.

Additionally, it would be helpful if we could generate similar letters to Mr. Velde from our individual organizations. Should you decide to do so, please send a copy to Shari.

It is important that we hear from you no later than January 14.

Your cooperation and assistance is appreciated.

Mr. Richard Velde,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

Dear Mr. Velde: We are submitting this letter as members of the Youth Development Cluster of the National Council of Organizations for Children and Youth (NCOCY). NCOCY is a coalition of two hundred national, state, and local organizations concerned with the welfare of children and youth.

The Youth Development Cluster is deeply concerned about the recent change in the Fiscal Guidelines which cover grants under the Juvenile Justice and Delinquency Prevention Act (JJ&DPA). This change requires State and local agencies to provide a 10 percent hard cash match. Similarly, private agencies are required to do the same unless they have received waivers from the Regional Offices. This requirement is in conflict with the letter and intent of the law.

Section 222 (d) of the Juvenile Justice and Delinquency Prevention Act which states that: "Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261."

Likewise, the requirement also violates Congressional intent. Floor statements by Senators Roman Hruska and Birch Bayh during Senate consideration of the Conference Report clearly indicate Congressional intent to permit a 10 percent in-kind match. This provision, a compromise between the Senate provision for no match and the House provision for a 10 percent hard match, was designed with the intent to facilitate the participation of private non-profit agencies in the JJ&DPA.

We urge you to revise the requirements for cash and in-kind match such that they are consistent with the letter and intent of the legislation.

Second Mile . . . . . for Runaways,
Hyattsville, Md., January 14, 1976.

Senator Birch Bayh,
Russel Office Building,
Washington, D.C.

Dear Senator Bayh: I am writing to you to express my agency's concern over two recent LEAA administrative decisions concerning Juvenile Justice and Delinquency Prevention Act fiscal guidelines.

The first decision has to do with LEAA requiring a 10% hard match for federal formula grants. As we understand the compromise that resulted from the House and Senate debates concerning cash matches, the intent of congress seems to be directed at making it possible for private agencies, organizations and institutions to make maximum use of available federal monies. We feel that an LEAA hard match requirement coupled with a difficult waiver process defeats the purpose and intent of the congressional compromise. The hard match requirement along with tight economic times would make it difficult for many community based agencies to participate in the JJDPA. The end result of this lack of participation would be states not being able to maximumly utilize existing agencies; which is as you know an additional goal of the JJDPA.

A second decision concerning continuation of federal assistance for successful programs also seems to miss the intent of the congressional decision. As you may

know LEAA has decided that preset timelines will be applied to Special Emphasis funds with continuation of funding being terminated at the end of the set time period. The bill, however, indicates that continuation or termination of funding will be based on yearly evaluation of the programs and not on a set time period.

These two decisions appear to have been made without significant input from community based agencies or national organizations representing such agencies. We hope that in the future LEAA will aggressively seek input from the private sector in much the same manner as it would have individual State Planning Agencies. Such input is one of the very important intents and mandates of the JJDPA. Lack of input holds much potential for LEAA guidelines that will make it more and more difficult for community based agencies to participate in the JJDPA. The losers in such a situation are the very youth this act is attempting to serve.

Sincerely,

ROGER BIRABEN,
Staff, Second Mile House.

SYNERGY,
Carbondale, Ill., January 20, 1976.

RICHARD VELDE,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. VELDE: I am writing to express my concern and disapproval of a current item mandating local social services programs to provide a 10% matching fund for all Illinois Law Enforcement Commission funding including funds under the Juvenile Justice De'inquency and Prevention Act.

In rural areas such as southern Illinois local funding is not adequate to fulfill such a requirement and, Social services, especially youth programs are obliged to turn to state and federal funding for total fiscal support.

We are in our first decade of providing adequate youth services and I am certain that facing a 10% match in future funding will eliminate many valuable services in the 27 southern most counties of Illinois.

Sincerely,

DEBORAH K. CHAMBLISS,
Counselor.

NORTH RIVER YOUTH SERVICES PROJECT,
Chicago, Ill., January 22, 1976.

RICHARD VELDE,
Administrator, LEAA,
Washington, D.C.

DEAR MR. VELDE: It has recently come to my attention that the current interpretation of the Office of Juvenile Jusitce regarding hard cash match is a requirement of at least ten percent hard cash match.

I am writing to ask that you consider a more flexible interpretation.

It is sometimes difficult for some private and public agencies to make the required match. Some of these programs deserve funding. In other instances a program may be controversial, yet necessary; these programs may need several years of 100% funding in order to prove to their local constituencies that their program is worthwhile, necessary and deserving of local support.

I understand that it is possible for states to match in the aggregate, so that some grants may provide high match while others may provide low or no match. SPA's would have more flexibility in making awards if this were the policy.

Sincerely yours,

TOMMY L. TIMM,
Project Director.

SAVING FAMILIES FOR CHILDREN,
New York, N.Y., January 27, 1976.

Mr. RICHARD W. VELDE,
Administrator, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. VELDE: Saving Families for Children is an ad hoc group of delegates from seventy-five agencies dedicated to preserving families as a first line of defense against individual and ultimately societal breakdown. We recognize that many of the projects you consider for support and funding have great potential

for the well-being of families and children. This is particularly true of your newly enlarged potential in relation to juvenile delinquency.

We are deeply concerned by several provisions in M 7100.1A chg. 3, October 29, 1975, promulgating regulations for "Financial Management Planning and Action Grants" under the Juvenile Justice and Delinquency Prevention Act. We urge they at once be changed.

Match requirement for subpart II grants

Chap. 7, para. 6(b), of the regulations provides that all applicants for Special Emphasis Prevention and Treatment Program grants (subpart II) "must be prepared to provide at least 10 percent of the total project cost," but that the Administrator of LEAA may, in his discretion, provide 100 percent federal funding.

In contrast, the JJDP Act itself assumes that all Subpart II grants will receive 100 percent federal funds without matching. See JJDP Act sections 224–225. Only when "it will contribute to the purposes of (the federal assistance program)" may the Administrator require such a grantee "to contribute money, facilities, or services." JJDP Act section 228(c).

Those areas, such as Buffalo, Detroit or New York, where the need—and the target population—is greatest for Subpart II grants are exactly those where the ability of local government to provide matching funds is growing small and where agencies are exhausting their ability to raise funds on their own. This regulation will encourage the allocation of funds away from the most appropriate areas. It will constitute a serious barrier to applications by new, innovative programs. As written, therefore the requirement of a match for the usual Subpart II grant, not only the exceptional one is contrary to the spirit, and arguably to the letter, of the JJDP Act.

Restrictions on In-kind Match

The preceding problem with these regulations is compounded by the approach taken in Chap. 7, para. 7, to in-kind match by private agencies.[1]

Subject to satisfying five requirements and to the discretion of either the appropriate LEAA regional office—for formula grants under Subpart I—or the LEAA Administrator—for special emphasis grants under Subpart II—private agencies must provide a cash match, not an in-kind match.

Senators Birch Bayh and Roman Hruska, during Senate consideration of the conference report on the JJDP Act, specifically referred to the 10 percent in-kind match as intended to facilitate the participation of private agencies.

Sections 222(d) and 238(c) of the JJDP Act clearly authorize in-kind match. Section 261 refers to the level of program funds maintained under the JJDP and other acts; it cannot be read to import into the JJDP Act restrictions on the kinds of program funds permissible under other acts.

Reasonable restrictions on in-kind match, similar to those in the Runaway Youth Act, would be acceptable. Indeed, we approve the first three requirements of para. 7(b), for we thing every project, not just those proposed for in-kind match, should "otherwise (meet) the criteria of the Act," be "consistent with the State Plan" and "help alleviate the juvenile delinquency problem."

But the fourth requirement is questionable: "A demonstrated and determined good faith effort has been made to find cash match."

Why is a good faith effort not enough? Asking that the effort be determined good faith seems to require an agency to go beyond what is reasonable under the circumstances and to pursue efforts it knows from the start will be unsuccessful. Indeed, if an agency has experience and reasons to determine in good faith that it will not be able to find cash match, why must it make a demonstrated effort to find cash match?

We suggest that this requirement be amended to delete the phrase "demonstrated and determined". The phrase is an unreasonable additional requirement.

Requirement 5 is totally unacceptable: "No other reasonable alternative exists except to allow in-kind match."

Read literally, this requires the agency to prove the existence of a negative, which is impossible. Read more loosely, this still imposes a burden on the agency which few can meet. Requirement 5 will prevent almost every private agency from receiving a waiver for in-kind match. This will radically restrict the participation of private agencies under the JJDP Act.

It is, we believe, clearly in violation of Congressional intent and is invalid as as unreasonable restriction on the availability of these grants.

[1] While we believe that the act does not prohibit state agencies and units of local government from in-kind match, we consider more severe the implications for private agencies of this limitation and, therefore, concentrate on the latter.

Saving Families for Children strongly urges you to have these regulations redrafted to accomplish the Congressional intent that a match be required only for unusual special emphasis grants and that private agencies be permitted in-kind match, subject only to reasonable requirements.

Very truly yours,

MAURICE O. HUNT,
Acting Chairman.

CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.,
New York, N.Y., February 3, 1976.

MR. RICHARD W. VELDE,
Administrator,
Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. VELDE: Citizens' Committee for Children is deeply concerned by your new guidelines requiring private agencies to provide, in almost every case, a 10 percent cash match for a grant under the Juvenile Justice and Delinquency Prevention Act.

Our concern has led us to participate in drafting the attached letter from Saving Families for Children.

We take this occasion to note our endorsement of the arguments in the letter. We emphatically endorse its call for redrafting these guidelines.

Sincerely,

HAMILTON F. KEAN,
President.
EDYTHE W. FIRST,
Chairwoman of the Board.

JOSEPHINE COUNTY COUNCIL ON DRUG ABUSE,
Grants Pass, Oreg., February 6, 1976.

MR. RICHARD W. VELDE,
Administrator, LEAA,
Washington, D.C.

DEAR MR. VELDE: As a member organization of the Oregon Coalition of Alternative Human Services, the Josephine County Council on Drug Abuse would like to express its displeasure with the recent fiscal guidelines adopted by LEAA in regards to Juvenile Justice and Delinquency Prevention Act funding.

The administrative decision (M7100.1A, Change 3, dated October 29, 1975) requiring a 10% hard cash match for JJDPA funds makes it more difficult for both public and private youth services to participate in the JJDPA. While foundations and legislators get tighter with funds, hard cash matches become more difficult to achieve. As a result, fiscal guidelines such as M7100.1A, Change 3 inadvertently sabotage the purpose of the Act by allowing the proverbial "rich to get richer, and the poor to get poorer."

We at the Josephine County Council on Drug Abuse are serving the community with a comprehensive program of counseling, referral, and youth-oriented services. We would find it extremely difficult to secure a 10% hard cash match for our proposed JJDPA funds.

Our organization strongly supports the statement made by Senator Hruska during Congressional debate on the JJDPA: "Allowing in-kind matches means that private agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for technical assistance."

Sincerely,

JAMES A. DUNN,
Executive Director.

CRY OF LOVE FREE CLINIC INC.,
Salem, Oreg., February 16, 1976.

MR. RICHARD W. VELDE,
Administrator, LEAA,
Washington, D.C.

DEAR MR. VELDE: I write to you regarding the recent administrative decision of the Law Enforcement Assistance Administration to require 10% hard cash match for Juvenile Justice and Delinquency Prevention funds (M7100.1A, Change 3, dated October 29, 1975).

The hard cash match requirement for Juvenile Justice and Delinquency Prevention Act funds makes it more difficult for both public and private youth services to receive funding. I speak from the perspective of a community based youth service agency with many different funding sources.

On behalf of the Cry of Love Free Clinic Board of Directors. staff and clients, I urge you to reconsider the recent Administrative decision and allow in-kind matches for Juvenile Justice funds.

Sincerely yours,

D. LAVERNE PIERCE,
Director.

NATIONAL COUNCIL OF ORGANIZATIONS FOR CHILDREN AND YOUTH,
Washington, D.C., March 24, 1976.

JAMES M. H. GREGG,
Deputy to the Deputy Administrator for Administration, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. GREGG: On behalf of NCOCY's Youth Development Cluster and the undersigned organizations, I am responding to your letter dated February 24, 1976 which requests our comments concerning the Guide for Discretionary Grant Programs, M 4500.1D, Change 1.

The guidelines contradict the law and intent of Congress. The Juvenile Justice and Delinquency Prevention Act was enacted as a separate act and not as part of the Omnibus Crime Control and Safe Streets Act. Its provisions thus supercede those of the Omnibus Crime Control and Safe Streets Act. This is clearly indicated in the House Conference Report No. 93–1298 of August 19, 1974 which reads: "The Senate bill amended Title I of the Omnibus Crime Control and Safe Streets Act as amended while the House amendment established an independent Act. The conference substitute is an Independent Act. It is not part of the Omnibus Crime Control and Safe Streets Act. It changes such Act to bring it into conformiy with the Juvenile Justice and Delinquency Prevention Act."

In accordance with this we object to LEAA's administration of juvenile justice and delinquency prevention programs, including the diversion of juveniles from the juvenile justice system. According to the provisions and guidelines of the Omnibus Crime Control and Safe Streets Act, LEAA's requirement that the state/local agencies and private agencies provide 10 percent hard cash match is one example in which a provision of the Omnibus Crime Control and Safe Streets Act, which is contradictory to Congressional intent and the language of the Juvenile Justice and Delinquency Prevention Act, is applied to the Juvenile Justice and Delinquency Prevention Act.

We urge LEAA to revise its administration of the Juvenile Justice and Delinquency Prevention Act in order to comply with the law and intent of Congress.

Sincerely,

BETTY ADAMS,
National Urban League Chairperson,
NCOCY Youth Development Cluster.

FREEDOM HOUSE INC.,
ALTERNATE LIFE STYLE FOR DRUG ADDICTS,
Portland, Oreg., April 1, 1976.

MR. RICHARD VELDE,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. VELDE: I read recently of the decision by your office to require ten percent cash matching funds for all monies administered under the Juvenile Justice and Delinquency Prevention Act. To the degree that the Freedom House experience can be applied to the country-at-large, I believe the decision was ill advised.

The Freedom House program began about six years ago on community donations and retained its private base of support for about three years. In spite of well documented success and increased solicitation efforts, however, the funding base began to erode with the worsening economy. Last year, private cash donations accounted for less than four percent of program expenditures, while in-kind services remained at about fifteen percent.

There are a great number—perhaps even an increasing number—of "good causes" in this country which, in turn, place increasing "demands" for assistance on a fixed number of private resources. Accordingly, I feel that the future prospect of securing private support is dim at best. I would urge you to reconsider the decision requiring cash match for juvenile service programs.

Sincerely,

THOMAS L. MILNE,
Chairman, Board of Directors.

Senator BAYH. My thanks to both of you. I appreciate the contribution you have made. We will keep in contact and watch the development of your program.

The hearing is adjourned subject to the call of the Chair.

[Whereupon, at 2:30 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

Additional statements and material supplied for the record

78-464 O - 77 - 20

PART I -- MILTON LUGER AND THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

NOMINATION OF MILTON L. LUGER PURSUANT TO PUBLIC LAW 93–415, THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

HEARING

BEFORE THE

AD HOC SUBCOMMITTEE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

(Pursuant to S. Res. 72)

ON

THE NOMINATION OF

MILTON L. LUGER TO BE ASSISTANT ADMINISTRATOR OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE

OCTOBER 30, 1975

Printed for the use of the Committee on the Judiciary

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(94th Congress)

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CONTENTS

NOMINATION OF MILTON L. LUGER PURSUANT TO PUBLIC LAW 93-415, THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

THURSDAY, OCTOBER 30, 1975

U.S. SENATE,
AD HOC SUBCOMMITTEE
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee (composed of Senators Bayh, McClellan, and Hruska) met, pursuant to notice, at 11:35 a.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh, chairman.

Present: Senators Bayh and Hruska.

Also present: John M. Rector, staff director and chief counsel; Mary Kaaren Jolly, editorial director and chief clerk; Kevin O. Faley, assistant counsel; Kathy Williams, Janelle Sherfy, Vicki Smith, staff assistants; and Eric Hultman, minority counsel.

Senator BAYH. The subcommittee will come to order.

This hearing is on the nomination of Milton L. Luger of New York, the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration. Notice of the hearing appeared in the Congressional Record on October 9, 1975. Both Senators of his State have formally approved the nomination, and there are no objections which have been received to the nomination.

Before asking the nominee to join us, I would like to make a brief opening observation. I will try to sum up the significance of this hearing, which I trust will be brief and will successfully bring out the qualifications of the nominee.

OPENING STATEMENT OF SENATOR BIRCH BAYH, CHAIRMAN

Senator BAYH. The prevention of juvenile crime and delinquency should be a top national priority. More than a year ago, in August of 1974, the Congress sent to the White House the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93-415.[1] It was developed and supported by bipartisan groups of citizens throughout the country. The bipartisan nature of the act, a product of a 4-year effort, in which many others had been involved and I was proud to lead, was clearly reflected by the strong majorities of 88 to 1 in the Senate, and 329 to 20 in the House.

I would personally like to express my appreciation to the distinguished Senator from Nebraska—the ranking minority member of the full Committee on the Judiciary—with whom, while not agree-

[1] See appendix, p. 17.

ing totally with me and I not with him, we were able to iron out our differences; and, as a result, move S. 821 forward. Without his cooperation, this would not have been done. Our colleague on the Subcommittee To Investigate Juvenile Delinquency, Senator Mathias—the ranking minority member on the subcommittee—played an active role and was also extremely helpful and cooperative as we moved this legislation forward.

Also, I think the committee owes a debt of gratitude to the numerous private agencies who were more actively involved in assisting us with this piece of legislation than any other legislation with which I have been involved. If there ever has been a citizens' measure, it was this one. We had more than 50 organizations—across-the-board philosophically and across the country—and without their help we could not have drafted the provisions, tested the provisions, and developed the necessary support for them.

I would like to thank one of those who was helpful, who is with us today, Mrs. Mildred Wurf. She is one of those who was actively involved, and without whose help we could not have been successful.

This act is designed to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system.

Who can dispute the need for its implementation? The Comptroller General of the United States concluded that funding the act was essential to any strategy to reduce the Nation's crime.

Unfortunately, the President eliminated the funding for the Office of Juvenile Justice and Delinquency Prevention from his 1976 budget and despite double digit escalation of crime, the President opposed the expenditure of $1, including even existing moneys that could have been used to implement this crime fighting program. In spite of active opposition by the White House—and I will say it is a result of help from colleagues from both sides of the aisle—we were able to secure $25 million for the act last year and $40 million for fiscal year 1976.

The White House, unfortunately, did not totally ignore the act. In fact, President Ford's Crime Control Act of 1976—S. 2212 [1]—would repeal important provisions which require that LEAA and the States allocate a minimal portion of their crime budgets for the purpose of curbing and preventing juvenile crime.

I think it is important that we recognize that this is one area in fighting crime and fighting juvenile delinquency where just spending more money is not going to meet with more success. Last year we spent $14.5 billion and we watched the crime rate go up 17 percent. We have to do a better job of expending funds. Hopefully the program, which we are now in the process of implementing, is going to deal with these problems at a stage when we have a better chance of success.

The need for adequate implementation of this legislation is all too obvious for those concerned with the rising tide of crime in America; a frightening phenomenon that is largely the result of a rapidly escalating crime level among our young people.

While youths between the ages of 10 and 17 make up 16 percent of our popluation they account for fully 45 percent of all persons arrested for serious crime. Fifty-one percent of those arrested for property

[1] See appendix, p. 51.

crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

The recidivism rate among youthful offenders under 20 is the highest among all groups; it has been estimated at between 75 to 85 percent in testimony before the Subcommittee To Investigate Juvenile Delinquency.

The act recognizes that our present system of juvenile justice is failing miserably. It is based on our findings that the present system is geared primarily to react to youth offenders rather than to prevent the youthful offense. It is, likewise, predicated on conclusive evidence that the system fails at the crucial point when a youngster first gets into trouble.

Tragically, almost 40 percent of all children involved in the juvenile justice system today are status offenders, those who have not done anything which would constitute a violation of criminal law. Yet these youngsters—70 percent are young women—often end up in institutions with hardened juvenile offenders and adult criminals. The act is clearly based on the growing consensus that incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. The act prohibits the incarceration of status offenders and requires the separation of juvenile and adult offenders.

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

Obviously, past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private, to deal more effectively with juvenile crime and delinquency prevention.

Although the President has actively opposed the implementation of the act, I am pleased that once it became clear that his efforts to stifle its implementation were not successful, he finally acted sensibly and nominated a person of the caliber and experience of Milton L. Luger, of New York, to be Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice.

I think that my committee working with him, and with his insight to this problem, ought to get this program off the ground and we ought to move quickly to recognize the dramatic impact that the young people have in the crime problem.

Half of the crimes are committed by young people under the age of 18, and yet our society's response has been too often to respond only to the older offender. What we did in this act is to reestablish that adage—on which most of us try to base our personal and professional life—that an ounce of prevention is worth more than a pound of cure.

This act is by no means a panacea. We have not suggested that it is; nor did we during the Senate debate. But it is based on the realization that our present juvenile system has not been working properly. The act does not propose the Federal Government as a final determinant or the repository of a final solution; but rather we provided some funding

and a reordering of the way existing dollars are spent. And it does provide a Federal leadership and guidance which is sadly lacking.

But, in the final analysis, I think it contains within its provisions recognition that we are not going to deal with the problem of crime or delinquency in Washington. It is going to be dealt with at home by professionals, paraprofessionals, and concerned volunteer citizens who together rise up and implement this program and make it work as it is designed to work.

Would our distinguished colleague from Nebraska care to add his thoughts? We are always glad to have them.

Senator HRUSKA. I should like to defer them until I return from the Chamber where our presence is necessary to cast a vote, and, no longer being as fleet afoot as I used to be, and the distance is great, I suggest that we suspend here for a little while, Mr. Chairman, and return when we take care of our duty there.

Senator BAYH. I think that suggestion is well taken.

[A brief recess was taken.]

Senator BAYH. Mr. Luger, we have your biographical résumé. Would you care to check it to determine if any corrections or additions are necessary?

TESTIMONY OF MILTON L. LUGER

Mr. LUGER. Just two minor ones, Senator. Two telephone numbers are incorrect. That is all.

Senator BAYH. Your telephone number, or someone else's?

Mr. LUGER. Both the agency number and my own personal telephone number are incorrect.

Senator BAYH. I do not think that imperfection will disqualify you from holding office.

Are you now, or have you ever been, related to the mayor of Indianapolis? [Laughter.]

Mr. LUGER. No sir, but I constantly have my name mispelled because he spells his differently from mine.

Senator BAYH. If that answer had been in the affirmative, I do not believe it would have disqualified you; but it is of passing interest to some of us in Indiana. [Laughter.]

Mr. Luger, let me ask you a couple of questions and then ask that you would answer the rest of them for our record, since we have another vote.

The act provides, in section 527, that all LEAA programs concerned with juvenile justice shall be administered or subject to the policy direction of the office to which you have been nominated. I think it is important to know how you see the relationship between the Juvenile Justice Act and Safe Streets and Crime Control Act, since you have responsibility under both acts. Do you see a single, integrated approach for administering the provisions pertaining to the criminal justice and delinquency prevention statutes?

Mr. LUGER. Senator, I certainly feel confident that the program thrust that will be energized through my participation in the Office of Juvenile Justice and Delinquency Prevention will be in consonance with the efforts under the Crime Control Act. I will be working very closely with the Administrator to try to bring this about. It would be tragic if there were different program philosophies. Although I have

not yet had extensive contact with the LEAA personnel, I do not perceive any differences at this point.

Senator BAYH. I would hope not, but if you note such developments, I would also hope that you would let my committee know, so that we could assist in helping you weed out those differences if you cannot weed them out yourself. An important part of debate on the measure was included in section 223(a)(17), which provided for the fair and equitable arrangements to be made to protect the interest of employees. There was agreement in conference that LEAA would work closely with the Secretary of Labor to assure these objectives.

Has LEAA done anything to date on this? What do you think that you can and will do on this?

Mr. LUGER. Senator, I am presently unable to respond to that question. I do not know what LEAA has done at this time.

Senator BAYH. Frankly, if you know everything that they had done, the answer would still be the same. Since the act was signed, I think you should know that the staff advises me that nothing has been done. I think more significant, however, is how you intend to approach this in the future.

Mr. LUGER. Could you clarify the issue?

Senator BAYH. One of the forces, let us say, that has not been negative, but a bit apprehensive, understandably so, have been those people who are employed in institutions which may be modified or eliminated. It seemed to me, and indeed in the Conference, it seemed to us, that this concern should not be a stumbling block. You should be able to sit down and work with the Secretary of Labor and find a way in the process of deinstitutionalization to assure that the rights of affected employees would be protected. That, I think, is a worthwhile goal.

Mr. LUGER. Yes. I am sympathetic to that suggestion. I can best respond based on my own experience, Senator, rather than the policy of LEAA.

When we initiated a deinstitutionalization program in the New York State Division for Youth and actually closed some institutions, we worked very hard with the Department of Civil Service to make sure that people were not hurt, that they got on preferred lists, received new assignments, and were offered other jobs, where they could use their skills instead of just being put out of work. I hope those who have the skills and could make contributions to the new program will be encouraged to continue their efforts.

Senator BAYH. Again, I hope that you review that carefully. I will be watching, myself. If we have problems, I hope that we can discuss them, because I think that it is important that we not, in a cold insensitive manner, impose hardships on people when we are trying to help others. I think we can meet both objectives.

One of the important provisions of the act, section 261, established a minimum level of funding—a maintenance level—at least at the fiscal year 1972 level of delinquency funding under LEAA. How do you assess the significance of this section? Have you had a chance to determine the 1972 level of funding?

Mr. LUGER. No, sir. I have not made any firm determination as yet. I do feel that I will become much more competent and knowledgeable as I get out to the various regions. My first order of business

will be to go to the various State planning agencies, to visit the various units in the field, and to meet with the staff of the regional offices. I hope to get a good sense of their directions and a perception of their needs, because they are closer to the problem than anybody sitting in Washington. In this way, I will try to ascertain what needs to be done in order to attack the problem.

Senator BAYH. The question is not what needs to be done, but what is being done. Have you discussed with Mr. Velde the implementation of the act?

Mr. LUGER. Only in very general terms, Senator. I have not been working there full time. I hope to receive intense orientation in the near future.

Senator BAYH. Mr. Velde told us in 1973 that the total was $140 million. Yet, in our oversight hearing this year, he revised it to the $112 million level. My subcommittee is looking very carefully at these representations. I am of the opinion that one of the reasons the President has been less than anxious to implement this act is that there are forces in the country that want to continue the status quo, regarding the fight against crime and delinquency. As a result of pressure from the subcommittee, and others, to try to increase the percentage of Federal dollars invested in delinquency preventatives, I fear that, perhaps, instead of wheeling in dollars, we may have been misled by exaggerated figures about what exactly had been the policy. We are going to take a hard look at these figures. Rather than solely obtaining appropriate new dollars, we want to be able to take some of those old dollars from LEAA and reprogram them into the more rational prevention programs. We are going to count on you to be in there scrapping; to see that that level is not lowered. When we provide new money, we want to assure that existing and old dollars are not used elsewhere. Can we count on you to do that?

Mr. LUGER. You can certainly count on me, Senator, not to merely go along with old ideas, but to be aggressive in a new philosophy on how to treat youngsters, rather than just locking them up and "burying" them. I think that kind of fresh approach is something that I would be very comfortable with. You certainly have my support in those areas, sir.

Senator BAYH. We want to get a larger percentage of LEAA dollars into prevention services. I am not trying to deprecate the job that people in the other parts of LEAA are doing because we need the comprehensive approach; but we need to direct more of our resources at preventing delinquency.

I am going to have to vote again. I will ask Mr. Rector, my chief counsel, if he would proceed. I want to make certain that we have an understanding of the important roles that should be played by young people, by private agencies, and by the private sector. What we are trying to do is assure a more comprehensive program—a more all-inclusive program so that private services are not competing or duplicating those of the public agencies, but rather to increase more appropriate community involvement and responses across the country. This is a new, innovative feature of this act.

I must leave now for the vote. After concluding questions from Mr. Rector, we can adjourn the hearing unless our distinguished colleague from Nebraska intends to return.

Mr. Luger, again I would like to congratulate you and wish you every success in this new and challenging office. Please feel free to discuss any future mutual concerns with myself or my staff. I know that Fred Nader and his crew, who have worked in such a dedicated fashion under difficult circumstances during these many trying months have and will make this task an easier one.

Again, congratulations.

Mr. RECTOR. Mr. Luger, the act, as you are familiar, is permeated with sections mandating the involvement of the private nonprofit sector as well as young people as consumers with services to be provided under the modified block grant program (subpart I) and the special emphasis grant program (subpart II).

What we are particularly interested in is what LEAA has done to date and what you would do in regard to a number of the requirements in the State plan as provided for in the new act. For example, the requirements that the State planning agencies and the regional planning units include citizens groups directly related to delinquency prevention—section 542.

We have an interest in learning what LEAA has done to date, as well as what kind of assurances you can provide the committee, with regard to your commitment or lack thereof on these important requirements which mandates a clear change of policy.

Mr. LUGER. Mr. Rector, I came from an agency—the New York State Division of Youth—that had a program to disburse State dollars to localities for the use in the area of delinquency prevention. In that program we disbursed some $20 million in the State. Much of that money was subcontracted to private, voluntary, and not-for-profit organizations so that they could become deeply enmeshed in the area of delinquency, and the work of delinquency prevention. I am a strong advocate of this involvement. I do not think the public sector itself can resolve the problem. I think that lay citizens and the field itself needs not only involvement, but a very strong constituency of people who are interested in troubled youngsters and want to deal with them, rather than just trying to bury them or get them out of neighborhoods.

I would be a strong supporter of fiscal and technical assistance and programmatic relationships with the private sector as far as the LEAA program is concerned. I might add that even if the public and the private sector get together, if the kids are not involved, we are going to lose. You cannot impose things on young people, especially the adolescents in their state of rebellion. What you have got to do is get them involved in their own fate. I have always tried to do this in the past and will continue to support and encourage youth participation in their own programs and in setting their own policies.

Now, I do know that there has been strong movement regarding the establishment of advisory committees to the State Planning Agencies, encouraged by LEAA. On those advisory committees, there are representatives of private and not-for-profit organizations. The statute, even for our own National Advisory Committee, calls for one-third of the members to be young people. This proportion assures that young people will help make the important decisions affecting their lives.

Although I do not know all the details of how far this has been implemented, I certainly will be looking into it. I am pleased that this was a stipulation included in the program.

Mr. RECTOR. We are very encouraged to hear that. I am certain that you are aware that the primary impetus for the new Juvenile Justice Act was to address a concern that many in the nonpublic sector had with regard to the Safe Streets Act or, at least, the current interpretation of the Safe Streets Act. Namely the impact of LEAA policy that required a young person must be enmeshed within the juvenile justice system before people addressing the needs of children in trouble could qualify for Federal LEAA assistance.

It was a major thrust of S. 821 to, once and for all, eliminate the need for a nexus of involvement with the juvenile or criminal justice systems before Federal money would be available to address their needs. The new act's focus is strongly on prevention and quite consistent with the remarks you have just expressed.

Mr. LUGER. Mr. Rector, I also understand that the administration has suggested an amendment which would even bring closer to realization the elimination of that kind of distinction between preinvolvement of the juvenile in the criminal and juvenile justice systems and the availability of LEAA funds. It has been recommended that funds under the Crime Control Act be meshed in with the thrust of the new Juvenile Justice Act. This amendment would help to achieve this.

Mr. RECTOR. I believe that the section you are referring to is contained in the President's Crime Bill, S. 2212, which also contains a repealer of the maintenance of effort provisions of section 261, P.L. 93–415. And as Senator Bayh has clearly indicated, we will not be supportive of the repeal of this important section. However, we would be supportive of opening up the Safe Streets Act's moneys to fund the kind of programs to which you have referred.

You made mention of the advisory groups that the statute mandates should be established in each of the States that are participating in the modified formula grant program—section 223(a)(3). I understand that some 41 or 43 States have agreed to participate in this program. We are wondering, at this date, how many advisory groups have been established? We had heard that merely a handful of advisory groups had been established. A related concern is what posture LEAA and what posture you will take if these States fail to establish advisory groups, fail to make the requisite changes in the State planning agency or regional planning unit composition or other changes in policy mandated by the act?

Mr. LUGER. Mr. Rector, I believe that it is obligatory on those who implement the legislative intent to be quite forceful. You must make sure that compliance takes place and a good faith effort is made. This is a new act. A lot of work has been done very, very quickly. The staff has done a remarkable job considering the load. I am sure that the States, localities, and counties participating in this program are shifting gears to try to get on board and get involved with this act as well. One of the purposes, frankly, of the trips that I will be making, after my confirmation, will be to try to learn firsthand what the problem is. If there is, in fact, a lack of organized advisory groups in each area, I will encourage their establishment. That kind of citizen participation is vital.

Mr. RECTOR. We had noted that Commissioner Frank Rogers, State division of criminal justice services, in New York, with whom I am sure you are familiar, agreed to hold public hearings regarding the New York State plan, the advisory group and the other matters we are discussing. In this new position, as Assistant Administrator for the Office, would you encourage either through guidelines or other methods, similar kinds of public hearings in participating States on these and other provisions?

Mr. LUGER. I am not that familiar with the details of what is obligatory under the law as far as localities are concerned. However, I do know that the crime control meetings in New York State were always open to the public. We had members of the public there listening to all of the debate, and as a general principle I think this is fine. It should be encouraged. There should be no secret deliberations. I would be in total agreement with the suggestion.

Mr. RECTOR. One very basic question relates to the criteria that you would suggest that Senator Bayh and members of the subcommittee employ to assess the Office efforts to implement the act. One year from now, for example, what areas would you recommend we study as we assess whether there has been any measure of compliance or progress?

Mr. LUGER. There have been four or five program initiatives that the staff and LEAA advisory groups have focused upon to date. Most of them, of course, grow out of the language of the act. These include such areas as deinstitutionalization of status offenders, diversion programs, focusing upon violent youngsters, delinquency prevention in general, and the setting of standards so that there may be some uniformity in what localities are doing. I think it would be helpful for us to share with you the kind of research that will be undertaken through the National Institute of Juvenile Justice and Delinquency Prevention, because we want to undertake hard, objective inquiries into how effective special initiative programs are. We will be asking such questions as whether youngsters are really being diverted from the system, or are we actually just casting a wider net and gathering more youngsters into the system.

We will also be interested in what really will take place as far as reducing the number of youngsters in correctional institutions and separating them from adults in detention. I think a lot of this data, which will be gathered through research projects, will be available to you, and I think that they will be very helpful to you in determining whether we have been moving toward a direction as the legislation mandates.

Mr. RECTOR. Your comment raises several essential aspects of congressional intent embodied in the act. There are two very important sections of the modified block grant program. Sections 223(a)(12) and 223(a)(13) which would, within a 2-year period, require the participating States to: First, prevent the commingling of adjudicted adults and those awaiting adjudication with juveniles; and, second, prohibit the incarceration of those young people accused of or who have engaged in acts that would not be crimes, if they were of majority age—commonly called status offenders.

How do you view these two particular thrusts of the act?

Are these important mandates?

Are they marginal?

How do you place them in order of priority?

Mr. LUGER. I certainly think that both of those directives are long overdue and should be strenuously supported.

Let me add one thing, Mr. Rector. I think there is a lot of naivete in the field. We will have to dig in to make sure that we are trying to implement and trying to achieve what we say we want, rather than talking globally.

For example, in the area of status offenders, removing them from correctional facilities where they are in contact with delinquent youngsters is fine in principle. I think that those who are incorrigibles, those who are truant, those who cannot get along with their parents but have committed no crime, should not be mixed in with delinquent youngsters where they can learn a great deal more about how to commit crimes.

On the other side of the coin, however, I think we have to be careful not to be naive enough to feel that all those who are labeled as status offenders are simply incorrigible youngsters, or simply school truants. We have got to keep our eye on the games that certain people play for their own purposes by labeling certain youngsters as status offender and then saying, "I am doing the right thing to keep them away from a delinquent youngster."

I participated in a survey in one State in which, despite the act committed by the youngster, all white youngsters were status offenders and most of the black youngsters were adjudicated delinquents. Therefore, you started to get segregated institutions.

I think you have to probe beyond these legal labels to see what the youngster really is, to make sure that those games are not being played and that the youngster is being treated as far as his needs are concerned, rather than because somebody put a label on him for the wrong reason.

Thus, while I would be in general agreement with the thrust, I believe with a lot of probing behind the genus of the act is necessary.

Mr. RECTOR. Yours is a very significant observation. In our Senate-House conference meetings, there was an extended discussion of the importance of the nondiscrimination provisions of the act—section 262. In regard to the deinstitutionalization effort, for which $8.5 million has already been allocated, and with other program funding, it would be expected that the kind of invidious discrimination on the basis of sex, race, creed, or national origin would be very consciously avoided. In the area of delinquents, the designation of a joy ride versus a car theft on such basis would be a good example. Similar discrimination in the areas of promiscuous conduct or other socially unapproved conduct on the basis of sex is equally abhorrent.

Hopefully, the Office will give special significance to these concerns and do whatever possible to assure that programs funded by the agency are not programs that encourage or are guilty of such practices.

Under provisions of section 224(b) of the act, 25 percent of the total moneys appropriated for the act must be allocated for special emphasis. There is discretion, however, that would permit the allocations of up to 50 percent for these programs. This has special significance for those in the nonprofit sector because, of these special emphasis dollars, one-fifth or 20 percent of the money must be allocated to the private nonprofit groups—section 224(c).

Do you view the 25 percent as a minimum or a ceiling for special emphasis grants?

Mr. LUGER. I will be able to answer that question, Mr. Rector, much more intelligently 5 or 6 months from now, because to date the work has been done by other people.

May I just respond now by saying that I think the private sector is an important ingredient in the thrust in order for us to do something in the field. I would not be willing in any way to minimize, through some gimmick, their involvement. I certainly want to be full partners.

Mr. RECTOR. In the conference report, No. 93–1103,[1] on the act you will notice that there was language regarding the congressional desire to limit moneys to be allocated for the institute. The language, on page 102, reads that there should be less than 10 percent of the total appropriation provided for the institute.

Frankly, that was an expression on the part of the conferees from both Houses, that they wanted to see as much money allocated to what Senator Bayh would describe as the area where the rubber hits the road as opposed to unnecessary esoteric research. That is not to minimize in any respect the need for careful research and the need, as the act stresses, for careful evaluation for programs that are funded. Or, of course, the setting up a clearinghouse that would help to facilitate information about programs so that if someone in Terre Haute or San Jose or wherever has an inquiry about something they are about to engage in, they can touch base with the institute and find out whether there is any efficacy in it or if it has been tried elsewhere with any success.

A very strong concern was expressed by the conferees that this money not be dribbled away in the area of research.

Careful note should be taken of this congressional enjoinder that the institute be allotted less than 10 percent.

Mr. LUGER. It will be noted, Mr. Rector.

However, I must say that a lot of things that have gone on in past research have simply been shoddy puff pieces for the agencies involved all across the country. I certainly hope that the kind of research we will be involved in will be characterized by integrity and objectivity, so as to introduce the kind of quality control that has been present in some private agencies.

The idea may be that you are going to do something, and you have beautiful plans to do it. But rarely do you implement the program as promised or as funded. Hopefully, no dollars will be wasted.

Mr. RECTOR. You mentioned the several priority areas that the new Office is pursuing: the status offender project; the diversion project; the serious juvenile offender projects; and, playing caboose, is the area of prevention.

Senator Bayh is interested to learn more as to why prevention came fourth in that series of priorities—not that he would in any way dispute the need to focus on the other areas—since it was the major theme of the legislation.

He would be interested in your view as to what role prevention should play. Is it a significant concern? Is it a backburner kind of concern for dealing with juvenile crime and delinquency in your perspective? Where do you place prevention?

[1] See appendix, p. 59.

Mr. LUGER. Mr. Rector, I would not characterize the current status of LEAA's interest in prevention as being less important than the others, even though it is listed, perhaps fourth.

I would say that the reality of being able to organize a program and get it off the ground rapidly was more possible in the area of deinstitutionalization. That does not make that level more important than prevention. However, when we get into the area of prevention, it is not as clear how to effectively focus Federal involvement, Federal dollars.

As a matter of fact, the staff has been working very hard in this area. Regarding the concentration of Federal effort, prevention is talked about very, very much. Who in the Federal Government is putting money into juvenile delinquency prevention and treatment is being carefully studied.

Some of the reports that have come out vary. The amount of dollars involved ranges from something like $92 million to $20 billion for juvenile delinquency prevention. Then the question must be asked, what is really meant by prevention? Is it a recreational program? Is that delinquency prevention? Is it summer employment programs?

Thus, we have a lot of conceptualizing and a lot of definitional work to be done in the area of prevention in order to assure that Federal dollars will have an impact. It is not less important, but it is much more difficult to get the handle on, to know that when we move something forward, it is going to be delinquency prevention, rather than saying it affects the quality of life of youngsters and, hopefully, will be connected with delinquency prevention.

Mr. RECTOR. We are especially familiar with the "estimates" in the $15-$20 billion area, and those kinds of estimates have been proffered year after year after year by representatives of LEAA, HEW, Labor and elsewhere. The GAO report[1] raised serious questions as to the credibility of these figures.

But the prevention we are talking about is of a more specific nature. It relates to the concern expressed earlier that funding not be dependent on a nexus with the juvenile justice system in order to address the problems of young people who have troubles, but have not necessarily come to the attention of the courts or been "busted." So the Senator's area of concern is this more specific and long ignored one as contrasted with the inflated $20 billion figure, which when we last looked included transportation programs and the "kitchen sink." If the Police Athletic League in a particular community spent several hours a month helping youngsters, one could allocate their entire budget to prevention. They have clearly "jacked up" the $20 billion figure. You could probably do better than $20 billion, if you devoted your attention to that kind of thing, as, unfortunately, a lot of bureaucrats in this area have in recent years.

But Senator Bayh's concern in this regard is very specific. I am sure you are personally familiar with his concern. We felt, however, that it was important to reiterate and focus on this since it goes to the primary impetus of the act.

Senator Bayh asked a question regarding the maintenance of effort provisions—Public Law 93-415, section 261—and you replied that you would do whatever possible, within your limits, to act consistent with a mandate of the law. Yet, as you know, the President's LEAA

[1] Report to the Congress by the Comptroller General of the United States, "How Federal Efforts To Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective," April 21, 1975.

bill—S. 2212—would repeal these sections. We will be discussing this topic again in the not too distant future. Perhaps it will be your first real test on implementing the act.

Senator Bayh would like to stress, however, his willingness, personally and that of other members of the committee and staff, to work with you to try to see that anything we can do to help to facilitate your implementing the act is done. We will be working with the General Accounting Office and others to help us in our job, which, in turn, will hopefully help you in your job.

Is there anyone in the room who would like to testify for or against this nominee?

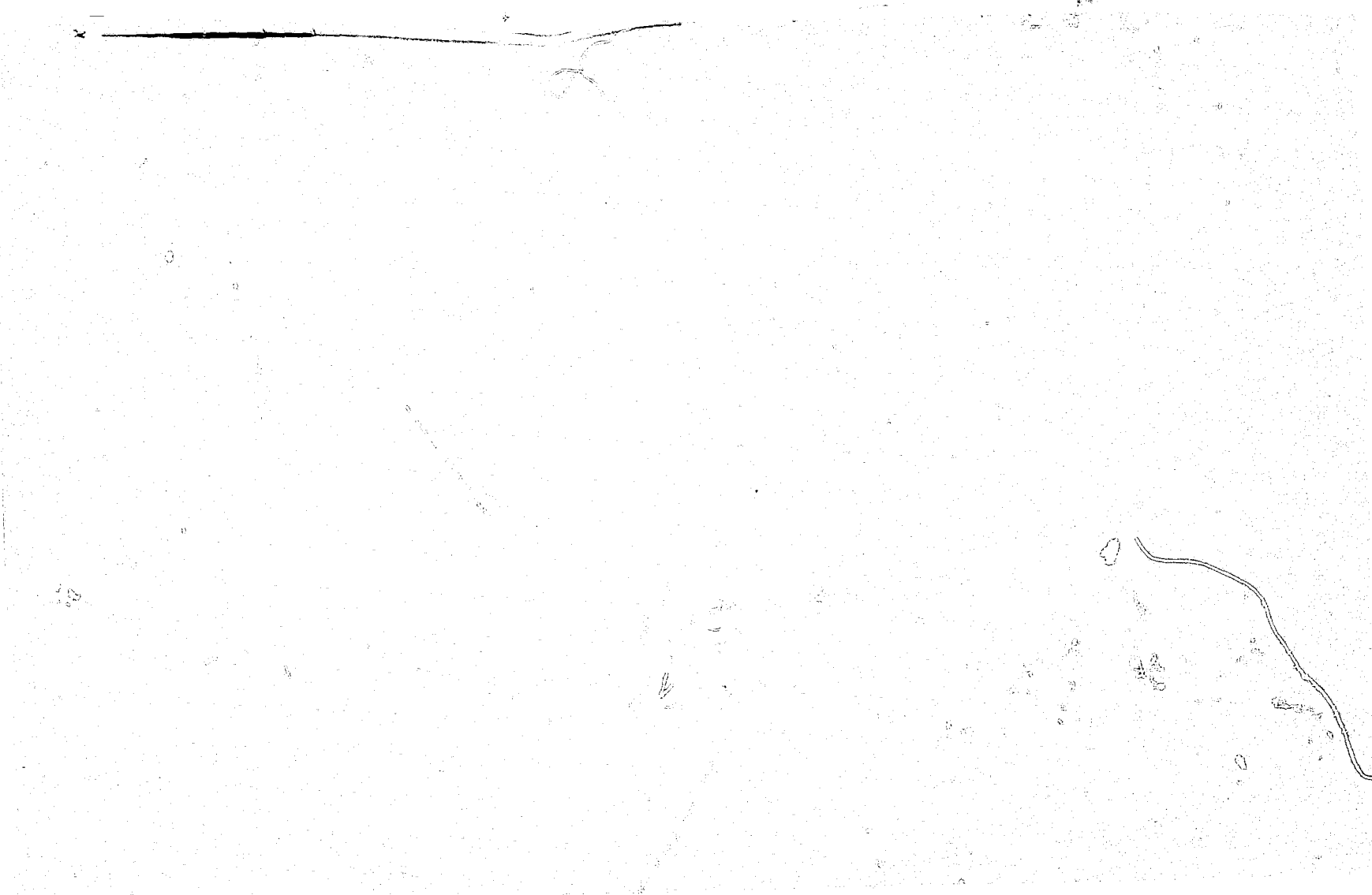
[No response.]

As none have signified, the hearing will recess, subject to the call of the Chair.

[Whereupon, at 12:35 p.m., the ad hoc subcommittee recessed, subject to the call of the Chair.]

APPENDIX

Relevant to the Nomination of Milton L. Luger



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

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974". Juvenile Justice and Delinquency Prevention Act of 1974. 42 USC 5601 note.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that— 42 USC 5601.

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

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

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

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly [illegible]opiate or polydrug abusers; 88 STAT. 1109

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and ex[illegible]ons; 88 STAT. 1110

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

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

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

PURPOSE

SEC. 102. (a) It is the purpose of this Act— 42 USC 5602.

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

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

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

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

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

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

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

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

88 STAT. 1110
88 STAT. 1111

DEFINITIONS

42 USC 5603.

SEC. 103. For purposes of this Act—

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

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

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

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

42 USC 3711.

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 42 USC 3711.

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction; 88 STAT. 1111

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States; 88 STAT. 1112

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

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

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

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

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

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

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of 42 USC 5611.

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

Administration.

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

88 STAT. 1112

88 STAT. 1113

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

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

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

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

Post, p. 1125.

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

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

42 USC 5612.

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

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

5 USC 5332 note.

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

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

80 Stat. 416.

5 USC 5332 note.

VOLUNTARY SERVICE

42 USC 5613.

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

CONCENTRATION OF FEDERAL EFFORTS

42 USC 5614.

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

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

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

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

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

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

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

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

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

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

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

Annual reports, contents.

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

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

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

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

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

Federal Government services and facilities, utilization.

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

Transfer of funds.

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

Grants and contracts.

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

Coordination with HEW.

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

Development statement, submittal to Council. Supra.

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

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("1") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("1"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment. Juvenile delinquency development statement, review.

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose. 42 USC 5615. Non-Federal share requirement. Establishment.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate. Establishment. 42 USC 5616. Membership.

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

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

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

Meetings.

(d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

Ante, p. 1114.

(e)(1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

Appropriation.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

National Advisory Committee for Juvenile Justice and Delinquency Prevention.

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

Establishment. 42 USC 5617.

Membership.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Terms of office.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

Meetings. 42 USC 5618.

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

Recommendations to Administrator.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title. Post, p. 1127.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee. 42 USC 5619.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee. 5 USC 5332 note.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. 42 USC 5631.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $50,000. 42 USC 5632.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period. Reallocation of funds.

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

Financial assistance, limitation.

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

Post, p. 1129.

STATE PLANS

42 USC 5633.

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

42 USC 3733.

Requirements.

42 USC 3723.

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

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

Advisory group.

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

Consultation with local governments.

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

(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis; Ante, p. 1118.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the continuation of collective-bargaining rights;

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

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

(E) training or retraining programs.

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

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

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

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

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

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act. 42 USC 3733.

(b) The State planning agency designated pursuant to section 223(a), after consultation with the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator. Ante, p. 1119.

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

(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224. 42 USC 3757-3759. Ante, p. 1118. Supra.

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

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to— Grants and contracts. 42 USC 5634.

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

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

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

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

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

Post, p. 1127.

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

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

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

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

42 USC 5635.

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

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

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

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

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

(4) provide for regular evaluation of the program;

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

Reports.

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

Fiscal control and fund accounting.

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

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

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

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

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

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate; Ante, p. 1119.

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

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

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 247. Post, p. 1127.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds— 42 USC 5636.

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

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any State, public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for— 42 USC 5637.

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

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

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

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory. 42 USC 5638.

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

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

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

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

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment. 42 USC 5651.

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

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

Ante, p. 1112.

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

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

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

Data collection.

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

Training.

Additional powers.

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

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

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

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

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

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

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

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

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5652.

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

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

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5653.

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

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

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

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

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

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

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

TRAINING FUNCTIONS

42 USC 5654.

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

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

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

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

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

INSTITUTE ADVISORY COMMITTEE

42 USC 5655.

Ante, p. 1117.

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

ANNUAL REPORT

42 USC 5656.

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

Report to President and Congress.

Ante, p. 1113.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657.

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

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

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

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

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

SEC. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private. Records, disclosure or transfer, restriction. 42 USC 5658.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 249. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like. 42 USC 5659.

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

CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program. 42 USC 5660.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 251. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe. Application. 42 USC 5661.

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

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

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

PART D—AUTHORIZATION OF APPROPRIATIONS

42 USC 5671. SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1975, $125,000,000 for the fiscal year ending June 30, 1976, and $150,000,000 for the fiscal year ending June 30, 1977.

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

NONDISCRIMINATION PROVISIONS

42 USC 5672. SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no recipient of funds will discriminate as provided in subsection (b) with respect to any such program.

(b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil
42 USC 2000d-2. Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

EFFECTIVE CLAUSE

42 USC 5601 note. SEC. 263. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

Ante, p. 1113. (b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

TITLE III—RUNAWAY YOUTH

SHORT TITLE

Runaway Youth Act. 42 USC 5701 note. SEC. 301. This title may be cited as the "Runaway Youth Act".

FINDINGS

42 USC 5701. SEC. 302. The Congress hereby finds that—

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

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

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

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

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

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

RULES

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

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

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

ELIGIBILITY

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

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

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

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

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

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

Aftercare counseling.

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercase services will be provided to those children who are returned beyond the State in which the runaway house is located;

Records, information disclosure, restriction.

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

Annual reports to Secretary.

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

Budget estimate.

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

42 USC 5713.

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

GRANTS TO PRIVATE AGENCIES, STAFFING

42 USC 5713.

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

REPORTS

Report to Congress. 42 USC 5715.

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

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

FEDERAL SHARE

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

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

PART B—STATISTICAL SURVEY

SURVEY; REPORT

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

RECORDS

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

PART C—AUTHORIZATION OF APPROPRIATIONS

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

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

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

YOUTH DEVELOPMENT DEMONSTRATIONS

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

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

Grants.
42 USC 3821.

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

Limitation.

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

CONSULTATION

42 USC 3886.

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

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

42 USC 3701 note.

and by deleting subsection (b) thereof.

Repeal.
42 USC 3889.

(b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883.

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

EXTENSION OF PROGRAM

42 USC 3882.

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

TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

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

"§ 5031. Definitions

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

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

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

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

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

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

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

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

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

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

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

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

CUSTODY

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

"§ 5033. Custody prior to appearance before magistrate

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

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

DUTIES OF MAGISTRATE

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

"§ 5034. Duties of magistrate

Representation by counsel.

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

Appointment by guardian.

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

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

DETENTION

18 USC 5035.

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

"§ 5035. Detention prior to disposition

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

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

SPEEDY TRIAL

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

"§ 5036. Speedy trial

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

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows: 18 USC 5037.

"§ 5037. Dispositional hearing

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

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

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

Study.

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

JUVENILE RECORDS

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

18 USC 5038.

"§ 5038. Use of juvenile records

Disclosure safeguard.

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

Sealed records, release, exceptions.

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

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

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

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

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

"(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

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

"§ 5039. Commitment 18 USC 5039.

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

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

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

SUPPORT

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

"§ 5040. Support 18 USC 5040.

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

PAROLE

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

"§ 5041. Parole 18 USC 5041.

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

REVOCATION

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

"§ 5042. Revocation of parole or probation 18 USC 5042.

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

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

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
"5033. Custody prior to appearance before magistrate.
"5034. Duties of magistrate.
"5035. Detention prior to disposition.
"5036. Speedy trial.
"5037. Dispositional hearing.
"5038. Use of juvenile records.
"5039. Commitment.
"5040. Support.
"5041. Parole.
"5042. Revocation of parole or probation.".

PART B—NATIONAL INSTITUTE OF CORRECTIONS

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

"CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

Establishment. 18 USC 4351.

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

Membership.

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

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

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

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

Compensation for expenses.

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

5 USC 5332 note.

Chairman and vice-chairman.

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

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

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

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

"SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority— Additional authority. 18 USC 4352.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 USC 5332 note.

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

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

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

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

Appropriation. 18 USC 4353. "SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by 42 USC 3701. inserting immediately after the second paragraph thereof the following new paragraph:

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

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

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

SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as fol- 42 USC 3723. lows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention.".

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sen- 42 USC 3733. tence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.". Ante, p. 1119.

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after 42 USC 3768. "SEC. 520." and (2) by inserting at the end thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Ante, p. 1129. Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972.".

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the fol- 42 USC 3751. lowing new sections:

42 USC 3772. "SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

42 USC 3773. "SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ante, p. 1112.

42 USC 3774. "SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

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

5 USC 5332 note.

Approved September 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).
SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 120 (1974):
July 1, H. R. 15276 considered and passed House.
July 25, considered and passed Senate.
July 31, considered and passed House, amended, in lieu of H. R. 15276.
Aug. 19, Senate agreed to conference report.
Aug. 21, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37:
Sept. 8, Presidential statement.

51

94TH CONGRESS
1ST SESSION

S. 2212

IN THE SENATE OF THE UNITED STATES

JULY 29, 1975

Mr. HRUSKA (for himself and Mr. MCCLELLAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1975".

SEC. 2. Section 101 (a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding after the word "authority" the words "and policy direction".

SEC. 3. Section 205 of such Act is amended by inserting the following new sentence at the end thereof: "Any unused

funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 4. Part C of such Act is amended as follows:

(1) Section 301 (b) is amended by inserting after paragraph (10), the following new paragraph:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice including court planning.".

(2) Section 303 (a) (13) is amended by deleting the words "for Law Enforcement and Criminal" and inserting the words "of Law and".

(3) Section 306 (a) (2) is amended by inserting, after the words "to the grant of any State," the following "plus any additional amounts that may be authorized to provide funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activity,".

(4) The unnumbered paragraph in section 306 (a) is amended by inserting the following between the present third and fourth sentences: "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to

waive State liability and may pursue such legal remedies as are necessary.".

(5) Subsection (b) of section 306 is amended by striking "(1)" and inserting in lieu thereof "(2)".

PART D—TRAINING, EDUCATION, RESEARCH DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. Part D of such Act is amended as follows:

(1) Section 402 (a) is amended by deleting the words "Enforcement" and "Criminal" in the first sentence thereof.

(2) Section 402 (a) is further amended by deleting the word "Administrator" in the third sentence and adding the words "Attorney General".

(3) At the end of paragraph (7) in section 402 (b) delete the word "and".

(4) At the end of paragraph (8) in section 402 (b) replace the period with a semicolon.

(5) Immediately after paragraph (8) in section 402 (b) insert the following new paragraphs:

"(9) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the civil justice system, including the development of new or improved approaches, techniques, and systems; and

"(10) the Institute is authorized to conduct such

research, demonstrations, or special projects pertaining to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen such Federal law enforcement and criminal justice activities as the Attorney General may direct.".

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. Part E of such Act is amended as follows:

(1) By inserting in section 455(a)(2) after the second occurrence of the word "units," and before the word "according" the words "or nonprofit organizations,".

(2) By further amending section 455(a) by inserting at the end of the unnumbered paragraph thereof the following new sentence: "In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of such Act is amended as follows:

(1) Section 512 is amended by striking the words: "June 30, 1974, and the two succeeding fiscal years." and insert in lieu thereof; "July 1, 1976, through fiscal year 1981.".

(2) Section 517 is amended by adding a new subsection (c) as follows:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board.".

(3) Section 520 is amended by striking all of subsection (a) and (b) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $325,000,000 for the period July 1, 1976, through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30,

1977, $1,300,000,000 for the fiscal year ending September 30, 1978, $1,300,000,000 for the fiscal year ending September 30, 1979, $1,300,000,000 for the fiscal year ending September 30 1980, and $1,300,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from other sources. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.".

SEC. 8. The Juvenile and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 241 (c) is amended by deleting the words "Enforcement" and "Criminal".

(2) Section 261 is amended by deleting subsection (b).

(3) Section 544 is deleted.

93D CONGRESS 2d Session } SENATE { REPORT No. 93-1103

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

AUGUST 16, 1974.—Ordered to be printed

Mr. BAYH, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 821]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

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

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

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

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

78-464 O - 77 - 24

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

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

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

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

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

PURPOSE

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

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

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

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

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

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

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

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

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs

to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

DEFINITIONS

SEC. 103. For purposes of this Act—

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

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

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

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

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

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

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

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe

which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

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

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

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

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

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

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

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

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

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

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to

time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator in the event of a vacancy in the Office of the Assistant Administrator.

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

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

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

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

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

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

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

VOLUNTARY SERVICE

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

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

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

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

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, require-

ments, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

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

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

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

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

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

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

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

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each

such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

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

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

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

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of rehabilitation programs which the Assistant Administrator finds to be

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

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

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

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

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

ment conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

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

JOINT FUNDING

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

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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

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

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

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

(d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e)(1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, pri-

orities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $50,000.

(b) *Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.*

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

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

STATE PLANS

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

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

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

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or a special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which

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4 OF 19

utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

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

(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

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

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

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

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

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

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services,

and any other designated community-based diagnostic, treatment, or rehabilitative service;

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the re-

quirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

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

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

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

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

(B) the continuation of collective-bargaining rights;

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

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

(E) training or retraining programs.

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

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

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

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

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

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

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

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

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

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

Subpart II—Special Emphasis Prevention and Treatment Programs

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

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

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

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

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

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

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

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

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

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

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

or accompanied by such information as the Administrator may prescribe.

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

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

(2) set forth a program for carrying out one or more of the purposes set forth in section 223;

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

(4) provide for regular evaluation of the program;

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

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

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

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

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

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

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

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

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

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

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

GENERAL PROVISIONS

Withholding

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

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

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

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

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

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

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

PAYMENTS

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

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded under this part, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

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

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

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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

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

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

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

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

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

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

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

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

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

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

(5) *compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employment intermittently.*

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

INFORMATION FUNCTION

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

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

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

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

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

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

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

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

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

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

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

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

TRAINING FUNCTIONS

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

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

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

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251, of short-term instruc-

tion in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency; and

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

INSTITUTE ADVISORY COMMITTEE

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

ANNUAL REPORT

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

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

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

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

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

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

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such informa-

tion as the Committee deems necessary to carry out its functions under this section.

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

ESTABLISHMENT OF TRAINING PROGRAM

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

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

CURRICULUM FOR TRAINING PROGRAM

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

ENROLLMENT FOR TRAINING PROGRAM

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

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

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

PART D—AUTHORIZATION OF APPROPRIATIONS

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

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

NONDISCRIMINATION PROVISIONS

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

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

EFFECTIVE CLAUSE

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

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

TITLE III—RUNAWAY YOUTH

SHORT TITLE

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

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

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

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

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

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

RULES

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

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

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

ELIGIBILITY

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

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

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

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

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

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in

which the runaway house is located and for assuring, as possible, that aftercase services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

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

GRANTS TO PRIVATE AGENCIES, STAFFING

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

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

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

FEDERAL SHARE

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

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

PART B—STATISTICAL SURVEY

SURVEY; REPORT

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

RECORDS

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

PART C—AUTHORIZATION OF APPROPRIATIONS

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

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

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

YOUTH DEVELOPMENT DEMONSTRATIONS

SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "Part A—Community-Based Coordinated Youth Services"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title the following new part:

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

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

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

CONSULTATION

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

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

and by deleting subsection (b) thereof.

(b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

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

EXTENSION OF PROGRAM

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

TITLE V—MISCELLANEOUS AND CONFORMING ADMENDMENTS

PARTS A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

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

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delin-

quency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

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

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

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

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

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

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

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

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The

juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

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

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

CUSTODY

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

"§ 5033. Custody prior to appearance before magistrate

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

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

DUTIES OF MAGISTRATE

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

"§ 5034. Duties of magistrate

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

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

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

of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

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

"§ 5035. Detention prior to disposition

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

SPEEDY TRIAL

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

"§ 5036. Speedy trial

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

DISPOSITION

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

"§ 5037. Dispositional hearing

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

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

which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

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

"§ *5038. Use of juvenile records*

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

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

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

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

"(c) *During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.*

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

"(1) *neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and*

"(2) *neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.*"

COMMITMENT

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

"§ *5039. Commitment*

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

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

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

SUPPORT

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

"§ *5040. Support*

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

PAROLE

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

"§ *5041. Parole*

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

REVOCATION

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

"§ 5042. Revocation of parole or probation

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

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

PART B—NATIONAL INSTITUTE OF CORRECTIONS

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

"CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

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

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

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

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

"(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years.

Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART C—CONFORMING AMENDMENTS

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

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

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

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop

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

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

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

SEC. 544. Section 520 or title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "SEC. 520." and (2) by inserting at the end thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972.".

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

"SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

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

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

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

And the House agree to the same.

BIRCH BAYH,
JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
PHILIP A. HART,
QUENTIN N. BURDICK,
ROMAN HRUSKA,
HUGH SCOTT,
MARLOW W. COOK,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
SHIRLEY CHISHOLM,
ALBERT H. QUIE,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate bill amended Title I of the Omnibus Crime Control and Safe Streets Act as amended while the House amendment established an independent bill. The conference subsittute is an independent Act. It is not part of the Omnibus Crime Control and Safe Streets Act. It changes such Act to bring it into conformity with the Juvenile Justice and Delinquency Prevention Act. These conforming amendments represent no substantive changes from the Senate bill.

The Senate bill provides for the creation of an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, Law Enforcement Assistance Administration, to be directed by an Assistant Administrator appointed by the President with the advice and consent of the Senate. The House amendment created a Juvenile Delinquency Prevention Administration with the Department of Health, Education, and Welfare, to be directed by a Director appointed by the Secretary. The conference substitute adopts the Senate provision.

The House amendment provided for a Federal assistance program for services to runaway youth and their families to be administered by the Department of Health, Education, and Welfare. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill amended the Federal Juvenile Delinquency Act which provides certain rights to juveniles within Federal jurisdictions. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill contained an amendment which permitted Federal surplus property to be contributed to States for use in their criminal justice programs. There was no comparable House provision. The conference substitute does not contain the Senate language. In deleting the Senate provision, it is noted that the House Committee on Government Operations is taking up a general revision of the subject of excess and surplus property disposition. It is hoped that the needs of Law Enforcement Agencies will receive due consideration for suitable priority and entitlement to eligibility. In the meantime, it is hoped that the General Services Administration will liberally construe the new regulations to best meet the needs of Law Enforcement Agencies.

The House amendment defined "construction" to exclude the erection of new structures. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse programs in the definition of "community based" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse in the definition of "juvenile delinquency" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill required that the Administrator coordinate all Federal juvenile delinquency programs and policies. The House amendment provided that the Secretary shall establish overall Federal juvenile delinquency policies and programs. The conference substitute adopts the Senate provision.

The Senate bill authorized the Assistant Administrator of LEAA to appoint three GS–18 officers on appointment and to obtain other GS–18 officers on detail from other Federal agencies. The House amendment authorized the Secretary to appoint such officers as he deemed necessary. The conference substitute adopts the Senate provision.

The Senate bill authorized the Administrator to "implement" Federal juvenile delinquency programs and policies. The House amendment authorized the Secretary to "coordinate" all Federal juvenile delinquency programs and activities. The conference substitute adopts the Senate provision.

The Senate bill required annual evaluation and analysis of all Federal juvenile delinquency programs one year after the enactment of this bill. The House amendment required that the first annual report be submitted by September 30th. The conference substitute adopts the Senate provision.

The House amendment provided that, upon receipt of each annual report, the President must report to the Congress on actions taken or anticipated with respect to the recommendations of the Secretary; that the first annual report identify the characteristics of Federal juvenile delinquency programs; the second report identify all Federal juvenile delinquency programs with budgetary information; and the third report detail the procedures to be followed by all Federal agencies in submitting juvenile delinquency development statements. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" information from other Federal agencies. The House amendment authorized the Secretary to "require" information from other Federal agencies. The conference substitute authorizes the administrator to "require through appropriate authority" such information.

The Senate bill required the Administrator to coordinate all juvenile delinquency functions with the Department of Health, Education, and Welfare. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment required that each Federal agency conducting a juvenile delinquency program submit to the Secretary a development statement analyzing the extent to which the program conforms with and furthers Federal juvenile delinquency prevention

and treatment goals and policies. This statement, accompanied by the Secretary's response, shall accompany the legislative request of each Department. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" that one Federal agency act for several in a joint funding situation. The House amendment authorized the Secretary to "designate" a Federal agency to act for several in a joint funding situation. The conference substitute adopts the Senate provision.

The Senate bill provided for the creation of an Interdepartmental Council on Juvenile Delinquency. There was no comparable House provision. The conference substitute does not contain the Senate language.

The Senate bill provided for the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided for a Coordinating Council on Delinquency Prevention which was independent, had a separate budget and public members. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment eliminating public members from the Council.

The Senate bill provided a minimum allocation of $200,000 to each State. The House amendment provided a minimum allocation of $150,000 to each State. The conference substitute adopts the Senate provision.

The House amendment included the Trust Territory of the Pacific Islands among the territories, for which a minimum allocation of $50,000 shall be made available from formula grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The Senate bill provided for a State advisory body to advise the State Planning Agency. The House amendment provided for a State Supervisory Board to monitor implementation of the State plan. The conference substitute adopts the Senate provision.

The House amendment required that at least two members of the State Supervisory Board have been in the juvenile justice system. There was no comparable Senate provision. The conference substitute does not contain the House language. In deleting this provision the conferees note that the appointment of such persons to the State advisory board is to be encouraged, by virtue of their invaluable and unique experiences which could broaden the perspective of State Planning Agencies.

The Senate bill provided that 50% of the funds to State and local governments be spent through local governments. The House amendment provided that 75% of the funds be spent through local govern-

ments. The conference substitute provides that 66⅔% of the funds to State and local governments be spent through local governments.

The House amendment required that the local chief executive provide for the supervision of local programs by designating a local supervisory board. The Senate bill required that the local chief executive must provide for the supervision of local programs. The conference substitute adopts the Senate provision.

The House amendment provided that applications for special emphasis grants and applications shall indicate the response of the State and local agency to the request for review and comment. There was no comparable Senate provision. The conference substitute adopts the House provision. The Conferees emphasize that the provision listed under *State Plans*, Section 223(a)(19) which provides that any funds available under that part will be used to supplement and increase (but not supplant) the level of state, local and other non-federal funds that would be used in the absence of federal funds shall apply not only to the State Plan provisions but for *all of the programs authorized under this Act.* The maintenance of effort requirements will cover all activities presently conducted by any public or private agency or organization which might receive funding under any of the programs authorized under this legislation.

The Senate bill defined advanced techniques in the treatment and prevention of Juvenile Delinquency. The House amendment contained similar, but more general definitions of advanced techniques. The conference substitute adopts the Senate provision.

The House amendment, in its definitions of advanced techniques, included the prevention of alcohol abuse and the retention of youth in elementary and secondary schools. There was no comparable Senate provision. The conference substitute contains the House provision.

The Senate bill "requires" that within two years of enactment, juvenile status offenders be placed in shelter facilities; that delinquents not be detained or incarcerated with adults; and that a monitoring system be developed to ensure compliance with these provisions. The House amendment "encourages" such activities. The conference substitute adopts the Senate provision.

The Senate bill "provides" for the development of State research capacity. The House amendment "encourages" the development of State research capacity. The conference substitute adopts the Senate provision.

The House amendment included the physically handicapped among groups to whom assistance should be made available on an equitable basis. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided for specific protection to be afforded employees affected by this Act. The House amendment provided for "fair and equitable treatment" to be afforded employees affected by this Act. The conference substitute adopts the Senate provision with an amendment deleting the phrase "as determined by the Secretary of Labor" and providing that arrangements for the protection of employees shall be to the maximum extent feasible. It is the intent of the conferees that the Administrator of LEAA consult with the Secretary of Labor, in order to utilize his expertise, before establishing guidelines for implementation of fair and equitable arrangements

to protect the interests of employees affected by assistance under this Act. It is the further intent of the conferees that problems concerning employee protection arrangements shall be resolved by the Administrator in consultation with the Secretary of Labor where necessary.

The Senate bill provided for the involvement and participation of private agencies and the maximum utilization and coordination of existing juvenile delinquency programs in the development of the State plan. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill required the reallocation of the State formula allotment to public and private agencies when a state plan is deliberately not prepared or modified. The funds reallocated will be utilized for special emphasis prevention and treatment programs within such State. The House bill contained a similar provision but makes no distinction regarding intentions. The conference substitute adopts the Senate provision.

The Senate bill provided that should no State plan be submitted due to neglect or oversight, the Administrator shall "endeavor" to make that State's allotment available to public and private agencies under the special emphasis program. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited the use of potentially dangerous behavior modification treatment modalities on non-adjudicated youth without parental consent. There was no comparable House provision. The conference substitute contains no provision for the Senate language.

The House amendment provided for programs to retain youth in elementary and secondary schools and to prevent alcohol abuse among its special emphasis programs and grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided a ceiling of 50% for assistance in Special Emphasis grants and programs. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided that priority for Special Emphasis grants and contracts be given to public and private nonprofits groups which have had experience in dealing with youth. There was no comparable Senate provision. The conference substitute does not contain the House language.

The Senate bill contains an application procedure for Special Emphasis grants related to the State Planning Agency. The House application for special emphasis grants and contracts was similar but did not specifically relate to the State Planning Agency. The conference substitute adopts the Senate provision.

The Senate bill provided that the purpose of the special emphasis program was to implement the recommendations of the Advisory Committee. The House amendment provided that the purpose of the special emphasis program is to implement the recommendations of the Institute. The conference substitute provides that the purpose of the special emphasis program is to implement the recommendations of the Advisory Committee and the Institute.

The House amendment limited the use of funds for construction purposes to 50% for community-based facilities. There was no com-

parable Senate provision. The conference substitute adopts the House provision.

The House amendment limited to 25% the amount that a recipient may be required to contribute to the total cost of services. There was no comparable Senate provision. The conference substitute does not contain the House provision.

The Senate bill authorized the Administrator to utilize up to 25% of the formula grant funds to meet the non-Federal matching requirement of other Federal juvenile delinquency programs. The House amendment provided up to 25% of all funds to be utilized for this purpose. The conference substitute adopts the Senate provision.

The Senate bill established a National Institute for Juvenile Justice. The House amendment established an Institute for the Continuing Studies of the Prevention of Juvenile Delinquency. The conference substitute combines both provisions and establishes a National Institute for Delinquency Prevention and Juvenile Justice.

The House amendment specified the purposes of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included among the functions of the Institute, the dissemination of data, the preparation of a study on delinquency prevention and the development of technical training teams. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill included seminars and workshops among the functions of the Institute. The House amendment included similar language among the functions of the Institute. The conference substitute adopts the Senate provision.

The Senate bill included training among the functions of the Institute. The House amendment included specific aspects of training among the functions of the Institute. The conference substitute adopts the House provision.

The House amendment provided that the functions, powers and duties of the Institute may not be transferred elsewhere without specific Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided for the specific powers of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for the specific powers and responsibilities of the Institute staff. The Senate bill contained similar but more general language. The conference substitute adopts the House provision.

The House amendment provided for the establishment of the training program, the curriculum of the training program, and the enrollment of participants in the training program of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided that the annual report of the Institute shall be submitted to the Administrator who, in turn, shall include a summary of this report and recommendations in his report to the President and the Congress. The House amendment provided that the Institute shall submit an annual report to the President and to the Congress. The conference substitute adopts the Senate provision.

The Senate bill provided for the development of standards for juvenile justice by the submission of an Advisory Committee report to the President and the Congress as well as by other means. The House amendment provided for the development of standards for juvenile justice by the submission of a report to the President and to Congress as well as by other means. The conference substitute adopts the Senate provision.

The House amendment authorized the Institute to make budgetary recommendations concerning the Federal budget. The Senate bill contained no such provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited revealing individual identities, gathered for the purposes of the Institute, to any "other agency, public or private". The House amendment prohibited the disclosure of such information to "any public or private agency". The conference substitute adopts the Senate provision.

The House amendment authorized an appropriation for the Institute of not more than 10% of the total appropriation authorized for this Act. There was no comparable Senate provision. The conference substitute does not contain the House language. The conferees were in disagreement about what the appropriate level of funding should be for the Institute. In deleting this provision, however, the conference agreed that the level of funding for the Institute should be less than 10% of the total appropriation for this Act.

The House amendment provided for the effective dates of this Act. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided that the powers, functions and policies of the Institute shall not be transferred elsewhere without Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided that the Institute, in developing standards for juvenile justice, shall recommend Federal budgetary actions among its recommendations. There was no comparable Senate provision. The conference substitute does not contain the House language. The Senate bill established a National Institute of Corrections within the Department of Justice, Bureau of Prisons. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill provides a two year authorization of $75,000,000 and $150,000,000. The House amendment provides a four year authorization of $75,000,000, $75,000,000, $125,000,000 and $175,000,000. The conference substitute provides a three year authorization of $75,000,000, $125,000,000 and $150,000,000.

Sections 512 and 520 of the Omnibus Crime Control and Safe Streets Act, as amended provide for LEAA's authorization through June 30, 1976. Section 261(a) of the conference substitute provides authorization for the juvenile delinquency programs through June 30, 1977. It is anticipated that LEAA's basic authorization will be continued and the agency will continue to administer these programs through June 30, 1977.

The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of

the new authorizations under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act.

The House amendment contains a specific non-discrimination provision. There is no specific provision in the Senate bill. The conference bill adopts a modification of the House provision. This modification complements and parallels the requirements of Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964.

BIRCH BAYH,
JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
PHILIP A. HART,
QUENTIN N. BURDICK,
ROMAN HRUSKA,
HUGH SCOTT,
MARLOW W. COOK,
CHARLES MCC MATHIAS, JR.,
Managers on the Part of the Senate.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
SHIRLEY CHISHOLM,
ALBERT H. QUIE,
Managers on the Part of the House.

[From Presidential Documents, Gerald R. Ford, 1975]

Law Enforcement Assistance Administration

Announcement of intention to nominate Milton L. Luger to be Assistant Administrator of Law Enforcement. September 23, 1975

The President today announced his intention to nominate Milton L. Luger, of Albany, N.Y., to be Assistant Administrator of Law Enforcement. In this capacity he will head the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice. This is a new position created by Public Law 93–415 of September 7, 1974.

In 1960, he became deputy director of the New York Division of Youth, and in 1966 he became the director, serving until 1970. During 1971, he was chairman of the New York State Narcotic Addiction Control Commission before returning to the New York State Division of Youth as director.

Mr. Luger was born on October 22, 1924, in Brooklyn, N.Y. He served in the U.S. Army Air Force from 1943 to 1946. He received his B.S. degree in 1950 and his M.A. degree in 1951 from New York University. He was a teacher at J. L. Mott Junior High School from 1950 to 1954 and was with the New York City Department of Corrections from 1954 to 1960.

Mr. Luger resides in Albany, N.Y.

September 24, 1975.

To the Senate of the United States:

I nominate Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance. (New position, Public Law 93–415, September 7, 1974)

Gerald R. Ford.

The White House, Washington, D.C.

(105)

106

United States Senate
COMMITTEE ON THE JUDICIARY

September 25, 1975

Dear Senator:

Will you kindly give me, for the use of the Committee, your opinion and information concerning the nomination of

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7,. 1974)

Under a rule of the Committee, unless a reply is received from you within a week from this date, it will be assumed that you have no objection to this nomination.

Respectfully,

James O. Eastland

Chairman.

To Hon. Jacob K. Javits
U.S. Senate

REPLY:

OK J. K. Javits

107

United States Senate
COMMITTEE ON THE JUDICIARY

September 25, 1975

Dear Senator:

Will you kindly give me, for the use of the Committee, your opinion and information concerning the nomination of

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7, 1974)

Under a rule of the Committee, unless a reply is received from you within a week from this date, it will be assumed that you have no objection to this nomination.

Respectfully,

James O. Eastland

Chairman.

To Hon. James L. Buckley
U.S. Senate

REPLY

108

United States Senate
COMMITTEE ON THE JUDICIARY

October 14, 1975

Dear Senator:

The Committee has received the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, Sept. 7, 1974)

The following subcommittee has been appointed by the Chairman to consider the same:

Mr. Bayh, Chairman of Subcommittee

Mr. McClellan

Mr. Hruska

Mr. _____

Mr. _____

Respectfully,

_____
Chairman.

To Hon. _____
U.S. Senate.

RÉSUMÉ OF MILTON L. LUGER

Mr. Milton L. Luger, nominee for the position of Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice.

In 1960, Mr. Luger became the deputy director of the New York State Division for Youth until his appointment to director in 1966, serving until 1970. During 1970–71 he was chairman of the New York State Narcotic Control Commission: Narcotic Control, Prevention and Treatment, before returning to the New York State Division for Youth: State Delinquency Prevention and Treatment Administration as director (until his resignation this August).

From 1954–1960 Mr. Luger served as director of rehabilitation of the New York City Department of Corrections and director of corrections, academy for staff training. During the years 1950–54, Mr. Luger taught junior high school English and was also a counselor for the New York City Board of Education.

In 1973, Mr. Luger won the National Council on Crime and Delinquency's top award for work in delinquency treatment, "Roscoe Pound Award."

Affiliations

Past president, National Association of State Juvenile Delinquency Program Administrators.

Member: New York State Crime Control Planning Board.

Member: Governor's Special Committee on Offenders.

Faculty: National College for Junvenile Judges.

Fellow: National Center for Juvenile Justice.

Chairman: New York State Interdepartmental Committee on Youth.

Education.—1946–49—New York University, B.S., English education. 1950—New York University, M.A., education administration.

Armed Services.—1943–46—U.S. Army Air Force.

Birthdate.—October 22, 1924.—Brooklyn, N.Y.

Experience

N.Y. City Board of Education, teacher, J. L. Mott Jr. High School, 1950–54.

N.Y. City Department of Correction; entered as provisional correctional officer and resigned as director of treatment and rehabilitation, 1954–60.

N.Y. State Division of Youth, deputy director, 1960–66.

N.Y. State Division of Youth, director, 1966–70.

Chairman, N.Y. State Narcotic Addiction Control Commission (presently Drug Abuse Control Commission), 1971.

Director, N.Y. State Division of Youth, Albany, N.Y., 1971 to present.

Office.—N.Y. State Division of Youth, 2 University Place, Albany, N.Y.

Home—1032 Central Avenue, Albany, N.Y.

EXCERPTS FROM THE CONGRESSIONAL RECORD

SEPTEMBER 24, 1975

NOMINATIONS

Executive nominations received by the Senate September 24, 1975:

* * * * * * *

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93–415, September 7, 1974).

OCTOBER 9, 1975

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 30, 1975, at 11 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93–415, September 7, 1974).

Any persons desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing, with the committee a request to be heard and a statement of their proposed testimony.

The subcommittee will consist of the Senator from Indiana (Mr. Bayh), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

OCTOBER 23, 1975

Committee on the Judiciary: October 30, subcommittee, to hold hearings on the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance, 11 a.m., 2228 Dirksen Office Building.

OCTOBER 30, 1975

Committee on the Judiciary: Subcommittee approved for full committee consideration the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance. Prior to this action, subcommittee held hearings on this nomination, where the nominee testified and answered questions on his own behalf.

NOVEMBER 6, 1975

Committee on the Judiciary: Committee, in closed session, ordered favorably reported S. 408 and H.R. 6971, to repeal exemptions in the antitrust laws relating to fair trade laws (amended); and the nominations of Eugene E. Siler, Jr., to be U.S. District Judge for the eastern and western districts of Kentucky; Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance; and Peter R. Taft, of California, to be an Assistant Attorney General.

NOVEMBER 10, 1975

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. Eastland, from the Committee on the Judiciary:

Peter R. Taft, of California, to be an Assistant Attorney General.

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

NOVEMBER 11, 1975

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

* * * * * * *

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Peter R. Taft, of California, to be an Assistant Attorney General; and Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

NEWSPAPER ARTICLES

[From the Detroit Free Press, Jan. 15, 1975]

Applying the Options in Juvenile Justice

(By Judith Serrin)

No one involved in the juvenile justice system—the youngsters, the officials nor the community—comes into it with a clean slate, according to the New York director of juvenile corrections.

And, said the director, Milton Luger, it is those things that have happened before the youngster comes into the system that makes the task of juvenile corrections so hard.

"The bulk of the youngsters in the juvenile justice system have really had more terrible things done to them than they ever do to anybody else," Luger said.

But, Luger emphasized, "I'm not saying it's all right to mug somebody because you're deprived . . .

"We believe strongly in confrontation of youngsters because they have got to be held accountable for their own actions. But what we also believe in balancing this confrontation with supporting services as well."

Luger explained his ideas on juvenile corrections Tuesday at a joint meeting of the Greater Detroit Section of the National Council of Jewish Women and the Junior League of Birmingham. Both groups have been involved in juvenile justice projects.

The supporting services offered in New York state include family therapy, after-care counseling, community workers and recreation programs.

"What we try to do is to institutionalize young people as little as possible," he said. "Any time you remove them from the real world, it is a separation from the problems they have to solve.

"There's a lot of naivete in the field that says, close all institutions and treat everybody in group homes," he said. "And there's a lot of brutality in the field that says put them all in bastilles."

Luger said, "I'm not naive enough to believe that all youngsters can be treated in their own community . . . There is a hard core that is volatile. There is a hard core that would gladly split your throat and laugh at it."

But, as a whole, he added, the youngsters caught in the juvenile justice system are more annoying than dangerous. They are also, he said, easily distracted, have a low tolerance for planning for the future, and have an enormous feeling of self-hatred within them.

In a New York state system, Luger said, the facilities for placing a youngster include small group homes, forestry camps, training schools, drug- and alcohol-abuse centers, and special centers for emotionally disturbed children. In the entire system, he said, two facilities have locked front doors.

One of the big problems in juvenile justice, as well as adult justice, Luger said, is seeing that these options are applied equally.

"Many, many kids commit delinquent acts," Luger said. "The system works out that generally we imprison the poor, and the more affluent kids get the psychiatrist. Don't think that the black, the minority kids, don't understand it."

Luger said that the reason was not necessarily deliberate bigotry, but rather the lack of options for poor children.

A judge considering a case, Luger said, should consider all possibilities before training school. If the parents can afford to pay for counseling or for treatment, the judge generally will agree. But for poor children with no family backing, the options are cut drastically.

Likewise, Luger said, Catholic and Jewish organizations in New York operate as a buffer between the youngsters and the court, admitting the youth in trouble to a private program.

Other minority groups, Luger said, "haven't organized themselves enough to say we'll take care of our own." Once they do, he said, "I think we'll see fewer black kids in public institutions."

Luger has been director of juvenile corrections for New York since 1971. Before that, he was chairman of the narcotics control commission and director of the state Division for Youth. In 1973 he won the National Council on Crime and Delinquency's top award for work in delinquency treatment.

In examining his records, Luger said statistics show that after three years, 31 percent of the youngsters who had been through New York public training schools have been reinstitutionalized.

"Is that good or bad" he asked. "When I read the life stories of these kids, I don't think that's bad."

One of the frustrations of staff members of juvenile justice, he said, is that in a few months they are expected to be miracle workers, to make up for all that's wrong with the youth. So many things are out of the staff's control, Luger said, poor housing, poor schools, social immorality and racial discrimination.

"As a result," he said, "We tend to be frustrated."

Luger said he did not deny there was a hard core of brutes and sadists among juvenile corrections people. But, he said, "most of them are well-intentioned, decent people, hard-working, frustrated." Because little training is provided, he said, "the people in the field have a sense of inadequacy, and that's so sad."

As a result, he said, "most of them have settled for a quiet duty, eight hours without problems." Those who work with juvenile offenders use crutches, he said, like isolation, medication and fear, which "keep the kids in conformity."

[From the New York Times, Apr. 12, 1975]

Reactions Against Youth Crime Decried

(By Charlayne Hunter)

Most juvenile offenders "are more annoying than dangerous," but the common attitude is that they are dangerous and should be locked up, Milton Luger, director of the New York State Division for Youth, said yesterday.

This situation, Mr. Luger told New York City Family Court judges during a training seminar at the Gramercy Park Hotel, is a result of "back-stabbing" within the system, where the courts, the probation department, the police and others are "all shifting the blame" rather than working together to provide needed educational and other treatment.

Mr. Luger said 70 to 75 per cent of the young people in state training schools are black or Puerto Rican. Ninety-six per cent of them, he added, are "as much as three grades below their grade levels in reading and math." The Division for Youth, which has jurisdiction over the training schools, provides for placement and services for juveniles with problems, including delinquency.

"The liberals, through their silence, have joined with the rednecks who are always saying 'Lock 'em up. Look at those black smirking rapists. Let's make the streets safe.'

"The rich kids get sent to psychiatrists, the poor kids get sent to training schools," Mr. Luger went on. "They know it, and that's why their older brothers who are in jail are talking about being political prisoners. There's a certain amount of truth to that."

Mr. Luger said that he did not mean to suggest that there was not a "hard core" of juveniles who are dangerous and to whom some serious attention ought to be paid.

But he said, the various bills before state legislatures, including New York's, which propose reducing to 13 or 14 the age at which a juvenile can be tried in criminal court—where sentences tend to be harsher—is the wrong direction in any event.

DISPUTES LOWERING AGE

"They're saying that we've got to waive the 14 and 15-year-olds because they're coming out in too short a time and committing heinous crimes. But that's not so."

The Family Court handles cases of children up to the age of 16. A maximum of 18 months is the limit on sentences imposed by this court. Release may occur anytime within that period.

In defense of his position, Mr. Luger cited a newly completed study of 5,340 children under age 16 who had committed crimes of violence, in which only 77 had ever been in a training school.

The study was done by Sheridan Faber, of the Office of Children's Services, and was conducted by studying police files for the period between July, 1973, and June, 1974.

"This is part of the backstabbing," Mr. Luger said. "Many are saying that the training schools are training centers for future criminals. And the movement toward alternative community facilities for these kids is being stifled because of the whole emphasis on violent kids."

Mr. Luger's presentation was part of a week-long in-service training program for Family Court judges and court officials from New York City and surrounding suburban areas which ends today. It was sponsored by the Office of Court Administration, in cooperation with the National College of Juvenile Court Judges.

[From the New York Post, July 26, 1975]

THE YOUNGEST CRIMINALS

(By Robert Garrett)

Can anything be done to reduce the ever-increasing number of juvenile delinquents?

Most authorities believe so, but differ in the methods they would employ to keep children out of trouble, or to help them return to non-criminal lives after they become involved in a pattern of criminality.

Some experts believe the threat of certain punishment would keep many kids away from gangs, and in schools or at home.

Others say the psychological problems which make delinquents must be attacked at their roots—by helping the child understand the causes of his fears, confusion and errors through analysis. Punishment, say those who support this approach, does little to stop delinquent behavior.

Still others believe that if delinquent children are removed from their surroundings—neighborhoods and families alike—and placed in a new environment of love and understanding, they would become less aggressive and eventually give up their violent ways.

A small group even believes that pacifying drugs should be constantly administered to violent youngsters, so that society can be protected from their actions.

Brooklyn Police Sgt. James Hargrove, who heads that borough's gang intelligence unit, is one who believes delinquents would be checked if harsher punishments were imposed. "They realize the system is not really geared to deal with them," said Sgt. Hargrove, "and they capitalize on it. They know the maximum term is 18 months whatever they do. Not long ago a kid was shot by another kid, and we caught the perpetrator trying to run away. The other kids asked him: "Why the hell are you running away?' They have total contempt for the system, because it can't hurt them."

Dr. Robert Martinson, co-author with Douglas Lipton and Judith Wilks of "Effectiveness of Correctional Treatment"—which relies on their eight years of study of correctional treatment—agrees. "The certainty of punishment," according to Dr. Martinson, would do more than rehabilitation to deter youngsters bent on committing crimes.

According to the Board of Education's former security chief, Sydney Cooper, a "couple of hundred thousands kids" are permanently truant from school," roaming the streets, the subways, committing crimes against old men and ladies." If the youngsters could "at least" be returned to schools, he said, "they might get some care.

"There are some damn good programs" available for problem children, he added. "There are guidance counselors, addict programs, highly trained people assigned to identify problem kids and help with remedial work. I guess we don't have enough, though."

Family Court Administrative Judge Joseph Williams said of the thousands of youngsters brought to court each year: "We know they respond to love, attention, care. Some respond to structure. But there are others who do not respond; we don't know why.

"Society has got to determine" what to do about delinquent children, he added. "Right now there are not any sure answers."

Roy Curylo, in charge of the Spofford Juvenile Center in the Bronx, says the children entering his facility are usually "creative, bright, street-wise and managing to function in the toughest neighborhoods in the city." But, claims Curylo, "somewhere along the line our institutions have failed these kids.

"For example, most kids we get are four or five years below the reading level for their age, sometimes six years behind; they don't know how to read or write. Most parents rely heavily on the institution of education; the parents give the kid to the schools. But the schools, for whatever reasons, give up on the kids, and they're left to their own devices."

Intensive programs are available, Curylo points out, "to raise the reading levels of kids three grades. Educational tools are so sophisticated now they could raise the levels in virtually every area. But it would cost money, so the tools are not used as they should be."

In a similar way, says Curylo, the family social service agencies and other institutions fail. Methods are available to help delinquents, he says, but are not used.

According to Milton Luger, director of the Division for Youth and, as such, in charge of juvenile training centers, camps and other facilities throughout the state, most delinquent children are "filled with self-hatred and despair." A major function of his agency, said Luger, is to "help them feel they're not s____ They need hope and skills—such as learning to read—and to relate to somebody in a trusting way.

"So many of them have been abused themselves as children, physically and sexually. Our response can't be to pound them; they've had that all their lives."

Besides dealing directly with delinquent children, says Luger, "we need basic things done about the way we function as people. We have to care more than we do, improve neighborhoods physically, give more people hope through jobs. The public gets involved [with juvenile crime] when they're mugged; otherwise they would like some expert 'over there' to take care of the problem children."

Charles Schinitsky, who heads the Legal Aid Society's Juvenile Rights Division, representing 90 per cent of the children brought to Family Court, agrees that delinquent children can be helped "only if the public is concerned enough. And if you give up hope for an 11, 12, 13, or 14-year-old youngster, where are you? They have to be worked with at an early age, and that takes time.

"We have to have the time to sit down in court and decide what he needs, what's wrong with him, to discuss the child for two or three hours, kick things around and decide what this kid needs. Then we need the kind of facilities that meet what he needs."

Prevention of juvenile delinquency and crime rather than custodial treatment or punishment must be the emphasis in government policy, the Temporary State Commission on Child Welfare said in a 108-page preliminary report issued this May after conducting a dozen hearings around the state from October, 1974, to February, 1975. The 13-member commission is headed by State Senator Joseph R. Pisano (R-Westchester).

The commission proposed preventive services which, Pisano said, would cost far less than the present system of keeping delinquent children in custody, and would alert existing community agencies to such early signs of trouble as truancy, family problems, etc.

"Most delinquents have parents who are dying for help," according to Bernard Henricksen, director of Phoenix School, 333 W. 86th St. "They want as much help as they can get. If you think the kids are confused, the parents are even more so."

What is needed as a "first step," said Henricksen, is a "central clearing house for services," an organization or even a listing that would provide to every agency involved in child care the names and services of every other agency.

In addition, says Henricksen, whose school for delinquent youths operates under the auspices of the Jewish Board of Guardians, an effort must be made to "identify and treat the violent adolescent. Often he is identified in school, or in Family Court, and nothing happens. The situation gets worse," he said, until there is "the rampant lawlessness all up and down the age group."

Henricksen believes some youngsters who become delinquent "should not go back to school to get their diplomas. Between 14 and 16, they need job training programs, many of them, with equivalency diplomas later.

"But I've been in the field for eight years, and I don't know one single job training program that is available to the severely delinquent kids we get here."

From the juvenile delinquents themselves come several alternatives, some realistic, others fanciful.

"If I could get a job I wouldn't get into trouble again," promised a 12-year-old living near Avenue C and 10th St. in Manhattan. "I tried a job taking out groceries. The store only needed help a little bit, though. I had a job for awhile, last summer. Sweeping and cleaning in another store. I don't go to school; I'm always playing hookey. I tried getting a job this year too, but nobody was hiring nobody.

"If I don't get a job I'm gonna get into trouble again; I gotta have *some* money."

A Hispanic youngster living in East Harlem's Jefferson Houses said, "I know I'm messed up, but nothin' I can do about that. Nobody gonna help me." At 15 Domingo has almost given up on life. "What I need is a place, my own apartment, cause I can't live at home no more."

But, he added, "how can I find a place with no job or anything? No money. Look at this place [he swept his arm around the 116th St. and 3d Avenue corner where he was talking] and you tell me you could live here. No way. If they put up some nice houses that my mother and father could pay for that's something, but nobody gonna build up new houses. Up in the Bronx they just burn them all down, *they'll* get the new houses."

Mickey, a 12-year-old in Mott Haven: "School was bad, real bad. So I skipped. I was always goin' in the parks and doing bad things. . . . Sure, I'd go back to school. If it wasn't so bad. I felt like an animal in a cage, 'Do this, do that.' All the windows had these heavy screens on them. In the bathroom guys was shootin' up and drinkin' I done it too. The teachers didn't do nothin' but holler at you if you was just two minutes late. They fix up the school, I'll go back."

Alan, an 11-year-old in St. Albans: "My father and mother are always drinking liquor. That's why I run away. Three times. I got an older brother in jail. That's where he got away.

"I got took to court one time. They said I should go back home and I did for a while. My mother oughta see a doctor, that's what I think. Maybe if things was better at home I'd go back."

A Brooklyn gang member who refused to give his age: "I ain't done nothin' wrong. The man takes from us and we take it all back, that's all, man. Nothin' wrong in that. He should just give it to us, that way we don't have to steal it."

[From the Criminal Justice Newsletter, Sept. 29, 1975]

Luger Named To Head LEAA Juvenile Office

Milton L. Luger, 51, was nominated by Pres. Ford on Sept. 23 to head the new Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration.

Luger's nomination is expected to win easy confirmation in the Senate. His appointment has been rumored for several weeks, and was viewed as even more likely after the recent withdrawal of the other major candidate for the position, Judge Maurice B. Cohill of Pittsburgh.

In his new post, Luger will become the first permanent director of the office which oversees LEAA programs authorized under the Juvenile Justice and Delinquency Prevention Act of 1974. Frederick P. Nader has filled the slot on an acting basis for the past several months.

Luger was named Director of the New York State Division for Youth by then-Gov. Nelson Rockefeller in 1966, a post he held until last month. He was deputy director of that same agency from 1960–1966, prior to which time he held several New York City corrections posts. In his state position Luger won wide acclaim for his pioneering programs to move juveniles away from institutions and camps into community-based home programs.

Luger has served as president of the National Association of State Juvenile Delinquency Program Administrators. He is a member of the Board of Directors of the National Council on Crime and Delinquency the Board of Fellows of the National Center for Juvenile Justice, and numerous other professional organizations. In 1973 he received NCCD's Roscoe Pound Award for outstanding achievement in the control and prevention of crime and delinquency.

118

[From the Kansas City (Mo.) Times, Oct. 4, 1975]

STATE JUVENILE OFFICERS CRITICIZE SYSTEM

(By James J. Fisher)

A group of 850 Missouri juvenile officers was sharply critical yesterday of the state's system for handling youthful offenders and recommended, among other alternatives, youth authority police, direct court intervention into the juvenile offender's home and a readjustment of services to black youths who the officers said were ill-served.

The officers, meeting as the Missouri Juvenile Justice Conference at the Hotel Muehlebach, made specific recommendations for improving the state's juvenile system, including creation of a Missouri state office of public information about juvenile justice.

The recommendations were adopted at the end of a 2-day conference in which the officers had participated in 29 separate seminar groups, each dealing with particular problems of the system. Among the recommendations:

Revision of the Missouri juvenile code, especifically in the areas of child abuse and neglect; children in need of supervision, and criminal offenders.

Creation of an educational program for judges, lawyers and juvenile officers directed toward the child's right to treatment.

Co-ordination of youth services by city and county governments through referral, placement, follow-up, job development and counseling.

Concentration of federal funds in a limited number of areas to demonstrate the total correctional package that brings the best of programs proved elsewhere.

Statewide selection of juvenile court judges by the Missouri Supreme Court.

Establishment of minimum standards for detention facilities and away from adult offenders.

Statewide review of practices of suspension and expulsion from school; specially trained teachers for juvenile offenders, and early identification of learning problems.

Creation of a task force drawn from the courts, police departments, schools and social service agencies to meet once a month to work on areas of prevention.

In accepting the recommendations of the juvenile officers Judge Paul E. Vardeman of the Jackson County circuit court said is is up to the juvenile office officers to see the recommendations to the citizens of the state.

"We talk about the same things every year at these conferences," Judge Vardeman said. "If in a year we're still talking about them, well, we have only ourselves to blame.

Earlier, Milton Luger, director of the New York State Division of Youth services and administrator-designate of juvenile justice and delinquency under the 1974 federal law, reviewed the pros and cons of abolishing the "status offender" designation for youths who come into the juvenile justice system, but not usually the courts, for offenses an adult would not be bothered with—truancy, associating with youths of bad character or being disrepectful to parents.

"Another definition is a child in need of supervision, the kid, for instance, who is living in a burnt-out apartment because he can't get along with his parents," Luger said.

The status offender controversy is the witches' brew among juvenile officers, Luger said. Some advocates of abolishing the term and bringing such youths before the juvenile courts say that they need the court's coercion; those of the opposite viewpoint say coercion rarely works with youth. What is needed they add is encouragement and support, not being locked up among a bunch of juvenile delinquents where they can quickly learn about stealing cars, burglary and other crimes against property or person.

"The status offender is a youth in despair with himself," Luger said. "He is not a delinquent although he can quickly become one."

Luger recommended that institutionalization of such a youth should be a last resort. He added that more research needs to be done in the field.

"Just as an aside," Luger said, "I might mention that a lot of status offenders are abused children. A recent study we did in New York state showed that 98 per cent of all child killers are abused children."

Luger, who said his remarks are personally opinions and do not reflect the official policy of the state of New York or the federal government, advocated aggressive judges, ones that would demand social service agencies serve the needs of the child.

Luger added that he personally favors direct intervention into a home situation responsible for the child coming to the attention of the juvenile system. "When the father is an alcoholic then the judge should have a right to go in there and demand that the man get treated himself," Luger said.

[From the Niagara (N.Y.) Gazette, Oct. 16, 1975]

TRUST, RESPECT SEEN AS KEY IN JUVENILE JUSTICE SYSTEM

(By Shirley Hanford)

NIAGARA FALLS.—Milton Luger, recently nominated by President Gerald Ford to head the new federal Office of Juvenile Justice and Delinquency Prevention, told more than 800 youth service delegates Wednesday that the most important part they can play in the juvenile justice system is "to keep kids out of it."

Addressing the first National Conference on Delinquency Prevention, in the Convention Center ballroom, Mr. Luger stressed the importance of trust and mutual respect.

"The various elements of the system have to trust one another and know where they're going," he said. "We also have to trust kids and help them feel better about themselves."

Though youth agencies try to mesh their forces, Mr. Luger admitted that "we often put each other down and pass the buck."

Youth service bureaus and government agencies are getting ambivalent signals from the public, he admonished his audience.

"On the one hand, they want care and treatment for youth," he said, "but on the other, they expect you to get them out of sight, remove them, they're obnoxious."

Right now, the new federal administrator asserted, "the public considers you the darlings because they think you're going to keep those kids out of those institutions where they'll be brutalized and sodomized."

He advised the convention delegates not to threaten kids and not to think "your job is the only one." He warned against promoting any one "panacea" or "fad" and feeling that "all the others are no good."

"I think it's abominable for anyone to say: 'I have the perfect deterrent plan to prevent delinquency.'"

Stating that the institutions end up with "the kids we can't handle," Mr. Luger asserted that "some kids have to be removed from the community or they'll kill us."

"They need to be removed for their own sakes, so they don't end up in the Atticas, the institutions that are forced to accept our failures."

He stressed the need for experiment and careful research that asks relevant questions.

"If we can work with the most violent of the youngsters, the rest of our work can be more open," he concluded.

Following his speech, Mr. Luger was presented with the New York State distinguished service award as past director of the New York State Division for Youth.

The award was presented by Joseph A. Miorana, president of the New York State Association of Youth Bureaus who said that Mr. Luger embodied all the gifts of the Wizard of Oz, "a great brain, big heart and a lot of courage."

Chuck Stout, Advocacy Committee chairman for the Conference, invited delegates to attend two scheduled meetings on advocacy issues to formulate position papers for endorsement by Conference participants at the closing session on Friday.

He said it was time that the youth service bureaus took a leadership role on issues, rather than merely accept guidelines from others. "It is time we identified what is wrong and how we think it should be changed."

Conference Chairman Henry L. Kuykendall presided at the general session and introduced the speakers. Four separate panel discussions followed. In the afternoon, delegates had a choice of 14 workshops dealing with key issues in youth development and delinquency prevention.

120

[From the American Psychology Assn. Monitor, January 1976]

JUVENILE JUSTICE CHIEF SWORN IN

The Office of Juvenile Justice and Delinquency Prevention, officially set up under the Law Enforcement Assistance Administration in late June to tie together all federal juvenile crime and delinquency activities, finally has its first permanent chief. Milton Luger, former director of youth services in New York State, was sworn in as assistant administrator of the new juvenile agency in late November by Attorney General Edward Levi.

The fledgling agency has been beset by organizational and budgetary problems since Congress mandated its creation more than a year ago in the Juvenile Justice and Delinquency Prevention Act, the first comprehensive federal law aimed at dealing with juvenile crime. Despite surging public concern over the nation's staggering crime rates, reportedly half of which are committed by juveniles, the new office has been at the bottom of the Ford Administration's priority list. Along with the delay in actually establishing the office and naming an administrator, the White House reluctantly handed over a meager $25 million last year, only a third of the law's authorization level.

The Administration's wisest move seems to be its selection of Luger, who is is highly regarded among professionals in the youth and social services field. Involved with youth services in New York State for the past 14 years, he has served as chairman of the New York State Narcotics Control Commission and is former rehabilitation director for the New York City Department of Corrections. Luger has also collaborated actively at the federal level as a consultant to NIMH's Crime and Delinquency Center and as advisor to the Center's chief, psychologist Saleem Shah.

As top federal juvenile justice administrator, Luger will also have control over the National Institute for Juvenile Justice Delinquency Prevention which was set up last June to bring together research efforts in the juvenile delinquency area, evaluate delinquency prevention programs and develop training programs for professionals and paraprofessionals from various fields connected with the treatment and control of juvenile offenders.

Luger, whose jurisdictional range covers all Justice Department juvenile programs, has not yet announced any major organizational plans for the juvenile agency. However, in his role as youth services head in New York, Luger, emphasized the strong need for effective programs keyed to preventing and treating juvenile delinquency problems and greater use of community-based resources for juvenile-status offenders.

In an April *New York Times* article, Luger was quoted as seriously concerned over the common attitude that juvenile offenders are all dangerous and need to be locked up. The common practice of incarcerating juveniles is a result of "back-stabbing" within the system, stressed Luger, where the courts, the probation departments, the police and others are "all shifting the blame" rather than working together to provide needed educational opportunities and treatment.

"The liberals, through their silence," charged Luger, "have joined with the rednecks who are always saying 'Lock' em up. . . . Let's make the streets safe.'" As a result, he maintained, "the rich kids get sent to psychiatrist and the poor kids are sent to training schools." This is not to say that there is not a "hard core" of juveniles who are dangerous and to whom some serious attention ought to be paid, noted Luger. But, unfortunately, the movement toward alternative community facilities for kids who have committed lesser crimes is being stifled because of too much emphasis on violent kids.

An Interview.—Milton Luger Talks About His Plans for the Juvenile Justice Office

(On November 21, Milton L. Luger, the former Director of the New York State Division for Youth, was sworn in by Attorney General Edward Levi as an Assistant Administrator of LEAA in charge of the Office of Juvenile Justice and Delinquency Prevention. Youth Alternatives interviewed Mr. Luger that same day in a session which was briefly interrupted by the swearing-in ceremony itself.)

Question. What are your views on the role of the State Advisory Committees and youth participation in the planning process under the Juvenile Justice Act?

Answer. I am a strong believer that you can't impose anything upon people who don't want their lives tampered with. You've got to get them actively involved in their own fate and their own future, even if they have to make a lot of mistakes along the way. And so this business of infantilizing kids in the system by doing things to them and running in a kind of system in which you imply to them either "you're sick" or "you're inadequate" or "you're inferior" and "I'm the person with all the strength and the smarts and if you're grateful enough and quiet enough and compliant enough I'll do something to straighten you out", is nonsense. And it's the way the whole system of counseling and juvenile justice programing has gone, too often. So I'd be a strong advocate of having young people whose lives are affected by the system be heavy participants in both decision-making and in the whole idea of organizing themselves and having the power to do something about their own lives. Now, I think the act was wise when it called for one-third youth representation in our own National Advisory Committee and in the local planning groups. I've been told that compliance has been going along pretty well, that there have been a number of advisory groups organized already. I have been starting to go around visiting the various regions, the regional offices, and meeting with State Planning Agency people. I've been to Philadelphia and Chicago and Boston, so far, and these are the questions we're raising with them, to make sure that this does take place, because we're very serious about it.

Question. The Juvenile Justice Office is working on a standardized definition of "diversion". I understand some questions concerning due process have been raised concerning diversion and that you see a danger in removing juveniles from the juvenile justice system and putting them in the hands of private agencies. Would you elaborate on that.

Answer. I think there are real dangers about—in a very simplistic way—characterizing some programs as being simply voluntary and non-coercive when in essence they aren't that at all. And a lot of ways people intervene in the lives of kids—they make all kinds of demands upon them when they have no legal right to do so. They hold a sword over their head: "W're going to refer you to that terrible institution" or "we're going to reinstitute the charges". Double jeopardy questions really arise in my mind, too. And so, what I'm saying, my fear is that everybody sort of thinks that diversion is great. You know, it's motherhood and apple pie and all the rest of the business. But there are some safeguards I would like to see in it, that the thing doesn't become coercive without the kid being protected. The point I'm trying to make is that I'd like to see a kid institutionalized as a last resort. I'd like him not to go to Juvenile Court if he could be gotten away from it. But my feeling is, at least, if he is in the court I know he probably has a public defender, he probably has legal aid. At least somebody is participating on his side in an adversary kind of role. I think that in too many of these diversion programs—which are good and should be supported—in too many instances we have no checks and balances, simply program staff dictating to a kid what he should and should not do, and the kid's powerless with nobody really speaking up for him. That's the danger I see in simply saying "divert out" and everybody puts the weight on the kid and nobody's checking whether they have a right to do that.

Question. The Juvenile Justice Act calls for between 25-50% of its funds to go to Special Emphasis programs, with 20% of this going to private agencies. Presently the figure is around 25%. Do you see that percentage rising in the future?

Answer. I think generally that's what it should remain at; certainly no less than that. We want to make sure that the impact and imprint of the legislative mandate is carefully noted around the United States. And this is the way we see of making sure that those clear initiatives and those clear messages which are written into the law are spelled out to the localities. I really feel that simply taking more and more money for the special initiatives and in a sense putting out the message that we're not going to be plugging into the major part of the SPA operations or the local operations would be a mistake. Don't forget there is about $112 million out there in regular juvenile justice, regular Crime Control money, in addition to ours. So we've got to make sure that we mesh as best as possible with them instead of putting out the notion "you sit back and we're going to bypass you and deal directly with all localities through Special Emphasis dollars."

Question. The intent of Congress in the Act was for small, community-based programs to be funded. What are your plans for carrying out this mandate?

Answer. Well, you know, our first initiative was deinstitutionalization (of status offenders), and the alternatives to that kind of institutions have been one of the basic thrusts of this whole business of small, community-based kinds of programming, to get the kids out of the larger places. And so we've encouraged that and we're going to be funding a lot of those approaches, hopefully to get more and more communities to try that even through the regular Omnibus Crime Control Act. The Advisory Committees hopefully will be encouraged to pressure towards that initiative as well. But I would just like to reiterate one of the things I've been saying, to the extent that people might be tired of hearing it, and that is, although I am a very strong advocate of community-based programs and group homes—if the kid has to be removed from his home, I don't believe every kid can be treated in a community-based program. In other words, do away with all the other out-of-community resources and force all the kids onto the community. I think that approach in the long run discredits—will discredit—community-based programming, because we'll put some inappropriate kids in there and they're going to mess up and the people who never wanted to have the kids in the community are going to have the ammunition to get the pendulum swinging back again. I'm very much concerned about that. So I think what a system really needs is a diversified set of options and a balanced set of options. I'm not recommending or advocating large, impersonal training schools, but what I am advocating is not to view community-based programming as some sort of panacea for all kids. You do the kid a disservice, you do the community a disservice if you put an inappropriate kid into a place.

Question. One of the problems with community-based programming is in the response of the community. Too often you hear of communities saying that's a good idea, but do it somewhere else.

Answer. Do it in somebody else's backyard.

Question. What's the mechanism by which states can implement community-based programming?

Answer. We had some very specific procedures which we worked out in New York State to achieve that. You've got to recognize that when you go in, let's say such as a state agency, to create such a resource, you're going to have opposition. But if you're careful and you work at it, you can create support as well. For example, we reached a point in New York State where a locality had to pay 50% of the cost of care of institutionalizing a kid anywhere. We were able to show that sending him out of the community to a training school costs much more than it did for a community-based approach. We were able to say, "Look, first of all, on the cost benefit basis it will be less for you as a taxpayer." That doesn't win them all over at all. To a lot of people that's okay, but it's not the turning point. But then what we do is very consciously try to get in contact with those people who are supporters of this movement—and there are some very vocal groups out there, the National Council of Jewish Women, the Junior League, a lot of family court judges who would love to have those as alternate options to the one training school they might have been able to send a kid, some very good Kiwanis Clubs and so on who might take this on as a project. So you find those who are the leaders in the community and say, "Look, according to our records you have 40 kids out of this county who came to the Division for Youth in the past and it costs you this amount of money. Why don't you work with us on creating some options for selected kids—we won't put all of them in there because some kids can't function in a community. And we would ask this group to justify for us the need for this alternative.

Question. Do you see your office as playing a role in this?

Answer. Right. The technical assistance to be able to do this. And we'll be glad to pay for it, we have monies to do that. We'll be glad to detail people who have gone through this experience and work right along with them. Materials, floor designs, staffing patterns, whatever they want we could make available to them.

Milton Luger Addresses Questions on Matching Funds, New Programs, the Community Corrections Backlash

What is needed is a diversified set of treatment options for kids

Luger was nominated for the position late last year by President Ford, was quickly confirmed by the Senate and sworn in on Nov. 21. Luger headed up the New York State Division for Youth from 1966 to 1975, He has been long recognized as a front-line fighter for effective juvenile delinquency prevention programming.

In the following exclusive interview, Luger explains his position on the hard-match, soft-match funding requirement issue. Other major topics addressed include the proposed fiscal 1977 budget for the Office of Juvenile Justice and Delinquency Prevention; the OJJDP's special emphasis initiative programs; the school classroom, which Luger calls "a microcosm of a society in trouble with itself"; the importance of juvenile programs that stress youth participation and decision-making; and the backlash currently building up against community-based juvenile corrections.

The Interview

Q. In a Jan. 15 letter to the Attorney General, Sen. Birch Bayh said LEAA's 10 percent hard-match requirement for Juvenile Justice Act funding support is a "deliberate misconstruction" of that law and the intent of Congress. Can you clear up the question?

A. There is much misinformation going around about this whole matter. . . Originally, the State Planning Agencies themselves implored the LEAA to keep a hard-match requirement of JD Act funds. And I don't think the SPA made their request just because they want an easy audit. They really feel, as I do, that there would be too much games-playing with a blanket soft-match requirement.

I should make clear that the LEAA never said private, non-profit agencies could not get a soft-match. A soft-match can be approved for such agencies when certain conditions are met (that the program needing the soft-match is actually necessary, that it is consistent with the state criminal justice plan and that a good faith effort has been made to raise the cash). Everybody I've spoken to here has recognized the need for a soft-match, especially for smaller, fledgling private agencies. There has never been a question on that score.

Q. What about public agencies?

A. This is the real question. Frankly, I wonder about the sincerity of a state's commitment to juveniles when it complains about putting up 10 percent of a grant for, say, $200,000.

If the hard-match requirement were totally waived, it would make unnecessary the process through which a state legislature appropriates funds to make up the 10 percent cash match. This would cut the state legislature completely out of the process, removing a state's juvenile delinquency prevention program from the scrutiny of elected officials.

Right now, we are re-analyzing our interpretation of the JD Act on this point. In just a few weeks we will make available a clarification of that interpretation which will be satisfactory to all concerned. A flexibility will be achieved so this soft-match, hard-match question will not develop into a problem in this and future years.

The FY 77 Proposal

Q. How much money is allocated the OJJDP in President Ford's proposed FY 77 budget?

A. The allocation for the OJJDP is around $10 million. That's a drop of around $30 million from FY 76. However, that is money from what I hope will just be the first go-round. . . Of course, I have to recognize that the OJJDP program is just one of many in the federal government and decisions have to be made by the administration to control inflation and federal spending. (Juvenile Justice Digest

has learned since the Luger interview that approximately $15 million from the FY 76 OJJDP appropriation will be deferred to FY 77, making the total amount of funds available for distribution approximately $25 million.)

Q. There is a backlash building in this country against the more liberal models for juvenile and adult community corrections; as the crime rate rises the pendulum swings further back toward the "hard line" approach to corrections. What do you see as the impact of this backlash on juvenile community corrections?

A. (This backlash) is probably to be expected, even welcomed in the sense that it might bring more accountability into the system. At the same time, it speaks to the ambivalence and complexity of the issues with which we are dealing. . .

I think this backlash, as you call it, is bringing light on the fact that what is really needed is a diversified set of treatment options for kids, a balanced juvenile justice system. . . I've said this for a couple of decades now. There is no single track to subject all kids to that will give you equal results.

The real problem in this business is being able to identify the youngster that will work well in a specific type of program, be it an out of the way secure institution, or a wide open community-based program.

It's obvious that the big love story with community-based programs resulted in some inappropriate kids being put in a community setting. They fouled up, of course, because they didn't have the kind of structure and support they needed. We are paying the dues on that score right now.

The important thing to do now is make sure those who still believe in community-based corrections don't get beat down to the extent they are no longer willing to be advocates or support this badly needed approach . . . A balance must be achieved between institutions and community-based programs.

YOUTH PARTICIPATION

Q. What do you think should be done "to reach" the youth of today who get into trouble? What can be done to involve them in health patterns of social interaction that do not violate the law?

A. I have always felt it very difficult "to do something to a person" unless he or she is actively involved and believes in what is being done . . . Unless a program really makes sense to a youngster, unless he feels he is really being heard and feels a sense of actual involvement in the decision-making process, then the program will turn kids off. The juvenile must feel he is something more to us than our pay checks.

The law speaks of youth participation in juvenile programs of the OJJDP and I believe strongly in the concept myself. In our funding apparatus we are looking for programs that stress youth participation and decision-making . . . (Especially attractive programs are those) that stress guided, group interaction and group counseling in which youngsters take responsibility for each other and feel they have some power to make decisions. All of these things we encourage and hope it will be picked up by those working with kids in the field.

NO MAGIC WAND

Q. It's been said that conditions are so bad in certain urban schools that teachers should be given "combat pay" incentives and be rotated out of hazardous schools at specific time intervals. Do you see any role for your offce in work to increase school security and create a classroom atmosphere where learning can take place?

A. HEW has the prime funding responsibility in that area. Any inclination, desire or plan to be of assistance by this agency is limited by both fiscal resources and the knowledge that the real difference for schools must be made on the community level.

School classrooms are microcosms of a society that is in many ways in trouble with itself. In our society you have racial antagonism, unemployment and extreme competition for jobs, family breakups and not enough counseling for the survivors, an alarming amount of child abuse, etc. Unfortunately, the schools can't wave a magic wand over all the ills of society any more than I can.

Certainly, schools can't be out of step with society. The business of rigid curricula, (inflexible) examinations and other aspects of education kids find irrelevant to their needs (might well be modified). My feeling is that until we get a lot of these "frictions" in society resolved, schools will always be playing catchup.

BARE STATISTICS NO ANSWER

Q. Mr. Luger, do you think public disclosure of information that compares and contrasts the progress of juvenile delinquency prevention programs among the states has a positive effect? Will the new Institute of Justice prepare and disseminate such information as the National Assessment of Juvenile Corrections study recommends? (See story, Vol. 4, No. 1, p1)

A. Every bit of research done by my office will be in the public domain. I will avoid "puff" pieces, however, which are little more than public relations documents. We are going to be candid and open in so far as what programs prove successful and not successful. Any comparison of one state against another or the other 49 is something for the general public to view.

I don't feel that putting up a batting average and castigating certain states is productive, as long as all states are making a good faith effort. Some states have monumental problems to overcome. States which don't achieve as much as others on paper could actually be making more of an honest effort . . .

Comparing and contrasting progress among the states could be a tool only after proper analysis and research. I would hate to use bare statistics, to be guilty of numbers reporting without explanation. How could bare statistics accurately reflect the differences between the juvenile justice systems in Massachusetts and, say, California?

SPECIAL EMPHASIS PROGRAMS

Q. Once delinquency prevention programs have been researched and proven successful, will you go to the state SPAs and push for acceptance of the programs in an effort to bring more uniformity to the national effort?

A. We will package up our model programs, which research demonstrates are most likely to succeed, in such a way as to make them both attractive and easy to understand. We will not couch our model program reports in a jumble of research jargon the practitioner can't work with.

'We would, in effect, say to the state SPAs, "Hey, these are approaches you might want to pursue through your formula dollars." We would also provide financial and technical support, of course.

Guidelines for our special emphasis deinstitutionalization programming are published, grants have been awarded and research is starting . . . Through our funding setup each deinstitutionalization project we support will have a third-party program evaluator close to the site. These evaluators will judge to what degree deinstitutionalization actually takes place, what happens to youngsters who take part in the programs, what characteristics these kids have, etc.

'We must look closely for answers to such questions as, "Who is the program really deinstitutionalizing? Is it just the so-called 'boy scouts' who probably don't really need intervention services to shape up? Or are the programs giving services to kids who can really use them?"

Answers to questions like these must be found if we are serious about not wasting resources. We will know a lot more about the movement toward community-based juvenile corrections when our research is developed . . . It is most important to proceed with deinstitutionalization in a manner carefully researched and mapped out.

NEW PROGRAMS COMING

The deinstitutionalization initiative is only one of several we plan to implement. The second one coming down the pike is post-arrest, pre-trial diversion . . . Again, we recognize the fact that diversion has been tried many times in many ways. Some diversion programs are a clear waste of money and some can be more coercive and abusive of children's rights than poor institutions.

'We also recognize that youngsters convicted of violent acts probably cannot be diverted away from the traditional system. They must be handled much more decisively than simple diversion back to the community. There is, of course, a big block of youngsters for which diversion can be of help.

'The diversion guidelines are pretty much complete and are now going through internal clearance. After that, they will go through what is called "external clearance," which gives public interest groups in the field a chance to provide feedback. The guidelines will be published and grant applications solicited in late spring or early summer.

By late fall, we hope to have guidelines published for the violent offenders special emphasis program. The general delinquency prevention special emphasis program is scheduled for later this year.

LUGER OUTLINES PLANS FOR FY 1977 SPECIAL PROGRAMS

OJJDP ALLOCATED $75 MILLION FOR FY BEGINNING IN OCTOBER

In the following exclusive interview, Milton Luger, assistant administrator of the Law Enforcement Assistance Administration for the Office of Juvenile Justice and Delinquency Prevention, outlines plans for implementation of special emphasis programs during fiscal 1977. The LEAA official also comments on the link between parents and juvenile delinquency, and press coverage of juveniles in trouble.

THE INTERVIEW

Q. President Ford now has on his desk a money bill allocating $75 million to the Office of Juvenile Justice and Delinquency Prevention for fiscal 1977 (Oct. 1, 1976, through Sept. 30, 1977). How much of this sum will go toward implementation of OJJDP special emphasis programs, and which of these programs does the OJJDP expect to initiate during fiscal 1977?

A. Of the $75 million, at least 25 percent will go toward special emphasis programs. After a series of staff meetings, we at OJJDP have worked up a list of five priority areas for special emphasis funding during fiscal 1977—gangs, restitution, learning disabilities, what to do about violent offenders committed to juvenile institutions, and the physical restoration of neighborhoods by youths.

In September, we will publish a detailed outline of all the special emphasis programs planned for fiscal 1977, even though the funding process will be staggered throughout the period. This will give all interested parties the advance notice needed for submission of comprehensive applications.

Q. What will be the OJJDP approach to the gang problem?

A. First, we need more information about gangs. Data we now have is sparse, inconclusive and often contradictory. We need programs that will reach out and capture the interest of gang members who are not yet completely negative about society. If we can capture the interest of gang members and get them doing something constructive, then whole neighborhoods will benefit.

We commissioned a study of gangs by Walter Miller of the Harvard Center for Criminal Justice. Miller found that the urban gangs of the mid-50s never really disappeared. His report (see story, V4. No. 9, p5) point out that the old fashioned rumbles between rival gangs have been replaced by hit-and-run commando type actions.

Gangs are now attacking more adults and children, whereas before most of their hostility was aimed at other gangs. The Miller study also underscores the fact that schools are becoming gang turf, whereas before they had often been sanctuaries.

Q. When will the OJJDP begin funding special emphasis programs addressing the gang problem?

A. We have tentatively scheduled the funding process to begin next June.

AOIVITIES, NOT SEDATION

Q. What approach is envisioned for special emphasis programs dealing with institutionalized violent juveniles?

A. Again, there is a great deal we need to learn in this area. We need to know the scope of the problem. We want to identify the kind of staffing an institution needs to cope with violent residents. We need to determine the disciplines, procedures and practices that work best with the tougher, more volatile youngsters.

Some people say all violent youths are sick and need psychiatric attention. I don't buy that. I don't believe all violent delinquents are mentally ill, though some may well fall into that category.

I recall one institution in which the new director initiated a host of new activities for residents. Instead of relying on tranquilizers, security, isolation, and room confinement, he set up basketball teams, invited guest groups like West Point cadets to talk to the kids and interact with them. He even set up an ecology corps that went around picking up litter.

In other words, he got them all interested in wholesome activities, non-violent activities, and the violence within his institution dropped off significantly. This is a much more acceptable approach than simply sedating violent youths and locking them up. This is the kind of approach our special emphasis program would support, among others. The funding process for this program is tentatively scheduled to begin in March.

NEED HARD FACTS

Q. In the last issue, *Juvenile Justice Digest* reported on two Florida researchers who tested a group of youths entering the Pompano Beach Juvenile Detention Center. The researchers found that all the youths in the test group suffered from some form of learning disability (see story, Vol. 4, No. 12, p6). Would such testing of institutionalized populations be supported by the special emphasis program on learning disabilities?

A. Certainly. But I must add that we see this program addressing three distinct populations—youths in school, on probation, and in institutions.

There has been a great deal of misinformation promulgated about learning disabilities, much of it stemming from shoddy and inconclusive research. A good deal of research has already focused on institutionalized populations.

But what about youngsters enrolled in regular public schools? We need to test a good cohort of such youths to determine which ones have learning disabilities and if they are drifting toward delinquency as a result. And what about youths on probation? Do they automatically have a higher incidence of learning disabilities?

We also need hard facts on what kinds of remediation is most helpful to such youths. Those in a studied cohort identified as having learning disabilities would receive help that would hopefully bring them up to snuff, whether it be prosthetics, eyeglasses, special tutoring, or other specific professional help.

Next September is the date tentatively scheduled for beginning the funding process for this special emphasis program.

REESTABLISHING COMMUNITY TIES

Q. You mentioned a special emphasis program promoting the physical restoration of neighborhoods.

A. Yes. We are interested in supporting programs that involve youths in the actual rebuilding of the neighborhoods. We are thinking of small groups of youngsters working in cooperation with local housing authorities and trade unions. Their job would be to rebuild abandoned buildings for neighborhood use, to build vestpocket parks, etc.

We want to include in all of this an emphasis on interaction among community groups, young and old, rich and poor. We are aiming at restoration of a community's sense of self. We want to instill in kids and everyone in a neighborhood that this is their community, that they are working to improve and protect it, not from each other, but for each other.

Obviously, with the amount of money we have, we can't say we shall finance the complete rebuilding of any neighborhood. We are interested in programs that aim at establishing the process of physically rebuilding neighborhoods, and that work toward reestablishing community ties.

The funding process for this program is tentatively scheduled to begin next June.

DIRECT VICTIM-OFFENDER CONTACT

Q. What kind of effort do you have in mind for the special emphasis program on restitution?

A. Minnesota and a few other states have done some pioneering work on restitution for adult offenders. What we want to do is see what kinds of equivalent can be worked out for young people. Instead of having youths spend idle time in an institution, we want to put the victim and offender in direct contact with one another to see what can be done to make good for the crime involved. We would support programs that monitor and supervise such restitution activities. The funding process for this program is tentatively scheduled to begin next September.

Q. Looking further down the road, are there other special emphasis programs being considered by the OJJDP?

A. Yes. Over the next couple of years we are planning to initiate programs on probation services for youths, dispute resolution, youth advocacy, alternative school programs, and implementation of juvenile justice standards and goals.

Q. What about the special emphasis program now underway on school violence?

A. Right now, we are engaged in a series of dialogues with HEW's Office of Education. We want to do something in this area, yet we know it would be best

to draw on the experience of an organization already involved with schools. As a result, implementation of this program is a matter of intermingling effort and maybe even transferring some funds for specific purposes. We are working toward a program that trains teachers and school security officers to cope with crisis situations, and which involves young people in school counsels so they have a direct hand in resolving the school violence problem.

DESPERATE AND UPTIGHT

Q. Mr. Luger, you said recently that parents may unintentionally contribute to the development of antisocial attitudes in their children (see story, Vol. 4, No 12, p1). How do you see parents contributing to juvenile delinquency?

A. First, I want to say that no one should point an accusing finger at parents in general and say they actually want their children to become delinquent or that they are guilty of intentional actions that drive their children to delinquency.

It just so happens that it is my personal belief that youngsters learn through emulation and they learn through encouragement, which is often subtle and unintentional.

There are too many families in America in which parents are so overwhelmed with their own problems on an adult level that they are really desperate and uptight. Because of this, many parents have a lack of confidence in themselves, their position in their communities, and in their future prospects. I think this kind of uncertainty leads to a lack of family standards, values, and perhaps even caring about children. What I am talking about can be seen in splintered homes in both poor and affluent areas. Children of such hard-pressed families usually feel the same frustrations and desperation as their parents, but the kids act out their inner feelings and this often gets them into trouble.

THE PRESS

Q. Many experts now maintain that violence seen on TV and in the movies contributes greatly to juvenile crime. Do you agree?

A. Again, children learn through emulation. Adjunct to this point is the way juvenile crime is handled by newspapers. In several speeches I have spoken out against the way newspapers characterize kids. The press seems to keep pushing for news on violent and bizarre crimes. Copy of this nature may help sell newspapers and is perhaps more interesting to certain types of readers, but it does much damage by creating an extreme and often false image.

There are many good kids, positive Kids, who don't live in a violent world, or at least refuse to participate in it. Nevertheless, the media usually focuses on just one side of the picture. This creates a dangerous cycle. If all children read or hear about is the violence of their peers, then at least some will come to believe this is what is expected of them.

But much worse is the image given to the public in general—that all youths are violent, that they cannot be trusted, and that if somebody is ever touched by the juvenile justice system, he is forever ruined.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACTIVITIES JULY 1975

NIJJDP ACTIVITIES

1. Program events:

(*a*) The NIJJDP was officially established on June 25, 1975.

(*b*) John M. Greacen, formerly Deputy Director of NILECJ, was designated Acting Director of the NIJJDP on July 16.

(*c*) On July 19 a meeting was held with Frank Zimring and his Advisory Committee to discuss the direction and progress of the "Bright Paper" which he is writing for the Coordinating Council.

(*d*) On July 10–11 NIJJDP staff participated in the meeting on development of a strategy for the Diversion program initiative.

(*e*) On July 15 James Howell met with Bob Tobin to discuss the MBO process as part of his evaluation effort.

(*f*) On July 17–18 NIJJDP staff attended the second National Advisory Committee (NAC) meeting in Chicago.

(*g*) On July 18, at the NAC meeting, a status report was given to the NIJJDP Advisory Committee. The written report is being revised for internal and external distribution.

(*h*) Six NIJJDP Emergency Appointment slots have been filled in the past two weeks. The new personnel are: Mike Greenwald, Gene Karpinski, Dave Colbert, Dave Smiley, Bill Lee, and Joan Perry.

(*i*) A meeting of the Task Force for Juvenile Justice Standards and Goals was held in Chicago, Illinois, on July 25–26, 1975. Initial standards on the form and jurisdiction of the Juvenile court was considered, and dependency and neglect jurisdiction discussed.

B. PROGRAM OPERATIONS ACTIVITIES

1. Program implementation:

(*a*) *Status offender program:*

(1) Site visits are on schedule following meeting in Kansas City on July 8 and 9. Forty-one persons attended from 20 jurisdictions, along with cognizant Regional Office Juvenile Justice Specialists and representatives from State Planning Agencies. The meeting provided useful and timely information about LEAA application submission and requirements and program development expectations. Assistance provided by the Financial Management Division was extremely valuable. Also of value was the program assistance provided by selected consultants on employment programs, purchase of service, and residential treatment facilities.

(2) Site visits conducted thus far have been very beneficial and will place us in much better position to evaluate the merits of full applications. These visits are with the applicant which include representatives from the local or state police and court agencies. In attendance are also representatives from the SPA and Regional Office. As a result of three meetings already held, two applicants will potentially withdraw and a third will significantly improve their program design. All site visits will be completed by August 7, 1975.

(3) We expect no slippage in the overall schedule and expect to forward to the Administrator our recommendations by October 15th. We are also using these visits as an opportunity to provide orientation to new staff.

C. TECHNICAL ASSISTANCE

1. Responses from OJJDP staff, Contracts, General Counsel, and OPM have been received from their review of the TA draft RFP. OPM has suggested that the RFP be divided into more specific contracts/grants reducing the selection and monitoring problems. A plan to accomplish this is being developed.

2. *FY 1975 State Comprehensive Planned Supplement Submission.* To prepare for receiving these supplements, a filing and review system has been established and will be centrally located in the Technical Assistance office.

D. CONCENTRATION OF FEDERAL EFFORT

During July there was an acceleration of activities related to the coordination and concentration of resources which have been identified within the universe of Federal juvenile justice and delinquency prevention programs. As a result of the second meeting of the Coordinating Council on June 30, there was endorsement for the following OJJDP activities:

1. The development of a policy analysis for Federal juvenile delinquency programs by Professor Franklin Zimring, University of Chicago School of Law. The purpose of the paper is to identify critical issues or program areas for the Coordinating Council to focus, plan and take action upon over the next two years. Professor Zimring will be assisted by an Advisory Committee comprised of:

Allen F. Breed, Director, California Youth Authority.
Professor Lamar T. Empey, University of Southern California.
Professor Albert J. Reiss, Yale University.
Professor James F. Short, Stanford University.
Professor James Q. Wilson, Harvard University.
Professor Marvin E. Wolfgang, University of Pennsylvania.

In addition, Norval Morris, Dean of the University of Chicago Law School, and Professor Marget Rosenheim and Charles Shireman of the School of Social Work at the University of Chicago, will provide comments and critiques of his work.

2. The selection of the American Institutes for Research (AIR) to perform a series of analytical tasks designed to prepare OJJDP for the submission of (a) the first comprehensive plan for Federal juvenile delinquency programs which is due September 30, 1975, and (b) the first comprehensive plan for Federal juvenile delinquency programs which is due March 30, 1976. The contractor will work in cooperation with Professor Zimring and will prepare the following:

(*a*) A budget analysis for each department and agency administering juvenile justice or delinquency prevention programs.

(*b*) A cross-indexed compilation of projects funded under Federal juvenile delinquency programs.

(*c*) An analysis of the management of Federal juvenile justice and delinquency prevention programs, including procedures for the formulation of policies and programmatic priorities and objectives.

(*d*) A survey of existing Federal information systems and a report on the feasibility of a uniform juvenile justice and delinquency prevention information system.

3. The scope of programmatic responsibility for the Council was broadly defined. The statutory definition for juvenile Delinquency Programs is "any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent." The broad universe of programs identified by the U.S. Bureau of the Census will be updated, analyzed and reported to the President and Congress as Federal Juvenile Delinquency Programs.

4. The establishment of a subcommittee of the National Advisory Committee to provide liaison with the Coordinating Council.

5. The second meeting of the National Advisory Committee was held on July 17 and 18 at the Chicago Marriott Motor Hotel. The first day of the meeting was utilized to brief the membership on the status and activities of the OJJDP program over the past three months. Presentations were made in regard to the following issues:

(*a*) The official formation of the Office on June 25, 1975.

(*b*) The OMB apportionment of $25M for OJJDP on July 1, 1975.

(*c*) The Special Emphasis program, including a discussion of status offender program.

(*d*) The activities of the National Institute for Juvenile Justice and Delinquency Prevention.

(*e*) The activities of the Coordinating Council, including the progress to-date on the identification of Federal priorities.

(*f*) The State Formula Grant Program and Planning Supplement Guidelines.

(*h*) The Hudson Institute study on future predictions of crime and delinquency.

6. On the second day the following three subcommittees met to define their objectives and to develop plans of action for the coming year:

(*a*) The subcommittee to serve as the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention.

(*b*) The subcommittee to develop standards for the administration of juvenile justice.

(*c*) The subcommittee to serve as liaison between Coordinating Council and the National Advisory Committee. The subcommittee members will perform a dual role: One, serving as a "watch dog" to monitor and audit the activities of the Coordinating Council; and, two, keeping the public aware of critical issues in the area. In terms of reports, the committee will be involved in the preparation of the September 30 report to the President and Congress in the form of a state-of-the-art paper, based on what is now taking place in the Federal system.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION MONTHLY ACTIVITY REPORT—AUGUST 1–31, 1975

A. TECHNICAL ASSISTANCE

1. As indicated, Technical Assistance planning to support the OJJDP specific technical assistance contracts/grants will be developed to support the Concentration of Federal Effort, Special Emphasis Grants program and NIJJDP. A

memorandum dated August 6, 1975, has been sent to the program heads requesting they identify specific present and projected areas of technical assistance. From this information the required RFP's will be prepared.

2. *Juvenile Delinquency Supplement Plan Documents.*

(*a*) The Fiscal Year 1975 State Comprehensive Planned Supplement submissions indicate nine states and one territory will not be participating in the 1975 fiscal year. These are: Alabama, American Samoa, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia, and Wyoming.

Lack of their participation appears to be related to the amount of juvenile delinquency funds available to them and the short notice they had to develop a plan for deinstitutionalization of status offenders and getting the agreements from Governors and legislatures.

(*b*) A memorandum has also been forwarded to all Regional Offices requesting the remaining plan supplements. Additionally, we have requested the grant award notice, any special conditions attached, and the Regional Administrator's comments. This information will be reviewed to assist in the preparation of a Juvenile Delinquency Plan Supplement Review Guide for the December 1, 1975, submission.

(*c*) The Technical Assistance Division will also review submissions on the makeup of SPA Supervisory Board, the Advisory Board, and the RPU Boards to review the methods of selection and the Boards' makeup.

B. APPLICATIONS

(*a*) The Office has initiated the development of public information sheets and has also developed several brochures for public distribution. In addition, it is reviewing research reports for possible publication and is working with the Director of Audio-Visual Communications to hire a designer to develop and identify for the Office, which will include the designing of stationary, the development of a program for the Institute's research reports, and to design other components of the Official publications program.

(*b*) The Office has begun initiating a series of (1) short reports, written in a simple journalistic style, on research grants in progress and on juvenile justice action programs; (2) an illustrated booklet on problems and issues in juvenile delinquency; (3) a year book containing juvenile justice statistics and up-to-date information on the state-of-the-art of juvenile delinquency research; and (4) possibly a volume describing the research grants of the Institute. Where appropriate, these projects are being coordinated with other LEAA offices, including the Office of Public Information and NILECJ.

C. SPECIAL EMPHASIS

1. *Program Areas:*

Status Offender—Twenty-four full applications were received August 15 and are now being reviewed by program staff. Target date of grant award is on schedule for October 30, 1975.

2. *Expenditure of JJ Funds:*

(*a*) *Awarded:*	
Rock Island (76–JS–99–0002)	$294,766
NYRS (75–JS–99–0001)	300,000
Pennsylvania (76–JS–99–0004)	1,997,569
National Assembly (009099JJ76)	1,431,481
Kenyon College (76–JS–99–0005)	76,143
Arbitration Center (76–JS–99–0003)	298,167
Total	$4,498,125
(*b*) Transfers:	
Rhode Island	$389,726
New Hampshire	150,498
Boston Youth Advocacy	148,506
Total	$588,730
(*c*) Funds transferred to NIJJDP	74,394
(*d*) Special emphasis planning grants	1,200,000
Grand total	$6,361,248

D. NIJJDP

1. *Standards.* August activities were directed toward preparation of the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to be submitted to the Congress and the President by September 6, 1975. A draft statement was sent to the Standards Committee for comment on August 10, 1975. The Statement was discussed and modified at the August 25, 1975, meeting of the Standards Committee in Washington, D.C.

2. *JJDP Evaluation Clearinghouse.* NIJJDP held a meeting for SPA representatives. LEAA Regional Office personnel, and Headquarters units concerning the proposed RFP for the JJDP Evaluation Clearinghouse. Input was received and is now being incorporated into a revised design. The RFP is expected to clear late October.

3. *New Awards:*

(a) Planning Technical Assistance to Reduce School Violence Research for Better Schools (76-JN-99-0002). This project will assist LEAA in planning a technical and possibly financial assistance program to school personnel to help them deal with the growing incidence of school violence and vandalism. It will result in (1) the development of a data base on current strategies for dealing with school violence; and (2) detailed, alternative assistance plans.

(b) Evaluation Planning Phase for Diversion, Portland State University (76-NI-99-0010)—$109,168. The purposes of this project are to (1) assist the OJJDP in explicating the parameters of diversion; (2) assist the OJJDP in identifying a general program strategy for diversion funding; (3) assist in the development of program guidelines; (4) develop an evaluation design; and (5) assist in the review of pre-applications and applications.

5. *Expenditure of JJ Funds:*

(a) Awarded:	
(1) Alternatives to incarceration—(0384-99-NI-75)	$256,481
(2) National assessment of juvenile correction—(0378-99-NI-75)	350,000
(3) Planning TA to reduce school violence (0327-99-TA-75)	117,913
Total	724,394
Less difference applied to special emphasis	74,394
Total	650,000

E. CONCENTRATION OF FEDERAL EFFORT

1. *Analytical Work Under Contract with the American Institutes of Research.* During August, AIR continued working on the following tasks which were endorsed by the Coordinating Council and by the National Advisory Committee in order to facilitate the development of the first Annual Report to the President and Congress due on September 30, 1975.

(a) *Task One:* The identification of existing Juvenile Justice and Delinquency Prevention Information Systems.

(b) *Task Two:* An inventory of Federal juvenile justice and delinquency prevention program.

(c) *Task Three:* A preliminary feasibility for the development of a juvenile information system.

(d) *Task Four:* An analysis of management of Federal juvenile justice and delinquency prevention programs, which is presently underway.

(e) In order to facilitate the development and implementation of this management task, a meeting was held on August 26th in the 13th floor conference room. Agency representatives from the Department of Health, Education, and Welfare; Department of Labor; Department of Housing and Urban Development; and the National Institute on Drug Abuse were convened by OJJDP. The purpose of the meeting was to define the parameters of the reporting requirements under P.L. 93-415 and the scope of the task which the contractor will be performing. Represented at this meeting were representatives from the Office of Education, HEW; the Office of Youth Development, HEW; the National Institutes of Mental Health, HEW; Indian Health Services, HEW; the National

Institute of Education, HEW; and Social and Rehabilitative Services, HEW. From the Labor Department there were representatives from the Employment Standards Administration and the Office of Manpower Research and Development. From the Department of Housing and Urban Development there were representatives from Housing Management, Personnel, Policy Development and Research, and Community Planning Division.

(*f*) At this time, there appears to be few problems associated with the preparation of the annual report by the required submission date of September 30th.

2. *Coordinating Council.* The Coordinating Council has been scheduled for its third meeting on September 29, 1975. This is one day prior to the submission date for the first Annual Report, and preliminary copies of the report will be distributed before or at this meeting. The agenda, minutes of the previous meeting, and letters of invitation, as well as a brief outline of the purpose of the meeting, have been transmitted to the Attorney General.

3. A meeting was held on August 25th with representatives from NASA, FAA, Cessna Aircraft, and Lloyd Haynes, a teleivsion celebrity most recognized for his role as a high school teacher on the television series "Room 222". The purpose of the meeting was to discuss with the Federal representatives and Mr. Haynes a proposal for the expansion of a program entitled "Education through Aviation" which has been developed by Mr. Haynes. The program utilizes aviation as a motivating factor in working with and improving the educational drive of youngsters who are experiencing difficulties with traditional education. The long-range objective would be the development of a joint project, with LEAA as the lead agency, and NASA and FAA providing supportive services to develop a program which would work with youth referred by the Juvenile Court and, through aviation involvement, increase their interest and accomplishments in the educational process.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION, SEPTEMBER, 1975

A. TECHNICAL ASSISTANCE

1. Because the Technical Assistance Division has spent a great deal of time responding to individual questions from the Regional Office staff and SPAs on 4100.1D, Change 1, the Division is in the process of instituting the following:

(*a*) The preparation of a workbook that contains decisions on program policy and General Counsel opinions. This is being compiled for distribution to Central and Regional Office staff. This workbook will assist in answering the numerous questions being raised by the States and the Regional Offices in their responding to the guidelines on the JJ Comprehensive Plan Submission.

(*b*) The preparation of a checklist to assist the Regional Office in reviewing the December 31, 1975, JJ Plan Submission.

(*c*) The scheduling of Juvenile Justice staff workshop. Meetings have been held with the Executive Secretariat and ORO in planning for the first Regional Office/Central Office JJDP workshop to be held November 10 and 11. This session will be the first to bring the new Regional Office JD Specialists and the Central Office staff together to review and discuss the strategy and effective implementation of the JJDP legislation. The workshop will review the organizational structure of the Central Office, present program activities, as well as legislative questions, funding and program fiscal guidelines. This workshop will provide the newly appointed Assistant Administrator an opportunity to meet both Central and Regional Office staff. In preparation for the workshop, Regional and Central Office staff are expected to review the guideline manual for any questions or concerns, the draft guideline workbook and checklist, previously discussed, and surface any questions that may occur.

B. SPECIAL EMPHASIS

1. *Program area:*

(*a*) Program Implementation—Status Offender Program

(1) Review of the 21 status offender applications moved toward conclusion. Staff have initiated processing applications in order to get response essential to final recommendations. Responses are being requested in relation to budget and program reviews. We have required response from applicants not later than October 9 in order to permit final selections and packaging by October 12. A list-

ing of applicants by ratings will be withheld until recommendations for grant award are completed.

(2) Projections for forwarding the final grant packages to GCMD are scheduled to go not later than October 17 in order to be ready for grant review on October 29 or 30. The review team will require one week prior to the formal review meeting and grant packages shall be forwarded to the team by October 22 or 23. These projections are based on anticipated responses from applicants which will resolve budget and program questions, or will result in elimination from consideration. Final selections will be made by the end of October.

(*b*) Program Development—Diversion. The schedule for issuing this guideline is being revised because of:

(1) Delays caused by staff review.

(2) Over-lap between this revised schedule and the final review and processing of status offender grants.

C. NIJJDP

1. *Major Events.* On September 8, 1975, the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice was submitted to the President and the Congress in accordance with Section 247 of the JJDP Act. Copies of the report have been distributed to SPA Directors, State Standards and Goals Programs, and several other interested groups. This report contains the guidelines of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice called for in the MBO Workplan objective for standards.

2. *On-Going Activities:*

(*a*) Three mini-conferences were conducted by Research for Better Schools, Inc., to gain the views of the educational community on the major problems of violence schools face, current strategies to deal with the problems, and the kinds of assistance schools need to reduce violence and crime in the school context.

(*b*) Staff has been reviewing drafts of NEP Phase I reports on the following topics: delinquency prevention issues, key portions of the juvenile diversion and alternatives to incarceration final reports, and the second draft of the Youth Service Bureau final report.

3. *New Awards:* Evaluation of the Effects of Alternatives to Incarceration—Cohort Analysis, Harvard University, 76JN–99–0003, $244,478.

This will support the fourth year of a five year study of the effects of changes occurring in the Massachusetts Department of Youth Services; that is, the development of community-based programs following the closing of training schools for juveniles throughout Massachusetts in 1971–72.

D. EXECUTIVE ACTION

On September 23, 1975, Mr. Milton Luger was nominated by the President to be the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention. Mr. Luger, who must be confirmed by Congress, was the Director of the New York State Division for Youth and is well known and respected in the field of juvenile justice and delinquency prevention programming.

E. CONCENTRATION OF FEDERAL EFFORT

1. During September the work for the American Institutes for Research (AIR) to analyze the budget priorities of the more than 100 Federal juvenile delinquency programs was completed. The feasibility study of developing an automated data processing and retrieval system to comply with the reporting requirements of P.L. 93–415 were also completed by AIR.

2. Work continued on the preparation of the First Annual Report, which was due for submission to the President and the Congress on September 30. Analytical materials prepared for the Report were disseminated to more than twenty Federal representatives for review.

3. On September 29 the third meeting of the Coordinating Council (CC) was held. Preliminary copies of the Annual Report were distributed and discussed.

4. The relationship between the CC and the National Advisory Committee (NAC) was formally established. Members of the NAC subcommittee on the Concentration of Federal Effort were in attendance to participate in the discussions and provide citizen perspectives and concerns for the coordination activities of the Council.

5. On September 30, 1975, the first Annual Report from the Office of Juvenile Justice and Delinquency Prevention was submitted to the President and to the Congress as required by Section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974. This first Annual Report outlines the activities of the Office of Juvenile Justice since its creation.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

OCTOBER 1975 ACTIVITIES REPORT

A. EXECUTIVE ACTION

Senate confirmation hearings were held October 30 regarding the nomination of Mr. Milton Luger for Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention.

B. CONCENTRATION OF FEDERAL EFFORT

1. *Third Coordinating Council Meeting.* Following the third meeting of the Coordinating Council on September 29, the first major milestone was completed: preparation of the First Annual Report. In preparation for the next two major milestones, the development of LEAA policy on juvenile justice and delinquency prevention, and the development of the First Comprehensive Plan for Federal juvenile delinquency programs, the following activities were scheduled for October:

(*a*) The policy analysis paper prepared for the Council by Franklin Zimring, University of Chicago School of Law, would be circulated to Federal departments and agencies for critique. Comments would be forwarded to OJJDP and discussed at the fourth Council meeting on October 28.

(*b*) The policy analysis paper and the First Annual Report would be disseminated to members of the National Advisory Committee and discussed at their third meeting on October 30 and 31.

2. *Fourth Coordinating Council Meetings—October 28, 1975.*

(*a*) The meeting was chaired by Mr. Nader. Following acceptance of an amendment by the Advisory Committee representatives concerning the lack of representation of policy makers, the minutes were accepted and the meeting proceeded. The focus of the meeting was review of the paper and discussion of policy implications. Mr. Velde and Mr. Luger were in attendance.

(*b*) The paper proposed research priorities and programmatic suggestions. Comments were provided by DOL and HUD; the HEW representative stated that comments will be provided by November 3rd.

(*c*) The following conclusions resulted from these discussions:

(1) Comments from all departments and agencies will be collected, xeroxed, and disseminated to members of the Council and the NAC for future discussion.

(2) There is general agreement on all research priorities.

(3) There is a need for establishing LEAA policy on juvenile justice and delinquency prevention in order to allow agencies and departments to select appropriate areas of concern, identify programmatic issues which they can address, and provide a basis for action planning by the Council.

(4) As work proceeds, common definitions will be developed.

(5) The goals, objectives and priorities of Federal agencies must be matched against the goals of the legislation.

(6) Programmatic decisions will not be acted upon, pending the development of a Federal policy statement.

(7) The following activities will be conducted prior to the next Council meeting.

(*a*) Issues raised by member Departments will be collected and disseminated for review.

(*b*) Reactions will be collected from the National Advisory Committee.

(*c*) A policy statement will be prepared by OJJDP.

(*d*) A time frame will be defined which will produce the first comprehensive plan for Federal juvenile delinquency programs due March 1, 1976.

3. *Third National Advisory Committee Meeting—October 30–31, 1975.*

(*a*) Discussion of the policy analysis paper was initiated within each of the three subcommittees:

(1) The subcommittee on Standards.
(2) The subcommittee on the NIJJDP.
(3) The Concentration of Federal Effort subcommittee.

(*b*) The next NAC meeting scheduled for January 29 and 30 will include review and discussion of policy and the development of the First Comprehensive Plan for Federal Juvenile Delinquency Programs.

C. TECHNICAL ASSISTANCE

1. Planning has been completed for the Juvenile Justice staff workshop to be held in Dallas on November 10 and 11, 1975. A "workbook" has been prepared which will contain decisions on program policy and General Counsel opinions. The workbook will be available to Regional staff at the scheduled workshop.

2. The draft checklist to assist the Regional Office in reviewing juvenile justice plan submissions is completed and will be mailed to Regional staff for their review prior to the scheduled workshop.

3. Information is being completed on the number of Supervisory and RPU boards in compliance and what is being done by Regions to bring the remaining into compliance.

4. Regional staff are also submitting information on the number of States who may be reconsidering their participation in the Juvenile Justice Act. A letter supporting their continued involvement will be sent to those States showing such ambivalence. Regional Office staff are also submitting program questions and concerns in advance of the OJJDP workshop so that Central Office staff will be prepared to answer with specifics.

5. Purchase orders are now being prepared that will assist in the development of the Technical Assistance strategy for Deinstitutionalization, Diversion and Formula Grants support.

D. NIJJDP

1. *Major events:*

(*a*) On October 29 and 30, 1975, the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice met in Denver, Colorado.

(*b*) On October 30, 1975, the National Institute for Juenvile Justice and Delinquency Prevention Advisory Committee met in Denver, Colorado.

2. *Problem areas:*

Although progress is being made in securing additional professional and clerical personnel, the lack of sufficient staff remains a serious problem.

3. *New activities:*

(*a*) *New Awards.*

(1) Delinquency in American Society, Institute for Juenile Research, Chicago (76–JN–99–0004), $305,885. This award supports the second of a three year effort involving analyses and research report development, using data collected in 1971–72 on over 3,000 randomly selected youths throughout the State of Illinois.

(2) Evaluation of Youth Service Center, University of Pennsylvania (76–JN–99–0005), $135,178. This award supports the evaluation of the Youth Services Center project in Philadelphia which is designed to divert juenviles and prevent their entry into the juvenile justice system. The evaluation will consist of three parts: (a) process evaluation, (b) systems evaluation, and (c) outcome evaluation.

JUVENILE JUSTICE ACTIVITIES

During January, 1976, the following activities were carried out:

A. *Executive Action:* Deferral authority was exercised by OMB over $15M of the $40M appropriated to OJJDP under the JJDP Act.

B. *Concentration of Federal Effort:*

1. *Coordinating Council:*

(*a*) The Fifth Meeting of the Coordinating Council was held on January 27th in Main Justice. A proposed Federal policy statement has been prepared by OJJDP and forwarded for review and comment to member departments of the Council. Responses were received from HEW, HUD and DOL, and discussed at the meeting. There was agreement on the (1) substantive aspects of the policy

statement, and (2) the need to establish Federal policy as the critical first step in the development of the First Comprehensive Federal Plan. An outline of the Plan was presented by OJJDP and accepted by the membership. A draft plan will be prepared during the first week in February and circulated to Council members and sub-committee members of the NAC for review. Following review, the plan will be finalized for submission to Mr. Velde for approval.

(*b*) Discussion of joint-programming by Council members resulted in agreement that cooperative programming, in specified locations which demonstrate broad social needs, is a viable mechanism for concentrating Federal resources in Juvenile Justice and Delinquency Prevention.

2. *HUD Meeting:* Initial meeting was held with representatives of HUD to discuss the coordination of public housing programs in conjunction with our Diversion and other Special Emphasis initiatives.

3. *National Advisory Committee:* The fourth meeting of the National Advisory Committee (NAC) was held January 28–30, 1976, in San Francisco, California. The meeting opened with remarks by Mr. Velde. The status of OJJDP funding, the role of the NAC, and the reauthorization activities on both the Crime Control Act and the JJDP Act were discussed. Mr. Velde was accompanied by Mr. Kenneth Lazarus of the White House.

C. *Office:* In cooperation with the Office of General Counsel, JJDP is now in the process of developing and soliciting suggestions for the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

D. *Technical Assistance:*

1. *Major Events:*

(*a*) A series of additions for the juvenile justice workbook were sent to all staff who have the workbook.

(*b*) A second update on Supervisory and RPU Board compliance with the JJDP Act (JJDPA) was prepared. This information was reviewed by the Ad Hoc Committee on JJDPA Supervisory and RPU Board Compliance.

(*c*) The second quarterly juvenile delinquency workshop for central and regional office staff has been scheduled for February 23 and 24 at LEAA in Washington, D.C. A memorandum and tentative agenda has been sent to all central and regional staff notifying them of the meeting.

(*d*) Staff met with GMIS regarding data for assessing FY 75 and FY 76 allocation of Crime Control funds for Juvenile Justice. A printout of DF grants for FY 75 and 76 has been received and is under review. This data will be combined with the information on State allocations due on January 31 from the regional offices. An aggregation of State and DF allocations will allow us to determine whether the maintenance of effort level is being met.

(*e*) The Advisory Group on the planning of technical assistance met on January 22 and 23 and reviewed and suggested changes in the draft TA option strategy paper that had been prepared. Plans are to present the TA options to OJJDP staff on February 10, 1976.

(*f*) The first meeting was held with Dr. Paul Mott on planning for the TA strategy development in support of the OJJDP formula grants program. The advisory group for this process still needs to be selected and approved.

(*g*) Two meetings have been held with Mr. Lee Franklin of Lewin and Associates on developing approaches that would increase coordination of Federal programs at the point of service delivery.

E. *Special Emphasis:*

1. *Major Events:*

(*a*) *Program Area:*

(1) *Program Implementation—Status Offenders.* The last three status offender awards were made on December 31, 1975, and the Post Award meeting was held in Washington, D.C., on January 8 and 9, 1976, as projected. Conference attendance included representatives from ORO, all of the 13 projects, 8 of the 8 cognizant SPAs and 5 of the cognizant regional offices. A total of 50 persons attended the Conference, with some sub-grantees sending 2 persons. The agenda, organized in two general parts (general group sessions and site-specific meetings with affected parties and grant monitors), focused upon identification of existing or potential problems and discussion of programmatic and fiscal requirements essential to program start-up.

(2) *Program Implementation—Diversion.* The diversion guideline entered internal clearance on January 23, 1976, and, barring unanticipated difficulty, should enter external clearance during the week of February 9–13.

JUVENILE JUSTICE ACTIVITIES

During February, 1976, the following activities were carried out:

A. *Executive Branch.* OMB forwarded to Congress the deferral action of $15M to the $40M appropriated to OJJDP under the JJDP Act.

B. *Concentration of Federal Effort:*

1. *Coordinating Council.* The first Comprehensive Plan for Federal Juvenile Delinquency Programs has been developed. The draft was prepared and circulated to members of the Federal Coordinating Council and the National Advisory Committee for comments and reactions. Following this procedure, the Plan will be forwarded to the Administrator for signature, then transmitted to the President and Congress as required by law, prior to March 1, 1976.

C. *Office:*

1. A first round of visitation to all Regional Offices by the Assistant Administrator has been completed. They proved beneficial and productive for orientation purposes and in helping to share mutual concerns and progress.

2. In cooperation with OGC, JJDP is now in the process of developing and soliciting suggestions for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. On February 12, meetings were held with various public interest groups to discuss the concerns and recommendations concerning the Act. These discussions proved helpful in providing revision suggestions.

D. *Technical Assistance:*

1. The second quarterly juvenile delinquency workshop for Central and Regional Office staff was held in Washington on February 23–24, 1976. An overview and progress of CO/RO activities were completed which included: maintenance of effort data, training for State advisory groups and State JD Specialists, monitoring by States required by Sections 223(a)(12) and (13) due December 31, 1976, to the Administrator, and a briefing on data sources for the detailed study of needs.

2. Analysis of SPA/RPU board compliance has been completed.

3. The TA option paper to support deinstitutionalization and diversion was presented to OJJDP staff on February 10, 1976.

4. A draft statement of work was prepared to assist SPA and subgrantees in assessing their TA needs and resources. This activity will be coordinated with OPM and a similar effort developed by ORO.

5. A meeting with NIJJDP, Division of Standards and Goals, ORO, and Technical Assistance Division was held. The purpose was to coordinate requests from the States on TA support in developing their standards for juvenile justice in their States.

6. Planning is starting to address needed guideline changes and a monitoring mechanism to review States' compliance with deinstitutionalization of status offenders and the separation of adults and youth in detention and correctional facilities.

7. The procedure for identifying and aggregating Crime Control funds used in JJ programming for both FY 75 and FY 76 for purposes of computing the maintenance of effort levels is being completed.

8. Options for a workshop for all advisory group chairpersons and State JJ Specialists is being prepared.

9. The procedure to review State advisory group composition is being prepared for RO staff to use.

10. Additions to the juvenile justice workbook are being sent to all holders.

E. *Special Emphasis:*

1. *Program Area:*

(a) *Program Implementation—Status Offenders:*

(1) Revised workplants and budgets have been received from South Carolina, Newark, Ohio, Illinois, Arkansas, Delaware, and the Legis-50 (formerly Citizen's Conference).

(2) The remaining workplans are expected in early March. The quality of these products is good and provides a clear basis for monitoring. In all instances, grantees indicate need for continued work in finalizing all necessary agreements with police and courts. This is true in spite of having specific written agreements which committed police and courts to participation and cooperation. The grantees indicate that this should not interfere with project start-up. In addition, OJJDP has writen a memorandum on relationships with SPAs and ROs regarding the administration and monitoring of these grants.

(b) *Program Development—Diversion:*

(1) The diversion guideline entered external clearance on February 24, 1976, and comments have been requested by March 26, 1976. Distribution of the guideline is now scheduled for early April because of responses to clearance and printing schedules. We hope to make up time lost during review or processing so that diversion grants can be awarded as projected by December 31, 1976.

2. *Grant Activities.* 75–DF–99–0004–APWA. $26,840. A continuation grant which we expect to schedule grant review on March 5, 1976.

3. *Other Activities.* HUD is interested in coordinating their program to improve housing management and reduce vandalism and crime with our diversion program. They expect to receive applications from 50 cities April 1st for grants ranging to $2.5M each over two years. This is the last of a three phased program which will have awarded $105M since the first awards were made in June, 1974. Thirty-five million dollars has been projected for this last phase. The cities selected by HUD in all three phases very much coincide with those jurisdictions eligible to apply for diversion funds. A number of possibilities exist for interagency coordination and a meeting is scheduled for the first week in March with HUD Housing Management staff to finalize plans for follow-up.

F. *NIJJDP:*

1. Final reports from two assessment projects were received. Research for Better Schools submitted their final plans describing a program to assist schools in reducing violence and disruption. The Center for Vocational Education completed the six products of its Phase I NEP study of delinquency prevention programs.

2. Work commenced on the planning contract for the Assessment Centers by Research Planning Corporation. Carl Chambers and Bob Tobin are directing that effort.

G. *New Activities:*

1. *New Awards:*

(*a*) Juvenile Court Judges Training Program, National Council of Juvenile Court Judges (76–JN–99–0016), $212,847.

(*b*) Historical Trends of School Crime and Violence from 1950–1975 with Special Emphasis on Current Crime—Specific School Security Models, Robert J. Rubel (76–NI–99–0077), $42,065.

(*c*) Project READ (Reading Efficiency and Delinquency), American Correctional Association (76–JN–99–0017), $210,303.

(*d*) Status Offender Project, Council of State Governments (76–JJ–99–0017), $65,977.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., July 12, 1976.

Hon. BIRCH BAYH,
Chairman, Subcommittee on Juvenile Delinquency, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: June 30, 1976, marked the close of the first full fiscal year of funding and program activities by the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration. The purpose of this letter is to report on the status of FY 1976 funding activities under the Act.

As you know, the Congress appropriated $40 million to LEAA for the purpose of implementing the Act. Of that amount, $19,771,000 has been awarded in block grants to the states, territories and specified jurisdictions according to the statutory population-based formula. $13,529,000 has been allocated to Special Emphasis programs within the funding discretion of the Administrator. This amount includes $3,529,000 that had been earmarked for states which subsequently did not participate in the formula grant program. The funds were then transferred to the Special Emphasis account. A total of $1,500,000 has been allocated for Technical Assistance, $500,000 was reserved to support the Concentration of Federal Effort, and $4,000,000 was allocated to the National Institute for Juvenile Justice and Delinquency Prevention.

Attached is a listing of the amounts awarded to the various States under the Formula Grant allocation. You will note that 12 States are not participating in the program. They are:

1. *Alabama.*—Alabama stated in August of 1975 that it wanted to thoroughly investigate the present situation with regard to juveniles in the State and deter-

mine the cost for full compliance with the Act requirements before participating.

2. *Kansas.*—Kansas chose not to participate due to (1) paucity of Federal funding; (2) participation would require significant revision of juvenile code regarding status offenders; (3) potential State liability if it participates and is unable to comply with the two-year timeframe on deinstitutionalization; and (4) appointment and expense of a 21 member Advisory Group.

3. *Kentucky.*—Kentucky, in a letter dated May 11, 1976, has terminated its participation in the Act. The state estimates that deinstitutionalization and separation could cost as much as one hundred times the amount of Federal funds being made available under the Act. Kentucky also feels that LEAA has made a literal interpretation of the Act which it feels places many States in an untenable position with regard to the amount of money which would be required fir compliance.

4. *Mississippi.*—Funds for implementation not available due to State austerity program; 2 year timeframe not realistic.

5. *North Carolina.*—Lack of State funds to reach 75% compliance with deinstitutionalization requirements in two years.

6. *Tennessee.*—Source data not available as to extent of effort required to reach compliance with deinstitutionalization cost felt to be prohibitive and 2 year timeframe unrealistic.

7. *Nebraska.*—Legislature chose not to participate due to uncertain funding, extensive requirements, and juvenile code revisions that would be needed.

8. *Nevada.*—Nevada Crime Commission voted against participating because (1) too few resources to meet the Act requirements, and (2) present Federal requirements and regulations telling the state how to change their juvenile system. In addition, some members of the Commission expressed philosophical differences with the intent of the legislation.

9. *Oklahoma.*—Oklahoma is not participating because it could not in good conscience make the necessary assurances concerning status offenders and separation of juveniles and adults. The State officials felt that legislative action would be needed for the State to make these assurances and the probability of such legislation was not favorable. There is little probability of future participation unless they can meet the mandates prior to participation.

10. *Utah.*—The SPA was going to participate in FY 1976 until very recently when the Governor decided Utah would withdraw. The reasons given were: (1) it is a duplication of current activities in the State; (2) legislature did not indicate fiscal support for the program; and (3) the appointment and expense of setting up another Advisory Group. In addition, the juvenile court judges in Utah made known that they disagreed with total deinstitutionalization of status offenders.

11. *West Virginia.*—West Virginia has not participated in the Act in either FY 75 or 76. The State is moving in the same direction as the Act and has a 5 year plan for accomplishing the objectives. However, it is felt that $200,000 is not sufficient to meet the 2 year time limit on deinstitutionalization. State officials might reconsider participation if there were more resources available, but could not in good conscience agree to deinstitutionalize in 2 years when they knew it could not be achieved at the current resource level.

12. *Wyoming.*—Wyoming made the decision not to participate based on a projected inability to comply with deinstitutionalization of status offenders within two years. It is unlikely the state will participate in the future unless this requirement is amended.

It should be noted that all states withdrew conditionally. Kentucky and North Carolina conducted studies of the cost of deinstitutionalization before concluding that budget limitations would prohibit implementation. Mississippi and Tennessee have no base data to know even the extent of their juvenile delinquency problems.

The allocation and expenditure of the non-formula funds appropriated under the Act for FY 1976 has proceeded in the following manner:

Special Emphasis

Pursuant to Section 224(a) of the Juvenile Justice and Delinquency Prevention Act, the Special Emphasis Program Division has responsibility for the development, implementation and the testing of new approaches with respect to juvenile delinquency programs. In FY 76, the following areas were initiated—Deinstitutionalization of Status Offenders, Diversion, Reduction of Serious Crime and Prevention.

(*a*) *Diversion.*—Two hundred and fifty-two preliminary applications were received in response to the program announcement issued in April, 1976. Funds requested for programs over three years totaled $272,101,918. Following a preliminary review, 99 pre-applications were forwarded to Regional Offices for review by a team consisting of the Regional JD Specialist, the state planning agency JD Specialist and the Special Emphasis Specialist assigned to that Region. Based on this review, site visits were scheduled during the weeks of June 21 and 30 for all applications considered to meet selection criteria at a high level. The results of these meetings will form the basis for final recommendations on those applications invited to submit full applications. It is anticipated that approximately $9 million will be awarded to this initiative by September 30, 1976.

(*b*) *Reduction of Serious Crime.*—Administrative approval has been given to firm-up programs designed to coordinate on OJJDP program with Teach Corps and the Office of Drug Prevention. The program package is in the final stages of preparation. It is anticipated that approximately $5 million will be awarded to this initiative by September 30, 1976.

TECHNICAL ASSISTANCE

Pursuant to Sections 221, 223 and 224, the TA Division will support technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs, and for technical assistance to Federal, State and local governments, courts, public and private agencies, institutions and individuals in the planning, establishment, funding, operating, or evaluation of juvenile delinquency programs.

In FY '75 and '76 technical assistance funds were earmarked to support the Special Emphasis Division activities: programs of deinstitutionalization, diversion, reduction of serious juvenile offenders, and delinquency prevention. Contractors will provide expertise and knowledge of innovative programs and techniques which address Delinquent Behavior and Prevention.

Technical assistance to the formula grants program will assist the States in drafting their State plans and assisting the Regional Offices and SPAs in assessing current and projected technical assistance needs and resources. States need technical assistance support in meeting Section 223 which requires them to set forth a detailed study of their needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system; to develop adequate research, training, and evaluation capacity within the State; to devise methods of deinstitutionalizing status offenders and separating adults and youth in detention or confinement; and to provide for an adequate system of monitoring.

In FY '76 funds are earmarked:

1. To contractors to help support the states reach compliance with the juvenile justice legislation.
2. To support the Special Emphasis Initiatives.

CONCENTRATION OF FEDERAL EFFORT

Under the Juvenile Justice Act, the Administrator of LEAA is assigned responsibility for implementating overall policy and for developing objectives and priorities for all Federal juvenile delinquency programs. The Act created two organizations to assist in the coordination function—Section 207, the National Advisory Committee on Juvenile Justice and Delinquency Prevention and Section 206, the Coordinating Council on Juvenile Justice and Delinquency Prevention.

In FY '76 funds were awarded to contractors to help these units to (1) prepare an analysis of comprehensive planning requirements of Federal agencies; (2) mobilize their Federal resources at the state and sub-state levels.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

In accordance with Sections 241 through 251, the Institute has five major functions;

1. to conduct, coordinate and encourage research relating to any aspect of juvenile delinquency;
2. to conduct, coordinate and encourgae evaluation relating to juvenile delinquency;

3. to collect, prepare and disseminate useful data regarding the treatment and control of juvenile offenders;

4. to provide training for personnel connected with the treatment and control of juvenile offenders; and

5. to establish standards for the administration of juvenile justice at the Federal, state and local levels.

FY '76 funds were used to begin the planning of these functions. Specific evaluation funds were contracted to support the Special Emphasis Initiatives.

We will continue to keep you informed of LEAA activities relating to juvenile justice. Your interest in these matters and the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE,
Administrator.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

STATUS OF FY 1976 JUVENILE JUSTICE FORMULA FUNDS

States participating:	*Amount*
Alaska	$200,000
Arizona	200,000
Arkansas	200,000
California	1,966,000
Colorado	229,000
Connecticut	303,000
Delaware	200,000
Florida	625,000
Georgia	487,000
Idaho	200,000
Illinois	1,125,000
Indiana	545,000
Iowa	289,000
Louisiana	411,000
Maine	200,000
Maryland	409,000
Massachusetts	556,000
Michigan	963,000
Minnesota	409,000
Missouri	460,000
Montana	200,000
New Hampshire	200,000
New Jersey	707,000
New Mexico	200,000
New York	1,731,000
North Dakota	200,000
Ohio	1,108,000
Oregon	207,000
Pennsylvania	1,140,000
Rhode Island	200,000
South Carolina	283,000
South Dakota	200,000
Texas	1,185,000
Vermont	200,000
Virginia	471,000
Washington	344,000
Wisconsin	462,000
American Samoa	50,000
District of Columbia	200,000
Guam	50,000
Puerto Rico	349,000
Virgin Islands	50,000
Trust Territory	50,000
Total	19,771,000

States not participating:	
Alabama	366, 000
Hawaii	200, 000
Kansas	221, 000
Kentucky	330, 000
Mississippi	250, 000
Nebraska	200, 000
Nevada	200, 000
North Carolina	521, 000
Oklahoma	248, 000
Tennessee	393, 000
Utah	200, 000
West Virginia	200, 000
Wyoming	200, 000
Total	3, 529, 000
Total allocated	23, 300, 000
Awarded	19, 771, 000
Balance (transferred to JJDP spec. emphasis)	3, 529, 000

ATTACHMENT A

ALLOCATION OF JJ AND DP BLOCK FUNDS—FISCAL YEAR 1975

State:	
Alabama	
Alaska	$200, 000
Arizona	200, 000
Arkansas	200, 000
California	680, 000
Colorado	
Connecticut	200, 000
Delaware	200, 000
District of Columbia	200, 000
Florida	216, 000
Georgia	200, 000
Hawaii	
Idaho	200, 000
Illinois	389, 000
Indiana	200, 000
Iowa	200, 000
Kansas	
Kentucky	200, 000
Louisiana	200, 000
Maine	200, 000
Maryland	200, 000
Massachusetts	200, 000
Michigan	333, 000
Minnesota	200, 000
Mississippi	200, 000
Missouri	200, 000
Montana	200, 000
Nebraska	200, 000
Nevada	200, 000
New Hampshire	200, 000
New Jersey	245, 000
New Mexico	200, 000
New York	599, 000
North Carolina	200, 000
North Dakota	200, 000

ATTACHMENT B

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION DISTRIBUTION OF JUVENILE JUSTICE FORMULA FUNDS FISCAL YEAR 1976

State:	
Alabama	$366,000
Alaska	200,000
Arizona	200,000
Arkansas	200,000
California	1,966,000
Colorado	229,000
Connecticut	303,000
Delaware	200,000
Florida	625,000
Georgia	487,000
Hawaii	200,000
Idaho	200,000
Illinois	1,125,000
Indiana	545,000
Iowa	289,000
Kansas	221,000
Kentucky	330,000
Louisiana	411,000
Maine	200,000
Maryland	409,000
Massachusetts	556,000
Michigan	963,000
Minnesota	409,000
Mississippi	250,000
Missouri	460,000
Montana	200,000
Nebraska	200,000
Nevada	200,000
New Hampshire	200,000
New Jersey	707,000
New Mexico	200,000
New York	1,731,000
North Carolina	521,000
North Dakota	200,000
Ohio	1,108,000
Oklahoma	248,000
Oregon	207,000
Pennsylvania	1,140,000
Rhode Island	200,000
South Carolina	283,000
South Dakota	200,000
Tennessee	393,000
Texas	1,185,000
Utah	200,000
Vermont	200,000
Virginia	471,000
Washington	344,000
West Virginia	200,000
Wisconsin	469,000
Wyoming	200,000
American Samoa	50,000
District of Columbia	200,000
Guam	50,000
Puerto Rico	349,000
Virgin Islands	50,000
Trust Territory	50,000
Total	23,300,000

ALLOCATION OF JJ & DP BLOCK FUNDS

State:	*Allocation*
Ohio	$383, 000
Oklahoma	
Oregon	200, 000
Pennsylvania	395, 000
Rhode Island	
South Carolina	200, 000
South Dakota	200, 000
Tennessee	200, 000
Texas	410, 000
Utah	
Vermont	200. 000
Virginia	200, 000
Washington	200, 000
West Virginia	
Wisconsin	200, 000
Wyoming	
American Samoa	
Guam	50, 000
Puerto Rico	200, 000
Virgin Islands	50, 000
Trust Territory	50, 000
Total	10, 600, 000

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., February 24, 1976.

MR. JOHN M. RECTOR,
Staff Director and Chief Counsel, Senate Subcommittee to Investigate Juvenile Delinquency, Washington, D.C.

DEAR MR. RECTOR: This is in response to your request for an explanation of LEAA Guidelines which implement Section 228(a) of the Juvenile Justice and Delinquency Prevention Act of 1974. Section 228(a) states the following with regard to continuation funding of projects receiving financial assistance under the Act:

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

This Congressional continuation funding policy differs from the current provision of the Crime Control Act which requires that State and local government demonstrate a willingness to assume the costs of improvements funded under Part C after a reasonable period of Federal assistance (Section 303(a)(9)). While LEAA's experience indicates the wisdom of the assumption of cost concept, the agency has implemented the continuation funding provision of the Juvenile Justice Act in a way that provides the flexibility for continuation funding desired by the Congress.

The most pertinent comment with regard to the intent of Section 228(a) was made by Senator Bayh in floor debate on S. 821. Senator Bayh, in discussing Indiana's Youth Service Bureaus, made the following comment on the continuation funding policy:

"These Youth Service Bureaus have had problems in the past in obtaining information concerning the length of funding contemplated by LEAA. Under the new Part F, the policy of Congress is clearly stated that projects which are successfully evaluated shall receive continued funding. With the passage of the new Part F, this policy should be implemented so that programs such as Youth Service Bureaus will be able to work out with LEAA an orderly method of development, implementation and length of funding." (120 Cong. Rec. S13491, daily ed., July 25, 1974.)

In formulating the Guidelines to implement this provision for formula grant funds and special emphasis grant funds, LEAA sought to establish "an orderly method of development, implementation and length of funding." We felt that the statute would not permit establishment of a set period of funding for all programs since this would constitute an assumption of cost policy. However, we did not feel that the statute contemplated that the States and LEAA would be tied to funding every program and project, regardless of its nature, for an indefinite period of time. Therefore, we sought to formulate Guidelines which would accomplish the following objectives:

1. Require establishment of a projected length of project support based upon the nature of the activity, the nature of the applicants, and judgments regarding the appropriateness of long-term cost assumption.
2. Set forth the expected length of project funding in the program announcement or plan.
3. Provide for continuation funding throughout the established period for project funding unless stated grounds for premature termination, consistent with the statute, were found to exist.
4. Provide for extensions beyond the approved project period where necessary to complete the project or where the results of the project are so fruitful as to warrant continued support.

These objectives were formally established in State Planning Agency Grant Guideline M 4100.1D, Chg. 1, July 10, 1975, Chap. 3, Par. 82(o) (formula grants) and in Financial Management Guideline M 7100.1A, Chg. 3, October 29, 1975, Chap. 7, Par. 12 (special emphasis grants). These Guidelines do not establish a maximum funding period for any program or project, thus providing flexibility to tailor continuation funding to the nature of the individual program or project. At the same time, grantees are assured advance knowledge of the contemplated length of funding assistance and can plan accordingly. Provision for continuation funding beyond the established period for funding provides additional flexibility and an opportunity for outstanding projects to be continued where alternative sources of funding are unavailable.

I hope this explanation satisfactorily responds to your concerns. I would be pleased to answer any specific questions you might have with regard to the LEAA Guideline criteria for continuation funding.

Sincerely,

THOMAS J. MADDEN,
Assistant Administrator General Counsel.

First Annual Report

Office of Juvenile Justice and Delinquency Prevention

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Volume 1

Law Enforcement Assistance Administration
U. S. Department of Justice

Letter of Transmittal

To the President and to the Congress of the United States

I have the honor to submit the First Annual Report of the Office of Juvenile Justice and Delinquency Prevention.

This Office was created within the Law Enforcement Assistance Administration by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). This report is required by Section 204(b)(5) of the Act.

Juvenile delinquency is one of the Nation's most pressing and saddening problems. Juveniles commit almost half of all serious crime--offenses that endanger and frighten society. But at the same time that we attempt to prevent this crime we also must insure that the way we treat juvenile offenders does not cause them to commit even more delinquent acts.

This is an important and difficult responsibility that requires careful definition of which youths should be handled by the juvenile justice system and which should be treated by alternative means. There is a need for better treatment strategies and more effective crime prevention programs and for resources to enable the Federal Government and the States and localities to undertake these efforts.

The Federal Government also must coordinate better its activities. The various Federal departments and agencies with related juvenile responsibilities must adopt consistent policies and goals.

The First Annual Report outlines the activities of the Office of Juvenile Justice since its creation. It also reports on the

entire Federal effort in delinquency prevention and juvenile justice, as is required by the Act. The process of reporting on this effort revealed a divergence of policies and procedures among Federal agencies. Perceptions of mission in the area of juvenile justice and delinquency prevention varied widely in the agencies and departments surveyed for this report. These problems, however, now are being systematically addressed through the mechanisms created by the Act.

LEAA faces challenges in carrying out the intentions of the Act, but the Agency has a firm foundation of past efforts on which to build the new program. There is now a network of planning organizations in the States, a growing body of knowledge about what works and what does not work in crime control and criminal justice system improvement, and a Federal program to help States and localities train and educate their criminal justice personnel. None of this existed to any extent before the creation of LEAA. LEAA also has learned a respect for the complexity of the issues and social problems involved in crime and delinquency control and has learned some of the techniques necessary for the difficult task of reforming human institutions.

This knowledge and these talents are now being brought to bear in a concentrated way on juvenile delinquency. LEAA is not deceiving itself about the difficulty of the tasks it faces. But LEAA and its employees are eager to accept this challenge and to fulfill these new responsibilities.

Respectfully submitted,

Richard W. Velde

RICHARD W. VELDE
Administrator

Table of Contents

Part One

Introduction

Youthful crime in this country has increased dramatically over the past decade. This problem is detailed in the statistics:

- Arrests of juveniles for serious crime--acts of violence and stealth--increased by 144 percent between 1960 and 1973.

- Persons under the age of 18 are responsible for 45 percent of all arrests for serious crime and for 23 percent of all arrests for violent crime.

- Some criminal acts are committed predominantly by youths. Burglaries and auto thefts are overwhelmingly youth crimes.

- The peak age for arrests for violent crimes is 18, followed by 17, 16, and 19. The peak age for arrests for major property crimes is 16, followed by 15 and 17.

The juvenile justice system--society's institutional response to juvenile crime--faces serious problems. It must determine which youths to handle, and how to do this so as to protect the interests of both the youth and society. There are 12 arrests for every 100 juveniles between the ages of 15 and 17; most juveniles arrested have not committed a serious crime and some have not committed a crime at all. A surprising number have been arrested for status offenses--acts such as running away, truancy, promiscuity, and incorrigibility--that would not be crimes if committed by adults. The juvenile justice system often represents the only available resource for these youth.

Studies of the juvenile justice system have shown that it often treats offenders in an inconsistent way: status offenders

may be incarcerated and serious repeat offenders may be put on probation. Studies also have shown that treatment programs established by the juvenile justice system have been largely ineffective in changing juveniles' behavior. Major problems in juvenile delinquency prevention are to define more precisely the role and scope of the juvenile justice system and to increase the effectiveness of treatment programs for juvenile offenders.

In addition, there has been little or no coordination among the Federal departments and agencies with delinquency control responsibilities. Instead there has been a lack of uniformity in policy, objectives, priorities, and evaluation criteria to determine program effectiveness. National leadership in these areas is required.

JUVENILE JUSTICE ACT PASSED

In responding to the crisis of delinquency, the Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), signed by the President on September 7, 1974. This Act created for the first time a unified national program to deal with juvenile delinquency prevention and control. The Congress passed the Act because, in its words, "... existing Federal programs have not provided the direction, coordination, resources, and leadership required ...."

The Act set in motion a major Federal program to be administered by the Law Enforcement Assistance Administration (LEAA), part of the U.S. Department of Justice. This Federal agency was created by the Omnibus Crime Control and Safe Streets Act of 1968 to provide funds and technical assistance to State and local governments to address the problems of rising crime and their overburdened criminal justice systems. Under the LEAA Federal and State partnership, the bulk of LEAA's funds are given directly to the States in the form of block grants; LEAA uses its remaining funds for research and for demonstration programs.

The Juvenile Justice Act created within LEAA the Office of Juvenile Justice and Delinquency Prevention and, within that Office, a research arm called the National Institute for Juvenile Justice and Delinquency Prevention.

The Juvenile Justice Act also created a program that is similar in many respects to the LEAA effort. The Act calls for:

- Formula grants to the States. These are made on the basis of State population under the age of 18. To be eligible for funds, States are required to submit yearly comprehensive plans.

- Special emphasis funds for LEAA discretionary use. Under the new Act, LEAA retains from one-quarter to one-half of the action funds to use for demonstration projects.

- Research into juvenile delinquency and evaluation of juvenile justice programs. This is the responsibility of the Institute.

- Technical assistance to Federal, State, and local governments, agencies, organizations, and individuals.

The Act contains several provisions to insure a coordinated interagency and interdisciplinary approach to juvenile delinquency prevention. The Act assigns to the Administrator of LEAA the responsibility for implementing overall Federal policy and for developing objectives and priorities for all Federal delinquency programs and activities.

The Act also creates the Coordinating Council on Juvenile Justice and Delinquency Prevention and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. The Coordinating Council is composed of representatives of Federal agencies with program responsibilities related to juvenile justice and delinquency prevention, and is chaired by the Attorney General. The Advisory Committee is composed of 21 private citizens appointed by the President, including seven members under the age of 26 at the time of their appointment.

HISTORY OF FEDERAL DELINQUENCY PREVENTION EFFORTS

The role of the Federal Government in delinquency prevention and juvenile justice is limited because the principal responsibility for dealing with these issues rests with the States and localities. The Act does not change this basic responsibility but mandates a new Federal leadership role that includes policy guidance and financial assistance to the States.

The first Federal effort relating to the welfare of children and to delinquency prevention was the creation in 1912 of a Children's Bureau. No other congressional action took place until 1948 when an Interdepartmental Committee on Children and Youth was established. A midcentury White House Conference on Children and Youth was held 2 years later.

In 1961 a Presidential Commission on Juvenile Delinquency and Youth Crime was formed, which led to the passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. This was replaced by the Juvenile Delinquency Prevention and Control Act of 1968, which delegated responsibility to the Department of Health, Education, and Welfare (HEW) for establishing a national juvenile delinquency prevention program. Also in 1968, the Congress passed the Omnibus Crime Control and Safe Streets Act. Although this Act made no specific reference to juvenile delinquency, its broad mandate included juvenile as well as adult crime. Both the Juvenile Delinquency Prevention and Control Act and the Omnibus Crime Control and Safe Streets Act permitted allocation of Federal funds to the States for juvenile delinquency prevention.

In 1971 the Crime Control Act was amended specifically to include the prevention, control, and reduction of juvenile delinquency. In the same year the Juvenile Delinquency Prevention and Control Act was extended; newly created was an Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. This Council included representatives of Federal agencies with delinquency prevention or control programs. The latter Act also authorized HEW to fund prevention programs outside the juvenile justice system. Efforts within the system were to be assisted by LEAA.

In 1973 the Omnibus Crime Control and Safe Streets Act was amended to require specifically that the States add a juvenile delinquency component to their State plans for the improvement of law enforcement and criminal justice.

Delinquency Control in LEAA

While the 1974 legislation expands LEAA's role in delinquency prevention, the new effort is being built on a firm foundation of past programs.

LEAA is the principal Federal agency concerned with helping State and local governments control their crime problems and improve their justice systems. This mandate includes delinquency prevention and programs for the juvenile justice system.

Since its inception, LEAA has devoted a portion of its resources to youth programs. This role was made explicit in the 1971 amendments to the Crime Control Act. In the 1973 amendments, the States for the first time were required to deal specifically with juvenile delinquency in their comprehensive plans.

As a result of the 1973 amendments, a number of new initiatives were taken at LEAA. These included the establishment of juvenile justice divisions in the Office of National Priority Programs and the National Institute of Law Enforcement and Criminal Justice. A juvenile justice initiative became one of the major thrusts of LEAA programing for Fiscal Years 1974, 1975, and 1976.

In testifying before the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, then LEAA Associate Administrator Richard W. Velde described the Agency's efforts in delinquency control in 1972 as totaling more than $100 million and including prevention, diversion, rehabilitation, upgrading of resources, drug abuse prevention, and other programs. He explained that these funds represent, in the main, block grant awards to the 55 State planning agencies (SPA's) set up to administer the LEAA funds and to plan comprehensively for crime reduction.

Since its creation, LEAA has funded a wide range of juvenile delinquency prevention and diversion programs. Prevention efforts have included alternative educational programs at the secondary school level, training programs for parents of delinquent children, work study and summer employment programs, drug education, police/juvenile relations units, and police/juvenile recreation programs. Diversion programs have included Youth Service Bureaus, juvenile court intake and diversion units, drug abuse treatment programs, pretrial diversion units, vocational education, and many others.

Since 1971, when Congress enacted a separate Part E corrections program for LEAA and gave the Agency a specific mandate to fund noninstitutional corrections programs for juveniles, LEAA has supported an assortment of innovative community-based programs for that age group.

LEAA also has been active in setting standards for the administration of juvenile justice. In 1971 it created the National Advisory Commission on Criminal Justice Standards and Goals to develop standards for the criminal justice system and goals for crime reduction. This Commission reported in 1973 in a six-volume study that included many standards for juvenile justice. In FY 1974 LEAA followed up this effort by creating and funding a National Advisory Committee on Criminal Justice Standards and Goals with five task forces, one of which deals exclusively with juvenile justice and delinquency prevention.

78-464 O - 77 - 30

Because of these ongoing efforts, the new Act has been absorbed easily into the structure of the LEAA program. The 55 SPA's now have the responsibility for administering the formula grants for delinquency prevention authorized by the 1974 law. Already existing mechanisms for grant reviews have proved adaptable to the new requirements. LEAA staff previously working on delinquency has become the nucleus of the new Office of Juvenile Justice and Delinquency Prevention.

THIS REPORT

The First Annual Report of the Office of Juvenile Justice and Delinquency Prevention is required by the Act, which states that the Administrator shall develop:

> ...an analysis and evaluation of Federal juvenile delinquency programs, conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs.

The Act also requires:

> ...a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the criminal justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

In response to this mandate, this report contains the following sections.

- A description of the creation and activities of the Office of Juvenile Justice and Delinquency Prevention;
- An analysis of the Federal role in delinquency prevention; and
- Summary information on 117 Federal programs that have a bearing on juvenile delinquency control or juvenile justice. This information is contained in the Appendices to this report, which have been printed as Volume II.

Part Two

Office of Juvenile Justice and Delinquency Prevention

The 1974 Act established the Office of Juvenile Justice and Delinquency Prevention within LEAA and unified Federal responsibility for juvenile delinquency prevention there. The Office was created to provide leadership and adequate resources for planning, developing, operating, and evaluating programs dealing with education, research, crime prevention, diversion, and rehabilitation for juveniles.

LEAA was given a number of major responsibilities in regard to administering the Act. These include:

- To coordinate the overall Federal policy regarding juvenile delinquency;
- To make formula grants to State and local governments;
- To develop a discretionary grant program of demonstration or national scope programs;
- To provide technical assistance to the States and localities;
- To conduct research and evaluation;
- To provide training to professionals, paraprofessionals, and volunteers working in any area of delinquency control or prevention; and
- To collect and disseminate useful and relevant information.

CREATION OF OFFICE

When the President signed the Juvenile Justice Act, he indicated that he would not seek new appropriations to implement the legislation because of the need to restrain Federal spending. A Task Group therefore was established within LEAA to carry out the mandates of the Act using already existing LEAA funds. This Task Group administered a budget of approximately $20 million and was composed of LEAA personnel who had previously been working in the area of juvenile justice and delinquency prevention.

On June 12, the President signed Public Law 94-32, which provided $25 million in supplementary funds to LEAA to implement the Act. In addition, authorization was given to hire 51 personnel.

The appropriation had two parts:

o $15 million of new money that was required under the Act to be obligated by August 31, 1975. These funds were subject to the statutory provisions of the Act requiring allocation of funds to the States in formula grants; and

o $10 million in reprogramed LEAA funds that can be used only for administrative purposes, State planning costs, and special emphasis and treatment programs. This money must be obligated by December 31, 1975.

As of September 17, 1975, the entire $15 million had been obligated, and an additional $3,230,249 had been obligated against the $10 million, leaving a balance of $6,769,751.

The Juvenile Justice Act also mandates that LEAA maintain its FY 1972 level of spending for juvenile-related projects. The Office administered approximately $20 million in FY 1975 Crime Control Act funds, in addition to the funds allocated under the new Act. A listing of all funds administered by the Office of Juvenile Justice in FY 1975 is included in Table II-1. The amounts listed in the table do not include funds administered directly by the States through block grants from the Crime Control Act.

Table II-1. FY 1975 FUNDING FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (INCLUDING JUVENILE JUSTICE INSTITUTE)

SOURCE	ALLOCATION (In Millions)	AWARDED	CARRY OVER
Juvenile Justice Act	$ 25.0	$ 18.230	$ 6.769
Part E	10.2	1.437	8.762
Part C	5.1	1.902	3.029
NILECJ	3.696	1.925	1.779
Technical Assistance	1.316	.565	.674
TOTALS	$ 45.312	$ 24.059	$ 21.013[1]

[1]For bookkeeping purposes, these totals were determined by LEAA's Office of the Comptroller as of June 30, 1975.

The Office of Juvenile Justice and Delinquency Prevention was officially created on June 25, 1975. The personnel made available to LEAA (augmented by two from other LEAA personnel authority) have been allocated as follows:

LEAA Regional Offices	20
OJJDP Operations Staff	14
NIJJDP Staff	10
OJJDP Administration	7
LEAA Personnel Office	1
LEAA Office of General Counsel	1
TOTAL	53

Since creation of the program, the action and research staffs have worked together closely to coordinate program development. Their combined effort is resulting in action programs that are based on prior research activities and coordinated with evaluation programs.

CONCENTRATION OF FEDERAL EFFORTS

Recognizing that there are more than 100 Federal juvenile justice and delinquency prevention programs without a central policy authority, Congress made the concentration and coordination of Federal delinquency control efforts a specific mandate of the Juvenile Justice Act.

A first step in providing the necessary coordination had been taken in 1971 with the creation of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, established by an amendment to the Juvenile Delinquency Prevention and Control Act of 1968. This Council, chaired by the Attorney General, had 10 member agencies and was required to meet a minimum of six times a year. Its goals were to (1) coordinate all Federal juvenile delinquency programs at all levels of government--Federal, State, and local, and (2) search for measures that would have an immediate impact on the prevention and reduction of youth crimes.

The new Juvenile Justice Act assigns responsibility to the Administrator of LEAA for implementing overall policy and for developing objectives and priorities for all Federal juvenile delinquency programs.

The Act also stipulates that two bodies be created to assist in the coordination function.

Coordinating Council

First, the Act creates the Coordinating Council on Juvenile Justice and Delinquency Prevention. The Council is composed of the Attorney General; the Secretary of Health, Education, and Welfare; the Secretary of Labor; the Director of the Special Action Office for Drug Abuse Prevention; the Secretary of Housing and Urban Development; the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention; the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention; and representatives from other agencies designated by the President. The Council must meet at least six times a year.

The Council has responsibility for reviewing the administration of all Federal juvenile delinquency prevention programs. It must also make recommendations to the Attorney General and the

President at least annually regarding overall Federal policy and the development of objectives and priorities for all Federal juvenile delinquency efforts.

The Council has met twice and has taken two principal steps to date to carry out this mandate:

Policy Analysis Paper. The Council selected Professor Franklin Zimring of the University of Chicago School of Law to produce a policy analysis paper on Federal juvenile justice and delinquency prevention programing. The purpose of this paper is to identify critical issues or program areas on which the Council should focus in the next 2 years.

Assessing the Federal Program. The Council selected the American Institutes for Research (AIR) in Washington, D.C., to perform a series of analytical tasks designed to provide information on the overall Federal role in delinquency prevention. This information is being used in preparation of this report, as well as to assist the Council. AIR prepared a budget analysis of the distribution of Federal funds for delinquency and youth development programing, a crossindexed compendium of all grant activities supported by these programs, an analysis of how the Federal Government manages its delinquency control efforts, and a survey of existing information systems relating to Federal juvenile delinquency activities.

National Advisory Committee

The Act also creates the National Advisory Committee on Juvenile Justice and Delinquency Prevention. This Committee consists of 21 members appointed by the President, at least seven of whom must be under the age of 26 at the time of their appointments. Members must have special knowledge about the prevention and treatment of juvenile delinquency or the administration of juvenile justice, and the majority must not be full-time employees of Federal, State, or local governments. The Committee must meet at least four times a year.

The Committee has four basic functions.

o To advise the Administrator in the development of policy, objectives, and priorities for all Federal juvenile delinquency programs;

o To advise in the preparation of reports and recommendations to the President and the Congress;

o To provide advice, counsel, and recommendations to the Juvenile Justice Institute in the development of its programs; and

o To assist in the development of standards for the administration of juvenile justice.

The Committee also has a strong involvement in funding considerations, public information programs, and impacts on State and local criminal justice agencies, professionals, managers, and the general public.

There are three subcommittees: one to advise the Administrator on standards for the administration of juvenile justice, one to oversee the activities of the National Institute for Juvenile Justice and Delinquency Prevention, and one to work with the Coordinating Council on the concentration of Federal efforts.

The Advisory Committee was appointed on March 19, 1975 and has met twice. Each of the subcommittees also has met. The standards subcommittee has submitted its first report to the Congress and to the President.

FORMULA GRANTS

The Juvenile Justice Act recognizes that if youth crime and its causes are to be curtailed, a major effort must be made at the State and local level.

The Federal Government may advise, may provide information and conduct research, may evidence leadership, may provide coordination and direction, and may even carry out some specific programs on its own. But it is the public and private agencies at State and local levels that operate the programs and projects with a direct and substantial bearing on the problems of juvenile delinquency.

Therefore, a major activity for the Office of Juvenile Justice is to make formula block grants to the States to assist them in planning, establishing, operating, coordinating, or

evaluating juvenile projects. The amount available for this purpose is from 50 to 75 percent of the action funds appropriated under the Act.

The formula grants are allocated according to the population of a State under the age of 18, with a minimum of $200,000 for each State plus the District of Columbia and Puerto Rico. A minimum of $50,000 is available for the Trust Territory of the Pacific, the Virgin Islands, American Samoa, and Guam.

An additional $2 million has been made available from special emphasis grant funds to plan for and build administrative capacity.

To receive formula grants from the initial appropriation States were required to submit a Plan Supplement Document, amending their FY 1975 Comprehensive State Plans, by August 1, 1975. Nine States and one Territory did not choose to participate. These are Alabama, American Samoa, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia, and Wyoming. The other States and Territories did submit the plans and $10.6 million has been awarded for the FY 1975 formula grant effort. The State allocations are listed in Table II-2.

The Plan Supplement Document must contain the SPA's strategy for meeting certain requirements of the Juvenile Justice Act and LEAA guidelines.

With regard to status offenders, this strategy must describe the current situation regarding the institutionalization of status offenders and explain which programs will be funded to address this issue.

Table II-2. ALLOCATION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BLOCK GRANT FUNDS

Alabama	---	Nebraska	200,000
Alaska	200,000	Nevada	200,000
Arizona	200,000	New Hampshire	200,000
Arkansas	200,000	New Jersey	245,000
California	680,000	New Mexico	200,000
Colorado	---	New York	599,000
Connecticut	200,000	North Carolina	200,000
Delaware	200,000	North Dakota	200,000
District of Columbia	200,000	Ohio	383,000
Florida	216,000	Oklahoma	---
Georgia	200,000	Oregon	200,000
Hawaii	---	Pennsylvania	395,000
Idaho	200,000	Rhode Island	---
Illinois	389,000	South Carolina	200,000
Indiana	200,000	South Dakota	200,000
Iowa	200,000	Tennessee	200,000
Kansas	---	Texas	410,000
Kentucky	200,000	Utah	---
Louisiana	200,000	Vermont	200,000
Maine	200,000	Virginia	200,000
Maryland	200,000	Washington	200,000
Massachusetts	200,000	West Virginia	---
Michigan	333,000	Wisconsin	200,000
Minnesota	200,000	Wyoming	---
Mississippi	200,000	American Samoa	---
Missouri	200,000	Guam	50,000
Montana	200,000	Puerto Rico	200,000
		Virgin Islands	50,000
		Trust Territory	50,000

The strategy also must address the Act's prohibition against confining juveniles in institutions where they will have regular contact with adult offenders.

SPECIAL EMPHASIS PROGRAMS

The majority of LEAA projects are funded through State-administered block grant funds. This same pattern holds true for the new Juvenile Justice Act. But the Office of Juvenile Justice also has discretionary funds made available by both the Crime Control Act and the Juvenile Justice Act to support projects that are national in scope, have a particular focus, demonstrate special techniques, or are experimental in nature.

According to the Juvenile Justice Act, special emphasis discretionary grants can be made to public and private agencies, organizations, institutions, or individuals:

o To develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

o To develop and maintain community-based alternatives to traditional forms of institutionalization;

o To develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

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

o To facilitate the adoption of the recommendations of the Advisory Committee and the Institute; and

o To develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

At least 20 percent of funds available for special emphasis programs must be made to private nonprofit agencies, organizations, or institutions that have experience in dealing with youth. The Act also requires that emphasis be placed on prevention and treatment.

CONTINUED

5 OF 19

The Office has developed four priorities for discretionary funding:

o Removal of status offenders from detention and correctional facilities;

o Diversion of offenders from the juvenile justice system;

o Reduction of serious crime committed by juveniles; and

o Prevention of delinquency.

The Special Emphasis staff has worked closely with the Institute to develop these priorities and to plan the programs based on them. So far the Office has planned and solicited grant applications for the first area; initial planning has been done on the second. Special emphasis funds also are supporting individual projects in other areas.

Status Offender Initiative

Ever since the Plymouth Bay Colony, Americans have declared that certain conduct tolerable in adults will not be tolerated in children. This became one of the reasons for the establishment of a separate juvenile court at the turn of the century. The new court was established to serve in a benevolent role for all children whether they were brought before it for a peculiarly juvenile offense or for a serious criminal act.

Today every juvenile court has the authority to assume jurisdiction over a youth on one or another of these traditional noncriminal bases--truancy, incorrigibility, promiscuity, or runaway. These acts are known as "status offenses"—they are offenses only because of the offender's status as a juvenile.

The first major juvenile justice initiative deals with the need to keep status offenders out of detention and correctional facilities. An LEAA survey of such facilities for juveniles revealed that in 1971 about one-third of all youths in institutions, including community-based facilities, were status offenders. The goal of the program is to halt the incarceration of juvenile status offenders within 2 years. The initiative aims to develop community-based resources to replace

correctional institutions used for these juveniles. The projects will demonstrate to other jurisdictions methods of meeting this aim.

The Office encouraged 24 selected proposals from potential grantees for this initiative. This represents a selection from 361 preliminary applications. From 8 to 15 of these applications will be awarded. The applications have received rigorous review by staff teams and evaluators. The final selection will be based on several factors: impact on the system, number of children affected, cost in relation to impact, potential for including minority populations, and overall quality of program approaches. Entire States, parts of States, entire counties, and entire cities have been given priority in judging potential impact on the juvenile justice system. Grant awards are expected to be made by October 30, 1975. Depending on the number of applications awarded, the initiative will be supported with from $8.5 to $15 million.

Other Grants

In addition to the status offender program, the Office is supporting additional projects. Some of these have been funded with 1975 Crime Control Act funds, some with 1975 Juvenile Justice funds, and some were funded by LEAA prior to the creation of the Office of Juvenile Justice. A few of these grants are described below.

Delinquency Prevention in the Schools. The Metropolitan School-Based Delinquency Prevention Program in Rock Island, Ill., is using peer groups to help students resolve their problems and to ease young offenders back into the school community. The objective of this program is to reduce (1) the number of court petitions of students, (2) the dropout rate, and (3) the number of violent incidents in the schools.

Henry Street Settlement. The Henry Street Settlement-Urban Life Center in New York City is trying to reduce antisocial and delinquent behavior by integrating counseling, education, recreation, and other services and activities into one program. Adolescents in the program will perform meaningful paid public service work. This should help them become productive, self-reliant members of the community. The program also will provide the community with significant new or expanded services.

Neighborhood Youth Resources Center. This grant supports a program in Philadelphia, Pa., located in an existing community center, that emphasizes both diversion from the formal juvenile justice system and preventing youths' entry into the system. The project will seek to strengthen the adolescents' ties to the schools, their families, and their jobs.

Juvenile Female Offenders. Two hundred female offenders in Massachusetts will be served by this project. When this State closed its juvenile correctional institutions 3 years ago, its primary concern was to provide effective alternatives for boys who were seen as posing the most threat to society. The grant will fill the gap in services that has existed for girls.

Pennsylvania Juvenile Offender Reintegration Project. This grant is developing an alternative network of community-based residential and nonresidential centers for approximately 500 juvenile offenders in Pennsylvania. Many of these juveniles are serious offenders. The program will provide a variety of rehabilitation and treatment services. A major part of the project is to place the 392 juveniles presently incarcerated in the Camp Hill adult medium security penitentiary in the community-based alternative programs. The project will serve both male and female offenders.

Project IMPACT (Integration Methodology for Planning and Coordination Teamwork.) This grant establishes a full-time centralized unit for juvenile justice and delinquency prevention planning, coordination, and programing in Los Angeles County, Calif. The project is responsible for coordinating the activities of approximately 15 separate departments that provide services to juveniles. One of the project's goals is to increase understanding of the relationships between law enforcement and social service agencies that deal with juveniles.

Utah Multi-County Juvenile Justice Program. The U.S. Department of Agriculture's Agricultural Extension Service at Utah State University is coordinating its services with those of the juvenile justice system and community service agencies to help provide alternatives to institutionalization for 200 delinquent youth referred by the juvenile court. The goals of the program are to reduce the juveniles' involvement with the juvenile justice system, to improve their school performance, and to begin to prepare them for careers.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Act established within the Office of Juvenile Justice the National Institute for Juvenile Justice and Delinquency Prevention. The Institute was given five major functions:

- To conduct, coordinate, and encourage research relating to any aspect of juvenile delinquency;
- To conduct, coordinate, and encourage evaluation relating to juvenile delinquency;
- To collect, prepare, and disseminate useful data regarding the treatment and control of juvenile offenders;
- To provide training for personnel connected with the treatment and control of juvenile offenders; and
- To establish standards for the administration of juvenile justice at the Federal, State, and local levels.

Institute and program staff have been working together to develop priorities for the Office as a whole. This is enabling the Office to develop a fully integrated program, founded on research and coordinated with evaluation and technical assistance programs.

Planning for Evaluation

The Institute believes program planning and evaluation planning must be done together. In this way, programs can be designed to facilitate useful and meaningful evaluations.

Both the Institute staff and outside experts are being used in planning for program evaluation. This planning has been completed for the status offender program, the first priority area, and is underway for the diversion program, the second area. The grantee assisting in the work for the status offender program is the Social Science Research Institute of the University of Southern California. The grantee assisting in diversion planning is Portland State University. Grantees have not been selected for the third and fourth priority areas.

A separate group of related awards will be made to undertake the actual evaluations of projects funded under each program area. One grantee will be responsible for coordinating the evaluations of all projects funded under a program area and for developing a comprehensive report. Separate awards will be made to evaluate each action project, gathering standard information for the overall evaluation and taking advantage of the unique research opportunities offered by each project.

Assessing Current Knowledge

The first task in evaluation planning for the priority areas is to compile and assess available knowledge. These efforts are based on studies undertaken through the National Evaluation Program (NEP) of the National Institute of Law Enforcement and Criminal Justice (NILECJ), LEAA's research arm for adult criminality. The NEP studies relating to juveniles are being monitored by the Juvenile Justice Institute. Each NEP study will define the topic area, develop a system for classifying project types within the universe being studied, make site visits, review existing literature, and develop research designs for future evaluations.

The first NEP juvenile-related study, on Youth Service Bureaus, has been completed. Other studies, on diversion and alternatives to incarceration, alternatives to detention, and delinquency prevention, will be completed by November.

The Juvenile Justice Institute is funding other similar assessment programs whose results will feed directly into program planning. These include a study of intervention programs designed to reduce crime in the schools and a study of juvenile gangs in the 12 largest U.S. cities. The Institute also is beginning assessments of intervention techniques for the treatment of violent juvenile offenders and a study on the relationship between delinquency and learning disabilities.

Training

The Juvenile Justice Act mandates a major role for the Institute in training persons who work with troubled youth. The Institute is in the process of developing such a program,

which will include training conducted within the Institute, other efforts conducted by national and regional organizations, and technical training teams to assist the States by training the trainers.

Both extensive training sessions to develop basic skills and short-term courses to expose people to new skills will be developed. Those to be trained are professional, paraprofessional, and volunteer personnel, including those involved in law enforcement, education, judicial functions, welfare work, and other fields.

Standards

The Institute also is required to review existing reports, data, and standards relating to the juvenile justice system and to develop recommended standards for the administration of juvenile justice at the Federal, State, and local level.

The Institute is coordinating this effort with two other ongoing standards-development projects--the Juvenile Justice Standards Project, conducted by the American Bar Association and the Institute of Judicial Administration in New York, and the Standards and Goals Task Force. The latter is funded by LEAA as part of its followup effort to the work of the National Advisory Commission on Criminal Justice Standards and Goals, whose reports were published in 1973.

Other Projects

The Institute is funding or developing a number of projects that relate to its mandates to disseminate information, to conduct research, and to perform evaluations. A few of these are described below.

Juvenile Delinquency Assessment Centers. As a major aspect of its information program, the Institute proposes to establish several Assessment Centers, each to focus on a different aspect of juvenile delinquency or juvenile justice. Each will collect, synthesize, and disseminate information within a topic area.

Juvenile Corrections. Continuation support is being provided to the National Assessment of Juvenile Corrections project at the University of Michigan. This project seeks to: (1) develop objective, empirical bases for assessing the

78-464 O - 77 - 31

relative effectiveness of correctional programs, (2) generate systematic, comparative, and comprehensive nationwide information about major aspects of juvenile corrections, and (3) make policy recommendations about juvenile programs.

Effects of Alternatives to Incarceration. Harvard University is continuing a multiyear evaluation of the Massachusetts experiment in alternatives to incarceration for juveniles. The project is evaluating the community-based programs developed since Massachusetts closed its training schools in 1972.

Respondents Panel. A grant to the National Center for Juvenile Justice, the research arm of the National Council of Juvenile Court Judges, will support a panel of knowledgeable people on juvenile matters who will act as a sort of early warning system on trends in juvenile justice. The panel also will collect limited amounts of information such as arrest data on particular types of offenders.

TECHNICAL ASSISTANCE

The Juvenile Justice Act requires that technical assistance be provided to (1) public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs, and (2) Federal, State, and local governments, courts, public and private agencies, institutions, and individuals for planning, establishing, funding, operating, or evaluating juvenile delinquency programs.

The Office of Juvenile Justice also has responsibility in conjunction with several other offices within LEAA to prepare guidelines for States and to help them develop juvenile delinquency plans. To carry out these responsibilities the Office of Juvenile Justice has established a Division of Technical Assistance with the following functions:

o To coordinate activities with other sections of the Office to insure that a comprehensive and efficient use of juvenile delinquency resources is maintained, and that national and regional staff have the necessary juvenile justice expertise;

o To help the Juvenile Delinquency Specialists in the regional offices to (1) develop a technical assistance strategy that will assess regional, State, and local juvenile justice needs,

and (2) develop and implement standards and guidelines for juvenile justice and delinquency prevention;

o To support other LEAA offices in planning, developing, and conducting ongoing training activities for the Juvenile Delinquency Specialists in the regional offices and in the SPA's on techniques and program methods to implement the Juvenile Justice Act successfully;

o To help States, communities, public and private agencies and organizations, and individuals to enhance their capacity to undertake effective program planning design and implementation; and

o To review the juvenile justice component of the States' comprehensive plans, including (1) State methods of deinstitutionalizing status offenders; (2) State plans and goals including methods to segregate adult and juvenile offenders, to address the incidence of juvenile delinquency, and to identify program approaches that might benefit other jurisdictions; and (3) State technical assistance needs and problem areas.

Part Three

Analysis of the Federal Juvenile Delinquency Prevention Role

For nearly three-quarters of a century, the Federal Government has been spending money to prevent juvenile delinquency and rehabilitate delinquents. But the overall Federal effort has eluded definition. "Prevention," "enforcement," and "treatment" activities make up a variety of programs that are indirectly related to law enforcement and criminal justice. However, the relationships among these programs have heretofore not been clearly drawn or defined.

In 1972 and 1973, the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, aided by the Census Bureau, produced catalogs of all Federal programs defined as being related to juvenile delinquency. These catalogs described the qualitative nature of the programs, department-by-department. However, they did not attempt to describe any unifying program characteristics, and thus did not aggregate the many separate efforts into a coherent framework.

The analysis in this report brings up to date the description of the Federal Government's role in juvenile delinquency prevention. It includes the following parts:

A Profile of the Current Federal Effort. This section concerns the question of what "related to juvenile delinquency" really means.

Priority Needs and Spending Patterns. This section discusses the assumptions in current Federal delinquency prevention programs and how these relate to priorities.

Assessment of Federal Program and Project Evaluations. This study, which preceded the creation of the Office of Juvenile Justice, was conducted by the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. However, the document contains important background information directly related to information in this analysis.

Information Needs. This part discusses Federal information needs and plans to meet them. A major goal is to bridge the gap between evaluative information and planning decisions about what should be done in the future.

Finally three appendices contain program-by-program information on the 117 individual Federal efforts currently defined as "related to juvenile justice and delinquency prevention." The first gives program budgets for the past 3 years; the second explains and amplifies data bases used for the budget analysis; and the third contains abstracts of the 117 Federal programs. The Appendices are printed as Volume II.

Criteria Development

The Juvenile Justice Act requires the Administrator to develop a detailed statement of criteria for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

The Office of Juvenile Justice is in the process of developing these criteria which will be included in the Second Annual Report of the Office of Juvenile Justice and Delinquency Prevention, to be submitted by the LEAA Administrator to the President and to the Congress prior to September 30, 1976.

The ambiguity of many of the terms for which criteria are being developed has added to the problems of juvenile delinquency prevention and control. The process of developing them therefore is designed to achieve consensus among a broad range of professionals working in the delinquency area. Members of the Coordinating Council and the National Advisory Committee are involved in this development process.

A PROFILE OF THE CURRENT FEDERAL EFFORT

The 1972 inventory of Federal programs related to juvenile justice and delinquency prevention contained a total of 166 programs. In the 1973 update, this number dropped to 132 through the termination of some programs and the consolidation of others. This list was subsequently used as an official inventory of the Federal effort during the preparation of the Juvenile Justice Act, and during the work of the Task Force that preceded the Office of Juvenile Justice and Delinquency Prevention.

When the Office was formed, one of its first actions was to update the list and obtain basic information about the Federal activities described. This included identifying 15 new programs that postdate the Census Bureau survey. After additions, deletions, and consolidation, the number of programs shrank to 117; all are described in the appendices to this report.

It should be emphasized that even the updated inventory discussed here is a preliminary one. One of the requirements of the Juvenile Justice Act is that LEAA establish detailed criteria for deciding what activities fall within the purview of the Act. A process has been established for developing these criteria, which will be the basis for a definitive program inventory in the future.

DEFINING THE FEDERAL EFFORT

The Federal money spent on and around the juvenile delinquency problem in FY 1975 totals somewhere between $92 million and $20 billion. There are two principal reasons for this huge discrepancy in estimates. The first is that programs to prevent delinquency have a very different focus than programs to respond to delinquency, and this difference interferes with comparisons of program-level budget totals. A million dollars spent on salaries for juvenile probation officers may or may not be more "useful" in combating delinquency than a million dollars spent on salaries for teachers in ghetto schools. However, the proportions of the money that should be included in a "delinquency expenditures" category are clearly different.

In the former case, the dollars are spent exclusively on youth who are judged delinquent, for the explicit purpose of making them less delinquent; thus the entire million dollars can be classified as "spent on the delinquency problem."

In the latter case, the dollars for teachers are spent on a population that may include predelinquents, but for purposes that do not relate specifically to preventing delinquency. Therefore the number of dollars actually spent on "the delinquency problem" is substantially less than a million, though the precise number remains unknown.

This first source of uncertainty about the magnitude of the Federal effort is inevitable for the foreseeable future. There are no prorating formulas for calculating the antidelinquency component of an extra teacher or a free school lunch.

A second source of uncertainty is purely a matter of reporting. For most programs, only a portion of the projects have any relationship to delinquency, and the distorted estimates produced by aggregating program budgets will persist until project-by-project data are available. To add all of the budget for LEAA's discretionary grant program, for example, grossly overstates the dollars used for delinquency projects; though some of the grants are directly and wholly related to delinquency, others are wholly unrelated.

Thus in the discussion of dollar resources committed to the "Federal effort," four types of effort must be specified separately.

The Direct Federal Effort to Deal with Delinquency and Predelinquent Youth. This effort embraces 10 programs that are exclusively and explicitly devoted to the delinquency problem and thus make up the core of the Federal effort. For convenience, these activities will be labeled "delinquency treatment programs."

The Direct Federal Effort to Assist Vulnerable Segments of the Youth Population. These are the prevention (defining "prevention" broadly) programs. To fit in this category, a program must meet three criteria:

- The benefits of the program must be directed explicitly toward youth (persons under 21 years of age).

- The bulk of that youth population must be considered especially vulnerable to delinquency (e.g., socially or economically disadvantaged).

- The service or benefit must explicitly or implicitly compete with factors believed to be direct causes of delinquent behavior.

Thirty-six programs meet these three criteria. The short label for this category is "programs for youth at risk."[1]

Related parts of the general Federal effort to upgrade law enforcement and criminal justice. This category includes all Department of Justice programs that include juveniles as one of the target populations without focusing on them exclusively. The label for this category of 15 programs is "related law enforcement/criminal justice (LE/CJ) improvement programs."

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[1]This does not imply that the true population of "youth at risk" is composed uniquely of the socially and economically disadvantaged. There are also population segments that are at risk because of mental and psychological disabilities, family conditions, and the many other causes of delinquency about which little is known. However, the main targets of programs in this category are the presumed social, educational, and economic causes of juvenile delinquency.

Related Parts of the General Federal Effort to Upgrade the Quality of Life--Specifically Those Activities with Special Relevance to Youth. This title embraces a wide variety of programs, ranging from food stamps to parks and from mental health to summer jobs. The rationale for linking these 57 programs with delinquency prevention is usually tenuous, and the proportion of the program budgets devoted to youth is often small. As an aggregate, this category is not a meaningful gage of the magnitude of the Federal effort to combat delinquency. These programs will be called "related general programs."

FEDERAL SPENDING

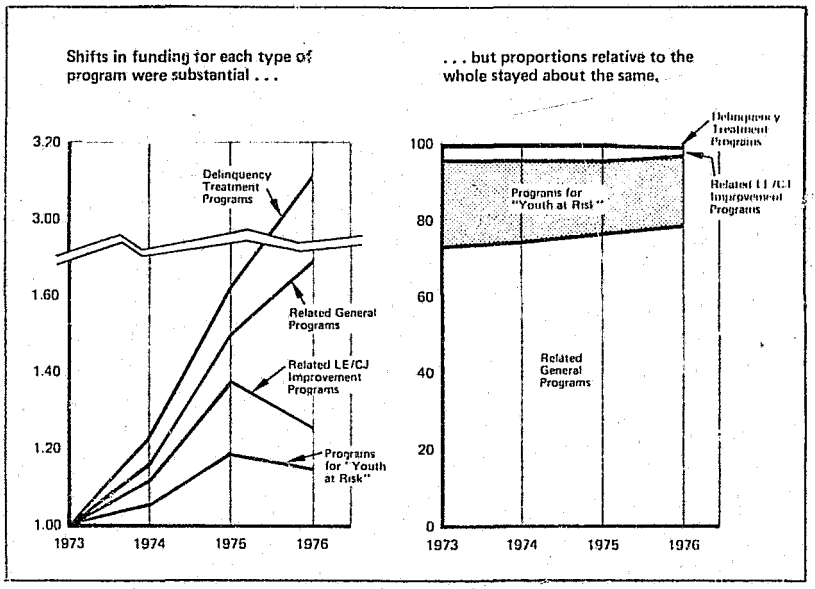
These descriptions of the four Federal efforts reveal that the number of dollars actually devoted to juvenile delinquency falls far short of the $20 billion total budget of the 117 programs included in the Federal inventory. A noteworthy aspect of that budget total is that only one-half of 1 percent was devoted to direct treatment programs, and only 18 percent to programs providing services to the overall population of youth at risk. More than 80 percent represents budgets of programs only distantly or partially related to the delinquency problem. The exact totals for the four types of effort in FY 1975 are displayed in Table III-1.

Table III-1. AGGREGATE FY-1975 FUNDING FOR THE FOUR TYPES OF FEDERAL EFFORT

TYPE OF PROGRAM	FY 1975 FUNDING (000,000)	% OF TOTAL
Delinquency treatment programs	$ 92.0	0.5
Programs for youth at risk	3635.3	18.1
Related LE/CJ improvement programs	920.8	5.8
Related general programs	15154.0	75.6
TOTAL	$19802.1	100.0

The FY 1975 proportions for the aggregated budgets are roughly comparable to those in the preceding 2 years and those projected for FY 1976, as shown in Figure III-1.

Figure III-1. PERCENTAGE CHANGES IN FUNDING (FY 1973 to FY 1976)



The budgets for related LE/CJ programs and programs for "youth at risk" are projected to drop somewhat during FY 1976, after moderate increases from FY 1973 through FY 1975. Related general programs continue to expand steadily. Delinquency treatment programs jumped dramatically, but this was partially the result of budget relabeling upon creation of the Juvenile Justice Office, rather than real increases in funds devoted to delinquency.

Another noteworthy point about the overall budget is that the proportions devoted to each type of effort change dramatically

when viewed from a per capita standpoint. Using the FY 1975 budget data, a per capita approach to the budgets yields this breakdown by type of Federal effort:

o The $92 million for delinquency treatment programs was focused on the 1.2 million to 1.4 million juveniles taken into custody. Per capita expenditure: $66-$77.[2]

o The $3635.3 million for youth-at-risk programs was focused primarily on youth in poor families--a population of roughly 12.1 to 23.3 million. Per capita expenditure: $156-$300.[3]

o The $920.8 million for related LE/CJ improvement programs was focused on the 4.0 to 4.8 million adults and juveniles in contact with the criminal justice system as offenders. Per capita expenditure: $192-$230.[4]

o The $15,154 million for related general programs was mostly, but by no means exclusively, focused on the poor (at least one-third and as much as two-thirds of the U.S. population) or roughly 72.2 to 144.4 million people. Per capita expenditure: $105-$210.[5]

Table III-2 shows the range of per capita expenditures represented by the 117 programs.

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[2]The lower boundary is taken from the Uniform Crime Reports (UCR), 1973 (the most recent edition available) on the total juveniles taken into custody by all agencies (Table 21, p. 119). The number is not extrapolated; the figures for 1971, 1972, and 1973 remained nearly constant. The upper boundary assumes a possible 20 percent increase in 1975.

[3]Both figures are taken from the Statistical Abstract of the United States, extrapolated from 1970 census data. The lower boundary is youth under 21 living in families at or below the poverty level; the upper boundary is youth under 21 living in families in the bottom quarter of the income distribution.

[4]Lower boundary: 1973 total of adults arrested and juveniles taken into custody (UCR Tables 21, p. 119, and 22, p. 124). Upper boundary assumes a 20 percent increase in the 1975 figures.

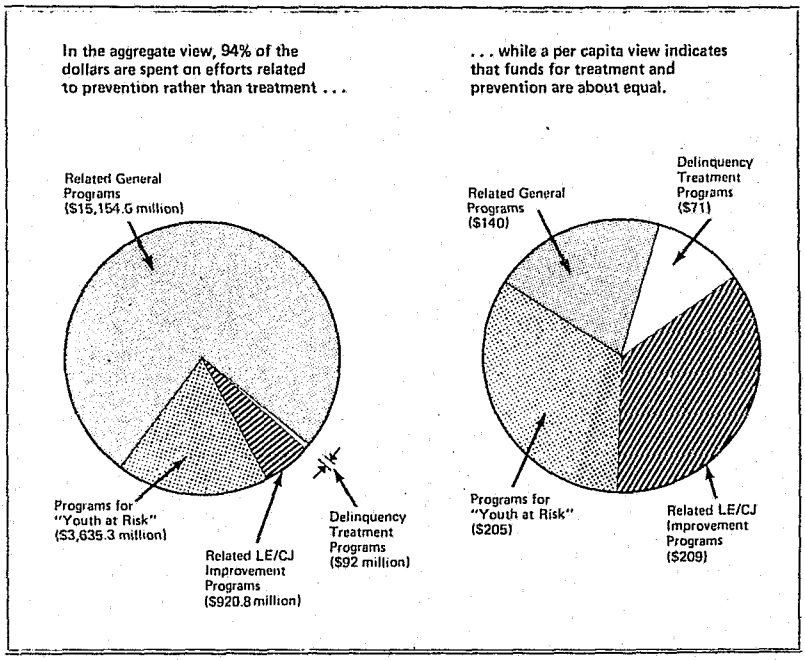
[5]Based on a 1975 population projection of 216 million, taken from the Statistical Abstract, 1972, Table 7, p. 8.

Table III-2. ESTIMATES OF PER CAPITA FY 1975 FUNDING FOR THE FOUR TYPES OF FEDERAL EFFORT

TYPE OF PROGRAM	LOWER POP. ESTIMATE		UPPER POP. ESTIMATE	
	Dollars	% of Total	Dollars	% of Total
Delinquency treatment programs	77	9.4	66	12.7
Programs for youth at risk	300	36.7	156	30.1
Related LE/CJ improvement programs	230	28.2	192	37.0
Related general programs	210	25.7	105	20.2
TOTAL	$817	100.0	$519	100.0

Per capita expenditures have been discussed in terms of ranges because the sizes of the target populations can only be estimates. But even assuming a generous margin of error, the change in the profile of expenditures is extreme, as shown in Figure III-2. For purposes of illustration, per capita expenditures in the figure are calculated assuming target populations are midway between the upper and lower boundaries.

Figure III-2. CONTRAST BETWEEN AGGREGATE AND PER CAPITA VIEWS OF THE FOUR TYPES OF EFFORT (FY 1975)



The most significant contrast in the figure concerns the relative importance of treatment within the criminal justice system (delinquency treatment and related LE/CJ programs) as compared to nonspecific preventive programs (youth at risk and general related programs). Preventive programs virtually monopolize the aggregate expenditures, but only constitute about half of the per capita expenditures. In this sense it is wrong to view the current Federal effort as overwhelmingly or even predominantly prevention-oriented.

FUNDING SOURCES

The question of which agency is spending how much depends on whether aggregate or per capita estimates are used. Figure III-3 indicates the magnitude of department-by-department contrasts.

The changes in proportions are so great that it is more informative to discuss funding sources for the 117 programs in terms of type of Federal effort, rather than as a whole. As Figure III-4 indicates, the categories of delinquency treatment and related LE/CJ programs were dominated by the Department of Justice (DOJ). Youth-at-risk programs were primarily administered by the Department of Health, Education, and Welfare (HEW). The three biggest sponsors of related general programs were the Departments of Agriculture (USDA), Transportation (DOT), and Housing and Urban Development (HUD). They did so by virtue of a few programs with small portions devoted to youth but very large overall budgets. This situation points up the dubious significance of the related general category when dealing with program-level budgets.

Following Figure III-4 is a detailed discussion of the funding sources for each type of program. Aggregates for each agency are based on program budgets, not project budgets.[6]

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[6]The errors this introduces are unavoidable at this time, and probably substantial. For example, LEAA alone has been spending more than $100 million annually since 1972 on projects directly and exclusively devoted to delinquency, yet Department of Justice programs directly and exclusively devoted to delinquency had budgets aggregating only $60 million. The remainder of the juvenile justice projects were funded under programs that fit the related LE/CJ category. Presumably the figures for other agencies are similarly distorted by the absence of project-by-project information.

Figure III-3. CONTRAST BETWEEN AGGREGATE AND PER CAPITA VIEWS OF FUNDING SOURCES (FY 1975)

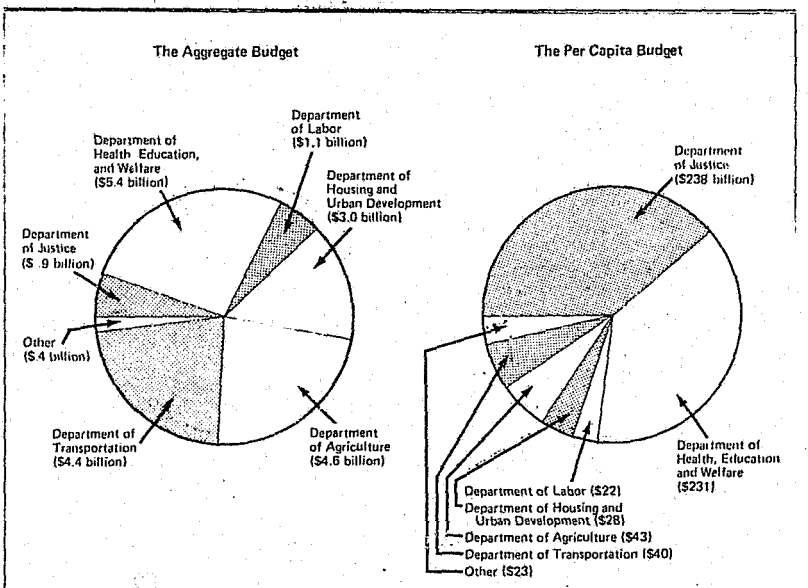
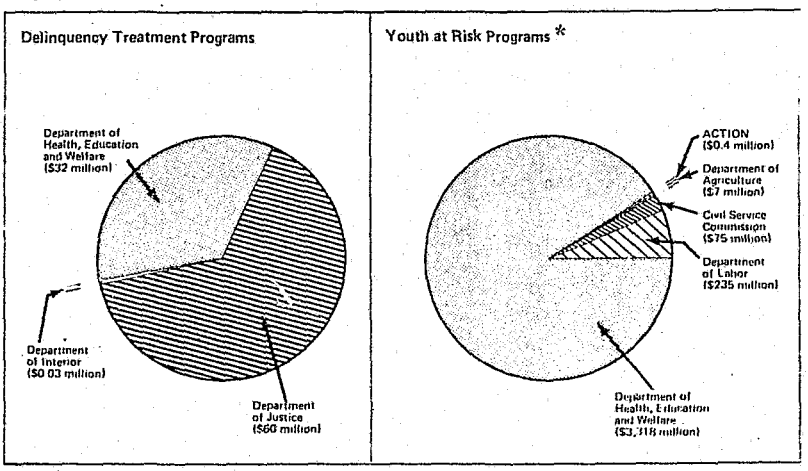
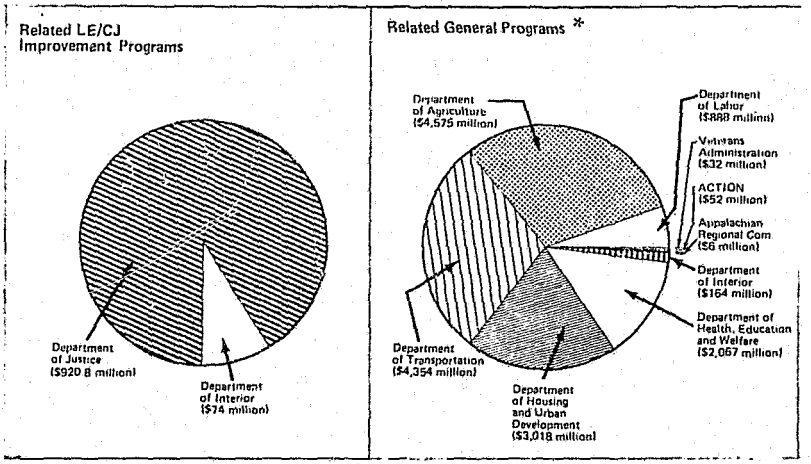


Figure III-4. FY 1975 FEDERAL EFFORTS BY FUNDING SOURCE



*This figure does not include the Department of Labor's Summer Jobs Program because a supplemental appropriation of $456 million was not made until June 16, 1975--too late for inclusion in this analysis. In FY 1975 the program goal is to provide summer jobs for more than 840,400 economically disadvantaged youths.

Figure III-4. FY 1975 FEDERAL EFFORTS BY FUNDING SOURCE (Continued)



*Late revisions to the budget totals provided by program officials reveal that the figures for Department of Agriculture (USDA) programs were too low. The changes bring USDA programs from 30.2 percent to 33.7 percent of the total for "related general programs," and raise the dollar figure for that set of programs by 5.4 percent. This implies some changes in other figures and tables that include data on related general programs. None of these significantly affect the shape of the budget priorities described in this section.

78-464 O - 77 - 32

Delinquency Treatment Programs

The Justice Department, and more specifically LEAA, is the primary funding source for programs dealing directly with delinquent behavior. Of the $92 million spent in 1975, DOJ accounted for almost two-thirds. HEW spent $31.8 million on programs classified in this category, through its activities for runaway youth and one of its programs for educationally deprived children. The Department of the Interior (DOI) administered the only other Federal activity directly related to youth already considered delinquent (see Table III-3).

Table III-3. DELINQUENCY TREATMENT PROGRAMS

Justice-LEAA (OJJDP)	Interior-Bureau of Indian Affairs
Concentration of Federal Efforts	Detention Facilities and Institutions Operated for Delinquents
Formula Grants	
National Institute for Juvenile Justice and Delinquency Prevention	HEW-Office of Education
Special Emphasis Grants	Educationally Deprived Children--State-Administered Institutions Serving Neglected or Delinquent Children
Technical Assistance	
Justice-Bureau of Prisons	HEW-Office of Human Development
Operation of Juvenile and Youth Institutions	Runaway Youth Program
Operation of Young Adult Institutions	

Programs for Youth at Risk

Programs focused on preventing delinquency cover a spectrum so broad that it is more accurate to label them as programs directed toward youth at risk than as delinquency prevention programs. Grouped under this category are school activities, vocational opportunities, recreational outlets, and similar programs.

HEW is the major funding agency for these preventive activities. In FY 1975 that department expended $3.3 billion, or more than 91 percent of the total for this category. Representative activities included the Office of Education's programs for vocational education and for educationally deprived children, and the Head Start Program in the Office of Child Development.

The Department of Labor funded the Job Corps and two apprenticeship programs in FY 1975. A similar training program in USDA--the Youth Conservation Corps--expended approximately $6.7 million in FY 1975. Obligations of $75 million for two Civil Service Commission programs employing disadvantaged youth in Federal positions, and of $310,000 for ACTION's Youth Challenge Program, complete Federal expenditures for direct prevention programs.

Table III-4. PROGRAMS FOR YOUTH AT RISK

HEW-Office of Education

Bilingual Education
Dropout Prevention
Educationally Deprived Children--Local Educational Agencies
Educationally Deprived Children--Migrants
Educationally Deprived Children--Special Grants for Urban and Rural Schools
Educationally Deprived Children--Special Incentive Grants
Educationally Deprived Children--State Administered Institutions
Educational Personnel Development--Urban/Rural School Development
Educational Personnel Training Grants: Career Opportunities
Follow Through
Special Services for Disadvantaged Students in Institutions of Higher Education
Supplementary Educational Centers and Services: Special Programs and Projects

HEW-Office of the Secretary (Human Development)

Child Development--Child Abuse and Neglect: Prevention and Treatment
Child Development--Child Welfare Research and Demonstration Grants
Child Development--Head Start
Child Development--Technical Assistance

HEW-Social and Rehabilitation Service

Child Welfare Services

Labor-Manpower Administration

Apprenticeship Outreach
Apprenticeship Training
Job Corps

USDA-Forest Service

Youth Conservation Corps

HEW-Office of Education (Continued)

Supplementary Educational Opportunity Grants
Talent Search
Teacher Corps
Upward Bound
Vocational Education Program--Basic Grants to States
Vocational Education Program--Cooperative Education
Vocational Education Program--Curriculum Development
Vocational Education--Innovation
Vocational Education--Research
Vocational Education--Special Needs
Vocational Education--State Advisory Councils
Vocational Education--Work Study

Civil Service Commission

Federal Employment for Disadvantaged Youth--Part-Time
Federal Employment for Disadvantaged Youth--Summer Aides

ACTION

Youth Challenge Program

Related Law Enforcement/Criminal Justice Improvement Programs

The Departments of Justice and the Interior fund programs related to youth already labeled delinquent. The programs deal with law enforcement, courts, and corrections for both adults and juveniles. DOJ expended more than 92 percent of the obligations in this category. A large share of these expenditures was for LEAA's discretionary and formula grants programs. The remainder represents the Bureau of Prison's expenditures on corrections. Two programs in DOI's Bureau of Indian Affairs are oriented toward improving law enforcement and criminal justice for native Americans.

Table III-5. RELATED LAW ENFORCEMENT/CRIMINAL JUSTICE IMPROVEMENT PROGRAMS

Justice-Drug Enforcement Administration

Public Education on Drug Abuse: Technical Assistance
Research on Drug Abuse

Justice-Bureau of Prisons

Correctional Services, Technical Assistance
National Institute of Corrections
Operation of Female Institutions

Justice-LEAA

Criminal Justice--Statistics Development
Law Enforcement Assistance--Comprehensive Planning Grants
Law Enforcement Assistance--Discretionary Grants
Law Enforcement Assistance--Improving and Strengthening Law Enforcement and Criminal Justice
Law Enforcement Assistance--Student Financial Aid
Law Enforcement Assistance--Technical Assistance
Law Enforcement Research and Development--Graduate Research Fellowships
Law Enforcement Research and Development--Project Grants

Interior-Bureau of Indian Affairs

Indian Law Enforcement Services
Social Services

General Related Programs

Programs classified in this category cover a wide range of activities, most of them only tangentially related to preventing delinquency. Agency-by-agency expenditures for this category tell little about the magnitude of relevant spending because huge portions of program money are not related to delinquency.

For example, DOT spent more than $4.3 billion in FY 1975 on the two programs included in this analysis, but only a fraction of that money was devoted to the environmental improvements that led the Census Bureau to view the two programs as delinquency-related.

USDA spent more than 33 percent of the funds in this category on food and nutrition programs for economically disadvantaged populations and school children. HEW also supported school programs and others dealing with mental health and alcohol and drug abuse. Total HEW spending for programs in this category was $2.7 billion.

Labor Department programs emphasized career exploration and vocational training; almost $888 million was obligated in FY 1975 for these activities. HUD approved more than $3 billion in block and discretionary grant programs, including approximately $428.4 million for capital costs in low-rent public housing modernization. Finally, DOI, the Veterans' Administration, ACTION, the Civil Service Commission, and the Appalachian Regional Commission also funded programs related to delinquency prevention.

Table III-6. GENERAL RELATED PROGRAMS

HEW-Health Services Administration

Indian Health Services

HEW-National Institute of Education

Educational Research and Development

HEW-National Institute of Mental Health

Community Mental Health Centers
Mental Health Fellowships
Mental Health Research Grants
Mental Health Training Grants

HEW-National Institute on Alcohol Abuse and Alcoholism

Alcohol Community Service Programs
Alcohol Demonstration Programs

HEW-National Institute on Drug Abuse

Drug Abuse Community Service Programs
Drug Abuse Demonstration Programs

HEW-Office of Education

Adult Education--Grants to States
Adult Education--Special Projects Program
Drug Abuse Prevention
Library Services--Grants for Public Libraries
National Direct Student Loans
Supplementary Educational Centers and Services, Guidance, Counseling, and Testing

HEW-Office of the Secretary (Human Development)

President's Commission on Mental Retardation
Rehabilitation Services and Facilities--Basic Support
Rehabilitation Services and Facilities--Special Projects

HEW-Social Rehabilitative Service

Maintenance Assistance (State Aid) Program
Public Assistance Research

USDA-Cooperative Extension Service

4-H Youth Development Program

USDA-Food and Nutrition Service

Food Distribution
Food Stamps
Special Food Service Program for Children
School Breakfast Program
Nonfood Assistance for School Food Service Programs

USDA-Food and Nutrition Service (continued)

National School Lunch Program
Special Milk Program for Children

HUD-Community Planning and Development

Community Development--Block Grants
Community Development--Discretionary Grants

HUD-Office of Policy Development and Research

General Research and Technology Activity

DOI-Bureau of Indian Affairs

Social Services
Drug Program
Indian Reservation Projects
Indian Social Services--Child Welfare Assistance
Indian Employment Assistance
Indian Education--Colleges and Universities
Indian Education: Assistance to Non-Federal Schools

DOI-National Parks Service

Parks for All Seasons

DOI-Bureau of Outdoor Recreation

Outdoor Recreation--Technical Assistance

DOL-Manpower Administration

Employment Service Program
Work Incentive Program
National On-the-Job Training
Farmworkers Program
Manpower Research and Development Projects
Indian Manpower Program

DOL-Wages and Hours Division

Work Experience and Career Exploration Program

DOT-Federal Highway Administration

Highway Research, Planning, and Construction

DOT-National Highway Traffic Safety Administration

State and Community Highway Safety Program

ACTION

Foster Grandparents Program
VISTA

Appalachian Regional Commission

Appalachian State Research, Technical Assistance, and Demonstration Projects

Civil Service Commission

Federal Summer Employment

Veterans' Administration

Veterans Rehabilitation--Alcohol and Drug Dependency

PRIORITY NEEDS AND SPENDING PATTERNS

A fundamental planning question is whether the existing Federal effort coincides with the priorities of the delinquency problem. Data are lacking to answer this question at this time. For example, no one has a clear picture of what functions the States and localities are already adequately filling, or the true effects of techniques being used.

But even without complete information, sensible planning decisions can be made. This analysis therefore presents some preliminary data about Federal spending in order to discern the priorities and assumptions implicit in spending patterns.

Six different types of priorities will be discussed in this section:

- Functional priorities, which include services, planning and research, and training.
- Intervention priorities in the predelinquency, adjudication, and postadjudication phases.
- Corrections priorities--residential or nonresidential.
- Corrections priorities--community-based group homes or training schools and detention centers.
- Research and planning priorities relative to service priorities.
- State priorities in the use of block grant action funds.

The Data Base

This analysis is based on projects that deal directly and exclusively with juvenile delinquency. These include both prevention and treatment efforts, with "prevention" narrowly defined as "identification and treatment of predelinquents." The sample consists of all LEAA-sponsored grants and subgrants from FY 1972 through FY 1975 that focused on delinquency and totaled $100,000 or more. (The assumption is that major grants are the ones that should receive the greatest attention in assessing the directions being taken by LEAA.)

Grants of $100,000 or more made up slightly less than half of the total LEAA funds used for delinquency projects during those 4 years, and approximately 83 percent of all LEAA discretionary funds spent on delinquency.[7] The sample size is 752 (including some cases of consolidation of grants for the same project in the same fiscal year). For a more detailed discussion of the data base, see Appendix B. Table III-7 shows the relationship between the data base for this analysis and LEAA juvenile delinquency funding as a whole.

The data base gives a useful overall project-level profile of the Federal effort in delinquency treatment. However, the profile underestimates the resources being devoted to runaway youth, drug abuse treatment, educational programs in correctional institutions, support of federally operated corrections institutions, and research. The Justice Department's Bureau of Prisons, along with the Office of Education, the Social and Rehabilitation Service, and the National Institutes of Health and of Mental Health (all with the Department of Health, Education, and Welfare) conduct important programs in these areas. The possible effects of these omissions will be noted where appropriate.

FUNCTIONAL PRIORITIES

In the simplest functional breakdown, Federal monies can be applied to the delinquency problem in three ways:

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[7] The majority of LEAA projects are funded by the States through the block grant funds they receive from the Crime Control Act. LEAA also has discretionary money to fund projects of its choice.

Table III-7. GRANTS AND SUBGRANTS OF $100,000 OR MORE AS A SAMPLE OF ALL LEAA JUVENILE DELINQUENCY FUNDING

	DISCRETIONARY GRANTS (Thousands)	SUBGRANTS FROM BLOCK FUNDING (Thousands)	TOTAL (Thousands)
1972			
Total	21,596	86,787	108,383
100K+	18,276	35,884	54,160
1973			
Total	16,920	88,809	105,729
100K+	13,203	39,070	52,273
1974			
Total	13,625	84,616	98,241
100K+	11,017	31,867	42,884
1975			
Total	11,386	18,759	30,145
100K+	9,945	7,266	17,211
Overall FY 1972-75			
Total	63,527	278,971	342,498
100K+	52,441 (82.5%)	114,087 (40.9%)	166,528 (48.6%)

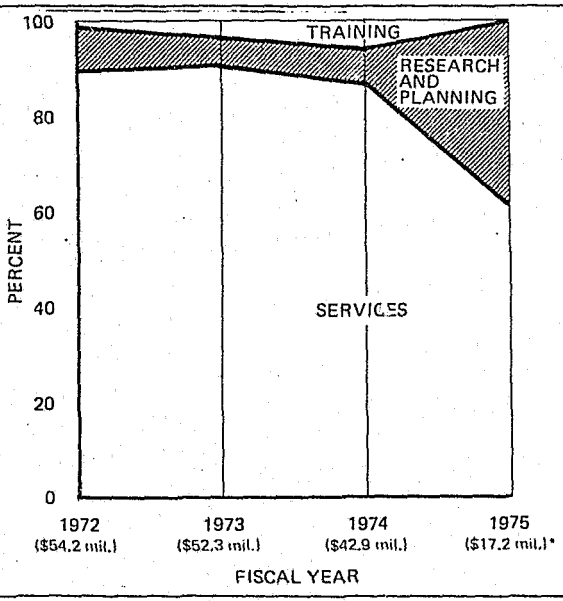
o To augment services being provided by States and localities,

o To conduct research and planning to improve the effectiveness of those services; and

o To train personnel who provide the services.

The implicit priority reflected in LEAA spending on delinquency has been to augment services. The percentage of LEAA funds spent on each category is shown in Figure III-5.

Figure III-5. LEAA JUVENILE FUNDING FOR SERVICES, RESEARCH/PLANNING, AND TRAINING



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

Table III-8 shows the percentage of discretionary and block grant funds spent on the three categories. Overall, almost 9 out of every 10 dollars have been used directly for services. LEAA's discretionary emphasis on services was relatively lower than that of the States, but still very substantial (74.4 percent of discretionary spending).

Table III-8. COMPARISON OF FUNCTIONAL PRIORITIES: LEAA DISCRETIONARY GRANTS AND STATE-LEVEL USE OF BLOCK GRANTS[1]

	DISCRETIONARY (Percent)	BLOCK (Percent)	TOTAL (Percent)
Services	74.4	93.3	87.4
Research and Planning[1]	19.9	4.7	9.5
Training	5.6	2.0	3.1
Total dollars, FY 1972-FY 1975 (in grants of $100,000 or more)[2]	$52,441,000	$114,087,000	$166,528,000

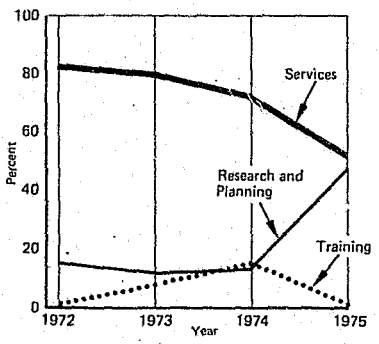
[1]This is based on a conservative rating system. The total includes only those projects that are exclusively for research or planning purposes. It excludes the ordinary "demonstration project," which often has a modest evaluation component, unless it is clear from the abstract that evaluation is a major purpose for undertaking the project.

[2]Figures for FY 1975 are incomplete.

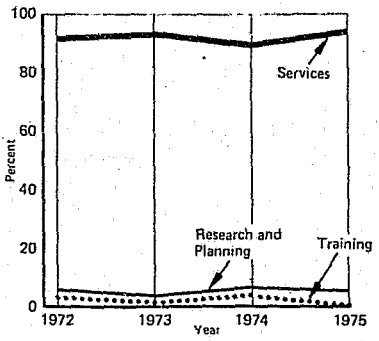
But changes appear to be taking place, as shown in Figure III-6. During FY 1974 to FY 1975, LEAA discretionary funding for research and planning jumped from 13 percent to 47 percent of the total. The dollar figures went from $1,425,000 in FY 1974 to $4,706,000 in FY 1975, and the latter figure represents only a partial compilation of FY 1975 grants.

Figure III-6. PATTERNS OF RESOURCE ALLOCATION: LEAA AND THE STATES

LEAA/Washington has been turning away from simple services delivery . . .



. . . while the States continue to apply more than 90 percent of their delinquency block spending to that purpose.



It remains to be seen whether the States will follow LEAA's lead, and put more of their block grant resources into research and planning. To date they have not. Research and planning have accounted for between 4 and 6 percent of block juvenile-related spending every year from 1972.[8]

Some key assumptions needed to rationalize the emphasis on services are as follows:

o Localities and States are not providing and cannot be expected to adequately provide these services out of their own tax revenues.

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[8]The graphs show zero expenditure of major grants ($100,000 or more) for training purposes in 1975. It should be emphasized that FY 1975 data are incomplete, and that training projects of less than $100,000 have been funded.

o The services are effective enough to justify their cost.

o Enough is known about delinquency to make provision of services a much higher priority than research into service delivery.

The validity of these assumptions undoubtedly varies, depending on the specific service and location. But overall it is fair to say that LEAA spending for juvenile delinquency in 1972 through 1974 implied that a great need existed for additional services, using the techniques at hand. The sharply increased discretionary spending for research and planning in FY 1975 can be seen as one indication that a competing assumption is gaining more attention--that major improvements are necessary in the provision of services, not just more of the same.

OVERALL INTERVENTION PRIORITIES

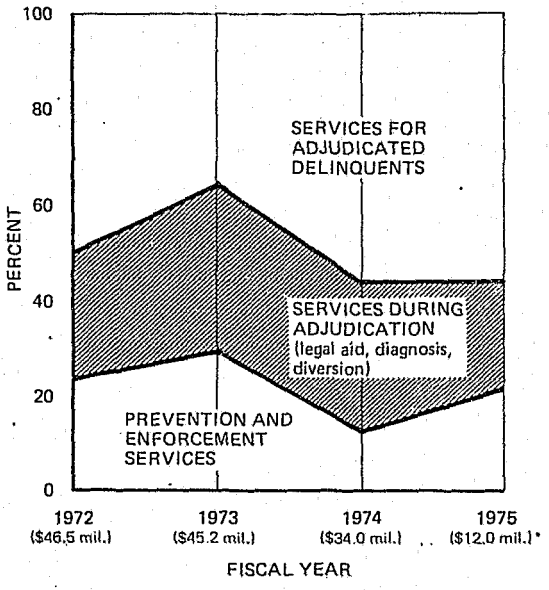
During the last 4 years, the discretionary and block funding of major grants and subgrants for juvenile delinquency services has been divided roughly 20-30-50 among the predelinquency phase, adjudication phase, and postadjudication phase. This is shown in Figure III-7.

LEAA's own discretionary programs have varied from the States' use of their block grants in two ways. First, as Table III-9 indicates, a greater proportion of LEAA discretionary funds than block funds has gone to the predelinquent phase--grants such as those for spotting and working with troubled youth through school programs, or for building up the capacity of police departments to work with predelinquent youth outside of traditional channels. During the 4 years from 1972 to 1975, 28.2 percent of LEAA discretionary funds went for these purposes, compared with 19.5 percent of block funds.

The second distinction between the use of discretionary and block funds for juvenile services is that since 1973, the States have been increasing the proportion going to adjudicated delinquents, and decreasing the amounts for predelinquent and adjudication activities (see Figure III-8).

Some of the services most emphasized in the Juvenile Justice Act (e.g., prevention and diversion) occur in the predelinquent and adjudication periods. Thus, the trend in the use of block funds for delinquency is not in keeping with the priorities stated by the Congress. The use of discretionary funds, however, shows no clear trend at all.

Figure III-7. LEAA JUVENILE FUNDING BY INTERVENTION POINT



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

Table III-9. COMPARISON OF INTERVENTION POINTS: LEAA DISCRETIONARY GRANTS AND STATE-LEVEL USE OF BLOCK GRANTS[1]

	DISCRETIONARY (Percent)	BLOCK (Percent)	TOTAL (Percent)
Prevention and enforcement	26.4	19.5	21.4
Services during adjudication	23.4	33.4	30.7
Services for adjudicated delinquents	50.2	47.1	47.9
Total dollars (in grants of $100,000 or more)[2]	$37,284,000	$100,351,000	$137,635,000

[1]Twenty major projects overlapped all three areas, with none predominating. Total funding for the 20 projects in this "general services" category was $7.8 million during FY 1972-FY 1975.

[2]Figures for 1975

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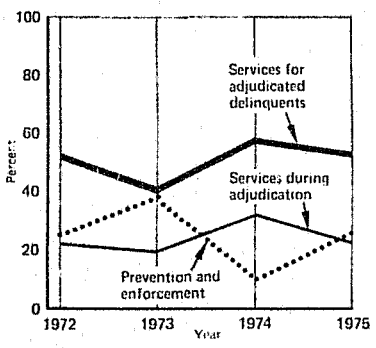
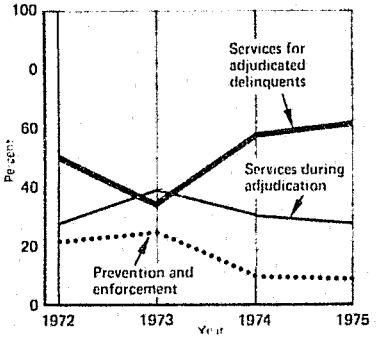
Figure III-8. USE OF DISCRETIONARY AND BLOCK FUNDS: A COMPARISON

Discretionary funding has shown no pattern of change . . .



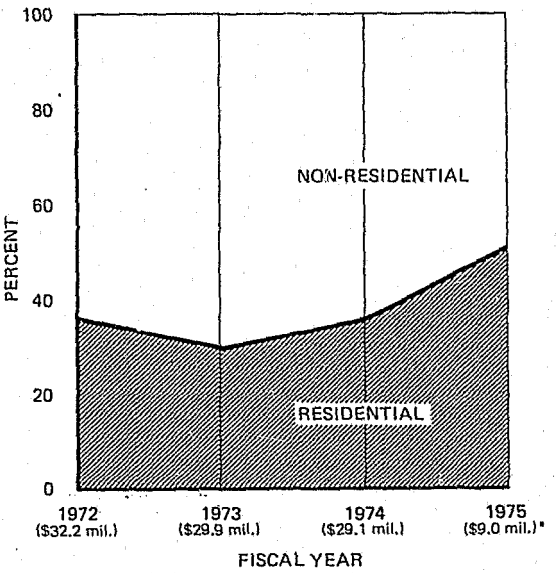
. . . while the States' use of block funds has increasingly focused on the adjudicated delinquent.



CORRECTIONS PRIORITIES: RESIDENTIAL OR NONRESIDENTIAL

A basic corrections decision is whether to put offenders in correctional institutions or to let them live at home. In the juvenile sector the distinction can become blurred, as community-based corrections facilities often combine sleep-in arrangements with virtual freedom during the day. For this analysis, residential includes both community-based group homes and the more traditional "training school" correctional institution. Nonresidential includes both formal probation and a variety of related noncustodial corrections services, including money for "Youth Service Bureaus" that work with diversion systems. The percentages of residential and nonresidential corrections programs funded by LEAA are shown in Figure III-9.

Figure III-9. LEAA JUVENILE CORRECTIONS FUNDING BY TYPE



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

Overall, nonresidential corrections have received the bulk of funds for corrections services. The proportions for discretionary and block spending have been almost identical, as shown in Table III-10.

Table III-10. COMPARISON OF RESIDENTIAL AND NONRESIDENTIAL CORRECTIONS SPENDING: DISCRETIONARY AND BLOCK GRANTS, FY 1972 TO FY 1975

	DISCRETIONARY (Percent)	BLOCK (Percent)	TOTAL (Percent)
Nonresidential	57.5	58.9	58.5
Residential	42.5	41.4	41.5
Total dollars (in grants of $100,000 or more)	$22,200,000	$71,100,000	$93,300,000

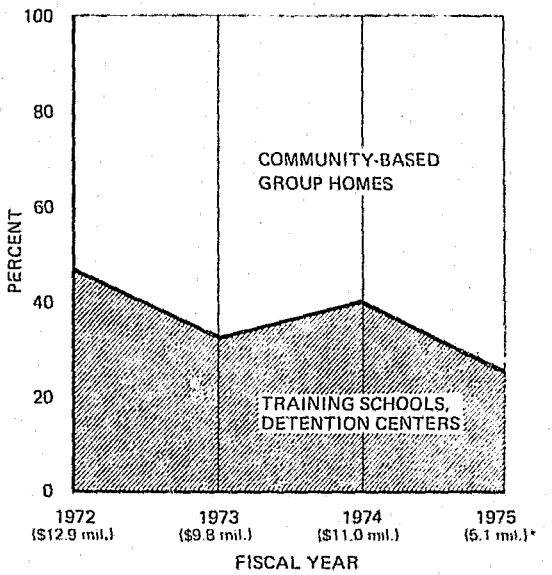
Although overall priority has been given to diversion and probation, a major trend should be noted. As shown in Figure III-9, residential services have received increasing proportions of the correctional budgets in 1974 and 1975. This increase is attributable to the changing use of block grant money by the States. In 1973, they were putting 2.3 times as much of their block money into nonresidential corrections as into the residential type. In 1974, the ratio dropped to 1.2. For 1975, the partial figures available indicate that the balance has shifted, and that residential corrections are now receiving 1.5 as much as nonresidential.

In contrast, discretionary spending on nonresidential corrections has stayed between 50 percent and 60 percent of funding for corrections services, except when it increased to 73 percent in FY 1974.

CORRECTIONS PRIORITIES: GROUP HOMES OR TRAINING SCHOOLS

The idea of community-based corrections has recently enjoyed rising interest, which is reflected in the funding history of major LEAA grants. From FY 1972 through FY 1975, more than 3 out of every 5 dollars in major grants for correctional institutions went to group homes rather than the traditional type of institution. This is shown in Figure III-10.

Figure III-10. LEAA FUNDING FOR JUVENILE CORRECTIONAL INSTITUTIONS BY TYPE



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

There are no clear year-by-year trends for either discretionary or block spending. For block grants, the ratios of group home dollars to training school dollars from FY 1972 to FY 1975 bounced from 1/1 to 3/1 to 1/1 to 8/1. For discretionary grants, the range was smaller but the changes were similarly as inconsistent: from 2/1 to 1/1 to 6/1 to 1/1 during the 4 budget years. There are no indications that a systematic policy favoring community-based group homes has been in effect, yet there appears to be a broad, overall trend in that direction for LEAA and the SPA's as well. As

Table III-11 indicates, the discretionary and block grant proportions spent on the two kinds of corrections were nearly identical.

Table III-11. COMPARISON SPENDING ON CORRECTIONAL INSTITUTIONS: DISCRETIONARY AND BLOCK GRANTS

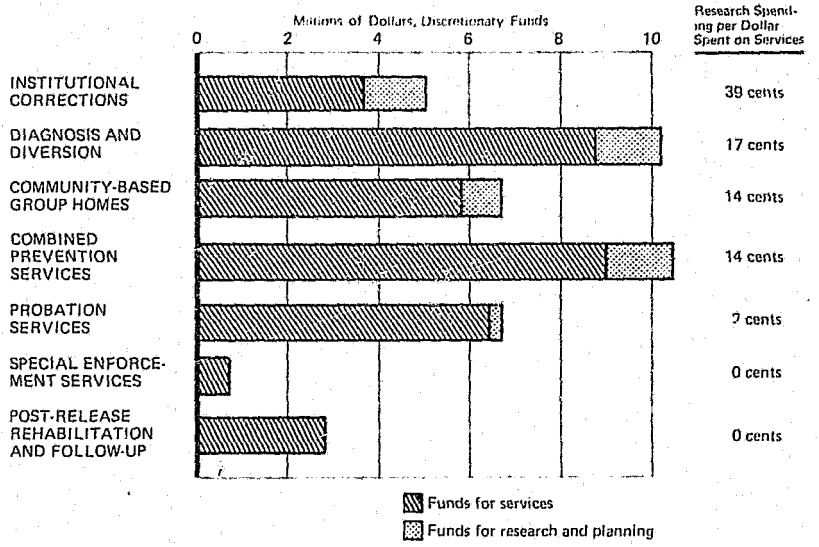
	DISCRETIONARY (Percent)	BLOCK (Percent)	TOTAL (Percent)
Community-based group homes	61.5	60.5	60.8
Training schools, detention centers	38.5	39.5	39.2
Total dollars (in grants of $100,000 or more)	$9,433,000	$29,245,000	$38,678,000

Some of the most innovative projects appeared to be those for the traditional training schools and detention centers. For example, the purposes of many grants were improved diagnostic services or therapy and skills development programs. It would therefore be a mistake to describe community-based efforts as necessarily "advanced" compared to "traditional" training-school projects.

RESEARCH AND PLANNING PRIORITIES

Figure III-11 breaks out the proportions of research/planning funding and provision-of-services funding for certain basic categories of service. The spending patterns imply that institutional corrections of the traditional type require substantial research and planning, and that little is needed for probation services and postrelease followup.

Figure III-11. PLANNING AND RESEARCH PRIORITIES RELATIVE TO SERVICE PRIORITIES (FY 1972-FY 1975)



NOTE: Figures include only grants of $100,000 or more.

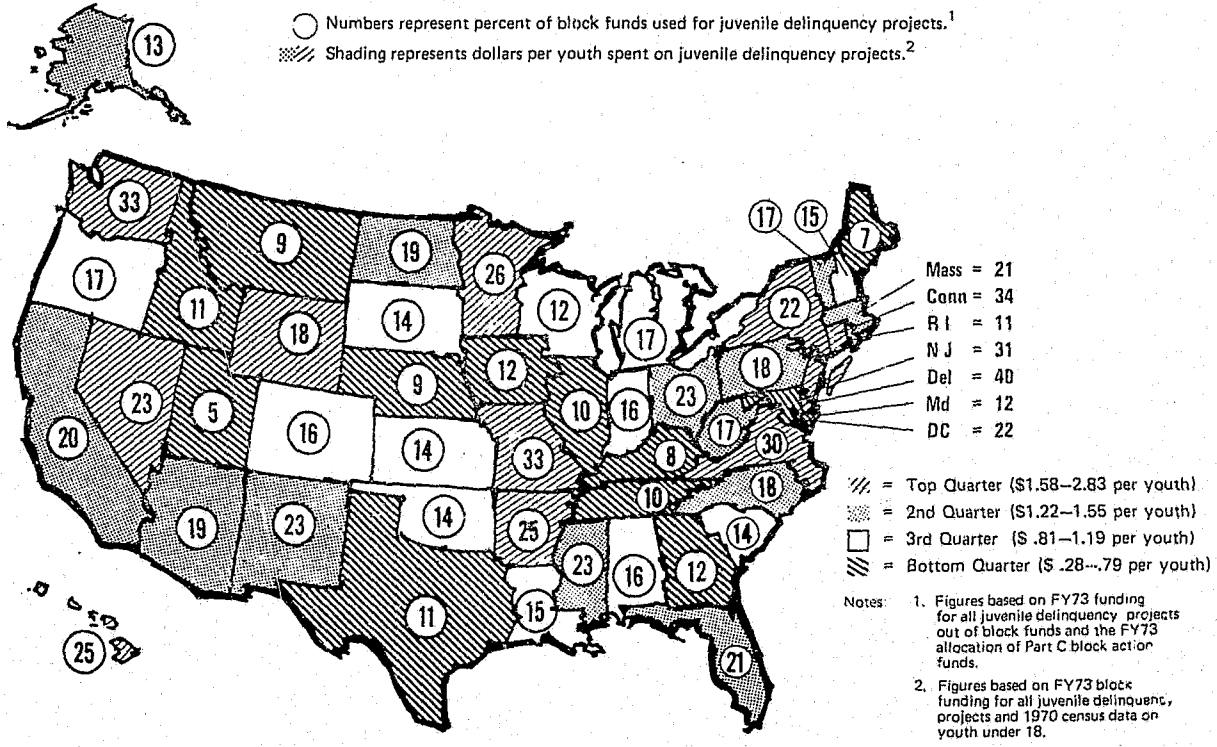
STATE PRIORITIES

The map in Figure III-12 shows the attention States are giving to juvenile delinquency in their use of block action funds. The numbers indicate the percentage of such funds devoted to juvenile delinquency in 1973 (including all projects, not only those of $100,000 or more). The average for the 50 States and the District of Columbia was 18 percent. The shading indicates whether block juvenile expenditures per youth under 18 put a State in the top, second, third, or bottom quarter of all the States.

The problem in interpreting the numbers is, of course, the lack of matching data about the severity of the delinquency

problem. Low percentages and expenditures could reflect the fact that the problem is not serious.

Figure III-12. STATE USE OF LEAA BLOCK FUNDS FOR JUVENILE DELINQUENCY PROJECTS



ASSESSMENT OF FEDERAL PROGRAM AND PROJECT EVALUATIONS

This section reports the findings of a major effort to assess evaluations of federally-operated or assisted programs and projects dealing with juvenile delinquency and youth development. Most of the efforts evaluated were in the federally-assisted category, and involved both operational and demonstration programs.

The study reported here was undertaken by the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs prior to the creation of the Office of Juvenile Justice. The findings are discussed because they are directly related to other information in this analysis. Results of the study have never before been published.

The assessment focused on evaluation at both the program and project levels. However, the central focus was on the latter; thus they are addressed in more detail then are program-level evaluations.

The major objective of the assessment was determining the number of programs and projects involved, who had conducted the evaluations and when they had been designed, levels of effort, methodology, and cost factors.

TYPE I AND TYPE II PROGRAMS AND PROJECTS

The sample for the assessment consisted of 125 Federal programs in the areas of juvenile delinquency and youth development. Of these, 83 were programs whose activities or projects were basically similar in terms of objectives, target population, format, and operation. These projects tended to differ only in

terms of location and funding levels. Such programs are referred to in this report as Type I programs, and projects operated under them are called Type I projects.

In the remaining 42 programs, the projects tended to vary with respect to objectives, target population, operation, funding, and location. These are referred to as Type II program and projects.

The 4-H Youth Development effort is a good example of a Type I--or similar--program. Projects funded under this program tend to have the same general purpose, operational format, and target population.

LEAA Part C block grants represent a Type II--or dissimilar--program. Here the projects range from juvenile court services to police cadet training, and thus differ significantly from one another in intent, subject area, and funding.

METHODOLOGY

All programs that applied to youths in the 0 to 24 year category, and those that had either a juvenile delinquency or youth development focus, were identified and arranged according to three categories: target population, scope or subject matter, and approach. Through this process, 167 Federal programs were isolated, of which 131 were selected for inclusion (not all programs within the 167 program universe are typically evaluated as program efforts). Further adjustments in the baseline resulted in a total of 125 programs in the sample.

Because the identity and location of many of the 120,000 projects under the Type I programs were generally unknown, it was decided that a stratified systematic probability sampling of projects would be inappropriate. A "best evaluation" approach was therefore used in which every Federal level program director was asked to provide the "best evaluation" available for the projects operating under that program.

In contrast, the Type II project universe is rather well chartered. Thus, a stratified, systematic probability sample was developed from the 2,984 projects funded under the 42 Type II programs. This 1-in-20 sample produced a selection of 151 projects, which is statistically representative of the total range of Type II projects.

Data for the assessment of all program level evaluations were obtained from personal interviews conducted with program

managers at the Federal level. Findings were based solely on the results of these interviews. Assessment data for project level evaluations were collected through interviews with project directors and by a systematic analysis of each available project evaluation report.

Because the 83 Type I program managers were each asked to submit one project that represented their best evaluation effort, the Type I sample began with 83 arbitrarily chosen projects. However, a truly representative random sample of 151 projects was drawn from the 42 Type II programs. The differentiation in project sampling procedures means that Type I project evaluation findings cannot be considered as equivalent to Type II evaluation findings, nor can they be compared.

FINDINGS: PROGRAM EVALUATIONS

The assessment found that a substantial number of program evaluations had been undertaken and completed, were in progress, or were planned. Although the number was greater for the Type I sample (55 of the 83 Type I programs reported program-level evaluations, compared to 15 of the 42 Type II programs), the effort for both groups was relatively high.

Another finding was that a number of different groups actively participate in Federal-level program evaluation efforts. For Type I programs, the sponsoring agency's internal research or evaluation unit accounted for 38 percent of the evaluations, as did profitmaking corporations. Universities or other educational institutions made up only 11 percent.

Although the number of Type II programs in this assessment was substantially smaller than the Type I number (only eight were included), a similar finding resulted: one-half of the Type II program evaluations were conducted by the agency's research and/or evaluation division, and 37 percent by a profitmaking corporation. No university or educational institutions participated in the evaluations, however.

The assessment found that cooperative or coordinated evaluation programs are rarely undertaken. For the 55 Type I programs with completed program evaluations, only 11 indicated any kind of cooperative or coordinated effort. In many cases, cooperation occurred in programs that were federally operated, and within agencies that were not likely to have developed an evaluation-oriented, inhouse research unit. Among those 11 programs, there

were 26 instances of interagency cooperation, most of which occurred in the planning and data collection efforts.

In the case of the eight Type II programs for which evaluations had been completed, there were no instances in which cooperative evaluation activities had been undertaken with other Federal agencies.

A substantial financial commitment was found in terms of program evaluations, especially for the 44 Type I programs with available cost figures. While 20 percent of the Type I programs were excluded because of inadequate financial data, it was found that at least one-half of the 44 programs cost more than $100,000 each to evaluate. Only six Type II programs could be included, and the majority of these cost less than $100,000 to evaluate. These figures must be considered, however, as a percentage of the total program funding level, data for which appears below.

Adequate data for determining evaluation funding as a percentage of overall program funding were available for only 31 of the 55 completed Type I program evaluations. Of these 31 programs, the evaluation cost as a percentage of overall funding ranged from .002 percent to 7.3 percent. (The dollar cost range for the evaluation was from $800 to $1 million, while program funding levels for these programs ranged from $63,000 to more than $1 billion.) Twenty-one (67.7 percent) of the completed Type I program evaluations were in the 0 to 1 percent range, 6 (19.4 percent) were in the 1 to 3 percent range, and 4 (12.9 percent) were in the 3 percent or above range. While the widely fluctuating variations in these findings cannot be subjected to significant interpretation because of the relatively small program sample, the findings do serve to indicate the boundaries of the cost of program evaluations as a percentage of program funding levels.

Figures for Type II programs are even more tenuous. Of the eight Type II programs with completed program evaluations, only five had adequate data for computing the percentages. The cost of Type II program evaluations ranged from $2,240 to $200,000, while program funding levels ranged from $6.6 million to slightly more than $500 million. Program evaluation costs as a percentage of overall program funding ranged from .002 percent to .91 percent. But given the small sample size, and the extreme range of figures, the findings for Type II programs are of limited value.

An assessment of the amount of time required to complete the program evaluations was also made for 30 of the 55 completed Type I program evaluations and for 5 of the 8 Type II evaluations. Slightly more than one-half of the former required more than 25 person-months to complete, while 60 percent of the latter fell into this range.

FINDINGS: PROJECT EVALUATIONS

Three kinds of project evaluation efforts--monitoring, progress reports, and research evaluations--were found in the assessment. In general, monitoring and progress reporting evaluations are those that typically account for program effort in narrative form. Research evaluations, on the other hand, are those that employ principles and techniques of scientific method to analyze program outcomes and account for the processes leading to those outcomes. The latter is of particular interest because it provides a more satisfactory analysis of program outcomes and effects.

Type I project evaluations will be presented first. Because of substantial project attrition, only 24 were assessed. Of those 24 projects, 21 submitted evaluations that were complete and included documentation in a form amenable to review and assessment. Of the 21 reports, 6 were the monitoring kind, 7 were progress reports, and 8 (or 38 percent) were research evaluations.

For the 21 Type I project evaluations, it was found that project staff, evaluators from the Federal agency, and universities or other educational institutions performed the evaluations in equal proportions (24 percent each). Only 9 percent of the evaluations were conducted by profitmaking corporations. Universities were more frequently involved in research evaluations, and none were conducted by nonprofit corporations.

Most of the 21 Type I project evaluations (70 percent) were designed in conjunction with the planning of the project itself, while the remaining 30 percent were developed after the project had been either planned or implemented.

The Type I project evaluations were assessed for certain methodological characteristics, specifically the degree to which they specified project and report objectives, used survey-interview techniques, described the techniques being evaluated, employed an experimental design, and attempted to measure change.

Because it is important to determine what the evaluation itself is seeking to accomplish, and because each of these activities is generally considered a critical unit in the evaluation effort, the six methodological considerations were deemed important.

Most of the assessed evaluation methodologies attempted to (1) specify project and/or report objectives, (2) describe the techniques being evaluated, and (3) measure change. Few indicated the use of surveys, and experimental design was the least frequently employed technique.

All research evaluations in the sample specified the project objectives under consideration, while 75 percent used some form of survey technique and 62.5 percent attempted to measure change. Research evaluations were also found to be more likely to specify and describe the "technique" than were progress reports, and were more likely to offer a clear statement of their objectives.

The cost for Type I project evaluations was typically absorbed under the "administrative costs" category, and a typical effort consumed 1 or 2 person-days. Detailed information on these categories was too scarce to provide any meaningful interpretation.

For Type II project evaluations, 151 projects were used to represent the 2,984 selected from Type II programs. Because of the unusually high attrition rate of these projects, 85 were excluded and only 66 were included in the assessment. These 66 projects in turn produced 106 reviewable evaluation reports. In many cases, there was more than one report per project. Of the 106 reports, 24 were monitoring, 63 were progress, and 19 were research evaluation.

In terms of the type of agent conducting the project evaluation, the 106 reports reviewed for this category indicated that the project staff itself was the most active single agent involved in the conduct of the evaluation (61 percent of all cases). However, this is the result of the kind of evaluation undertaken, which in this case was most often the progress report type. More than one-half of all progress evaluations were conducted by project staff, while 66 percent of the monitoring evaluations were conducted by a Federal agency.

While profitmaking corporations and universities were about equally involved in project evaluation activities, their proportion of the total was small (6 and 5 percent respectively). Yet when the 19 research evaluations are considered, it appears that the

profit, nonprofit, and educational institutions are more active in this kind of evaluation (48 percent), and carry a sizable responsibility.

In the majority of cases (67 percent) for all Type II project evaluations, the evaluation had been developed concurrently with the planning of the project itself. Twenty-seven percent had been planned after project implementation, 6 percent after project planning, and 2 percent after completion of the project.

Type II project research evaluations generally exhibit methodological characteristics considered important for accurate and reliable evaluations. The six characteristics used to measure Type I program evaluations were also used for Type II project evaluations: specification of project objectives, specification of report objectives, description of technique evaluated, the use of survey-interview technique, the use of experimental design, and the attempt to measure change.

Slightly more than one-half of the evaluation reports specified, identified, or described the objectives associated with the project, while only 15 percent specified the objectives or purpose of the report itself. Almost all research evaluations and nearly two-thirds of the progress reports provided a description of the techniques being evaluated. Although more than one-half of the research evaluations specified the use of survey techniques, approximately one-half of these failed to use the recommended methods for pretesting or validating, or the methods suggested for selecting interview subjects. Only three of the completed research evaluations involved any use of experimental design, nor was its use widespread among any of the other Type II project evaluations.

Efforts to assess change appeared in one-third of the research evaluations, 16 percent of the progress evaluations, and none of the monitoring evaluations. In all, very few reported using the techniques recommended to control extraneous variables or to account for the effects of change.

This conclusion is reinforced when reviewing the time at which data were collected. Among the research evaluations, three-quarters reported collecting data at only one time--some point during the project. For all three kinds of reports, data collection was a one-time event, and in more than 90 percent of the cases, this was during the project's operational phase.

A review of the kinds of data sources used by the monitoring reports revealed that the "administrative records of project management" and "interviewing/questions with project professionals or providers or service" were the most frequently used data sources. Among progress and research evaluations reports, the two sources most frequently cited were "administrative records of project management" and "administrative records of project subjects," in that order.

While the cost of Type II project evaluations fluctuated greatly, most (70 percent) fell below the $500 range, with very few (10 percent) reporting in the $1,000 or more range. Information on the amount of time expended on the preparation of research evaluations indicated that the evaluation activity, particularly in the case of research evaluations, did not require the amount of effort typically assumed. Most evaluations required between 2 and 15 person-days, while most research evaluations required between 16 to 30 days or 7 to 12 person-months. Most monitoring evaluations required between 2 to 15 person-days, and most progress evaluations required no more than 15.

78-464 O - 77 - 34

INFORMATION NEEDS

The 1974 Juvenile Justice Act requires coordination and concentration of Federal efforts in the delinquency field. The Coordinating Council, the National Advisory Committee, and the Office of Juvenile Justice are the policy and administrative mechanisms for achieving those goals, but these groups cannot do their part until some basic information needs are satisfied in terms of what is being coordinated and with what effect.

The ultimate goal in meeting the concentration of Federal efforts mandate is to develop an information system that closes the loop between evaluative information and planning decisions about what should be done in the future.

If the mandate of the Office of Juvenile Justice is read primarily as a demand for management efficiency, then information needs are simple. The task becomes one of conducting a thorough inventory of what is being done and by whom, then using that data base to determine where coordination is needed. There is little need to go outside the closed circle of government programs--their content, objectives, and expenditures.

But "coordination" and "concentration of effort" also have a more difficult objective: greater impact on a specified goal. The Office, the Council, and the Advisory Committee were created to produce results in preventing and dealing with delinquency. Thus indicators of true effectiveness must be built into an inventory system.

The information problem resembles a three-piece puzzle:

o The first piece is the Federal effort: the money, the facilities, and the people being provided by more than 100 programs related to delinquency and its prevention.

o The second is the effects of these programs, ranging from immediate outcomes to the ultimate criterion of behavior changes in the target populations.

o The third is the problem itself: the types of delinquent behavior, the rates at which they occur, their "seriousness" in terms of personal and social costs and their resistance or amenability to treatment through existing techniques.

The policy task is to make the pieces fit. To that end, one information role is to find out how the pieces are shaped. There also is a need for analysis to characterize discrepancies and relate them to needed changes in resource allocation.

At present only sketchy outlines of both the Federal effort and the delinquency problem are available, and the overall effects of current efforts to a large extent are unknown. For all practical purposes, the nature of the discrepancies must be a matter of informed hunches. Better information for planning purposes is a high priority need.

PLANNING ASSUMPTIONS

There are no easy or formula approaches to developing an information system. One reason is that there are almost no models available. Federal planners are commonly aware of the need to cycle outcomes data into the planning process, but very few agencies actually have such a system operational. A second reason is that an impact-based information system for delinquency must deal with programs scattered throughout many departments, bureaus, and agencies. It would be nearly impossible to plan an ideal system in detail, and to then implement it in one continuous process. A realistic appraisal indicates that three basic planning assumptions must be made:

First, the system must be developed in modules, so that options for reassessment of needs are retained as the system is developed.

Second, some decisions are made by force of events, regardless of the adequacy of information, and this should influence the design of the first module. Tacit decisions on priorities and

objectives are being made whenever delinquency-related programs are refunded, expanded, dropped, or revised. And currently, these decisions are made wholly without regard to a systemwide juvenile delinquency effort. Even though it may be a long time before recommendations can be made for the optimal allocation of resources, recommendations for at least better allocations must be made in the short run. The first steps to gather information will support this goal.

Third, an appraisal of the problems of interagency cooperation indicates that the data requirements on the participating agencies cannot be enforced on unwilling agencies. The system must offer a return to the participating agencies that is commensurate with the demands on their resources.

IMPLEMENTATION

The first phase of work is currently underway. Its purpose has been to produce a general map of the terrain. It will provide an inventory of the existing information resources, an inventory of the programs that might fall under the criteria to be developed, a rough characterization of the main coordinating problems, and a plan for meeting programmatic information needs. The final major product of this first phase will be a report on the nature of the delinquency problem itself.

The next step to be undertaken is the development of a standard system for characterizing the inputs on a project-by-project basis. Very little more planning can be undertaken until decisions are made about which programs fall within the domain of juvenile justice and delinquency prevention. Beyond a certain point, a program's relationship to the delinquency problem is too distant to be meaningful for planning purposes.

Thus, an inventory system must be developed--one based on a working set of criteria intended to define the relevant programs, and one that will follow an orderly timetable, including the following milestones:

- Determine programs that can be included;
- Prepare the requirement for the "Development Statement" specified in the Act;
- Prepare the basic data elements for descriptors of programs and projects; and

o Develop an explicit, detailed statement of the hardware and software requirements for the system, and the specific options for integrating these requirements with existing equipment.

Along with the development of the inventory process, work will begin on a prototype of the impact-based system. It will be limited to LEAA-sponsored projects, and will build from the existing Grants Management Information System (GMIS), operated by LEAA. The rationale behind using LEAA as a prototype is that a large number of the most directly related projects emanate from LEAA, making the prototype one which will produce immediate policy benefits. Three tasks will be necessary:

o A research and development effort for the discovery and validation of indirect, inexpensive measures of program outcomes. Ideal measures will be ones that use data already routinely being collected, either by LEAA or other government agencies.

o A planning study that specifies the "perishability" of the various data points. Some data points may need to be updated on a quarterly basis, others annually, still others once in a decade. The objective of the planning study will be to avoid "overreporting" of project outcomes without cutting into those aspects that should be monitored regularly.

o Specification of data collection procedures, including a detailed statement about what forms must be revised, what new people will need to be brought into the information chain, and how best to disseminate the different requirements.

An additional task will be to develop analytic packages. These will help planners in the Coordinating Council, LEAA, the National Advisory Committee, and other participating agencies to take advantage of incoming data.

In summary, the main points in this section plan are as follows:

o The information needs in the delinquency effort will not be filled by simply monitoring federally-sponsored projects. It is essential to obtain information on the impact of these efforts in terms of Federal assistance priorities.

o A basic system using project-level data on Federal efforts will be implemented first.

o The indicators of project impact and priorities will be built into the basic system first, using an LEAA-based prototype, then expanding to other agencies working with the delinquency problem.

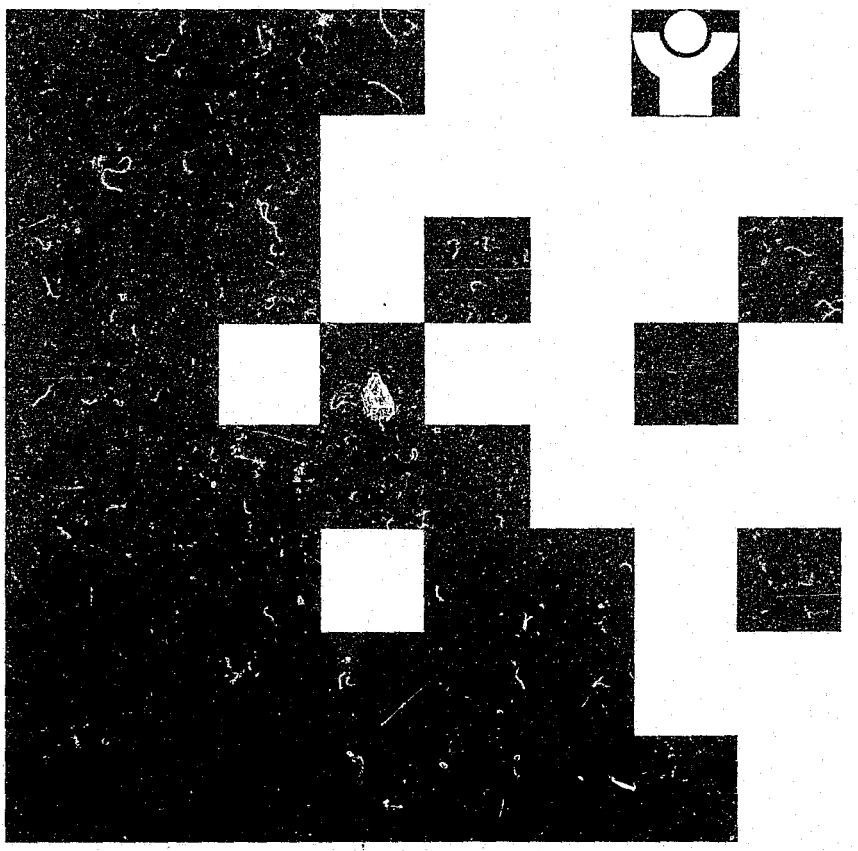
First Analysis and Evaluation

Federal Juvenile Delinquency Programs

Volume 1

Office of Juvenile Justice
and Delinquency Prevention

Law Enforcement
Assistance Administration
U.S. Department of Justice



Letter of Transmittal

To the President and to the Congress of the United States—

I have the honor to submit the *First Analysis and Evaluation of Federal Juvenile Delinquency Programs.* The report was prepared by the Office of Juvenile Justice and Delinquency Prevention.

This Office was created within the Law Enforcement Assistance Administration by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). This report is required by Section 204(b)(5) of the Act.

Juvenile delinquency is one of the Nation's most pressing and saddening problems. Juveniles commit almost half of all serious crimes—offenses that endanger and frighten society. But at the same time that we attempt to prevent this crime we also must insure that the way we treat juvenile offenders does not cause them to commit even more delinquent acts.

This is an important and difficult responsibility that requires careful definition of which youths should be handled by the juvenile justice system and which should be treated by alternative means. There is a need for better treatment strategies and more effective crime prevention programs and for resources to enable the Federal Government and the States and localities to undertake these efforts.

The Federal Government also must coordinate better its activities. The various Federal departments and agencies with related juvenile responsibilities must adopt consistent policies and goals.

The *First Analysis and Evaluation* outlines the activities of the Office of Juvenile Justice since its creation. It also reports on the entire Federal effort in delinquency prevention and juvenile justice, as is required by the Act. The process of reporting on this effort revealed a divergence of policies and procedures among Federal agencies. Perceptions of mission in the area of juvenile justice and delinquency prevention varied widely in the agencies and departments surveyed for this report. These problems, however, now are being systematically addressed through the mechanisms created by the Act.

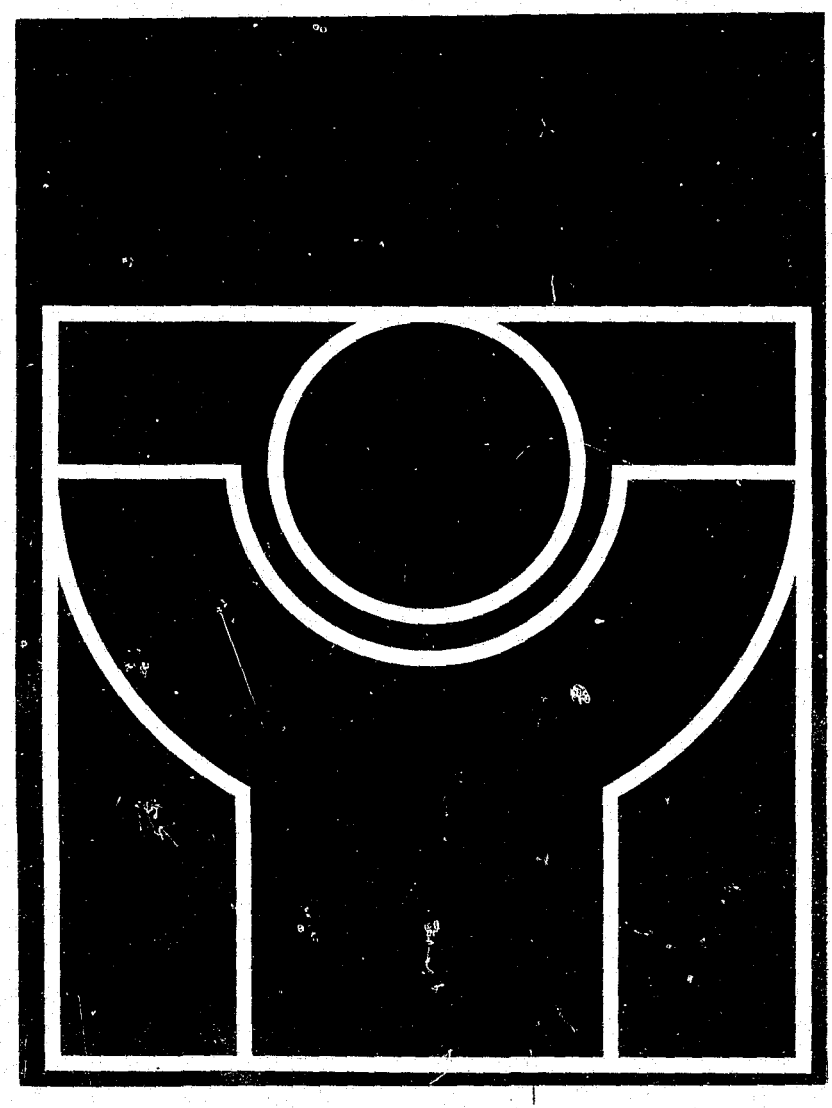
LEAA faces challenges in carrying out the intentions of the Act, but the Agency has a firm foundation of past efforts on which to build the new program. There is now a network of planning organizations in the States, a growing body of knowledge about what works and what does not work in crime control and criminal justice system improvement, and a Federal program to help States and localities train and educate their criminal justice personnel. None of this existed to any extent before the creation of LEAA. LEAA also has learned a respect for the complexity of the issues and social problems involved in crime and delinquency control and has learned some of the techniques necessary for the difficult task of reforming human institutions.

This knowledge and these talents are now being brought to bear in a concentrated way on juvenile delinquency. LEAA is not deceiving itself about the difficulty of the tasks it faces. But LEAA and its employees are eager to accept this challenge and to fulfill these new responsibilities.

Respectfully submitted,

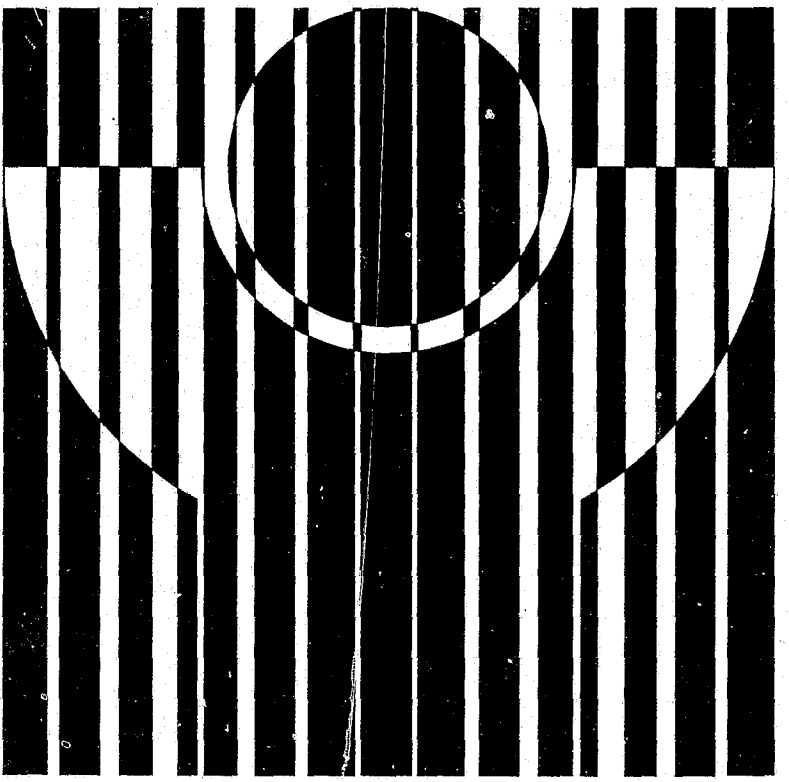
Richard W. Velde

RICHARD W. VELDE
Administrator



Volume 1

Table of Contents



Part One: Introduction

Youthful crime in this country has increased dramatically over the past decade. This problem is detailed in the statistics:

- Arrests of juveniles for serious crime—acts of violence and stealth—increased by 144 percent between 1960 and 1973.
- Persons under the age of 18 are responsible for 45 percent of all arrests for serious crime and for 23 percent of all arrests for violent crime.
- Some criminal acts are committed predominantly by youths. Burglaries and auto thefts are overwhelmingly youth crimes.
- The peak age for arrests for violent crimes is 18, followed by 17, 16, and 19. The peak age for arrests for major property crimes is 16, followed by 15 and 17.

The juvenile justice system—society's institutional response to juvenile crime—faces serious problems. It must determine which youths to handle, and how to do this so as to protect the interests of both the youth and society. There are 12 arrests for every 100 juveniles between the ages of 15 and 17; most juveniles arrested have not committed a serious crime and some have not committed a crime at all. A surprising number have been arrested for status offenses—acts such as running away, truancy, promiscuity, and incorrigibility—that would not be crimes if committed by adults. The juvenile justice system often represents the only available resource for these youth.

Studies of the juvenile justice system have shown that it often treats offenders in an inconsistent way: status offenders may be incarcerated and serious repeat offenders may be put on probation. Studies also have shown that treatment programs established by the juvenile justice system have been largely ineffective in changing juveniles' behavior. Major problems in juvenile delinquency prevention are to define more precisely the role and scope of the juvenile justice system and to increase the effectiveness of treatment programs for juvenile offenders.

In addition, there has been little or no coordination among the Federal departments and agencies with delinquency control responsibilities. Instead there has been a lack of uniformity in policy, objectives, priorities, and evaluation criteria to determine program effectiveness. National leadership in these areas is required.

Juvenile Justice Act Passed

In responding to the crisis of delinquency, the Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), signed by the President on September 7, 1974. This Act created for the first time a unified national program to deal with juvenile delinquency prevention and control. The Congress passed the Act because, in its words, "... existing Federal programs have not provided the direction, coordination, resources, and leadership required ...."

The Act set in motion a major Federal program to be administered by the Law Enforcement Assistance Administration (LEAA), part of the U.S. Department of Justice. This Federal agency was created by the Omnibus Crime Control and Safe Streets Act of 1968 to provide funds and technical assistance to State and local governments to address the problems of rising crime and their overburdened criminal justice systems. Under the LEAA Federal and State partnership, the bulk of LEAA's funds are given directly to the States in the form of block grants; LEAA uses its remaining funds for research and for demonstration programs.

The Juvenile Justice Act created within LEAA the Office of Juvenile Justice and Delinquency Prevention and, within that Office, a research arm called the National Institute for Juvenile Justice and Delinquency Prevention.

The Juvenile Justice Act also created a program that is similar in many respects to the LEAA effort. The Act calls for:

- Formula grants to the States. These are made on the basis of State population under the age of 18. To be eligible for funds, States are required to submit yearly comprehensive plans.
- Special emphasis funds for LEAA discretionary use. Under the new Act, LEAA retains from one-quarter to one-half of the action funds to use for demonstration projects.
- Research into juvenile delinquency and evaluation of juvenile justice programs. This is the responsibility of the Institute.
- Technical assistance to Federal, State, and local governments, agencies, organizations, and individuals.

The Act contains several provisions to insure a coordinated interagency and interdisciplinary approach to juvenile delinquency prevention. The Act assigns to the Administrator of LEAA the responsibility for implementing overall Federal policy and for developing objectives and priorities for all Federal delinquency programs and activities.

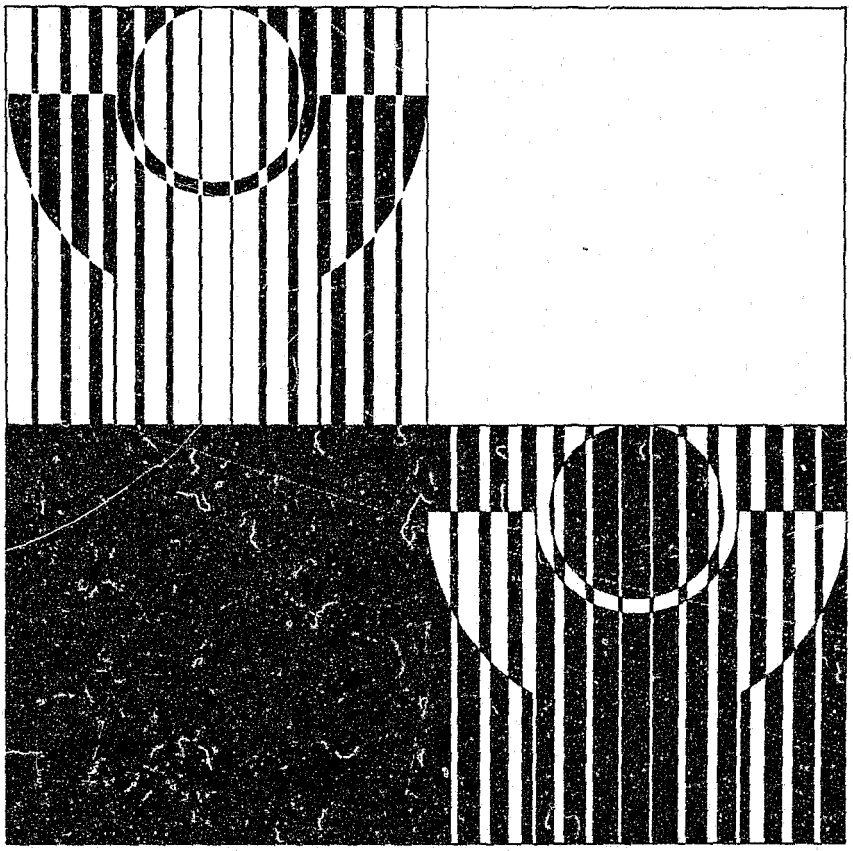
The Act also creates the Coordinating Council on Juvenile Justice and Delinquency Prevention and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. The Coordinating Council is composed of representatives of Federal agencies with program responsibilities related to juvenile justice and delinquency prevention, and is chaired by the Attorney General. The Advisory Committee is composed of 21 private citizens appointed by the President, including seven members under the age of 26 at the time of their appointment.

History of Federal Delinquency Prevention Efforts

The role of the Federal Government in delinquency prevention and juvenile justice is limited because the principal responsibility for dealing with these issues rests with the States and localities. The Act does not change this basic responsibility but mandates a new Federal leadership role that includes policy guidance and financial assistance to the States.

The first Federal effort relating to the welfare of children and to delinquency prevention was the creation in 1912 of a Children's Bureau. No other congressional action took place until 1948 when an Interdepartmental Committee on Children and Youth was established. A midcentury White House Conference on Children and Youth was held 2 years later.

In 1961 a Presidential Commission on Juvenile Delinquency and Youth Crime was formed, which led to the passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. This was replaced by the Juvenile Delinquency Prevention and Control Act of 1968, which delegated responsibility to the Department of Health, Education, and Welfare (HEW) for establishing a national juvenile delinquency prevention program. Also in 1968, the Congress passed the Omnibus Crime Control and Safe Streets Act. Although this Act made no specific reference to juvenile delinquency, its broad mandate included juvenile as well as adult crime. Both the Juvenile Delinquency Prevention and Control Act and the Omnibus Crime Control and Safe Streets Act permitted allocation of Federal funds to the States for juvenile delinquency prevention.



In 1971 the Crime Control Act was amended specifically to include the prevention, control, and reduction of juvenile delinquency. In the same year the Juvenile Delinquency Prevention and Control Act was extended; newly created was an Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. This Council included representatives of Federal agencies with delinquency prevention or control programs. The latter Act also authorized HEW to fund prevention programs outside the juvenile justice system. Efforts within the system were to be assisted by LEAA.

In 1973 the Omnibus Crime Control and Safe Streets Act was amended to require specifically that the States add a juvenile delinquency component to their State plans for the improvement of law enforcement and criminal justice.

Delinquency Control in LEAA

While the 1974 legislation expands LEAA's role in delinquency prevention, the new effort is being built on a firm foundation of past programs.

LEAA is the principal Federal agency concerned with helping State and local governments control their crime problems and improve their justice systems. This mandate includes delinquency prevention and programs for the juvenile justice system.

Since its inception, LEAA has devoted a portion of its resources to youth programs. This role was made explicit in the 1971 amendments to the Crime Control Act. In the 1973 amendments, the States for the first time were required to deal specifically with juvenile delinquency in their comprehensive plans.

As a result of the 1973 amendments, a number of new initiatives were taken at LEAA. These included the establishment of juvenile justice divisions in the Office of National Priority Programs and the National Institute of Law Enforcement and Criminal Justice. A juvenile justice initiative became one of the major thrusts of LEAA programing for Fiscal Years 1974, 1975, and 1976.

In testifying before the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, then LEAA Associate Administrator Richard W. Velde described the Agency's efforts in delinquency control in 1972 as totaling more than $100 million and including prevention, diversion, rehabilitation, upgrading of resources, drug abuse prevention, and other programs. He explained that these funds represent, in the main, block grant awards to the 55 State planning agencies (SPA's) set up to administer the LEAA funds and to plan comprehensively for crime reduction.

Since its creation, LEAA has funded a wide range of juvenile delinquency prevention and diversion programs. Prevention efforts have included alternative educational programs at the secondary school level, training programs for parents of delinquent children, work study and summer employment programs, drug education, police/juvenile relations units, and police/juvenile recreation programs. Diversion programs have included Youth Service Bureaus, juvenile court intake and diversion units, drug abuse treatment programs, pretrial diversion units, vocational education, and many others.

Since 1971, when Congress enacted a separate Part E corrections program for LEAA and gave the Agency a specific mandate to fund noninstitutional corrections programs for juveniles, LEAA has supported an assortment of innovative community-based programs for that age group.

LEAA also has been active in setting standards for the administration of juvenile justice. In 1971 it created the National Advisory Commission on Criminal Justice Standards and Goals to develop standards for the criminal justice system and goals for crime reduction. This Commission reported in 1973 in a six-volume study that included many standards for juvenile justice. In FY 1974 LEAA followed up this effort by creating and funding a National Advisory Committee on Criminal Justice Standards and Goals with five task forces, one of which deals exclusively with juvenile justice and delinquency prevention.

Because of these ongoing efforts, the new Act has been absorbed easily into the structure of the LEAA program. The 55 SPA's now have the responsibility for administering the formula grants for delinquency prevention authorized by the 1974 law. Already existing mechanisms for grant reviews have proved adaptable to the new requirements. LEAA staff previously working on delinquency has become the nucleus of the new Office of Juvenile Justice and Delinquency Prevention.

This Report

The *First Analysis and Evaluation of Federal Juvenile Delinquency Programs* is required by the Act, which states that the Administrator shall develop:

> . . .an analysis and evaluation of Federal juvenile delinquency programs, conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs.

The Act also requires:

> . . .a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the criminal justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

In response to this mandate, this report contains the following sections.

- A description of the creation and activities of the Office of Juvenile Justice and Delinquency Prevention;
- An analysis of the Federal role in delinquency prevention; and
- Summary information on 117 Federal programs that have a bearing on juvenile delinquency control or juvenile justice. This information is contained in the Appendices to this report, which have been printed as Volume II.

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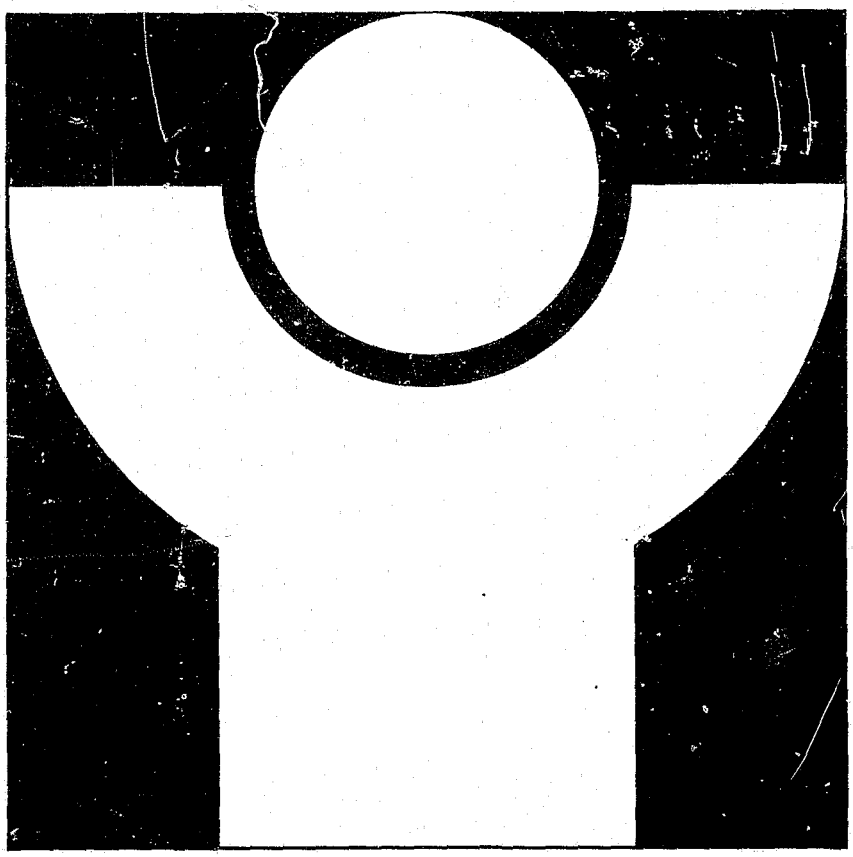


Part Two: Office of Juvenile Justice and Delinquency Prevention

The 1974 Act established the Office of Juvenile Justice and Delinquency Prevention within LEAA and unified Federal responsibility for juvenile delinquency prevention there. The Office was created to provide leadership and adequate resources for planning, developing, operating, and evaluating programs dealing with education, research, crime prevention, diversion, and rehabilitation for juveniles.

LEAA was given a number of major responsibilities in regard to administering the Act. These included:

- To coordinate the overall Federal policy regarding juvenile delinquency;
- To make formula grants to State and local governments;
- To develop a discretionary grant program of demonstration or national scope programs;
- To provide technical assistance to the States and localities;
- To conduct research and evaluation;
- To provide training to professionals, paraprofessionals, and volunteers working in any area of delinquency control or prevention; and
- To collect and disseminate useful and relevant information.

Creation of Office

When the President signed the Juvenile Justice Act, he indicated that he would not seek new appropriations to implement the legislation because of the need to restrain Federal spending. A Task Group therefore was established within LEAA to carry out the mandates of the Act using already existing LEAA funds. This Task Group administered a budget of approximately $20 million and was composed of LEAA personnel who had previously been working in the area of juvenile justice and delinquency prevention.

On June 12, the President signed Public Law 94-32, which provided $25 million in supplementary funds to LEAA to implement the Act. In addition, authorization was given to hire 51 personnel.

The appropriation had two parts:

- $15 million of new money that was required under the Act to be obligated by August 31, 1975. These funds were subject to the statutory provisions of the Act requiring allocation of funds to the States in formula grants; and
- $10 million in reprogramed LEAA funds that can be used only for administrative purposes, State planning costs, and special emphasis and treatment programs. This money must be obligated by December 31, 1975.

As of September 17, 1975, the entire $15 million had been obligated, and an additional $3,230,249 had been obligated against the $10 million, leaving a balance of $6,769,751.

The Juvenile Justice Act also mandates that LEAA maintain its FY 1972 level of spending for juvenile-related projects. The Office administered approximately $20 million in FY 1975 Crime Control Act funds, in addition to the funds allocated under the new Act. A listing of all funds administered by the Office of Juvenile Justice in FY 1975 is included in Table II-1. The amounts listed in the table do not include funds administered directly by the States through block grants from the Crime Control Act.

Table II-1. FY 1975 Funding for the Office of Juvenile Justice and Delinquency Prevention (including Juvenile Justice Institute)

SOURCE	ALLOCATION	(In Millions) AWARDED	CARRY OVER
Juvenile Justice Act	$25.0	$18.230	$6.769
Part E	10.2	1.437	8.762
Part C	5.1	1.902	3.029
NILECJ	3.696	1.925	1.779
Technical Assistance	1.316	.565	.674
TOTALS	$45.312	$24.059	$21.013[1]

[1] For bookkeeping purposes, these totals were determined by LEAA's Office of the Comptroller as of June 30, 1975.

The Office of Juvenile Justice and Delinquency Prevention was officially created on June 25, 1975. The personnel made available to LEAA (augmented by two from other LEAA personnel authority) have been allocated as follows:

LEAA Regional Offices	20
OJJDP Operations Staff	14
NIJJDP Staff	10
OJJDP Administration	7
LEAA Personnel Office	1
LEAA Office of General Counsel	1
TOTAL	53

Since creation of the program, the action and research staffs have worked together closely to coordinate program development. Their combined effort is resulting in action programs that are based on prior research activities and coordinated with evaluation programs.

Concentration of Federal Efforts

Recognizing that there are more than 100 Federal juvenile justice and delinquency prevention programs without a central policy authority, Congress made the concentration and coordination of Federal delinquency control efforts a specific mandate of the Juvenile Justice Act.

A first step in providing the necessary coordination had been taken in 1971 with the creation of the Intedepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, established by an amendment to the Juvenile Delinquency Prevention and Control Act of 1968. This Council, chaired by the Attorney General, had 10 member agencies and was required to meet a minimum of six times a year. Its goals were to (1) coordinate all Federal juvenile delinquency programs at all levels of government—Federal, State, and local, and (2) search for measures that would have an immediate impact on the prevention and reduction of youth crimes.

The new Juvenile Justice Act assigns responsibility to the Administrator of LEAA for implementing overall policy and for developing objectives and priorities for all Federal juvenile delinquency programs.

The Act also stipulates that two bodies be created to assist in the coordination function.

Coordinating Council

First, the Act creates the Coordinating Council on Juvenile Justice and Delinquency Prevention. The Council is composed of the Attorney General; the Secretary of Health, Education, and Welfare; the Secretary of Labor; the Director of the Special Action Office for Drug Abuse Prevention; the Secretary of Housing and Urban Development; the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention; the Deputy Assistant Adminis-

trator of the Institute for Juvenile Justice and Delinquency Prevention; and representatives from other agencies designated by the President. The Council must meet at least six times a year.

The Council has responsibility for reviewing the administration of all Federal juvenile delinquency prevention programs. It must also make recommendations to the Attorney General and the President at least annually regarding overall Federal policy and the development of objectives and priorities for all Federal juvenile delinquency efforts.

The Council has met twice and has taken two principal steps to date to carry out this mandate:

Policy Analysis Paper. The Council selected Professor Franklin Zimring of the University of Chicago School of Law to produce a policy analysis paper on Federal juvenile justice and delinquency prevention programing. The purpose of this paper is to identify critical issues or program areas on which the Council should focus in the next 2 years.

Assessing the Federal Program. The Council selected the American Institutes for Research (AIR) in Washington, D.C., to perform a series of analytical tasks designed to provide information on the overall Federal role in delinquency prevention. This information is being used in preparation of this report, as well as to assist the Council. AIR prepared a budget analysis of the distribution of Federal funds for delinquency and youth development programing, a crossindexed compendium of all grant activities supported by these programs, an analysis of how the Federal Government manages its delinquency control efforts, and a survey of existing information systems relating to Federal juvenile delinquency activities.

National Advisory Committee

The Act also creates the National Advisory Committee on Juvenile Justice and Delinquency Prevention. This Committee consists of 21 members appointed by the President, at least seven of whom must be under the age of 26 at the time of their appointments. Members must have special knowledge about the prevention and treatment of juvenile delinquency or the administration of juvenile justice, and the majority must not be full-time employees of Federal, State, or local governments. The Committee must meet at least four times a year.

The Committee has four basic functions.

- To advise the Administrator in the development of policy, objectives, and priorities for all Federal juvenile delinquency programs;
- To advise in the preparation of reports and recommendations to the President and the Congress;
- To provide advice, counsel, and recommendations to the Juvenile Justice Institute in the development of its programs;
- To assist in the development of standards for the administration of juvenile justice.

The Committee also has a strong involvement in funding considerations, public information programs, and impacts on State and local criminal justice agencies, professionals, managers, and the general public.

There are three subcommittees: one to advise the Administrator on standards for the administration of juvenile justice, one to oversee the activities of the National Institute for Juvenile Justice and Delinquency Prevention, and one to work with the Coordinating Council on the concentration of Federal efforts.

The Advisory Committee was appointed on March 19, 1975 and has met twice. Each of the subcommittees also has met. The standards subcommittee has submitted its first report to the Congress and to the President.

Formula Grants

The Juvenile Justice Act recognizes that if youth crime and its causes are to be curtailed, a major effort must be made at the State and local level.

The Federal Government may advise, may provide information and conduct research, may evidence leadership, may provide coordination and direction, and may even carry out some specific programs on its own. But it is the public and private agencies at State and local levels that operate the programs and projects with a direct and substantial bearing on the problems of juvenile delinquency.

Therefore, a major activity for the Office of Juvenile Justice is to make formula block grants to the States to assist them in planning, establishing, operating, coordinating, or evaluating juvenile projects. The amount available for this purpose is from 50 to 75 percent of the action funds appropriated under the Act.

The formula grants are allocated according to the population of a State under the age of 18, with a minimum of $200,000 for each State plus the District of Columbia and Puerto Rico. A minimum of $50,000 is available for the Trust Territory of the Pacific, the Virgin Islands, American Samoa, and Guam.

An additional $2 million has been made available from special emphasis grant funds to plan for and build administrative capacity.

To receive formula grants from the initial appropriation States were required to submit a Plan Supplement Document, amending their FY 1975 Comprehensive State Plans, by August 1, 1975. Nine States and one Territory did not choose to participate. These are Alabama, American Samoa, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia, and Wyoming. The other States and Territories did submit the plans and $10.6 million has been awarded for the FY 1975 formula grant effort. The State allocations are listed in Table II-2.

Table II-2. Allocation of Juvenile Justice and Delinquency Prevention Block Grant Funds

Alabama	—	Nevada	200,000
Alaska	200,000	New Hampshire	200,000
Arizona	200,000	New Jersey	245,000
Arkansas	200,000	New Mexico	200,000
California	680,000	New York	599,000
Colorado	—	North Carolina	200,000
Connecticut	200,000	North Dakota	200,000
Delaware	200,000	Ohio	383,000
District of Columbia	200,000	Oklahoma	—
Florida	216,000	Oregon	200,000
Georgia	200,000	Pennsylvania	395,000
Hawaii	—	Rhode Island	—
Idaho	200,000	South Carolina	200,000
Illinois	389,000	South Dakota	200,000
Indiana	200,000	Tennessee	200,000
Iowa	200,000	Texas	410,000
Kansas	—	Utah	—
Kentucky	200,000	Vermont	200,000
Louisiana	200,000	Virginia	200,000
Maine	200,000	Washington	200,000
Maryland	200,000	West Virginia	—
Massachusetts	200,000	Wisconsin	200,000
Michigan	333,000	Wyoming	—
Minnesota	200,000	American Samoa	—
Mississippi	200,000	Guam	50,000
Missouri	200,000	Puerto Rico	200,000
Montana	200,000	Virgin Islands	50,000
Nebraska	200,000	Trust Territory	50,000

The Plan Supplement Document must contain the SPA's strategy for meeting certain requirements of the Juvenile Justice Act and LEAA guidelines.

With regard to status offenders, this strategy must describe the current situation regarding the institutionalization of status offenders and explain which programs will be funded to address this issue.

The strategy also must address the Act's prohibition against confining juveniles in institutions where they will have regular contact with adult offenders.

Special Emphasis Programs

The majority of LEAA projects are funded through State-administered block grant funds. This same pattern holds true for the new Juvenile Justice Act. But the Office of Juvenile Justice also has discretionary funds made available by both the Crime Control Act and the Juvenile Justice Act to support projects that are national in scope, have a particular focus, demonstrate special techniques, or are experimental in nature.

According to the Juvenile Justice Act, special emphasis discretionary grants can be made to public and private agencies, organizations, institutions, or individuals.

- To develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;
- To develop and maintain community-based alternatives to traditional forms of institutionalization;
- To develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;
- To improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;
- To facilitate the adoption of the recommendations of the Advisory Committee and the Institute; and
- To develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

At least 20 percent of funds available for special emphasis programs must be made to private nonprofit agencies, organizations, or institutions that have experience in dealing with youth. The Act also requires that emphasis be placed on prevention and treatment.

The Office has developed four priorities for discretionary funding:

- Removal of status offenders from detention and correctional facilities;
- Diversion of offenders from the juvenile justice system;
- Reduction of serious crime committed by juveniles; and
- Prevention of delinquency.

The Special Emphasis staff has worked closely with the Institute to develop these priorities and to plan the programs based on them. So far the Office has planned and solicited grant applications for the first area; initial planning has been done on the second. Special emphasis funds also are supporting individual projects in other areas.

Status Offender Initiative

Ever since the Plymouth Bay Colony, Americans have declared that certain conduct tolerable in adults will not be tolerated in children. This became one of the reasons for the establishment of a separate juvenile court at the turn of the century. The new court was established to serve in a benevolent role for all children whether they were brought before it for a peculiarly juvenile offense or for a serious criminal act.

Today every juvenile court has the authority to assume jurisdiction over a youth on one or another of these traditional noncriminal bases—truancy, incorrigibility, promiscuity, or runaway. These acts are known as "status offenses"—they are offenses only because of the offender's status as a juvenile.

The first major juvenile justice initiative deals with the need to keep status offenders out of detention and correctional facilities. An LEAA survey of such facilities for juveniles revealed that in 1971 about one-third of all youths in institutions, including community-based facilities, were status offenders. The goal of the program is to halt the incarceration of juvenile status offenders within 2 years. The initiative aims to develop community-based resources to replace correctional institutions used for these juveniles. The projects will demonstrate to other jurisdictions methods of meeting this aim.

The Office encouraged 24 selected proposals from potential grantees for this initiative. This represents a selection from 361 preliminary applications. From 8 to 15 of these applications will be awarded. The applications have received rigorous review by staff teams and evaluators. The final selection will be based on several factors: impact on the system, number of children affected, cost in relation to impact, potential for including minority populations, and overall quality of program approaches. Entire States, parts of States, entire counties, and entire cities have been given priority in judging potential impact on the juvenile justice system. Grant awards are expected to be made by October 30, 1975. Depending on the number of applications awarded, the initiative will be supported with from $8.5 to $15 million.

Other Grants

In addition to the status offender program, the Office is supporting additional projects. Some of these have been funded with 1975 Crime Control Act funds, some with 1975 Juvenile Justice funds, and some were funded by LEAA prior to the creation of the Office of Juvenile Justice. A few of these grants are described below.

Delinquency Prevention in the Schools. The Metropolitan School-Based Delinquency Prevention Program in Rock Island, Ill., is using peer groups to help students resolve their problems and to ease young offenders back into the school community. The objective of this program is to reduce (1) the number of court petitions of students, (2) the dropout rate, and (3) the number of violent incidents in the schools.

Henry Street Settlement. The Henry Street Settlement-Urban Life Center in New York City is trying to reduce antisocial and delinquent behavior by integrating counseling, education, recreation, and other services and activities into one program. Adolescents in the program will perform meaningful paid public service work. This should help them become productive, self-reliant members of the community. The program also will provide the community with significant new or expanded services.

Neighborhood Youth Resources Center. This grant supports a program in Philadelphia, Pa., located in an existing community center, that emphasizes both diversion from the formal juvenile justice system and preventing youths' entry into the system. The project will seek to strengthen the adolescents' ties to the schools, their families, and their jobs.

Juvenile Female Offenders. Two hundred female offenders in Massachusetts will be served by this project. When this State closed its juvenile correctional institutions 3 years ago, its primary concern was to provide effective alternatives for boys who were seen as

posing the most threat to society. The grant will fill the gap in services that has existed for girls.

Pennsylvania Juvenile Offender Reintegration Project. This grant is developing an alternative network of community-based residential and nonresidential centers for approximately 500 juvenile offenders in Pennsylvania. Many of these juveniles are serious offenders. The program will provide a variety of rehabilitation and treatment services. A major part of the project is to place the 392 juveniles presently incarcerated in the Camp Hill adult medium security penitentiary in the community-based alternative programs. The project will serve both male and female offenders.

Project IMPACT (Integration Methodology for Planning and Coordination Teamwork). This grant establishes a full-time centralized unit for juvenile justice and delinquency prevention planning, coordination, and programing in Los Angeles County, Calif. The project is responsible for coordinating the activities of approximately 15 separate departments that provide services to juveniles. One of the project's goals is to increase understanding of the relationships between law enforcement and social service agencies that deal with juveniles.

Utah Multi-County Juvenile Justice Program. The U.S. Department of Agriculture's Agricultural Extension Service at Utah State University is coordinating its services with those of the juvenile justice system and community service agencies to help provide alternatives to institutionalization for 200 delinquent youth referred by the juvenile court. The goals of the program are to reduce the juveniles' involvement with the juvenile justice system, to improve their school performance, and to begin to prepare them for careers.

National Institute for Juvenile Justice and Delinquency Prevention

The Act established within the Office of Juvenile Justice the National Institute for Juvenile Justice and Delinquency Prevention. The Institute was given five major functions:

- To conduct, coordinate, and encourage research relating to any aspect of juvenile delinquency;
- To conduct, coordinate, and encourage evaluation relating to juvenile delinquency;
- To collect, prepare, and disseminate useful data regarding the treatment and control of juvenile offenders;
- To provide training for personnel connected with the treatment and control of juvenile offenders; and
- To establish standards for the administration of juvenile justice at the Federal, State, and local levels.

Institute and program staff have been working together to develop priorities for the Office as a whole. This is enabling the Office to develop a fully integrated program, founded on research and coordinated with evaluation and technical assistance programs.

Planning for Evaluation

The Institute believes program planning and evaluation planning must be done together. In this way, programs can be designed to facilitate useful and meaningful evaluations.

Both the Institute staff and outside experts are being used in planning for program evaluation. This planning has been completed for the status offender program, the first priority area, and is underway for the diversion program, the second area. The grantee assisting in the work for the status offender program is the Social Science Research Institute of the University of Southern California. The grantee assisting in diversion planning is

Portland State University. Grantees have not been selected for the third and fourth priority areas.

A separate group of related awards will be made to undertake the actual evaluations of projects funded under each program area. One grantee will be responsible for coordinating the evaluations of all projects funded under a program area and for developing a comprehensive report. Separate awards will be made to evaluate each action project, gathering standard information for the overall evaluation and taking advantage of the unique research opportunities offered by each project.

Assessing Current Knowledge

The first task in evaluation planning for the priority areas is to compile and assess available knowledge. These efforts are based on studies undertaken through the National Evaluation Program (NEP) of the National Institute of Law Enforcement and Criminal Justice (NILECJ), LEAA's research arm for adult criminality. The NEP studies relating to juveniles are being monitored by the Juvenile Justice Institute. Each NEP study will define the topic area, develop a system for classifying project types within the universe being studied, make site visits, review existing literature, and develop research designs for future evaluations.

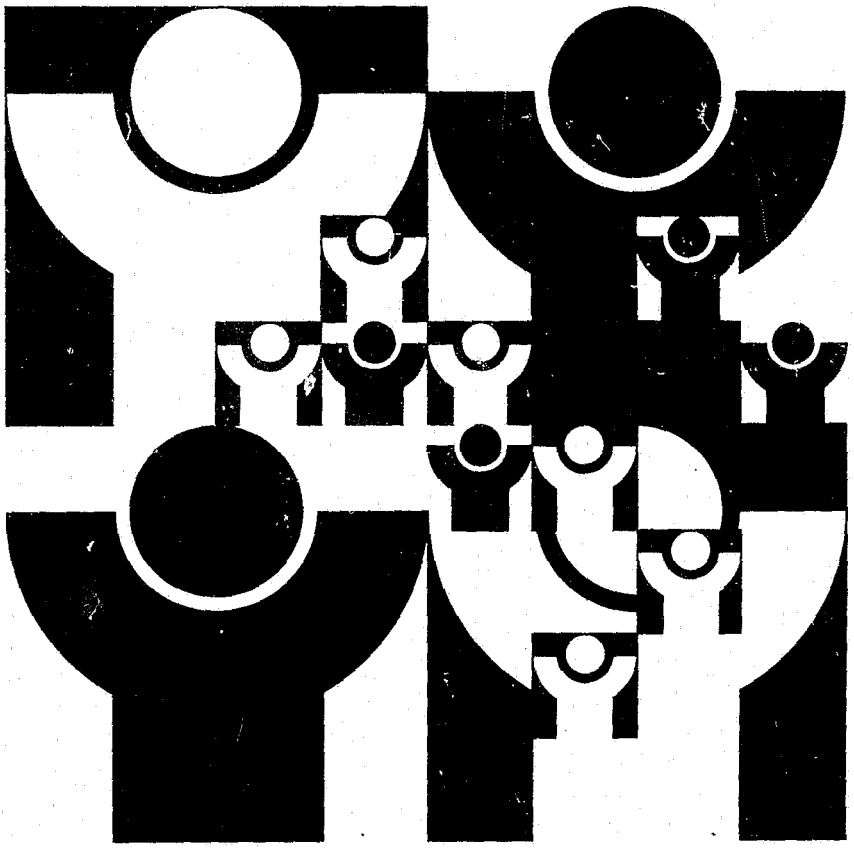
The first NEP juvenile-related study, on Youth Service Bureaus, has been completed. Other studies, on diversion and alternatives to incarceration, alternatives to detention, and delinquency prevention, will be completed by November.

The Juvenile Justice Institute is funding other similar assessment programs whose results will feed directly into program planning. These include a study of intervention programs designed to reduce crime in the schools and a study of juvenile gangs in the 12 largest U.S. cities. The Institute also is beginning assessments of intervention techniques for the treatment of violent juvenile offenders and a study on the relationship between delinquency and learning disabilities.

Training

The Juvenile Justice Act mandates a major role for the Institute in training persons who work with troubled youth. The Institute is in the process of developing such a program, which will include training conducted within the Institute, other efforts conducted by national and regional organizations, and technical training teams to assist the States by training the trainers.

Both extensive training sessions to develop basic skills and short-term courses to expose people to new skills will be developed. Those to be trained are professional, paraprofessional, and volunteer personnel, including those involved in law enforcement, education, judicial functions, welfare work, and other fields.



Standards

The Institute also is required to review existing reports, data, and standards relating to the juvenile justice system and to develop recommended standards for the administration of juvenile justice at the Federal, State, and local level.

The Institute is coordinating this effort with two other ongoing standards-development projects—the Juvenile Justice Standards Project, conducted by the American Bar Association and the Institute of Judicial Administration in New York, and the Standards and Goals Task Force. The latter is funded by LEAA as part of its followup effort to the work of the National Advisory Commission on Criminal Justice Standards and Goals, whose reports were published in 1973.

Other Projects

The Institute is funding or developing a number of projects that relate to its mandates to disseminate information, to conduct research, and to perform evaluations. A few of these are described below.

Juvenile Delinquency Assessment Centers. As a major aspect of its information program, the Institute proposes to establish several Assessment Centers, each to focus on a different aspect of juvenile delinquency or juvenile justice. Each will collect, synthesize, and disseminate information within a topic area.

Juvenile Corrections. Continuation support is being provided to the National Assessment of Juvenile Corrections project at the University of Michigan. This project seeks to: (1) develop objective, empirical bases for assessing the relative effectiveness of correctional programs, (2) generate systematic, comparative, and comprehensive nationwide information about major aspects of juvenile corrections, and (3) make policy recommendations about juvenile programs.

Effects of Alternatives to Incarceration. Harvard University is continuing a multiyear evaluation of the Massachusetts experiment in alternatives to incarceration for juveniles. The project is evaluating the community-based programs developed since Massachusetts closed its training schools in 1972.

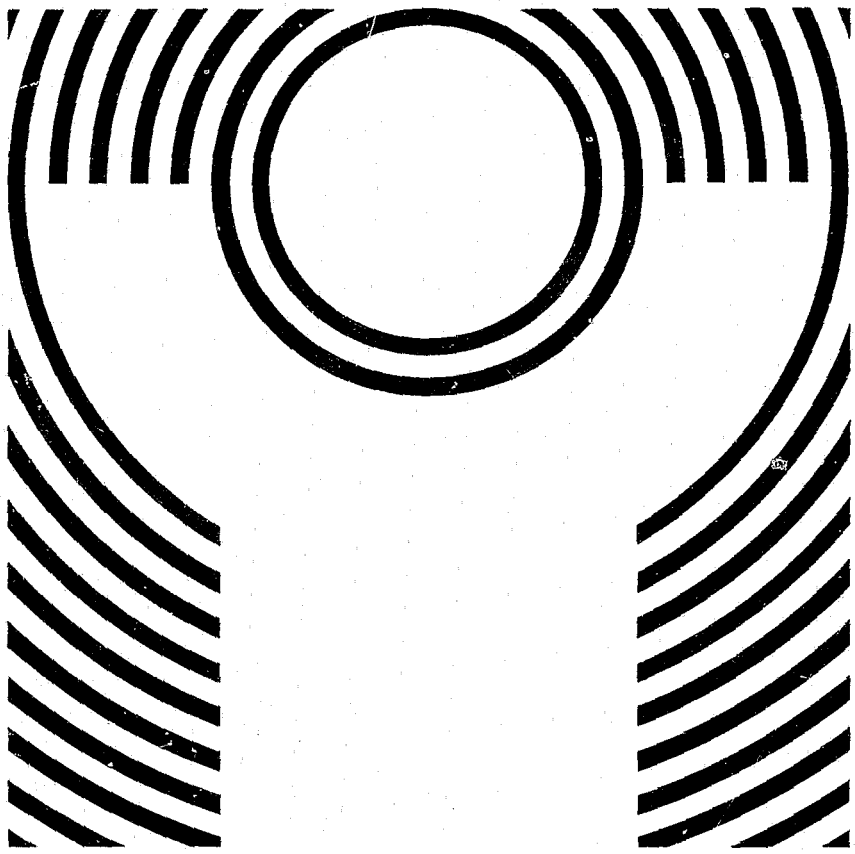
Respondents Panel. A grant to the National Center for Juvenile Justice, the research arm of the National Council of Juvenile Court Judges, will support a panel of knowledgeable people on juvenile matters who will act as a sort of early warning system on trends in juvenile justice. The panel also will collect limited amounts of information such as arrest data on particular types of offenders.

Technical Assistance

The Juvenile Justice Act requires that technical assistance be provided to (1) public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs, and (2) Federal, State, and local governments, courts, public and private agencies, institutions, and individuals for planning, establishing, funding, operating, or evaluating juvenile delinquency programs.

The Office of Juvenile Justice also has responsibility in conjunction with several other offices within LEAA to prepare guidelines for States and to help them develop juvenile delinquency plans. To carry out these responsibilities the Office of Juvenile Justice has established a Division of Technical Assistance with the following functions:

- To coordinate activities with other sections of the Office to insure that a comprehensive and efficient use of juvenile delinquency resources is maintained, and that national and regional staff have the necessary juvenile justice expertise;
- To help the Juvenile Delinquency Specialists in the regional offices to (1) develop a technical assistance strategy that will assess regional, State, and local juvenile justice needs, and (2) develop and implement standards and guidelines for juvenile justice and delinquency prevention;
- To support other LEAA offices in planning, developing, and conducting ongoing training activities for the Juvenile Delinquency Specialists in the regional offices and in the SPA's on techniques and program methods to implement the Juvenile Justice Act successfully;
- To help States, communities, public and private agencies and organizations, and individuals to enhance their capacity to undertake effective program planning design and implementation; and
- To review the juvenile justice component of the States' comprehensive plans, including (1) State methods of deinstitutionalizing status offenders; (2) State plans and goals including methods to segregate adult and juvenile offenders, to address the incidence of juvenile delinquency, and to identify program approaches that might benefit other jurisdictions; and (3) State technical assistance needs and problem areas.



Part Three: Analysis of the Federal Juvenile Delinquency Prevention Role

For nearly three-quarters of a century, the Federal Government has been spending money to prevent juvenile delinquency and rehabilitate delinquents. But the overall Federal effort has eluded definition. "Prevention," "enforcement," and "treatment" activities make up a variety of programs that are indirectly related to law enforcement and criminal justice. However, the relationships among these programs have heretofore not been clearly drawn or defined.

In 1972 and 1973, the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, aided by the Census Bureau, produced catalogs of all Federal programs defined as being related to juvenile delinquency. These catalogs described the qualitative nature of the programs, department-by-department. However, they did not attempt to describe any unifying program characteristics, and thus did not aggregate the many separate efforts into a coherent framework.

The analysis in this report brings up to date the description of the Federal Government's role in juvenile delinquency prevention. It includes the following parts:

A Profile of the Current Federal Effort. This section concerns the question of what "related to juvenile delinquency" really means.

Priority Needs and Spending Patterns. This section discusses the assumptions in current Federal delinquency prevention programs and how these relate to priorities.

Assessment of Federal Program and Project Evaluations. This study, which preceded the creation of the Office of Juvenile Justice, was conducted by the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. However, the document contains important background information directly related to information in this analysis.

Information Needs. This part discusses Federal information needs and plans to meet them. A major goal is to bridge the gap between evaluative information and planning decisions about what should be done in the future.

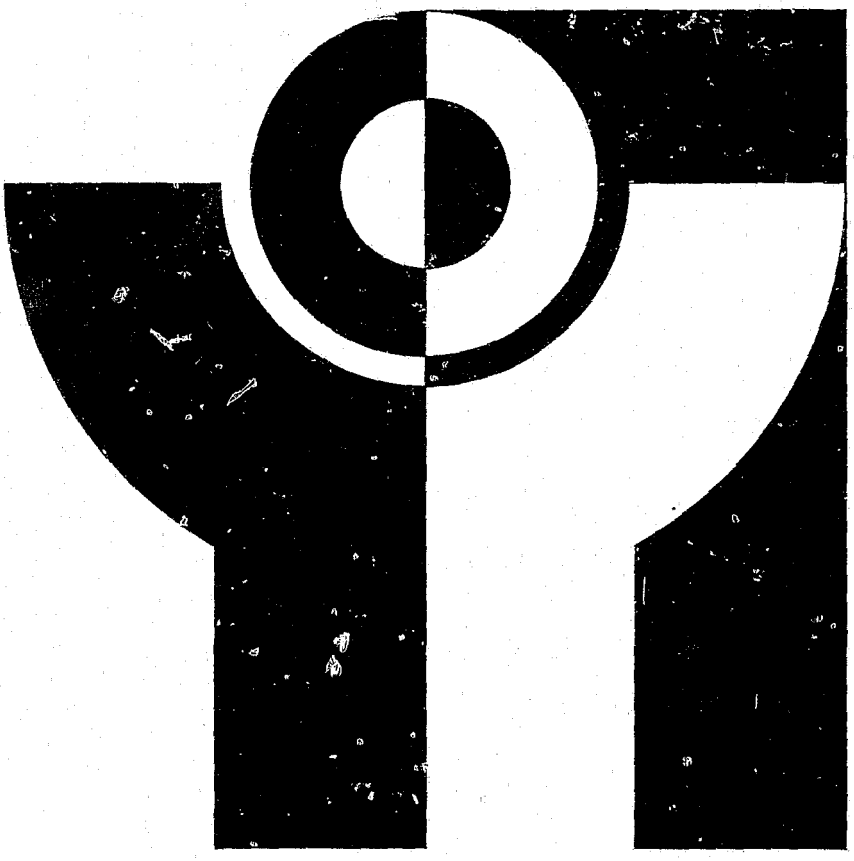
Finally three appendices contain program-by-program information on the 117 individual Federal efforts currently defined as "related to juvenile justice and delinquency prevention." The first gives program budgets for the past 3 years; the second explains and amplifies data bases used for the budget analysis; and the third contains abstracts of the 117 Federal programs. The Appendices are printed as Volume II.

Criteria Development

The Juvenile Justice Act requires the Administrator to develop a detailed statement of criteria for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

The Office of Juvenile Justice is in the process of developing these criteria which will be included in the *Second Analysis and Evaluation of Federal Juvenile Delinquency Programs*, to be submitted by the LEAA Administrator to the President and to the Congress prior to September 30, 1976.

The ambiguity of many of the terms for which criteria are being developed has added to the problems of juvenile delinquency prevention and control. The process of developing them therefore is designed to achieve consensus among a broad range of professionals working in the delinquency area. Members of the Coordinating Council and the National Advisory Committee are involved in this development process.



A Profile of the Current Federal Effort

The 1972 inventory of Federal programs related to juvenile justice and delinquency prevention contained a total of 166 programs. In the 1973 update, this number dropped to 132 through the termination of some programs and the consolidation of others. This list was subsequently used as an official inventory of the Federal effort during the preparation of the Juvenile Justice Act, and during the work of the Task Force that preceded the Office of Juvenile Justice and Delinquency Prevention.

When the Office was formed, one of its first actions was to update the list and obtain basic information about the Federal activities described. This included identifying 15 new programs that postdate the Census Bureau survey. After additions, deletions, and consolidation, the number of programs shrank to 117; all are described in the appendices to this report.

It should be emphasized that even the updated inventory discussed here is a preliminary one. One of the requirements of the Juvenile Justice Act is that LEAA establish detailed criteria for deciding what activities fall within the purview of the Act. A process has been established for developing these criteria, which will be the basis for a definitive program inventory in the future.

Defining the Federal Effort

The Federal money spent on and around the juvenile delinquency problem in FY 1975 totals somewhere between $92 million and $20 billion. There are two principal reasons for this huge discrepancy in estimates. The first is that programs to prevent delinquency have a very different focus than programs to respond to delinquency, and this difference interferes with comparisons of program-level budget totals. A million dollars spent on salaries for juvenile probation officers may or may not be more "useful" in combating delinquency than a million dollars spent on salaries for teachers in ghetto schools. However, the proportions of the money that should be included in a "delinquency expenditures" category are clearly different.

In the former case, the dollars are spent exclusively on youth who are judged delinquent, for the explicit purpose of making them less delinquent; thus the entire million dollars can be classified as "spent on the delinquency problem."

In the latter case, the dollars for teachers are spent on a population that may include predelinquents, but for purposes that do not relate specifically to preventing delinquency. Therefore the number of dollars actually spent on "the delinquency problem" is substantially less than a million, though the precise number remains unknown.

This first source of uncertainty about the magnitude of the Federal effort is inevitable for the foreseeable future. There are no prorating formulas for calculating the antidelinquency component of an extra teacher or a free school lunch.

A second source of uncertainty is purely a matter of reporting. For most programs, only a portion of the projects have any relationship to delinquency, and the distorted estimates produced by aggregating program budgets will persist until project-by-project

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data are available. To add all of the budget for LEAA's discretionary grant program, for example, grossly overstates the dollars used for delinquency projects; though some of the grants are directly and wholly related to delinquency, others are wholly unrelated.

Thus in the discussion of dollar resources committed to the "Federal effort," four types of effort must be specified separately.

The Direct Federal Effort to Deal with Delinquency and Predelinquent Youth. This effort embraces 10 programs that are exclusively and explicitly devoted to the delinquency problem and thus make up the core of the Federal effort. For convenience, these activities will be labeled "delinquency treatment programs."

The Direct Federal Effort to Assist Vulnerable Segments of the Youth Population. These are the prevention (defining "prevention" broadly) programs. To fit in this category, a program must meet three criteria:

- The benefits of the program must be directed explicitly toward youth (persons under 21 years of age).
- The bulk of that youth population must be considered especially vulnerable to delinquency (e.g., socially or economically disadvantaged).
- The service or benefit must explicitly or implicitly compete with factors believed to be direct causes of delinquent behavior.

Thirty-six programs meet these three criteria. The short label for this category is "programs for youth at risk."[1]

Related parts of the general Federal effort to upgrade law enforcement and criminal justice. This category includes all Department of Justice programs that include juveniles as one of the target populations without focusing on them exclusively. The label for this category of 15 programs is "related law enforcement/criminal justice (LE/CJ) improvement programs."

Related Parts of the General Federal Effort to Upgrade the Quality of Life—Specifically Those Activities with Special Relevance to Youth. This title embraces a wide variety of programs, ranging from food stamps to parks and from mental health to summer jobs. The rationale for linking these 57 programs with delinquency prevention is usually tenuous, and the proportion of the program budgets devoted to youth is often small. As an aggregate, this category is not a meaningful gage of the magnitude of the Federal effort to combat delinquency. These programs will be called "related general programs."

Federal Spending

These descriptions of the four Federal efforts reveal that the number of dollars actually devoted to juvenile delinquency falls far short of the $20 billion total budget of the 117 programs included in the Federal inventory. A noteworthy aspect of that budget total is that only one-half of 1 percent was devoted to direct treatment programs, and only 18 percent to programs providing services to the overall population of youth at risk. More than 80 percent represents budgets of programs only distantly or partially related to the delinquency problem. The exact totals for the four types of effort in FY 1975 are displayed in Table III-1.

[1]This does not imply that the true population of "youth at risk" is composed uniquely of the socially and economically disadvantaged. There are also population segments that are at risks because of mental and psychological disabilities, family conditions, and the many other causes of delinquency about which little is known. However, the main targets of programs in this category are the presumed social, educational, and economic causes of juvenile delinquency.

Table III-1. Aggregate FY-1975 Funding for the Four Types of Federal Effort

Type of Program	FY 1975 Funding (000,000)	% of Total
Delinquency treatment programs	$92.0	0.5
Programs for youth at risk	3635.3	18.1
Related LE/CJ improvement programs	920.8	5.8
Related general programs	15154.0	75.6
TOTAL	$19802.1	100.0

The FY 1975 proportions for the aggregated budgets are roughly comparable to those in the preceding 2 years and those projected for FY 1976, as shown in Figure III-1.

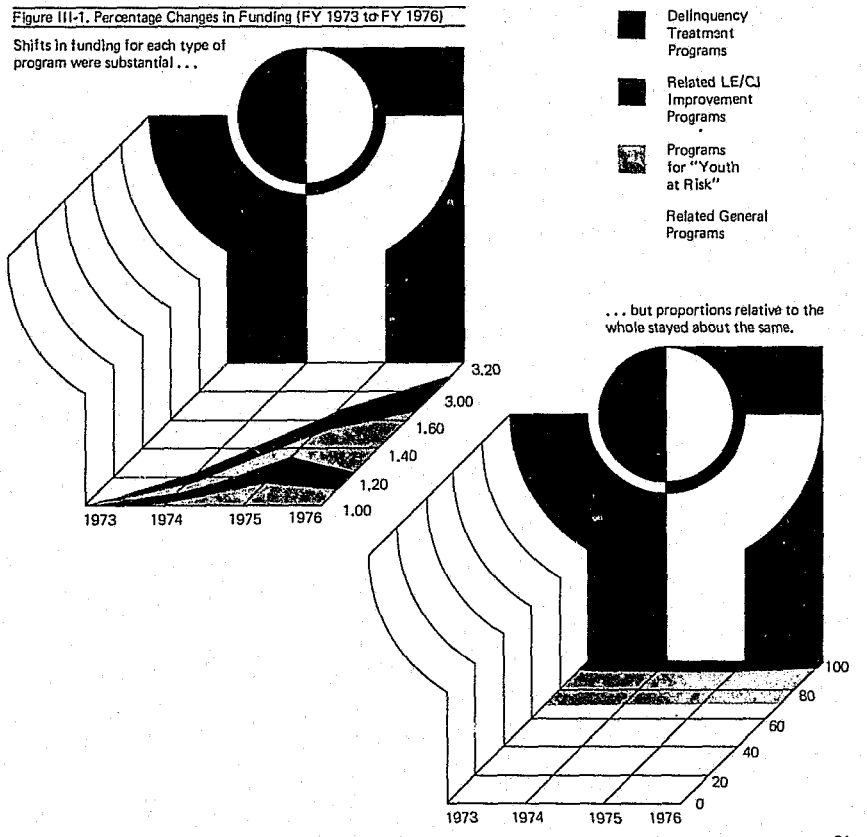
The budgets for related LE/CJ programs and programs for "youth at risk" are projected to drop somewhat during FY 1976, after moderate increases from FY 1973 through FY 1975. Related general programs continue to expand steadily. Delinquency treatment programs jumped dramatically, but this was partially the result of budget relabeling upon creation of the Juvenile Justice Office, rather than real increases in funds devoted to delinquency.

Another noteworthy point about the overall budget is that the proportions devoted to each type of effort change dramatically when viewed from a per capita standpoint. Using the FY 1975 budget data, a per capita approach to the budgets yields this breakdown by type of Federal effort:

- The $92 million for delinquency treatment programs was focused on the 1.2 million to 1.4 million juveniles taken into custody. Per capita expenditure: $66-$77.[2]

[2]The lower boundary is taken from the *Uniform Crime Reports* (UCR), 1973 (the most recent edition available) on the total juveniles taken into custody by all agencies (Table 21, p. 119). The number is not extrapolated; the figures for 1971, 1972, and 1973 remained nearly constant. The upper boundary assumes a possible 20 percent increase in 1975.

Figure III-1. Percentage Changes in Funding (FY 1973 to FY 1976)



- The $3635.3 million for youth-at-risk programs was focused primarily on youth in poor families—a population of roughly 12.1 to 23.3 million. Per capita expenditure: $156-$300.[3]

- The $920.8 million for related LE/CJ improvement programs was focused on the 4.0 to 4.8 million adults and juveniles in contact with the criminal justice system as offenders. Per capita expenditure: $192-$230.[4]

- The $15,154 million for related general programs was mostly, but by no means exclusively, focused on the poor (at least one-third and as much as two-thirds of the U.S. population) or roughly 72.2 to 144.4 million people. Per capita expenditure: $105-$210.[5]

Table III-2 shows the range of per capita expenditures represented by the 117 programs.

Per capita expenditures have been discussed in terms of ranges because the sizes of the target populations can only be estimates. But even assuming a generous margin of error, the change in the profile of expenditures is extreme, as shown in Figure III-2. For purposes of illustration, per capita expenditures in the figure are calculated assuming target populations are midway between the upper and lower boundaries.

Table III-2. Estimates of Per Capita FY 1975 Funding for the Four Types of Federal Effort

Type of Program	Lower Pop. Dollars	Estimate % of Total	Upper Pop. Dollars	Estimate % of Total
Delinquency treatment programs	77	9.4	66	12.7
Programs for youth at risk	300	36.7	156	30.1
Related LE/CJ improvement programs	230	28.2	192	37.0
Related general programs	210	25.7	105	20.2
TOTAL	$817	100.0	$519	100.0

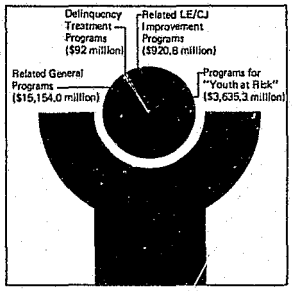
[3] Both figures are taken from the *Statistical Abstract of the United States*, extrapolated from 1970 census data. The lower boundary is youth under 21 living in families at or below the poverty level; the upper boundary is youth under 21 living in families in the bottom quarter of the income distribution.

[4] Lower boundary: 1973 total of adults arrested and juveniles taken into custody (UCR Tables 21, p. 119, and 22, p. 124). Upper boundary assumes a 20 percent increase in the 1975 figures.

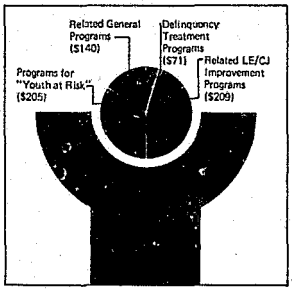
[5] Based on a 1975 population projection of 216 million, taken from the *Statistical Abstract*, 1972, Table 7, p. 8.

Figure III-2. Contrast Between Aggregate and Per Capita Views of the Four Types of Effort (FY 1975)

In the aggregate view, 94% of the dollars are spent on efforts related to prevention rather than treatment . . .



. . . while a per capita view indicates that funds for treatment and prevention are about equal.



The most significant contrast in the figure concerns the relative importance of treatment within the criminal justice system (delinquency treatment and related LE/CJ programs) as compared to nonspecific preventive programs (youth at risk and general related programs). Preventive programs virtually monopolize the aggregate expenditures, but only constitute about half of the per capita expenditures. In this sense it is wrong to view the current Federal effort as overwhelmingly or even predominantly prevention-oriented.

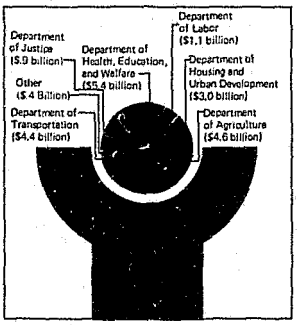
Funding Sources

The question of which agency is spending how much depends on whether aggregate or per capita estimates are used. Figure III-3 indicates the magnitude of department-by-department contrasts.

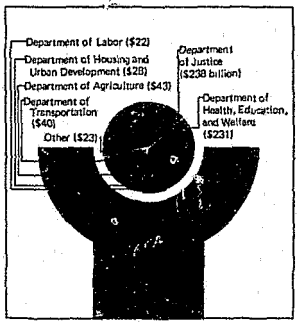
The changes in proportions are so great that it is more informative to discuss funding sources for the 117 programs in terms of type of Federal effort, rather than as a whole. As Figure III-4 indicates, the categories of delinquency treatment and related LE/CJ programs were dominated by the Department of Justice (DOJ). Youth-at-risk programs were primarily administered by the Department of Health, Education, and Welfare (HEW). The three biggest sponsors of related general programs were the Departments of Agriculture (USDA), Transportation (DOT), and Housing and Urban Development (HUD). They did so by virtue of a few programs with small portions devoted to youth but very large overall budgets. This situation points up the dubious significance of the related general category when dealing with program-level budgets.

Figure III-3. Contrast Between Aggregate and Per Capita Views of Funding Sources (FY 1975)

The Aggregate Budget



The Per Capita Budget

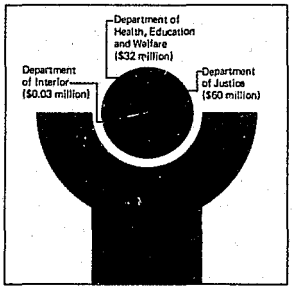


Following Figure III-4 is a detailed discussion of the funding sources for each type of program. Aggregates for each agency are based on program budgets, not project budgets.[6]

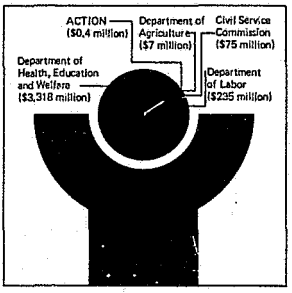
[6]The errors this introduces are unavoidable at this time, and probably substantial. For example, LEAA alone has been spending more than $100 million annually since 1972 on projects directly and exclusively devoted to delinquency, yet Department of Justice programs directly and exclusively devoted to delinquency had budgets aggregating only $60 million. The remainder of the juvenile justice projects were funded under programs that fit the related LE/CJ category. Presumably the figures for other agencies are similarly distorted by the absence of project-by-project information.

Figure III-4. FY 1975 Federal Efforts by Funding Source

Delinquency Treatment Programs

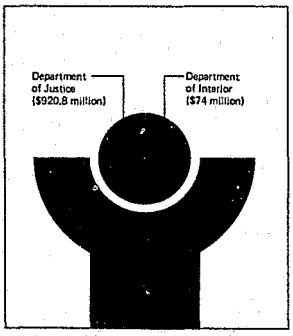


Youth at Risk Programs*

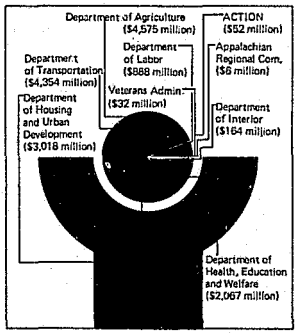


*This figure does not include the Department of Labor's Summer Jobs Program because a supplemental appropriation of $456 million was not made until June 16, 1975—too late for inclusion in this analysis. In FY 1975 the program goal is to provide summer jobs for more than 840,400 economically disadvantaged youths.

Related LE/CJ Improvement Programs



Related General Programs*



*Late revisions to the budget totals provided by program officials reveal that the figures for Department of Agriculture (USDA) programs were too low. The changes bring USDA

programs from 30.2 percent to 33.7 percent of the total for "related general programs," and raise the dollar figure for that set of programs by 5.4 percent. This implies some changes in other figures and tables that include data on related general programs. None of these significantly affect the shape of the budget priorities described in this section.

Delinquency Treatment Programs

The Justice Department, and more specifically LEAA, is the primary funding source for programs dealing directly with delinquent behavior. Of the $92 million spent in 1975, DOJ accounted for almost two-thirds. HEW spent $31.8 million on programs classified in this category, through its activities for runaway youth and one of its programs for educationally deprived children. The Department of the Interior (DOI) administered the only other Federal activity directly related to youth already considered delinquent (see Table III-3).

Table III-3. Delinquency Treatment Programs

Justice-LEAA (OJJDP)
Concentration of Federal Efforts
Formula Grants
National Institute for Juvenile Justice and Delinquency Prevention
Special Emphasis Grants
Technical Assistance
Justice-Bureau of Prisons
Operation of Juvenile and Youth Institutions
Operation of Young Adult Institutions
Interior-Bureau of Indian Affairs
Detention Facilities and Institutions Operated for Delinquents
HEW-Office of Education
Educationally Deprived Children—State-Administered Institutions Serving Neglected or Delinquent Children
HEW-Office of Human Development
Runaway Youth Program

Programs for Youth at Risk

Programs focused on preventing delinquency cover a spectrum so broad that it is more accurate to label them as programs directed toward youth at risk than as delinquency prevention programs. Grouped under this category are school activities, vocational opportunities, recreational outlets, and similar programs.

HEW is the major funding agency for these preventive activities. In FY 1975 that department expended $3.3 billion, or more than 91 percent of the total for this category. Representative activities included the Office of Education's programs for vocational education and for educationally deprived children, and the Head Start Program in the Office of Child Development.

The Department of Labor funded the Job Corps and two apprenticeship programs in FY 1975. A similar training program in USDA—the Youth Conservation Corps—expended approximately $6.7 million in FY 1975. Obligations of $75 million for two Civil Service Commission programs employing disadvantaged youth in Federal positions, and of $310,000 for ACTION's Youth Challenge Program, complete Federal expenditures for direct prevention programs.

Table III-4. Programs for Youth at Risk

HEW-Office of Education
Bilingual Education
Dropout Prevention
Educationally Deprived Children—Local Educational Agencies
Educationally Deprived Children—Migrants
Educationally Deprived Children—Special Grants for Urban and Rural Schools
Educationally Deprived Children—Special Incentive Grants
Educationally Deprived Children—State Administered Institutions
Educational Personnel Development—Urban/Rural School Development
Educational Personnel Training Grants: Career Opportunities
Follow Through
Special Services for Disadvantaged Students in Institutions of Higher Education
Supplementary Educational Centers and Services: Special Programs and Projects
Supplementary Educational Opportunity Grants
Talent Search
Teacher Corps
Upward Bound
Vocational Education Program—Basic Grants to States
Vocational Education Program—Cooperative Education
Vocational Education Program—Curriculum Development
Vocational Education—Innovation
Vocational Education—Research
Vocational Education—Special Needs
Vocational Education—State Advisory Councils
Vocational Education—Work Study
HEW-Office of the Secretary (Human Development)
Child Development—Child Abuse and Neglect: Prevention and Treatment
Child Development—Child Welfare Research and Demonstration Grants
Child Development—Head Start
Child Development—Technical Assistance
HEW-Social and Rehabilitation Service
Child Welfare Services
Labor-Manpower Administration
Apprenticeship Outreach
Apprenticeship Training
Job Corps
USDA-Forest Service
Youth Conservation Corps
Civil Service Commission
Federal Employment for Disadvantaged Youth—Part-Time
Federal Employment for Disadvantaged Youth—Summer Aides
ACTION
Youth Challenge Program

Related Law Enforcement/Criminal Justice Improvement Programs

The Departments of Justice and the Interior fund programs related to youth already labeled delinquent. The programs deal with law enforcement, courts, and corrections for both adults and juveniles. DOJ expended more than 92 percent of the obligations in this category. A large share of these expenditures was for LEAA's discretionary and formula grants programs. The remainder represents the Bureau of Prison's expenditures on corrections. Two programs in DOI's Bureau of Indian Affairs are oriented toward improving law enforcement and criminal justice for native Americans.

Table III-5. Related Law Enforcement/Criminal Justice Improvement Programs

Justice-Drug Enforcement Administration
- Public Education on Drug Abuse: Technical Assistance
- Research on Drug Abuse

Justice-Bureau of Prisons
- Correctional Services, Technical Assistance
- National Institute of Corrections
- Operation of Female Institutions

Justice-LEAA
- Criminal Justice–Statistics Development
- Law Enforcement Assistance–Comprehensive Planning Grants
- Law Enforcement Assistance–Discretionary Grants
- Law Enforcement Assistance–Improving and Strengthening Law Enforcement and Criminal Justice
- Law Enforcement Assistance–Student Financial Aid
- Law Enforcement Assistance–Technical Assistance
- Law Enforcement Research and Development–Graduate Research Fellowships
- Law Enforcement Research and Development–Project Grants

Interior-Bureau of Indian Affairs
- Indian Law Enforcement Services
- Social Services

General Related Programs

Programs classified in this category cover a wide range of activities, most of them only tangentially related to preventing delinquency. Agency-by-agency expenditures for this category tell little about the magnitude of relevant spending because huge portions of program money are not related to delinquency.

For example, DOT spent more than $4.3 billion in FY 1975 on the two programs included in this analysis, but only a fraction of that money was devoted to the environmental improvements that led the Census Bureau to view the two programs as delinquency-related.

USDA spent more than 33 percent of the funds in this category on food and nutrition programs for economically disadvantaged populations and school children. HEW also supported school programs and others dealing with mental health and alcohol and drug abuse. Total HEW spending for programs in this category was $2.7 billion.

Labor Department programs emphasized career exploration and vocational training; almost $888 million was obligated in FY 1975 for these activities. HUD approved more than $3 billion in block and discretionary grant programs, including approximately $428.4 million for capital costs in low-rent public housing modernization. Finally, DOI, the Veterans' Administration, ACTION, the Civil Service Commission, and the Appalachian Regional Commission also funded programs related to delinquency prevention.

CONTINUED

6 OF 19

Table III-6. General Related Programs

HEW-Health Services Administration
Indian Health Services

HEW-National Institute of Education
Educational Research and Development

HEW-National Institute of Mental Health
Community Mental Health Centers
Mental Health Fellowships
Mental Health Research Grants
Mental Health Training Grants

HEW-National Institute on Alcohol Abuse and Alcoholism
Alcohol Community Service Programs
Alcohol Demonstration Programs

HEW-National Institute on Drug Abuse
Drug Abuse Community Service Programs
Drug Abuse Demonstration Programs

HEW-Office of Education
Adult Education–Grants to States
Adult Education–Special Projects Program
Drug Abuse Prevention
Library Services–Grants for Public Libraries
National Direct Student Loans
Supplementary Educational Centers and Services, Guidance, Counseling, and Testing

HEW-Office of the Secretary (Human Development)
President's Commission on Mental Retardation
Rehabilitation Services and Facilities–Basic Support
Rehabilitation Services and Facilities–Special Projects

HEW-Social Rehabilitation Service
Maintenance Assistance (State Aid) Program
Public Assistance Research

USDA-Cooperative Extension Service
4-H Youth Development Program

USDA-Food and Nutrition Service
Food Distribution
Food Stamps
Special Food Service Program for Children
School Breakfast Program
Nonfood Assistance for School Food Service Programs
National School Lunch Program
Special Milk Program for Children

HUD-Community Planning and Development
Community Development–Block Grants
Community Development–Discretionary Grants

HUD-Office of Policy Development and Research
General Research and Technology Activity

DOI-Bureau of Indian Affairs
Social Services
Drug Program
Indian Reservation Projects
Indian Social Services–Child Welfare Assistance
Indian Employment Assistance
Indian Education–Colleges and Universities
Indian Education–Assistance to Non-Federal Schools

DOI-National Parks Service
Parks for All Seasons

DOI-Bureau of Outdoor Recreation
Outdoor Recreation—Technical Assistance

DOL-Manpower Administration
Employment Service Program
Work Incentive Program
National On-the-Job Training
Farmworkers Program
Manpower Research and Development Projects
Indian Manpower Program

DOL-Wages and Hours Division
Work Experience and Career Exploration Program

DOT-Federal Highway Administration
Highway Research, Planning, and Construction

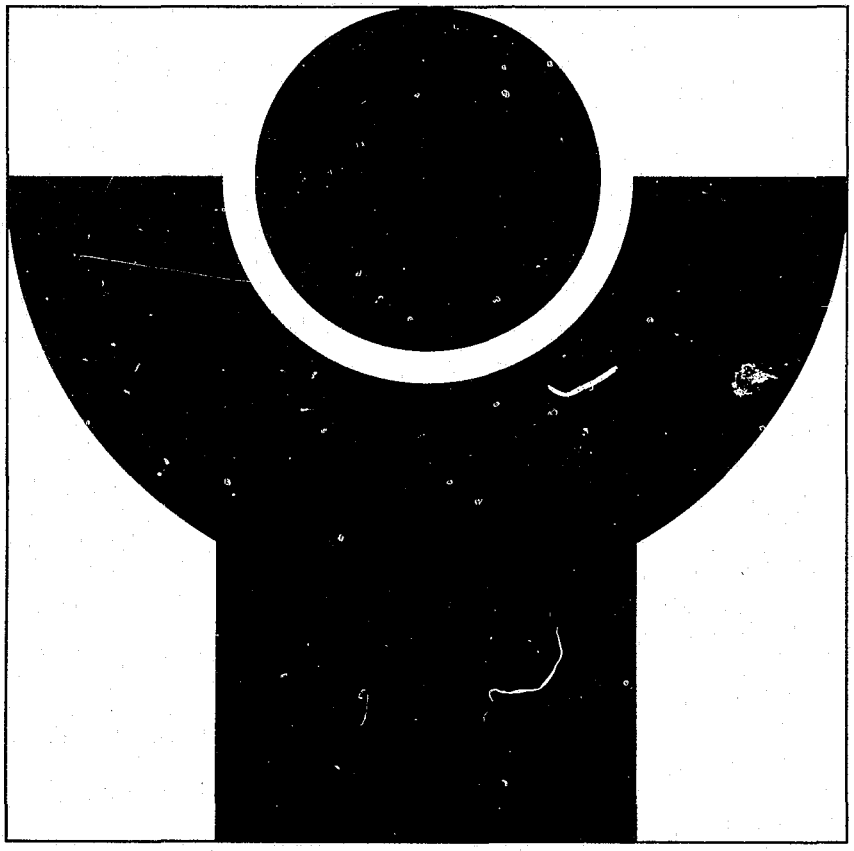
DOT-National Highway Traffic Safety Administration
State and Community Highway Safety Program

ACTION
Foster Grandparents Program
VISTA

Appalachian Regional Commission
Appalachian State Research, Technical Assistance, and Demonstration Projects

Civil Service Commission
Federal Summer Employment

Veterans' Administration
Veterans Rehabilitation—Alcohol and Drug Dependency



Priority Needs and Spending Patterns

A fundamental planning question is whether the existing Federal effort coincides with the priorities of the delinquency problem. Data are lacking to answer this question at this time. For example, no one has a clear picture of what functions the States and localities are already adequately filling, or the true effects of techniques being used.

But even without complete information, sensible planning decisions can be made. This analysis therefore presents some preliminary data about Federal spending in order to discern the priorities and assumptions implicit in spending patterns.

Six different types of priorities will be discussed in this section:

- Functional priorities, which include services, planning and research, and training.
- Intervention priorities in the predelinquency, adjudication, and postadjudication phases.
- Corrections priorities—residential or nonresidential.
- Corrections priorities—community-based group homes or training schools and detention centers.
- Research and planning priorities relative to service priorities.
- State priorities in the use of block grant action funds.

The Data Base

This analysis is based on projects that deal directly and exclusively with juvenile delinquency. These include both prevention and treatment efforts, with "prevention" narrowly defined as "identification and treatment of predelinquents." The sample consists of all LEAA-sponsored grants and subgrants from FY 1972 through FY 1975 that focused on delinquency and totaled $100,000 or more. (The assumption is that major grants are the ones that should receive the greatest attention in assessing the directions being taken by LEAA.)

Grants of $100,000 or more made up slightly less than half of the total LEAA funds used for delinquency projects during those 4 years, and approximately 83 percent of all LEAA discretionary funds spent on delinquency.[7] The sample size is 752 (including some cases of consolidation of grants for the same project in the same fiscal year). For a more detailed discussion of the data base, see Appendix B. Table III-7 shows the relationship between the data base for this analysis and LEAA juvenile delinquency funding as a whole.

The data base gives a useful overall project-level profile of the Federal effort in delinquency treatment. However, the profile underestimates the resources being devoted to runaway youth, drug abuse treatment, educational programs in correctional institutions, support of federally operated corrections institutions, and research. The Justice Department's Bureau of Prisons, along with the Office of Education, the Social and Rehabilitation Service, and the National Institutes of Health and of Mental Health (all within the Department of Health, Education, and Welfare) conduct important programs in these areas. The possible effects of these omissions will be noted where appropriate.

[7]The majority of LEAA projects are funded by the States through the block grant funds they receive from the Crime Control Act. LEAA also has discretionary money to fund projects of its choice.

Functional Priorities

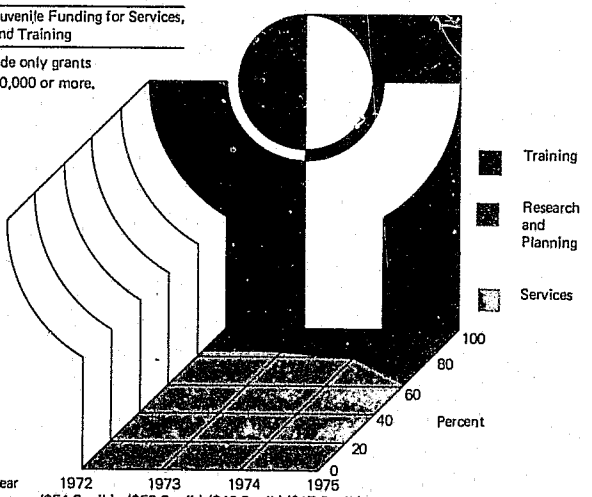
In the simplest functional breakdown, Federal monies can be applied to the delinquency problem in three ways:

- To augment services being provided by States and localities.
- To conduct research and planning to improve the effectiveness of those services; and
- To train personnel who provide the services.

The implicit priority reflected in LEAA spending on delinquency has been to augment services. The percentage of LEAA funds spent on each category is shown in Figure III-5.

Figure III-5. LEAA Juvenile Funding for Services, Research/Planning, and Training

NOTE: Figures include only grants and subgrants of $100,000 or more.



*Total for FY 1975 is incomplete.

Table III-7. Grants and Subgrants of $100,000 or More As a Sample of All LEAA Juvenile Delinquency Funding

	Discretionary Grants (Thousands)	Subgrants from Block Funding (Thousands)	Total (Thousands)
1972			
Total	21,596	86,787	108,383
100K+	18,276	35,884	54,160
1973			
Total	16,920	88,809	105,729
100K+	13,203	39,070	52,273
1974			
Total	13,625	84,616	98,241
100K+	11,017	31,867	42,884
1975			
Total	11,386	18,759	30,145
100K+	9,945	7,266	17,211
Overall FY 1972-75			
Total	63,527	278,971	342,498
100K+	52,441	114,087	166,528
	(82.5%)	(40.9%)	(48.6%)

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Table III-8 shows the percentage of discretionary and block grant funds spent on the three categories. Overall, almost 9 out of every 10 dollars have been used directly for services. LEAA's discretionary emphasis on serivces was relatively lower than that of the States, but still very substantial (74.4 percent of discretionary spending).

But changes appear to be taking place, as shown in Figure III-6. During FY 1974 to FY 1975, LEAA discretionary funding for research and planning jumped from 13 percent to 47 percent of the total. The dollar figures went from $1,425,000 in FY 1974 to $4,706,000 in FY 1975, and the latter figure represents only a partial compilation of FY 1975 grants.

It remains to be seen whether the States will follow LEAA's lead, and put more of their block grant resources into research and planning. To date they have not. Research and planning have accounted for between 4 and 6 percent of block juvenile-related spending every year from 1972.[8]

Table III-8. Comparison of Functional Priorities: LEAA Discretionary Grants and State-Level Use of Block Grants[1]

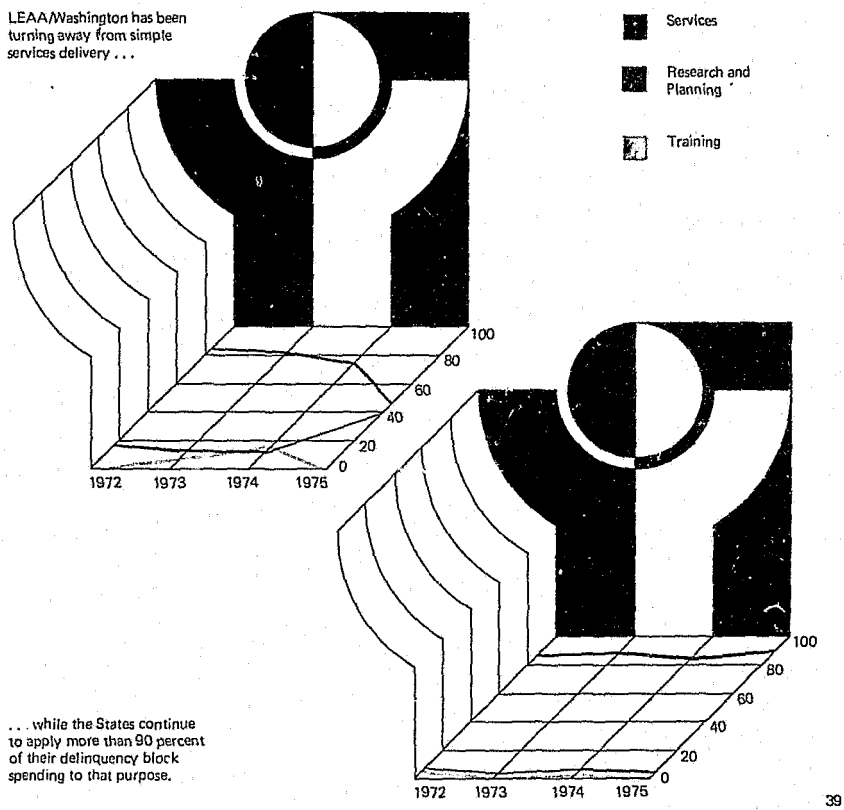
	Discretionary (Percent)	Block (Percent)	Total (Percent)
Services	74.4	93.3	87.4
Research and Planning[1]	19.9	4.7	9.5
Training	5.6	2.0	3.1
Total dollars, FY 1972-FY 1975 (in grants of $100,000 or more)[2]	$52,441,000	$114,087,000	$166,528,000

[1] This is based on a conservative rating system. The total includes only those projects that are exclusively for research or planning purposes. It excludes the ordinary "demonstration project," which often has a modest evaluation component, unless it is clear from the abstract that evaluation is a major purpose for undertaking the project.

[2] Figures for FY 1975 are incomplete.

[8] The graphs show zero expenditure of major grants ($100,000 or more) for training purposes in 1975. It should be emphasized that FY 1975 data are incomplete, and that training projects of less than $100,000 have been funded.

Figure III-6. Patterns of Resource Allocation: LEAA and the States



Some key assumptions needed to rationalize the emphasis on services are as follows:

- Localities and States are not providing and cannot be expected to adequately provide these services out of their own tax revenues.
- The services are effective enough to justify their cost.
- Enough is known about delinquency to make provision of services a much higher priority than research into service delivery.

The validity of these assumptions undoubtedly varies, depending on the specific service and location. But overall it is fair to say that LEAA spending for juvenile delinquency in 1972 through 1974 implied that a great need existed for additional services, using the techniques at hand. The sharply increased discretionary spending for research and planning in FY 1975 can be seen as one indication that a competing assumption is gaining more attention—that major improvements are necessary in the provision of services, not just more of the same.

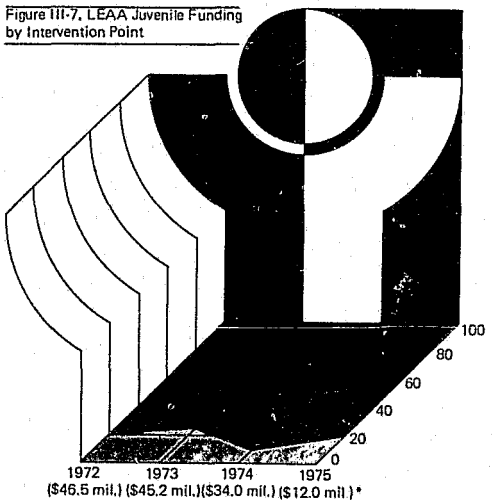
Overall Intervention Priorities

During the last 4 years, the discretionary and block funding of major grants and subgrants for juvenile delinquency services has been divided roughly 20-30-50 among the predelinquency phase, adjudication phase, and postadjudication phase. This is shown in Figure III-7.

LEAA's own discretionary programs have varied from the States' use of their block grants in two ways. First, as Table III-9 indicates, a greater proportion of LEAA discretionary funds than block funds has gone to the predelinquent phase—grants such as those for spotting and working with troubled youth through school programs, or for building up the capacity of police departments to work with predelinquent youth outside of traditional channels. During the 4 years from 1972 to 1975, 28.2 percent of LEAA discretionary funds went for these purposes, compared with 19.5 percent of block funds.

The second distinction between the use of discretionary and block funds for juvenile services is that, since 1973, the states have been increasing the proportion going to adjudicated delinquents, and decreasing the amounts for predelinquent and adjudication activities (see Figure III-8).

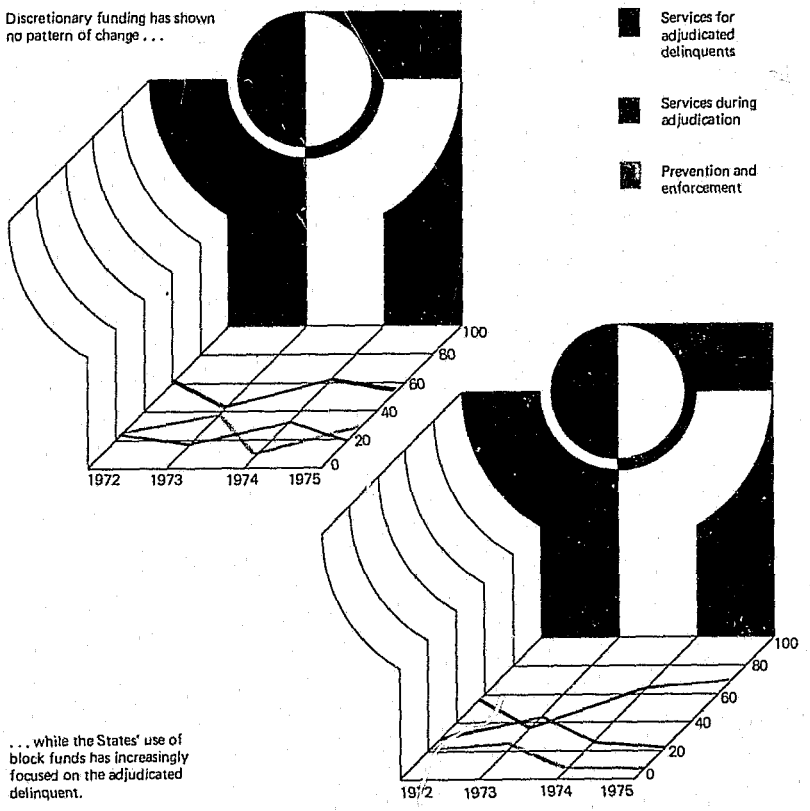
Figure III-7. LEAA Juvenile Funding by Intervention Point



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

Figure III-8. Use of Discretionary and Block Funds: A Comparison



Some of the services most emphasized in the Juvenile Justice Act (e.g., prevention and diversion) occur in the predelinquent and adjudication periods. Thus, the trend in the use of block funds for delinquency is not in keeping with the priorities stated by the Congress. The use of discretionary funds, however, shows no clear trend at all.

Corrections Priorities: Residential or Nonresidential

A basic corrections decision is whether to put offenders in correctional institutions or to let them live at home. In the juvenile sector the distinction can become blurred, as community-based corrections facilities often combine sleep-in arrangements with virtual freedom during the day. For this analysis, residential includes both community-based group homes and the more traditional "training school" correctional institution. Nonresidential includes both formal probation and a variety of related noncustodial corrections services, including money for "Youth Service Bureaus" that work with diversion systems. The percentages of residential and nonresidential corrections programs funded by LEAA are shown in Figure III-9.

Table III-9. Comparison of Intervention Points: LEAA Discretionary Grants and State-Level Use of Block Grants[1]

	Discretionary (Percent)	Block (Percent)	Total (Percent)
Prevention and enforcement	26.4	19.5	21.4
Services during adjudication	23.4	33.4	30.7
Services for adjudicated delinquents	50.2	47.1	47.9
Total dollars (in grants of $100,000 or more)[2]	$37,284,000	$100,351,000	$137,635,000

[1] Twenty major projects overlapped all three areas, with none predominating. Total funding for the 20 projects in this "general services" category was $7.8 million during FY 197[illegible] FY 1975.

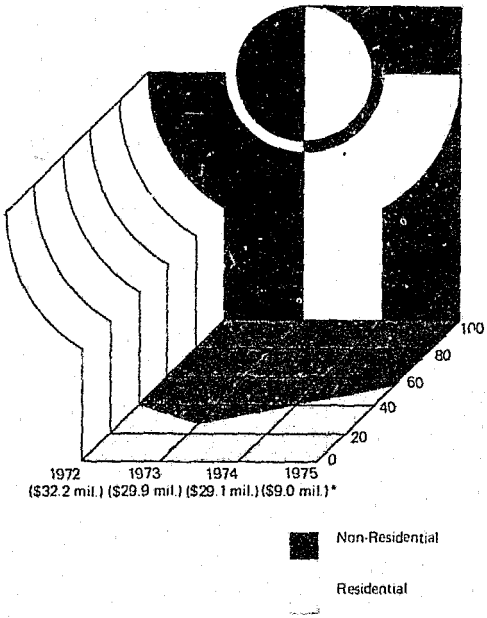
[2] Figures for 1975

Overall, nonresidential corrections have received the bulk of funds for corrections services. The proportions for discretionary and block spending have been almost identical, as shown in Table III-10.

Table III-10. Comparison of Residential and Nonresidential Corrections Spending: Discretionary and Block Grants, FY 1972 to FY 1975

	Discretionary (Percent)	Block (Percent)	Total (Percent)
Nonresidential	57.5	58.9	58.5
Residential	42.5	41.4	41.5
Total dollars (in grants of $100,000 or more)	$22,200,000	$71,100,000	$93,300,000

Figure III-9. LEAA Juvenile Corrections Funding by Type



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

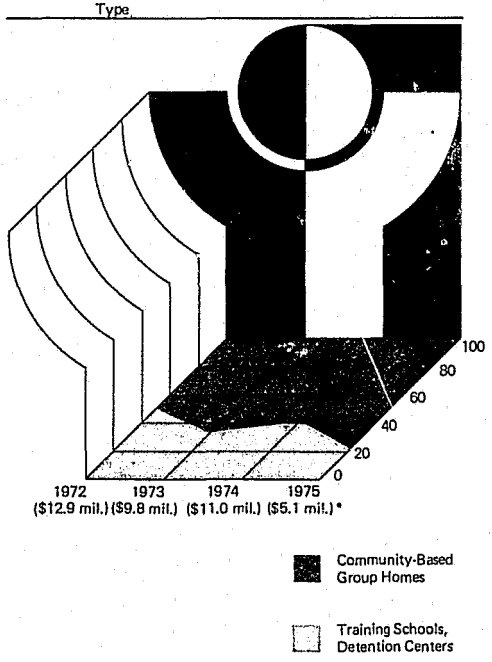
Although overall priority has been given to diversion and probation, a major trend should be noted. As shown in Figure III-9, residential services have received increasing proportions of the correctional budgets in 1974 and 1975. This increase is attributable to the changing use of block grant money by the States. In 1973, they were putting 2.3 times as much of their block money into nonresidential corrections as into the residential type. In 1974, the ratio dropped to 1.2. For 1975, the partial figures available indicate that the balance has shifted, and that residential corrections are now receiving 1.5 as much as nonresidential.

In contrast, discretionary spending on nonresidential corrections has stayed between 50 percent and 60 percent of funding for corrections services, except when it increased to 73 percent in FY 1974.

Corrections Priorities: Group Homes or Training Schools

The idea of community-based corrections has recently enjoyed rising interest, which is reflected in the funding history of major LEAA grants. From FY 1972 through FY 1975, more than 3 out of every 5 dollars in major grants for correctional institutions went to group homes rather than the traditional type of institution. This is shown in Figure III-10.

Figure III-10. LEAA Funding for Juvenile Correctional Institutions by Type



*Total for FY 1975 is incomplete.

NOTE: Figures include only grants and subgrants of $100,000 or more.

There are no clear year-by-year trends for either discretionary or block spending. For block grants, the ratios of group home dollars to training school dollars from FY 1972 to FY 1975 bounced from 1/1 to 3/1 to 1/1 to 8/1. For discretionary grants, the range was smaller but the changes were similarly as inconsistent: from 2/1 to 1/1 to 6/1 to 1/1 during the 4 budget years. There are no indications that a systematic policy favoring community-based group homes has been in effect, yet there appears to be a broad, overall trend in that direction for LEAA and the SPA's as well. As Table III-11 indicates, the discretionary and block grant proportions spent on the two kinds of corrections were nearly identical.

Table III-11. Comparison Spending on Correctional Institutions: Discretionary and Block Grants

	Discretionary (Percent)	Block (Percent)	Total (Percent)
Community-based group homes	61.5	60.5	60.8
Training schools, detention centers	38.5	39.5	39.2
Total dollars (in grants of $100,000 or more)	$9,433,000	$29,245,000	$38,678,000

Some of the most innovative projects appeared to be those for the traditional training schools and detention centers. For example, the purposes of many grants were improved diagnostic services or therapy and skills development programs. It would therefore be a mistake to describe community-based efforts as necessarily "advanced" compared to "traditional" training-school projects.

Research and Planning Priorities

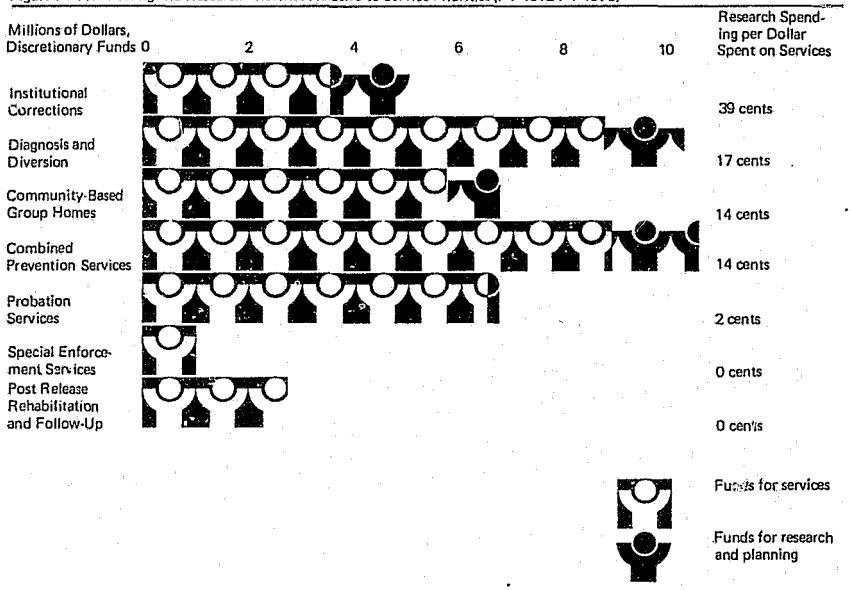
Figure III-11 breaks out the proportions of research/planning funding and provision-of-services funding for certain basic categories of service. The spending patterns imply that institutional corrections of the traditional type require substantial research and planning, and that little is needed for probation services and postrelease followup.

State Priorities

The map in Figure III-12 shows the attention States are giving to juvenile delinquency in their use of block action funds. The numbers indicate the percentage of such funds devoted to juvenile delinquency in 1973 (including all projects, not only those of $100,000 or more). The average for the 50 States and the District of Columbia was 18 percent. The shading indicates whether block juvenile expenditures per youth under 18 put a State in the top, second, third, or bottom quarter of all the States.

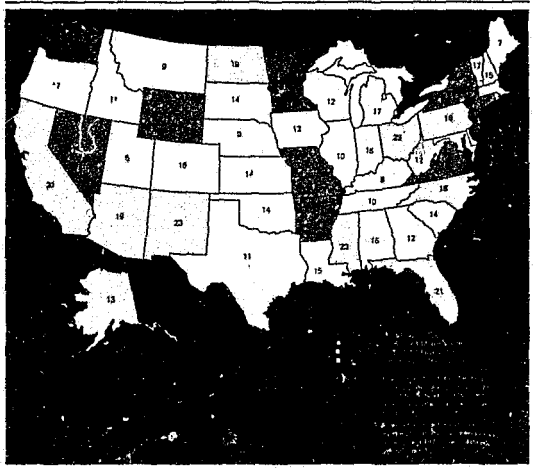
The problem in interpreting the numbers is, of course, the lack of matching data about the severity of the delinquency problem. Low percentages and expenditures could reflect the fact that the problem is not serious.

Figure III-11. Planning and Research Priorities Relative to Service Priorities (FY 1972-FY 1975)

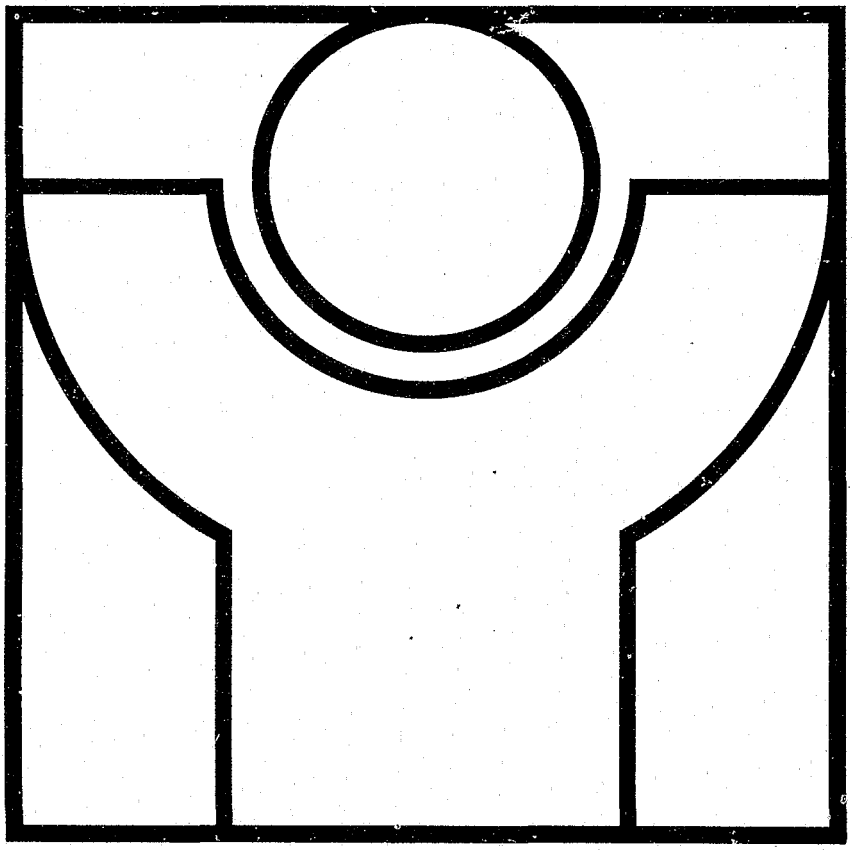


NOTE: Figures include only grants of $100,000 or more.

Figure 111-12. State Use of LEAA Block Funds for Juvenile Delinquency Projects



Numbers represent percent of block funds used for juvenile delinquency projects.[1]
Shading represents dollars per youth spent on juvenile delinquency projects.[2]



Assessment of Federal Program and Project Evaluations

This section reports the findings of a major effort to assess evaluations of federally-operated or assisted programs and projects dealing with juvenile delinquency and youth development. Most of the efforts evaluated were in the federally-assisted category, and involved both operational and demonstration programs.

The study reported here was undertaken by the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs prior to the creation of the Office of Juvenile Justice. The findings are discussed because they are directly related to other information in this analysis. Results of the study have never before been published.

The assessment focused on evaluation at both the program and project levels. However, the central focus was on the latter; thus they are addressed in more detail than are program-level evaluations.

The major objective of the assessment was determining the number of programs and projects involved, who had conducted the evaluations and when they had been designed, levels of effort, methodology, and cost factors.

Type I and Type II Programs and Projects

The sample for the assessment consisted of 125 Federal programs in the areas of juvenile delinquency and youth development. Of these, 83 were programs whose activities or projects were basically similar in terms of objectives, target population, format, and operation. These projects tended to differ only in terms of location and funding levels. Such programs are referred to in this report as Type I programs, and projects operated under them are called Type I projects.

In the remaining 42 programs, the projects tended to vary with respect to objectives, target population, operation, funding, and location. These are referred to as Type II program and projects.

The 4-H Youth Development effort is a good example of a Type I—or similar—program. Projects funded under this program tend to have the same general purpose, operational format, and target population.

LEAA Part C block grants represent a Type II—or dissimilar—program. Here the projects range from juvenile court services to police cadet training, and thus differ significantly from one another in intent, subject area, and funding.

Methodology

All programs that applied to youths in the 0 to 24 year category, and those that had either a juvenile delinquency or youth development focus, were identified and arranged according to three categories: target population, scope or subject matter, and approach. Through this process, 167 Federal programs were isolated, of which 131 were selected for inclusion (not all programs within the 167 program universe are typically evaluated as program efforts). Further adjustments in the baseline resulted in a total of 125 programs in the sample.

Because the identity and location of many of the 120,000 projects under the Type I programs were generally unknown, it was decided that a stratified systematic probability sampling of projects would be inappropriate. A "best evaluation" approach was therefore used in which every Federal level program director was asked to provide the "best evaluation" available for the projects operating under that program.

In contrast, the Type II project universe is rather well chartered. Thus, a stratified, systematic probability sample was developed from the 2,984 projects funded under the 42 Type II programs. This 1-in-20 sample produced a selection of 151 projects, which is statistically representative of the total range of Type II projects.

Data for the assessment of all program level evaluations were obtained from personal interviews conducted with program managers at the Federal level. Findings were based solely on the results of these interviews. Assessment data for project level evaluations were collected through interviews with project directors and by a systematic analysis of each available project evaluation report.

Because the 83 Type I program managers were each asked to submit one project that represented their best evaluation effort, the Type I sample began with 83 arbitrarily chosen projects. However, a truly representative random sample of 151 projects was drawn from the 42 Type II programs. The differentiation in project sampling procedures means that Type I project evaluation findings cannot be considered as equivalent to Type II evaluation findings, nor can they be compared.

Findings: Program Evaluations

The assessment found that a substantial number of program evaluations had been undertaken and completed, were in progress, or were planned. Although the number was greater for the Type I sample (55 of the 83 Type I programs reported program-level evaluations, compared to 15 of the 42 Type II programs), the effort for both groups was relatively high.

Another finding was that a number of different groups actively participate in Federal-level program evaluation efforts. For Type I programs, the sponsoring agency's internal research or evaluation unit accounted for 38 percent of the evaluations, as did profit-making corporations. Universities or other educational institutions made up only 11 percent.

Although the number of Type II programs in this assessment was substantially smaller than the Type I number (only eight were included), a similar finding resulted: one-half of the Type II program evaluations were conducted by the agency's research and/or evaluation division, and 37 percent by a profitmaking corporation. No university or educational institutions participated in the evaluations, however.

The assessment found that cooperative or coordinated evaluation programs are rarely undertaken. For the 55 Type I programs with completed program evaluations, only 11 indicated any kind of cooperative or coordinated effort. In many cases, cooperation occurred in programs that were federally operated, and within agencies that were not likely to have developed an evaluation-oriented, inhouse research unit. Among those 11 programs, there were 26 instances of interagency cooperation, most of which occurred in the planning and data collection efforts.

In the case of the eight Type II programs for which evaluations had been completed, there were no instances in which cooperative evaluation activities had been undertaken with other Federal agencies.

A substantial financial commitment was found in terms of program evaluations, especially for the 44 Type I programs with available cost figures. While 20 percent of the Type I programs were excluded because of inadequate financial data, it was found that at least one-half of the 44 programs cost more than $100,000 each to evaluate. Only six Type II programs could be included, and the majority of these cost less than $100,000 to evaluate. These figures must be considered, however, as a percentage of the total program funding level, data for which appears below.

Adequate data for determining evaluation funding as a percentage of overall program funding were available for only 31 of the 55 completed Type I program evaluations. Of these 31 programs, the evaluation cost as a percentage of overall funding ranged from .002 percent to 7.3 percent. (The dollar cost range for the evaluation was from $800 to $1 million, while program funding levels for these programs ranged from $63,000 to more than $1 billion.) Twenty-one (67.7 percent) of the completed Type I program evaluations were in the 0 to 1 percent range, 6 (19.4 percent) were in the 1 to 3 percent range, and 4 (12.9 percent) were in the 3 percent or above range. While the widely fluctuating variations in these findings cannot be subjected to significant interpretation because of the relatively small program sample, the findings do serve to indicate the boundaries of the cost of program evaluations as a percentage of program funding levels.

Figures for Type II programs are even more tenuous. Of the eight Type II programs with completed program evaluations, only five had adequate data for computing the percentages. The cost of Type II program evaluations ranged from $2,240 to $200,000, while program funding levels ranged from $6.6 million to slightly more than $500 million. Program evaluation costs as a percentage of overall program funding ranged from .002 percent to .91 percent. But given the small sample size, and the extreme range of figures, the findings for Type II programs are of limited value.

An assessment of the amount of time required to complete the program evaluations was also made for 30 of the 55 completed Type I program evaluations and for 5 of the 8 Type II evaluations. Slightly more than one-half of the former required more than 25 person-months to complete, while 60 percent of the latter fell into this range.

Findings: Project Evaluations

Three kinds of project evaluation efforts—monitoring, progress reports, and research evaluations—were found in the assessment. In general, monitoring and progress reporting evaluations are those that typically account for program effort in narrative form. Research evaluations, on the other hand, are those that employ principles and techniques of scientific method to analyze program outcomes and account for the processes leading to those outcomes. The latter is of particular interest because it provides a more satisfactory analysis of program outcomes and effects.

Type I project evaluations will be presented first. Because of substantial project attrition, only 24 were assessed. Of those 24 projects, 21 submitted evaluations that were complete and included documentation in a form amenable to review and assessment. Of the 21 reports, 6 were the monitoring kind, 7 were progress reports, and 8 (or 38 percent) were research evaluations.

For the 21 Type I project evaluations, it was found that project staff, evaluators from the Federal agency, and universities or other educational institutions performed the evaluations in equal proportions (24 percent each). Only 9 percent of the evaluations were conducted by profitmaking corporations. Universities were more frequently involved in research evaluations, and none were conducted by nonprofit corporations.

Most of the 21 Type I project evaluations (70 percent) were designed in conjunction with the planning of the project itself, while the remaining 30 percent were developed after the project had been either planned or implemented.

The Type I project evaluations were assessed for certain methodological characteristics, specifically the degree to which they specified project and report objectives, used survey-interview techniques, described the techniques being evaluated, employed an experimental design, and attempted to measure change. Because it is important to determine what the evaluation itself is seeking to accomplish, and because each of these activities is generally considered a critical unit in the evaluation effort, the six methodological considerations were deemed important.

Most of the assessed evaluation methodologies attempted to (1) specify project and/or report objectives, (2) describe the techniques being evaluated, and (3) measure change. Few indicated the use of surveys, and experimental design was the least frequently employed technique.

All research evaluations in the sample specified the project objectives under consideration, while 75 percent used some form of survey technique and 62.5 percent attempted to measure change. Research evaluations were also found to be more likely to specify and describe the "technique" than were progress reports, and were more likely to offer a clear statement of their objectives.

The cost for Type I project evaluations was typically absorbed under the "administrative costs" category, and a typical effort consumed 1 or 2 person-days. Detailed information on these categories was too scarce to provide any meaningful interpretation.

For Type II project evaluations, 151 projects were used to represent the 2,984 selected from Type II programs. Because of the unusually high attrition rate of these projects, 85 were excluded and only 66 were included in the assessment. These 66 projects in turn produced 106 reviewable evaluation reports. In many cases, there was more than one report per project. Of the 106 reports, 24 were monitoring, 63 were progress, and 19 were research evaluation.

In terms of the type of agent conducting the project evaluation, the 106 reports reviewed for this category indicated that the project staff itself was the most active single agent involved in the conduct of the evaluation (61 percent of all cases). However, this is the result of the kind of evaluation undertaken, which in this case was most often the progress report type. More than one-half of all progress evaluations were conducted by project staff, while 66 percent of the monitoring evaluations were conducted by a Federal agency.

While profitmaking corporations and universities were about equally involved in project evaluation activities, their proportion of the total was small (6 and 5 percent respectively). Yet when the 19 research evaluations are considered, it appears that the profit, nonprofit, and educational institutions are more active in this kind of evaluation (48 percent), and carry a sizable responsibility.

In the majority of cases (67 percent) for all Type II project evaluations, the evaluation had been developed concurrently with the planning of the project itself. Twenty-seven percent had been planned after project implementation, 6 percent after project planning, and 2 percent after completion of the project.

Type II project research evaluations generally exhibit methodological characteristics considered important for accurate and reliable evaluations. The six characteristics used to measure Type I program evaluations were also used for Type II project evaluations: specification of project objectives, specification of report objectives, description of technique evaluated, the use of survey-interview technique, the use of experimental design, and the attempt to measure change.

Slightly more than one-half of the evaluation reports specified, identified, or described the objectives associated with the project, while only 15 percent specified the objectives or purpose of the report itself. Almost all research evaluations and nearly two-thirds of the progress reports provided a description of the techniques being evaluated. Although more than one-half of the research evaluations specified the use of survey techniques, approximately one-half of these failed to use the recommended methods for pretesting or validating, or the methods suggested for selecting interview subjects. Only three of the completed research evaluations involved any use of experimental design, nor was its use widespread among any of the other Type II project evaluations.

Efforts to assess change appeared in one-third of the research evaluations, 16 percent of the progress evaluations, and none of the monitoring evaluations. In all, very few reported using the techniques recommended to control extraneous variables or to account for the effects of change.

This conclusion is reinforced when reviewing the time at which data were collected. Among the research evaluations, three-quarters reported collecting data at only one time--some point during the project. For all three kinds of reports, data collection was a one-time event, and in more than 90 percent of the cases, this was during the project's operational phase.

A review of the kinds of data sources used by the monitoring reports revealed that the "administrative records of project management" and "interviewing/questions with project professionals or providers of service" were the most frequently used data sources. Among progress and research evaluations reports, the two sources most frequently cited were "administrative records of project management" and "administrative records of project subjects," in that order.

While the cost of Type II project evaluations fluctuated greatly, most (70 percent) fell below the $500 range, with very few (10 percent) reporting in the $1,000 or more range. Information on the amount of time expended on the preparation of research evaluations indicated that the evaluation activity, particularly in the case of research evaluations, did not require the amount of effort typically assumed. Most evaluations required between 2 and 15 person-days, while most research evaluations required between 16 to 30 days or 7 to 12 person-months. Most monitoring evaluations required between 2 to 15 person-days, and most progress evaluations required no more than 15.

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Information Needs

The 1974 Juvenile Justice Act requires coordination and concentration of Federal efforts in the delinquency field. The Coordinating Council, the National Advisory Committee, and the Office of Juvenile Justice are the policy and administrative mechanisms for achieving those goals, but these groups cannot do their part until some basic information needs are satisfied in terms of what is being coordinated and with what effect.

The ultimate goal in meeting the concentration of Federal efforts mandate is to develop an information system that closes the loop between evaluative information and planning decisions about what should be done in the future.

If the mandate of the Office of Juvenile Justice is read primarily as a demand for management efficiency, then information needs are simple. The task becomes one of conducting a thorough inventory of what is being done and by whom, then using that data base to determine where coordination is needed. There is little need to go outside the closed circle of government programs—their content, objectives, and expenditures.

But "coordination" and "concentration of effort" also have a more difficult objective: greater impact on a specified goal. The Office, the Council, and the Advisory Committee were created to produce results in preventing and dealing with delinquency. Thus indicators of true effectiveness must be built into an inventory system.

The information problem resembles a three-piece puzzle:

- The first piece is the Federal effort: the money, the facilities, and the people being provided by more than 100 programs related to delinquency and its prevention.
- The second is the effects of these programs, ranging from immediate outcomes to the ultimate criterion of behavior changes in the target populations.
- The third is the problem itself: the types of delinquent behavior, the rates at which they occur, their "seriousness" in terms of personal and social costs and their resistance or amenability to treatment through existing techniques.

The policy task is to make the pieces fit. To that end, one information role is to find out how the pieces are shaped. There also is a need for analysis to characterize discrepancies and relate them to needed changes in resource allocation.

At present only sketchy outlines of both the Federal effort and the delinquency problem are available, and the overall effects of current efforts to a large extent are unknown. For all practical purposes, the nature of the discrepancies must be a matter of informed hunches. Better information for planning purposes is a high priority need.

Planning Assumptions

There are no easy or formula approaches to developing an information system. One reason is that there are almost no models available. Federal planners are commonly aware of the need to cycle outcomes data into the planning process, but very few agencies actually have such a system operational. A second reason is that an impact-based information system for delinquency must deal with programs scattered throughout many departments, bureaus, and agencies. It would be nearly impossible to plan an ideal system in detail, and to then implement it in one continuous process. A realistic appraisal indicates that three basic planning assumptions must be made:

First, the system must be developed in modules, so that options for reassessment of needs are retained as the system is developed.

Second, some decisions are made by force of events, regardless of the adequacy of information, and this should influence the design of the first module. Tacit decisions on priorities and objectives are being made whenever delinquency-related programs are refunded, expanded, dropped, or revised. And currently, these decisions are made wholly without regard to a systemwide juvenile delinquency effort. Even though it may be a long time before recommendations can be made for the optimal allocation of resources, recommendations for at least better allocations must be made in the short run. The first steps to gather information will support this goal.

Third, an appraisal of the problems of interagency cooperation indicates that the data requirements on the participating agencies cannot be enforced on unwilling agencies. The system must offer a return to the participating agencies that is commensurate with the demands on their resources.

Implementation

The first phase of work is currently underway. Its purpose has been to produce a general map of the terrain. It will provide an inventory of the existing information resources, an inventory of the programs that might fall under the criteria to be developed, a rough characterization of the main coordinating problems, and a plan for meeting programmatic information needs. The final major product of this first phase will be a report on the nature of the delinquency problem itself.

The next step to be undertaken is the development of a standard system for characterizing the inputs on a project-by-project basis. Very little more planning can be undertaken until decisions are made about which programs fall within the domain of juvenile justice and delinquency prevention. Beyond a certain point, a program's relationship to the delinquency problem is too distant to be meaningful for planning purposes.

Thus, an inventory system must be developed—one based on a working set of criteria intended to define the relevant programs, and one that will follow an orderly timetable, including the following milestones:

- Determine programs that can be included;
- Prepare the requirement for the "Development Statement" specified in the Act;
- Prepare the basic data elements for descriptors of programs and projects; and
- Develop an explicit, detailed statement of the hardware and software requirements for the system, and the specific options for integrating these requirements with existing equipment.

Along with the development of the inventory process, work will begin on a prototype of the impact-based system. It will be limited to LEAA-sponsored projects, and will build from the existing Grants Management Information System (GMIS), operated by LEAA. The rationale behind using LEAA as a prototype is that a large number of the most directly related projects emanate from LEAA, making the prototype one which will produce immediate policy benefits. Three tasks will be necessary:

- A research and development effort for the discovery and validation of indirect, inexpensive measures of program outcomes. Ideal measures will be ones that use data already routinely being collected, either by LEAA or other government agencies.

- A planning study that specifies the "perishability" of the various data points. Some data points may need to be updated on a quarterly basis, others annually, still others once in a decade. The objective of the planning study will be to avoid "over-reporting" of project outcomes without cutting into those aspects that should be monitored regularly.

- Specification of data collection procedures, including a detailed statement about what forms must be revised, what new people will need to be brought into the information chain, and how best to disseminate the different requirements.

An additional task will be to develop analytic packages. These will help planners in the Coordinating Council, LEAA, the National Advisory Committee, and other participating agencies to take advantage of incoming data.

In summary, the main points in this section plan are as follows:

- The information needs in the delinquency effort will not be filled by simply monitoring federally-sponsored projects. It is essential to obtain information on the impact of these efforts in terms of Federal assistance priorities.

- A basic system using project-level data on Federal efforts will be implemented first.

- The indicators of project impact and priorities will be built into the basic system first, using an LEAA-based prototype, then expanding to other agencies working with the delinquency problem.

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First Comprehensive Plan for Federal Juvenile Delinquency Programs

March 1, 1976

Office of Juvenile Justice and Delinquency Prevention
Law Enforcement Assistance Administration
U.S. Department of Justice

Letter of Transmittal

To the President and to the Congress of the United States

I have the honor of transmitting the First Comprehensive Plan for Federal Juvenile Delinquency Programs. It was prepared to comply with the provisions of Section 204(b)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), which requires the Administrator of the Law Enforcement Assistance Administration to develop:

> ...a comprehensive plan for Federal juvenile delinquency programs with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system.

The Plan was developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with the assistance of the Coordinating Council on Juvenile Justice and Delinquency Prevention representing the Departments of Justice; Health, Education, and Welfare; Housing and Urban Development; Labor; and the National Institute on Drug Abuse. The Plan was reviewed by members of the National Advisory Committee on Juvenile Justice and Delinquency Prevention which advises LEAA on policy matters affecting juveniles and the juvenile justice system.

As the Plan indicates, the task of coordinating various Federal agency efforts is complex. Agencies have a variety of policies and procedures that are not always compatible; perceptions of agency roles in delinquency prevention, treatment and control often differ. The nature and complexity of the delinquency problem foster a range of differing views as to how priorities should be established for curbing it.

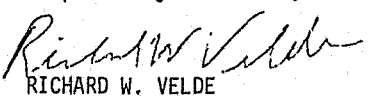
However, the prospects today for developing coordinated Federal policy and programs are better than ever before.

The Plan contains a formal statement of Federal policy to guide the substance and focus of Federal programming for delinquency prevention, treatment and control, and also describes plans to develop mechanisms which allow for a more coordinated effort.

The Plan also speaks to the coordination of specific Federal programs, suggesting the development of pilot projects and setting priorities to govern future Federal research. Action to implement these areas will begin in the near future.

The Plan outlines a reasonable and effective initiative for concerted Federal action on the serious and growing problem of delinquency. We will work toward the success of this effort.

Respectfully submitted,



RICHARD W. VELDE
Administrator

Table of Contents

Part One

Introduction

Between 1960 and 1974 arrests of juveniles for all crimes increased by 138 percent, causing what the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) describes as "the crisis of delinquency." The growing problem has given rise to a large number of Federal juvenile justice, social service, and related programs. The most recent inventory--taken in 1975--lists 117 such interventions.

But these programs often are fragmented and inconsistent in philosophy, purpose, and method. In the Juvenile Justice Act, Congress stated that "existing Federal programs have not provided the direction, coordination, resources, and leadership required...." Added to this is the lack of coordination among the many State, local, and private delinquency prevention and control programs--which comprise the vast majority of all programs. According to Congress, the "States and localities . . . do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems...."

To help remedy this overall situation, the JJDP Act provides a focal point for the coordination of the related Federal delinquency programs and gives increased visibility to the need for coordination by creating a major new program to be administered by the Law Enforcement Assistance Administration (LEAA). The Act establishes an Office of Juvenile Justice and Delinquency Prevention (OJJDP) and, within that Office, a National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) as its research, evaluation, and information center.

To implement a coordinated interagency and interdisciplinary approach to delinquency prevention and control, the Act assigns to the LEAA administrator the responsibility to "implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States." (Sec. 204(a))

The Act also creates the Coordinating Council on Juvenile Justice and Delinquency Prevention and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Coordinating Council membership is composed of the Attorney General (Chairman), the Secretaries of Health, Education, and Welfare (HEW), Housing and Urban Development (HUD), and Labor; the Director of the National Institute on Drug Abuse (NIDA) (previously the Director of the Special Action Office for Drug Abuse Prevention); the Assistant Administrator of NIJJDP; and representatives of other Federal agencies designated by the President.

The National Advisory Committee has 21 members appointed by the President; seven of these must be under the age of 26 at the time of their appointment. The Committee has three subcommittees: one to advise the LEAA Administrator on standards for the administration of juvenile justice; one to advise NIJJDP; and one to work with the Coordinating Council on the Concentration of Federal Effort.

The Act requires the LEAA Administrator to report annually to the Congress and the President on the status of the Federal juvenile delinquency effort. The initial report in this series--the First Annual Report of the Office of Juvenile Justice and Delinquency Prevention--was presented September 30, 1975.

The Act also requires that the LEAA Administrator develop an annual "comprehensive plan for Federal juvenile delinquency programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system." (Sec. 204(b)(6)) This is the first such comprehensive plan.

Nature of the Federal Effort

Federal involvement in delinquency prevention and control is limited because, under our Federal system, this area is primarily the responsibility of the States and localities. Although the number of Federal programs related to delinquency prevention and control has grown in the past 15 years, the overall Federal effort is still small compared with State and local programs and fiscal involvement. Most Federal programs in this area are intended to assist the States and localities.

Before the 1960's there were few programs of any kind to address juvenile delinquency and related problems. During that decade the Nation saw a tremendous increase in juvenile justice, anti-poverty, and other social welfare programs with a stated or implied purpose of impacting on the problems of delinquency. The most significant Federal Acts in this area were:

o 1961--The Juvenile Delinquency and Youth Offenses Act, administered by HEW.

o 1968--The Juvenile Delinquency Prevention and Control Act, also administered by HEW.

o 1968--The Omnibus Crime Control and Safe Streets Act, administered by LEAA.

Many other significant related programs were established in the Departments of Labor, HUD, Agriculture, the Office of Economic Opportunity, the Bureau of Prisons, and other departments and agencies encompassing school, recreation, training, jobs, and other prevention, control, and treatment efforts.

The First Annual Report of OJJDP catalogued these programs and described the difficulty of defining their focus and relationships. For example, the Report estimated that Federal money spent on delinquency and related problems in 1975 was somewhere between $92 million and $20 billion. The difficulty in more precisely determining the exact amount results from not knowing how many program dollars actually were spent on specific delinquency projects--a reporting problem--and also on the difficulty of deciding what is the delinquency-prevention relationship of a program whose essential focus is on providing other needed child-related services. For example, what is the anti-delinquency impact of a free school lunch? What portion of the budgets of such programs can be labeled as spent on the "delinquency problem?"

Although no final criteria have yet been developed for determining which programs fall within the purview of the JJDP Act, the initial inventory of Federal programs divides them into four categories:[1]

o Delinquency Treatment Programs. This effort embraces 10 major programs that are exclusively and explicitly devoted to the delinquency program and thus make up the core of the Federal effort (e.g., OJJDP's Special Emphasis Discretionary Program in LEAA).

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[1]The programs themselves are listed in Appendix I.

o Programs for "Youth at Risk". This category consists of a broad number of prevention programs. To be included, programs must be directed at youth, the bulk of the population must be considered especially vulnerable to delinquency, and the service or benefit must compete with factors believed to be direct causes of delinquent behavior. There are 36 Federal programs in this category (e.g., Dropout Prevention in the Office of Education).

o Related Law Enforcement/Criminal Justice Improvement Programs. This category includes all Department of Justice programs that include juveniles as one of the target populations without focusing on them exclusively. There are 15 of these programs (e.g., Indian Law Enforcement Services in the Bureau of Indian Affairs).

o Related General Programs. This group embraces a wide variety of programs, ranging from food stamps to parks and from mental health to summer jobs with the general purpose of improving the quality of life for young people. The category includes 57 programs (e.g., Community Development Block Grants in HUD).

Past Coordination Problems

The need to coordinate the Federal delinquency prevention effort has been recognized in the past. In 1971, Congress created the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs, composed of 10 Federal departments and agencies.

According to a report of the Comptroller General of the United States to the Congress, the Council was not effective. The report states:

> It (the Council) effected no major Federal legislative or program decisions because it (1) had to rely on funds and staff provided by its member agencies, and (2) lacked clear authority to coordinate their activities.
>
> Many officials of the Federal agency programs that the Council had identified as affecting juvenile delinquency were unaware that their programs had such a potential.[2]

Member agencies on the Coordinating Council hope to avoid similar pitfalls in administering the Concentration of Federal Effort Program.

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[2] How Federal Efforts to Coordinate Programs to Mitigate Juvenile Delinquency Proved Ineffective, a report of the Comptroller General of the United States to the Congress, Government Printing Office (April 27, 1975), p.ii.

The problems are lessened because LEAA has been delegated clear authority for the coordination effort. This plan attempts to solve the problems by developing policy that involves all relevant departments and agencies and addresses the issues of how their programs relate to delinquency prevention and control, and by establishing clear mechanisms to facilitate cooperation among the Federal departments and agencies.

Concentration of Federal Effort Activities

The Coordinating Council has met five times since the JJDP Act was passed and helpful citizen input has been supplied by members of the Concentration of Federal Effort Subcommittee of the National Advisory Committee. During this time it has worked to define its role and to set limits on its activities so it can better focus the resources of member agencies on the problems of delinquency. To help define this role, the Council set two initial objectives:

o To conduct a budget analysis of the distribution of Federal funds for delinquency and youth development programs among the various Federal programs and to prepare a cross-indexed compendium of all grant activities supported by these programs; and

o To conduct a policy analysis of what is known about various program efforts to curb or prevent delinquency in order to identify a limited number of critical issues or program areas for Council action.

In carrying out the first objective, OJJDP, with the endorsement of the Council, prepared a Federal budget analysis and a compendium of delinquency prevention, treatment, and control activities.

Professor Franklin Zimring of the University of Chicago School of Law assisted the Council in meeting the second objective. An analysis was prepared documenting various delinquency programs and identifying critical issues for the Council to consider in developing a coordinated Federal program.

Based on this analysis and the experience of the member agencies, the Coordinating Council adopted 11 research priorities for Federal action. How Council members plan to coordinate this research is explained in the Research and Evaluation section of this Plan. Specific topic areas are described in Appendix II.

Part Two

The Comprehensive Plan

The Comprehensive Plan was developed by OJJDP, with substantial input from the Coordinating Council whose member agencies each made recommendations about its contents and approved the final document. The heart of the Plan is a statement of coordinated Federal policy for preventing and controlling delinquency. All of the elements of the Plan spring from this statement. The purpose of the Plan is to utilize Federal resources in a focused and coordinated fashion on the most pressing juvenile delinquency problems. The result of the Plan should be a program to increase the productivity and effectiveness of delinquency prevention and control efforts in order to achieve maximum programmatic benefits for youth who are delinquent or in danger of becoming so.

As the first Comprehensive Plan, this document must provide a solid foundation for programming in the years ahead. Because the delinquency issue itself is so complex and because the scope of the Federal effort is so diverse, this Plan has not attempted at this time to detail specific mechanisms for coordinating Federal programs. Future plans will speak to those issues. Rather, this Plan addresses the roles each department and agency on the Coordinating Council plays in the overall strategy -- a first step in trying to develop an operational program. The Plan also describes preliminary steps that must be taken before large-scale program and fiscal coordination are attempted. There is need, for example, for a complete working inventory of resources, contacts in each agency, staff support, and, importantly, a general analysis of the role and responsibility

of each agency and department in delinquency prevention, treatment, and control. The Federal strategy elevates to national priority status the prevention and control of delinquency, requiring all relevant Federal agencies to address this issue in a systematic fashion.

Organization of the Plan

The first section of the Plan that follows is a statement of the general policy. The first set of objectives deals with program directions; the second with planned mechanisms for implementing the Federal policy.

FEDERAL POLICY AND OBJECTIVES FOR DELINQUENCY PREVENTION TREATMENT AND CONTROL

The Federal policy for delinquency prevention, treatment, and control has three major parts, two of which have specific objectives for Federal action. These are as follows:

1. All Federal departments and agencies identified as having delinquency prevention, treatment, or control responsibilities must assign appropriate priority to these functions, based on their overall mission, and take the necessary steps to identify how their programs can be made more effective, and how they can be better coordinated with the overall Federal strategy. Initial specific program objectives are:

   a. To prevent juvenile delinquency by ensuring the maximum positive development of youth, and by altering the environment in ways that lessen the opportunity to commit crimes;

   b. To lessen the inappropriate intervention of the juvenile justice system in the lives of youth by: (1) deinstitutionalizing status offenders, (2) making maximum use of realistic community-based alternatives, and (3) diverting appropriate juveniles from involvement with the juvenile justice system. The purpose of these actions is to avoid negative labeling and stigmatization for youth and to focus limited agency resources on those youths requiring such programming; and,

   c. To reduce serious crime committed by juveniles.

78-464 O - 77 - 39

2. The Federal Government must develop mechanisms to facilitate the cooperation and coordination of delinquency prevention, control, and treatment programs at all levels of government and among juvenile justice and related public, private, and voluntary agencies, consumers, and the community in order to enhance service delivery to all children and youth and to increase the efficient use of fiscal and human resources. Specific objectives to facilitate this coordination are:

a. To develop an information system to collect relevant data about program and project objectives, structure, and effectiveness.

b. To identify research and evaluation priorities and to coordinate their implementation.

c. To identify and coordinate training priorities in the juvenile delinquency field.

d. To develop and implement Federal, State, and local standards for juvenile justice.

e. To develop mechanisms to coordinate Federal delinquency prevention and control programming.

f. To provide management and staffing support to the Concentration of Federal Effort Program.

g. To facilitate the coordination of delinquency prevention and control programming at the State and local levels.

3. The Federal Government must ensure that all relevant Federal departments and agencies maximize the involvement of minorities, women, and youth in all aspects of the juvenile justice system, protect the civil rights of children and youth, and safeguard the privacy and security of juvenile records.

PREVENTION
OF
JUVENILE
DELINQUENCY

The most desirable solution to the problem of youth crime -- and also the most difficult to accomplish and measure -- is its prevention. The JJDP Act placed special emphasis on the need to prevent delinquency.

Ensuring the full positive potential of young people is a responsibility that affects all aspects of life -- family, education, housing, health, mental health, career development, etc. Many private and voluntary agencies, as well as government organizations, have important contributions to make in these areas. The responsibilities of many of these agencies are much broader than delinquency treatment, prevention, and control. However, many programs could be refocused to give more attention to the problem of delinquency without compromising -- and perhaps even enhancing -- their principal missions. If agencies were to accomplish their missions more completely, children would be less likely to become involved in the juvenile justice system.

Many agencies could make important contributions to delinquency prevention by finding ways to make crime more difficult to commit. Important contributions to delinquency prevention to date have not always involved treatment; for example, the improvement of the locking system on automobiles has significantly reduced thefts of autos manufactured after this improvement. Likewise, new methods of designing housing developments to increase the sense of community among residents also are proving successful in reducing crime and delinquency rates.

In both prevention areas, the role of the juvenile justice system is limited. It may also be more effective for treatment programs to be conducted outside the system to avoid negative labeling for their clients. There still are many unknowns, however, and research is urgently needed to determine what social forces and relationships contribute to delinquency and what methods prove successful in preventing it.

Status of the Federal Effort

The First Annual Report catalogued programs that comprise the Federal delinquency prevention effort. It is a broad list that ranges from specific treatment programs for delinquents to programs for underprivileged children. All of the departments on the Coordinating Council have a number of programs in this category. HEW, for example, has programs in its Office of Education, the Social and Rehabilitation Service, and NIDA; HUD is involved through its Offices of Housing Management, Community Planning and Development, and Policy Development and Research; and Labor has a number of programs in the Employment and Training Administration and the Employment Standards Administration. OJJDP will fund one of its discretionary initiatives in the prevention area. Members of the Council will be encouraged to participate in the design and implementation of this initiative.

Among the Federal research priorities chosen by the Coordinating Council were two that relate specifically to delinquency prevention:

o A study of the relationship between delinquency and economic opportunity.

o A comparative study of juvenile delinquency prevention strategies. (Related research underway: assessments of what is known about prevention programs, and a study of the relationship between delinquency and learning disabilities conducted by the American Institutes for Research and between delinquency and dropping out of school, conducted by the National Council on Crime and Delinquency Research Center.)

LESSENING THE
INAPPROPRIATE INTERVENTION
OF THE
JUVENILE JUSTICE SYSTEM
IN THE
LIVES OF YOUTH

There is developing a wide consensus, based on results of research studies and evaluations, that unnecessary processing by the juvenile justice system is not effective in curbing delinquency rates or in promoting beneficial youth development. Many believe that the sweep of the system is too broad: that too many juvenile cases are brought to the attention of the courts and that too many status offenders and minor offenders are institutionalized. The JJDP Act requires Federal action to minimize the harmful effects of juvenile justice system intervention in the lives of the young, by:

1. The removal from secure detention and correctional facilities of those youth whose behavior would not be criminal if committed by an adult (status offenders);

2. The maximum utilization of realistic community-based alternatives; and

3. The diversion of appropriate juveniles from involvement with the traditional juvenile justice system in order to reduce adjudication rates in courts, to reduce recidivism rates of these youths by providing alternative methods of handling, and to concentrate resources on those youths considered to be at greatest risk of unnecessarily penetrating the juvenile justice system.

Status of the Federal Effort

As the focal point for Federal programs dealing with delinquent behavior and the juvenile justice system, OJJDP has begun to develop programs to lessen the juvenile justice system's intervention in the lives of the young. Its first major funding initiative was for the deinstitutionalization of status offenders; the Office was able to fund 13 projects for a total of $11,871,910. Its second program initiative deals with diversion of juveniles from the juvenile justice system. NIJJDP is evaluating these programs carefully to assess their impact both on the juveniles involved and on the juvenile justice system. For example, the status offender evaluation includes an assessment of whether some juveniles are classified as status offenders simply to avoid the stigma of a delinquency charge. In the diversion evaluation, NIJJDP will assess whether these programs actually widen the net of the juvenile justice system, bringing under governmental control juveniles who otherwise would have been released with no intervention at all and without costly programmatic involvement.

The State Planning Agencies (SPAs) in each State, which receive LEAA block grants from the Crime Control and JJDP Acts, also fund many programs aimed at lessening the involvement of youth in the juvenile justice system. To be eligible for JJDP Act funds, the Act requires that States no longer place status offenders in juvenile detention or correctional facilities within two years of submitting their plans. In addition to funding programs to bring this about, SPAs are fostering other innovative approaches detailed in the JJDP Act.

Other Federal agencies are involved as well with the juvenile justice system, and they fund a variety of programs that can be used as alternatives to formal system processing. Many juveniles can be helped when they are removed from institutions or diverted from the system by job placement or training, by drug treatment or education programs, or by counseling. The programs need to be coordinated at the Federal level to provide a continuum of services for juveniles, to avoid duplication, and to develop effective referral mechanisms among programs.

Of the 11 research areas adopted by the Coordinating Council as Federal priorities, two are related to this area. The Council recommended:

o Studies to determine the impacts of different juvenile justice intervention techniques. (Related research underway:

evaluations of the OJJDP status offender and diversion initiatives; and a review by Charles Wellford at Florida State University on the effect of age on correctional outcomes of offenders.)

o A comparative study of juvenile justice system processing in five jurisdictions.

REDUCING
SERIOUS
JUVENILE
CRIME

Serious crime committed by juveniles is becoming a national problem of enormous dimensions. Persons under the age of 18 now account for 45 percent of all arrests for serious crime and for 23 percent of all arrests for violent crime. The peak age of arrests for violent crime is 18, followed by 17, 16, and 19. The peak age for arrests for major property crimes is 16, followed by 15 and 17.

In some cities, violent youth crime is seriously changing the patterns of peoples' lives. Recent studies show that some schools are almost totally in the grip of juvenile gangs who are terrorizing both students and teachers.

It is serious juvenile crime that concerns society when it worries about juvenile delinquency. More information is urgently needed about who commits it and why. Studies in which juveniles are requested to report on their own behavior reveal that almost all youths at some point commit delinquent acts. But most of these acts and most of the juveniles who commit them do not pose a serious crime threat. A major study done by Professor Marvin Wolfgang in Philadelphia showed that six percent of the 10,000 boys he studied were responsible for more than half the recorded delinquent acts and about two-thirds of all the violent crime committed by the entire group.

Status of the Federal Effort

OJJDP is planning a major funding initiative in the area of the violent juvenile offender. Research to support the program is currently being conducted by NIJJDP. Other Federal agencies are addressing parts of the problem as well. For example, the Office of Education and the National Institute of Education in HEW are involved in dealing with the problems of school violence. NIE is now conducting a major study of school security problems

and is planning for ways to resolve some of the problems encountered.

Among the 11 areas chosen by the Council as Federal research priorities, six relate to the problem of serious juvenile crime:

o A short-term study of offender careers in two cities.

o A replication of the study done in Philadelphia that dealt with a cohort of 10,000 juveniles in Philadelphia and in one other city.

o A major prospective cohort study.

o Studies of youth violence, including intervention techniques, violence in the schools, and correctional alternatives to incarceration. (Related research underway: a study being conducted by Research for Better Schools on methods in use in schools to combat school violence and a study by the Rand Corporation on the effectiveness of alternatives to incarceration of serious juvenile offenders.)

o Studies on the relationship between delinquent gangs and youth criminality. (Related research underway: Walter B. Miller of Harvard University is conducting a study of the nature and extent of gang violence in major U.S. cities.)

o Studies on the relationship between hard narcotics and delinquency.

DEVELOPING
AN
INFORMATION
SYSTEM

The First Annual Report described the variety and complexity of Federal delinquency prevention, treatment, and control programs, and the difficulty of defining their focus and evaluating the Federal impact on delinquency. To make better decisions about allocating delinquency prevention and control resources, the Federal Government needs information about the operation of Federal programs and their results or achievements. Data is very sketchy in these areas at present.

There are no easy or formula approaches to developing such systematic data collection procedures. One reason is that there are almost no models available. Federal planners are commonly aware of the need to cycle outcome data into the planning process, but few agencies have such procedures operational. A second reason is that an information system for delinquency must deal with programs scattered throughout many departments, bureaus, and agencies. It would be nearly impossible to plan an ideal system in detail, and then to implement it in one continuous process. Three basic planning assumptions must be made:

First, the system must be developed in modules, so that options for the reassessment of needs are retained as the system is developed.

Second, some decisions are made by the force of events, regardless of the adequacy of information, and this should influence the design of the first module. Tacit decisions on priorities and objectives are being made whenever delinquency-related programs are

refunded, expanded, dropped, or revised. And currently, these decisions are made wholly without regard to a systematic juvenile delinquency effort. Even though it may be a long time before recommendations can be made for the optimal allocation of resources, recommendations for at least better allocations must be made in the short run. The first steps to gather information will support this goal.

Third, an appraisal of the problems of interagency cooperation indicates that the data requirements on the participating agencies cannot be enforced on unwilling agencies. The system must offer a return to the participating agencies that is commensurate with the demands on their resources.

Status of the Federal Effort

Recognizing the need for an information system, OJJDP, with the endorsement of the Coordinating Council, has begun initial planning. The first phase of this work, whose purpose was to produce a general map of the terrain, has been completed. The Council has received an inventory of the existing information resources, a description of the programs that might fall under the criteria to be developed, a basic characterization of the main coordinating problems, and a plan for meeting programmatic information needs.

Implementation Plan

The next step that must be taken in developing an information system is to establish a standard system for characterizing the inputs on a project-by-project basis. Very little planning can be undertaken until decisions are made about which programs fall within the domain of juvenile justice and delinquency prevention. A program's vague relationship to the delinquency problem may be too distant to be meaningful for planning purposes.

Thus, an inventory system must be developed--one based on a working set of criteria intended to define the relevant programs, and one that will follow an orderly timetable, including the following milestones:

- o Determine programs that can be included;
- o Prepare the requirement for the "Development Statement" specified in the Act;
- o Prepare the basic data elements for descriptors of programs and projects; and

o Develop an explicit, detailed statement of the hardware and software requirements for data retrieval, and the specific options for integrating these requirements with existing equipment into a comprehensive on-going information system.

Along with the development of the inventory process, OJJDP will begin to develop a prototype of the impact-based system. This will initially be limited to LEAA-sponsored projects, and will build from the existing Grants Management Information System (GMIS), operated by LEAA. The rationale behind using LEAA as a prototype is that a large number of the most directly related projects emanate from LEAA, making the prototype one which will produce immediate policy benefits. Three tasks will be necessary:

o A research and development effort for the discovery and validation of indirect, inexpensive measures of program outcomes. Ideal measures will be ones that use data already routinely being collected, either by LEAA or other government agencies.

o A planning study that specifies the"perishability" of the various data points. Some data points may need to be updated on a quarterly basis, others annually, still others once in a decade. The objective of the planning study will be to avoid "overreporting" of project outcomes without cutting into those aspects that should be monitored regularly.

o Specification of existing data collection procedures, including a detailed statement of needed revisions, organizational and staffing requirements, and the dissemination of requirements.

RESEARCH
AND
EVALUATION

There is an enormous need for research and evaluation relating to juvenile delinquency prevention and control. The juvenile justice system is unique even within the criminal justice system for the lack of useful, comprehensive, and accurate information--on delinquent behaviors and careers and on the functioning of the system itself. Basic developmental efforts, giving full recognition to the preservation of complete anonymity for the records of individual youths, are required to compile functional information.

There is also the need to increase the quantity and quality of evaluation research on the results of intervention approaches. The effectiveness of prevention and control programs is rarely assessed. What typically occurs, if measurements are made at all, is an "assessment" after the fact. Much more rigorous "evaluation" of outcomes is needed through a process of integrating program planning and evaluation design development.

Status of the Federal Effort

In passing the Act, Congress created NIJJDP as the Federal research and evaluation center for juvenile delinquency and related issues. NIJJDP was given responsibility for coordinating coverage, to the fullest extent possible, of priority research and evaluation activities adopted by the Council for its membership. There also are a number of other Federal agencies with a broad range of related responsibilities: from basic research into the causes and correlates of antisocial behavior, to studies of child development, to research on socialization

processes, to examination of special problems such as mental health or the use of drugs or alcohol, to evaluation of the results of a wide variety of intervention approaches. The agencies involved in this work, among others, include the Center for Studies of Crime and Delinquency (in NIMH), the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Education, all in HEW.

The agencies themselves have developed a number of informal arrangements for coordinating their operations. In addition, two groups, the Interagency Panel for Early Childhood Research and Development and the Interagency Panel for Research and Development on Adolescence, devote part of their attention to issues relating to delinquency. However, not all of the research units of the member agencies of the Coordinating Council are members of the panels.

Implementation Plan

One approach being considered for coordinating Federal delinquency-related research and evaluation is to request the Interagency Panel on Research and Development on Adolescence to expand its membership to include representatives of the research units of those Federal agencies not presently participating in its activities. In addition, this Interagency Panel would be requested to adopt as a primary focus research related to juvenile delinquency. This approach could make possible the coordination of the priority areas adopted by the Council and of the research and evaluation programs of other Federal agencies as well.

A second alternative involves a process that would require each member agency to identify a qualified staff member to act as liaison with the NIJJD for two purposes: (1) to survey the member agencies regarding their current and planned activities within priority areas adopted by the Council, and (2) to ensure implementation of the aforementioned priorities adopted by the Council.

The initial implementation activity, to be undertaken immediately following determination of the preferred coordination approach, is to survey member agencies' research and evaluation units regarding coverage of the priority areas.

The next step involves coordinating the incorporation of priority areas not covered by member agencies (or other Federal agencies) into the program plans of the research and evaluation units of interested agencies. This activity will be accomplished by recommendations from the Council membership and coordinated by the Institute through the liaison group referred to above.

The task of identifying research and evaluation activities of Council member agencies will be coordinated by OJJDP. Either alternative will survey the respective agencies' research and evaluation units to determine the nature and level of current and planned efforts relevant to the Act.

The results of this survey will be used as a basis for the development of a plan for coordinating the efforts of the member agencies. To do this, OJJDP will analyze the results of the survey and will develop a recommended approach.

TRAINING

The JJDP Act authorizes NIJJDP to "develop, conduct, and provide for programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders." (Section 243)

The Act calls for two types of training:

1. A program within OJJDP of short-term instruction in the latest proven methods of prevention, control, and treatment of juvenile delinquency for the entire range of persons (including lay personnel) connected with the prevention and treatment of delinquency.

2. Seminars, workshops, and training programs for law enforcement officers, juvenile judges and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel engaged in work relating to juvenile delinquency.

Status of the Federal Effort

Most of the member agencies of the Coordinating Council conduct training programs in a range of topics for many different juvenile delinquency-related groups, but an inventory of these programs has not yet been made.

In the meantime, NIJJDP is addressing, to the greatest extent possible, the broad training mandates in the Act, but training efforts to date are limited because of lack of funds and staff. To help plan a future program, NIJJDP commissioned experts in the juvenile justice field to assist in setting priorities and objectives for training.

Each expert was asked to prepare a "thinking paper" of 20-30 pages in length, summarizing existing training efforts and setting forth a proposed training strategy. Each contributor was asked to concentrate on a particular organizational unit within the juvenile justice system, or on a particular area of training needs.

The authors were selected on the basis of their experience in working directly with juveniles and their familiarity with training methods and requirements in the juvenile justice system.

The following questions were suggested as guidelines for the contents of the papers:

1. What are the major types of training programs currently carried on in your assigned area of the juvenile justice system?

2. What should be the priority target groups for a training effort within that area?

3. How important is this training compared to the other possible groups on which the Institute could focus initially?

4. What are the particular training needs of each group?

5. Are there existing institutions capable of meeting those needs?

6. What training can best be performed at the national, regional, State, and local levels?

7. What have been the most notable shortcomings of other training efforts in your area and how can they best be minimized?

Implementation Plan

Plans are currently being made to convene the authors of the "thinking papers" in April, 1976. Member agencies of the Coordinating Council will be invited to send representatives to this meeting. The product of this meeting will be a report summarizing the resulting recommendations, which will be used by NIJJDP in developing its training program.

78-464 O - 77 - 40

In addition, the Coordinating Council will be requested to review the report and select from the synthesized priorities and objectives those which could be implemented by the respective member agencies.

This process of Council priority selection and implementation will be handled in the same manner as the research priorities.

STANDARDS
DEVELOPMENT

An avenue for promoting the rational and effective use of Federal and State resources is through the development and implementation of Federal, State, and local standards for juvenile justice. Standards provide a guide for all levels of government to follow for the proper administration of juvenile justice programs.

Status of the Federal Effort

The Federal Government, through OJJDP, is supporting the development of standards at three levels.

First, OJJDP has funded, in part, the work of the Institute of Judicial Administration/American Bar Association Joint Commission on Juvenile Justice Standards, which began developing a comprehensive set of standards in 1971. The Commission has completed 18 of 20 projected volumes. The remaining two will be completed in May, 1976. All volumes will then be submitted to the American Bar Association House of Delegates for consideration.

Second, OJJDP staff has been monitoring the work of the Juvenile Justice Task Force, part of the National Advisory Committee on Criminal Justice Standards and Goals, which is continuing the work begun by the Peterson Commission in 1971-1973. The Report of this Task Group is due at the end of 1976.

Third, OJJDP is providing staff support to the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (a subcommittee of the National Advisory Committee). The Act requires this Committee to submit to the President and the Congress a report:

> [W]hich based on recommended standards for administration of juvenile justice at the Federal, State, and local level--(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and (2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level."

In its September 6, 1975 preliminary report to the Congress and the President, the Standards Committee described the methods and procedures through which it sought to accomplish this objective. The Committee is reviewing and synthesizing existing reports, data, and standards including those of the Federal agencies, the IJA/ABA Joint Commission, the Juvenile Justice Task Force, and State standards and goals programs, and is preparing a comprehensive set of standards delineating the functions which the juvenile justice system should perform and the resources, programs, and procedures required. The standards will cover the full range of interrelated criminal justice, treatment, educational, health, and social service activities affecting youth. They will be organized so that groups and agencies performing similar functions will be governed by the same set of principles. Whenever possible, the Standards Committee will endorse selected standards developed by the other standards-setting efforts, rather than formulating a wholly new set of prescriptions.

Since submitting the preliminary report, the Standards Committee has focused its attention on the adjudication function, tentatively approving more than a dozen standards in the areas of court jurisdiction and organization, and representation by counsel. Considerable time has also been devoted to issues concerning the circumstances in which it is appropriate for society to intercede in the life of a child and delinquency prevention.

Implementation Plan

By March 19, 1977, the Standards Committee will develop or endorse standards for the supervisory function, the administrative function, additional issues concerning the prevention and intercession functions,

and aspects of the education function and services function that impact on delinquency and its prevention. The first set of standards together with detailed recommendations concerning their implementation will be submitted to the President and Congress during September, 1976, with the remainder delivered six months later. Great emphasis will be placed on developing a broad range of implementation techniques and strategies in addition to those provided by the JJDP Act and in coordinating more closely with State and Federal agencies, and professional and other organizations concerned with the problems of youth.

Following submission of the standards and recommendations, the role of the Standards Committee and OJJDP will shift to supervision and coordination of the implementation process including technical assistance, monitoring implementation programs, assessing the cost and effect of the standards, and modifying standards or recommendations when necessary in light of this assessment and additional research findings.

COORDINATING
FEDERAL
PROGRAM
ACTIVITIES

One of the major findings described in the First Annual Report is the complexity of defining the Federal effort in juvenile justice and delinquency prevention planning, research, and programming. The Act requires that OJJDP's annual reports include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to improve the effectiveness of the Federal effort.

Implementation Plan

There are three principal mechanisms that will be used to improve coordination of Federal programming.

First, with the assistance of the Coordinating Council, OJJDP will identify a key agency contact for each Federal delinquency program. Preliminary analysis indicates that the following organizations will be requested to identify such a contact:

HEW

- o Office of the Secretary
- o Health Services Administration
- o National Institute of Education
- o National Institute of Mental Health
- o National Institute on Alcohol Abuse and Alcoholism
- o National Institute on Drug Abuse
- o Office of Education
- o Social and Rehabilitation Service

HUD

- o Community Planning and Development
- o Housing Management
- o Office of Policy Development and Research

LABOR

- o Employment Training Administration
- o Employment Standards Administration

The second method of facilitating coordination will be the development by each of the above agencies of a plan describing its delinquency responsibilities and how they relate to the policy and objectives laid out in this document. These agency plans will be developed within the next 12 months and will be reviewed by the Coordinating Council and the National Advisory Committee. In the interim, the Coordinating Council and OJJDP will plan for the development of the management and organizational responsibilities required to review the plans and to facilitate the implementation of uniform policy, priorities, and objectives at the Federal level.

The third way in which member Federal agencies on the Coordinating Council will attempt to improve program coordination is by funding several joint projects. First, members of the Coordinating Council will identify locations in which each is funding or planning to fund action programs. The Council will then develop a design for a coordinated program funded by several Federal agencies.

As an example, representatives from OJJDP and HUD have met to discuss program areas of mutual interest and concern. Discussions included: crime, vandalism and related social problems within public housing, program efforts which HUD has developed in response to these problems, and the Special Emphasis program initiatives of OJJDP.

The Target Projects Program, sponsored by HUD, provides funding to upgrade conditions in public housing projects. The second Special Emphasis program initiative of OJJDP will be the diversion of youth from official juvenile justice system processing. For each of these Federal programs, applicants must submit comprehensive proposals which identify problems and methods of remediating these problems.

The coordination of these efforts is currently underway. Such opportunities for Federal programs to approach the same target population from different perspectives offers a twofold benefit: first, the opportunity to identify some of the problems which agencies and applicants encounter in trying to implement their efforts: problems in philosophy, target group, funding requirements, guidelines, or legislative barriers; second, the opportunity to make a concentrated impact on delinquency in a defined geographical area. Both elements of the program will be carefully evaluated.

MANAGEMENT
AND
STAFFING

One of the problems that hindered the efforts of the 1971 Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Prevention Programs (now defunct) was lack of sufficient staff to carry out its mandated responsibilities. Because the LEAA Administrator has clear overall responsibility for developing the Concentration of Federal Effort Program and for ensuring its proper functioning, efforts now are underway to ensure proper staffing support.

Implementation Plan

OJJDP plans to analyze the management and staffing needs and to create and support a specific organizational element, separate from the staff and line elements already allocated, to address the Concentration of Federal Effort function. Responsibilities will include the following immediate and long-range goals:

o To serve as a focal point for all OJJDP contact with other Federal agencies, with staff appointed to cover each major agency.

o To assure that OJJDP policies and program requirements are carried out by appropriate Federal agencies as planned and funded and promote agency support of OJJDP policies, priorities, and objectives approved by the Council and the National Advisory Committee.

o To maintain and update the OJJDP analyses that outline plans and status of each major agency.

o To review and analyze agency budget and program plans and assist agencies in their budget planning in order to assure appropriate focus upon juvenile justice and delinquency prevention.

o To prepare an annual juvenile justice and delinquency prevention budget review and recommend a consolidated budget that provides for a balanced overall Government-wide program of responsible delinquency policies.

o To analyze agency program work plans and operating plans in terms of goals and objectives; provide critical insight and perspective into agency relationships; and present status reports to the LEAA Administrator regarding specific agency actions or problem areas.

o To identify agency contacts and arrange meetings and program reviews for OJJDP staff; arrange staff coordination and executive clearance for all formal OJJDP correspondence; develop staff interagency agreements; and maintain the official agency file.

o To provide support to the Coordinating Council and National Advisory Committee (1) to assure development of background material and agendas responsive to a consistent working approach to problems under consideration, and (2) to maintain a continuing reporting and feedback system between the Council, the National Advisory Committee, OJJDP, and all involved Federal agencies.

o To secure endorsement by appropriate officials at the Federal and State level for program plans requiring local action so as to create a climate of urgency and recognition designed to encourage fullest possible local coordinated action.

COORDINATING
STATE
PLANNING

One of the major provisions of the Act calls for comprehensive planning at the State level for Juvenile Justice and Delinquency Prevention programming. Section 223(a)(8) requires "a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment, and the improvement of the juvenile justice system." This information must contain:

- o A study of the juvenile justice system;
- o An analysis of juvenile justice system effectiveness;
- o An analysis of the nature of the delinquency problem; and
- o A description of existing programs for youth.

This mandate requires the SPA in each State to coordinate services to youth and their families in order to insure effective delinquency prevention and treatment. This includes all offices within the State responsible for service delivery.

Implementation Plan

To facilitate this planning, this Plan proposes that OJJDP, assisted by the Coordinating Council, develop a process to:

- o Identify the extent of comprehensive State planning within the juvenile justice and delinquency prevention program universe;

- Define the requirements of State planning functions performed under Federal programs administered by Departments represented on the Coordinating Council; and

- Compare planning requirements under LEAA and OJJDP with those of such agencies as HEW, HUD, and Labor, as a basis for negotiation of changes in these requirements to promote coordinated planning of juvenile justice and delinquency prevention by State and local governments.

The planning requirements will be analyzed comparatively along the following dimensions: target population, locus for planning, scope of plan, planning cycle, scope of funding, funding cycle, planning review process, plan approval process, and evaluation process.

The results of this study will be disseminated to the Coordinating Council for it to review for accuracy of content and relevancy to the comprehensive State planning requirements. Once cleared by the Coordinating Council, this study will be made available to SPAs and other local planning agencies related to the members of the Coordinating Council for use in preparing their comprehensive plans related to juvenile justice and delinquency programming.

Appendices

APPENDIX I:

FEDERAL
DELINQUENCY PREVENTION,
TREATMENT, AND CONTROL
PROGRAMS

The following Appendix, listing Federal programs related to juvenile justice and delinquency prevention, is excerpted from the First Annual Report of the Office of Juvenile Justice and Delinquency Prevention.

When OJJDP was formed, one of its first actions was to update the listing of Federal programs related to juvenile justice and delinquency prevention. This included identifying 15 new programs that had not been included in the 1973 Bureau of Census survey, which identified 132 such programs. After additions, deletions, and consolidation, the number shrank to 117.

It should be emphasized here that even the updated inventory is a preliminary one. One of the requirements of the JJDP Act is that LEAA establish detailed criteria for deciding what activities fall within the purview of the Act. A process has been established for developing these criteria, which will be the basis for a definitive program inventory in the future.

Delinquency Treatment Programs

The Justice Department, and more specifically LEAA, is the primary funding source for programs dealing directly with delinquent behavior. Of the $92 million spent in 1975, DOJ accounted for almost two-thirds. HEW spent $31.8 million on programs classified in this category, through its activities for runaway youth and one of its programs for educationally deprived children. The Department of the Interior (DOI) administered the only other Federal activity directly related to youth already considered delinquent (see Table III-3).

Table III-3. DELINQUENCY TREATMENT PROGRAMS

Justice-LEAA (OJJDP)

Concentration of Federal Efforts
Formula Grants
National Institute for Juvenile Justice and Delinquency Prevention
Special Emphasis Grants
Technical Assistance

Justice-Bureau of Prisons

Operation of Juvenile and Youth Institutions
Operation of Young Adult Institutions

Interior-Bureau of Indian Affairs

Detention Facilities and Institutions Operated for Delinquents

HEW-Office of Education

Educationally Deprived Children--State-Administered Institutions Serving Neglected or Delinquent Children

HEW-Office of Human Development

Runaway Youth Program

Programs for Youth at Risk

Programs focused on preventing delinquency cover a spectrum so broad that it is more accurate to label them as programs directed toward youth at risk than as delinquency prevention programs. Grouped under this category are school activities, vocational opportunities, recreational outlets, and similar programs.

HEW is the major funding agency for these preventive activities. In FY 1975 that department expended $3.3 billion, or more than 91 percent of the total for this category. Representative activities included the Office of Education's programs for vocational education and for educationally deprived children, and the Head Start Program in the Office of Child Development.

The Department of Labor funded the Job Corps and two apprenticeship programs in FY 1975. A similar training program in USDA--the Youth Conservation Corps--expended approximately $6.7 million in FY 1975. Obligations of $75 million for two Civil Service Commission programs employing disadvantaged youth in Federal positions, and of $310,000 for ACTION's Youth Challenge Program, complete Federal expenditures for direct prevention programs.

Table III-4. PROGRAMS FOR YOUTH AT RISK

HEW - Office of Education

Bilingual Education
Dropout Prevention
Educationally Deprived Children--Local Educational Agencies
Educationally Deprived Children--Migrants
Educationally Deprived Children--Special Grants for Urban and Rural Schools
Educationally Deprived Children--Special Incentive Grants
Educationally Deprived Children--State Administered Institutions
Educational Personnel Development--Urban/Rural School Development
Educational Personnel Training Grants: Career Opportunities
Follow Through
Special Services for Disadvantaged Students in Institutions of Higher Education
Supplementary Educational Centers and Services: Special Programs and Projects

HEW-Office of the Secretary (Human Development)

Child Development--Child Abuse and Neglect: Prevention and Treatment
Child Development--Child Welfare Research and Demonstration Grants
Child Development--Head Start
Child Development--Technical Assistance

HEW-Social and Rehabilitation Service

Child Welfare Services

Labor-Manpower Administration

Apprenticeship Outreach
Apprenticeship Training
Job Corps

USDA-Forest Service

Youth Conservation Corps

HEW-Office of Education (Continued)

Supplementary Educational Opportunity Grants
Talent Search
Teacher Corps
Upward Bound
Vocational Education Programs--Basic Grants to States
Vocational Education Program--Cooperative Education
Vocational Education Program--Curriculum Development
Vocational Education--Innovation
Vocational Education--Research
Vocational Education--Special Needs
Vocational Education--State Advisory Councils
Vocational Education--Work Study

Civil Service Commission

Federal Employment for Disadvantaged Youth--Part-Time
Federal Employment for Disadvantaged Youth--Summer Aides

ACTION

Youth Challenge Program

Related Law Enforcement/Criminal Justice Improvement Programs

The Department of Justice and the Interior fund programs related to youth already labeled delinquent. The programs deal with law enforcement, courts, and corrections for both adults and juveniles. DOJ expended more than 92 percent of the obligations in this category. A large share of these expenditures was for LEAA's discretionary and formula grants programs. The remainder represents the Bureau of Prison's expenditures on corrections. Two programs in DOI's Bureau of Indian Affairs are oriented toward improving law enforcement and criminal justice for native Americans.

Table III-5. RELATED LAW ENFORCEMENT/CRIMINAL JUSTICE IMPROVEMENT PROGRAMS

Justice-Drug Enforcement Administration

Public Education on Drug Abuse: Technical Assistance
Research on Drug Abuse

Justice-Bureau of Prisons

Correctional Services, Technical Assistance
National Institute of Corrections
Operation of Female Institutions

Justice-LEAA

Criminal Justice--Statistics Development
Law Enforcement Assistance--Comprehensive Planning Grants
Law Enforcement Assistance--Discretionary Grants
Law Enforcement Assistance--Improving and Strengthening Law Enforcement and Criminal Justice
Law Enforcement Assistance--Student Financial Aid
Law Enforcement Assistance--Technical Assistance
Law Enforcement Research and Development--Graduate Research Fellowships
Law Enforcement Research and Development--Project Grants

Interior-Bureau of Indian Affairs

Indian Law Enforcement Services
Social Services

General Related Programs

Programs classified in this category cover a wide range of activities, most of them only tangentially related to preventing delinquency. Agency-by-agency expenditures for this category tell little about the magnitude of relevant spending because huge portions of program money are not related to delinquency.

For example, DOT spent more than $4.3 billion in FY 1975 on the two programs included in this analysis, but only a fraction of that money was devoted to the environmental improvements that led the Census Bureau to view the two programs as delinquency-related.

USDA spent more than 33 percent of the funds in this category on food and nutrition programs for economically disadvantaged populations and school children. HEW also supported school programs and others dealing with mental health and alcohol and drug abuse. Total HEW spending for programs in this category was $2.7 billion.

Labor Department programs emphasized career exploration and vocational training; almost $888 million was obligated in FY 1975 for these activities. HUD approved more than $3 billion in block and discretionary grant programs, including approximately $428.4 million for capital costs in low-rent public housing modernization. Finally, DOI, the Veterans' Administration, ACTION, the Civil Service Commission, and the Appalachian Regional Commission also funded programs related to delinquency prevention.

Table III-6. GENERAL RELATED PROGRAMS

HEW-Health Services Administration

Indian Health Services

HEW-National Institute of Education

Educational Research and Development

HEW-National Institute of Mental Health

Community Mental Health Centers
Mental Health Fellowships
Mental Health Research Grants
Mental Health Training Grants

HEW-National Institute on Alcohol Abuse and Alcoholism

Alcohol Community Service Programs
Alcohol Demonstration Programs

HEW-National Institute on Drug Abuse

Drug Abuse Community Service Programs
Drug Abuse Demonstration Programs

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HEW-Office of Education

Adult Education--Grants to States
Adult Education--Special Projects Program
Drug Abuse Prevention
Library Services--Grants for Public Libraries
National Direct Student Loans
Supplementary Educational Centers and Services, Guidance, Counseling, and Testing

HEW-Office of the Secretary (Human Development)

President's Commission on Mental Retardation
Rehabilitation Services and Facilities--Basic Support
Rehabilitation Services and Facilities--Special Projects

HEW-Social Rehabilitative Service

Maintenance Assistance (State Aid) Program
Public Assistance Research

USDA-Cooperative Extension Service

4-H Youth Development Program

USDA-Food and Nutrition Service

Food Distribution
Food Stamps
Special Food Service Program for Children
School Breakfast Program
Nonfood Assistance for School Food Service Programs

USDA-Food and Nutrition Service (continued)

National School Lunch Program
Special Milk Program for Children

HUD-Community Planning and Development

Community Development--Block Grants
Community Development--Discretionary Grants

HUD-Office of Policy Development and Research

General Research and Technology Activity

DOI-Bureau of Indian Affairs

Social Services
Drug Program
Indian Reservation Projects
Indian Social Services--Child Welfare Assistance
Indian Employment Assistance
Indian Education--Colleges and Universities
Indian Education: Assistance to Non-Federal Schools

DOI-National Parks Service

Parks for All Seasons

DOI-Bureau of Outdoor Recreation

Outdoor Recreation--Technical Assistance

DOL-Manpower Administration

Employment Service Program
Work Incentive Program
National On-the-Job Training
Farmworkers Program
Manpower Research and Development Projects
Indian Manpower Program

DOL-Wages and Hours Division

Work Experience and Career Exploration Program

DOT-Federal Highway Administration

Highway Research, Planning, and Construction

DOT-National Highway Traffic Safety Administration

State and Community Highway Safety Program

ACTION

Foster Grandparents Program
VISTA

Appalachian Regional Commission

Appalachian State Research, Technical Assistance, and Demonstration Projects

Civil Service Commission

Federal Summer Employment

Veterans' Administration

Veterans Rehabilitation--Alcohol and Drug Dependency

APPENDIX II:

PRIORITIES
FOR
FEDERAL
RESEARCH

The following priorities for federal research were established by the Coordinating Council on Juvenile Justice and Delinquency Prevention:

A short-term study of offender careers in two cities. This would be a follow-up of all juveniles first arrested during 1968 in two major metropolitan areas. Such a study would constitute an inexpensive and relatively quick method of increasing our knowledge regarding the development and maintenance of delinquent careers.

A double replication of the Wolfgang cohort study. These studies would replicate the cohort study directed by Dr. Marvin Wolfgang in Philadelphia which focused on the arrest histories of males born in that city in 1945. Replications of this study (with some modification) focusing on youths born a decade later would allow testing for changes in rates and patterns of delinquency over time.

A major prospective cohort study. This research effort would entail following a large sample (perhaps nationwide) of very young subjects over a long period of time (10-15 years) in order to examine the development of delinquent and non-delinquent careers. Such a study would permit examination of a broad range of factors related to delinquency, and a variety of intervention approaches.

The cohort and offender career studies are all structured to answer the same set of questions: What types of delinquent behavior portend serious future criminality? What patterns of behavior are

best understood as isolated deviations that do not predict future criminality? How does the juvenile justice system operate? Do different types of juvenile justice system responses to youth crime lead to different patterns of future crime and delinquency?

The relationship between youth crime and family economic opportunity. Studies in this area might focus on "income maintenance" and serious youth crime, or test the hypothesis that constraints on economic opportunity increase the rates of property crime. Another proposition to examine is whether serious youth crime is committed by groups that are immune to opportunities provided by fluctuations in the economic cycle.

Comparative studies of juvenile delinquency preventions strategies. These might encompass supported work, public housing, the school context, youth development approaches, defensible space, control of handgun availability, and an examination of "conforming" behavior; that is, a focus on approaches designed to enhance the likelihood of youth conformity as opposed to reducing the deviance.

Special studies of youth violence. These studies might focus on robbery, homicide, and aggravated assult, and involve examination of patterns of youth violence over time. Special attention might be given to the increasing use of guns and to the characteristics of particular cities that have experienced the sharpest increases in rates of youth violence.

An annual compilation of data on youth crime. This volume would be a single comprehensive summary of data pertaining to the youth population in the U.S., delinquent behavior, youth arrests, juvenile courts, probation, community corrections and institutions housing young offenders. Presentation of these and other data would permit discussion of patterns and trends in youth crime, and the identification of knowledge gaps.

The relationship between delinquent gangs and youth criminality. In addition to research on the nature and distribution of juvenile gangs in U.S. cities, research in this area might examine the correlation between gang participation and violence. Other research might address the etiology of gangs and mechanisms of recruitment into their membership and intervention approaches.

A comparative study of juvenile courts. Such a study might involve collecting data on disposition in a fairly large and representative sample of cases; determining by offense and offender type rates of different kinds of dispositions; comparing offenses recorded by the police with behavior listed by the court as the basis for its jurisdiction; and examining the emergence of particular types of dispositions.

Studies of the impacts of different juvenile justice intervention techniques. Such studies might include diversion strategies, case dismissal, community placement, arbitration models, and other innovative approaches related to the administration of juvenile justice. These studies should examine the impact of such approaches on delinquent careers and the juvenile justice system.

Special studies of the relationship between hard narcotics and delinquency. These studies would explore whether a causal relationship exists between use of hard narcotics and youth crime. Attention might be given to this relationship in the context of juvenile gangs. An hypothesis that appears worth testing is that hard narcotics increase crimes of prey by creating needs for higher levels of illegitimate earnings and by recruiting youth into antisocial life styles.

APPENDIX III:

THE
STATUS
OF
CHILDREN

The following Appendix has been excerpted from The Status of Children 1975, prepared by the Social Research Group of The George Washington University under a contract from the Office of Child Development, Department of Health, Education, and Welfare (HEW-100-75-0010). The authors of the report were Kurt J. Snapper, Harriet H. Barriga, Faye H. Baumgarner, and Charles S. Wagner.

Income Assistance

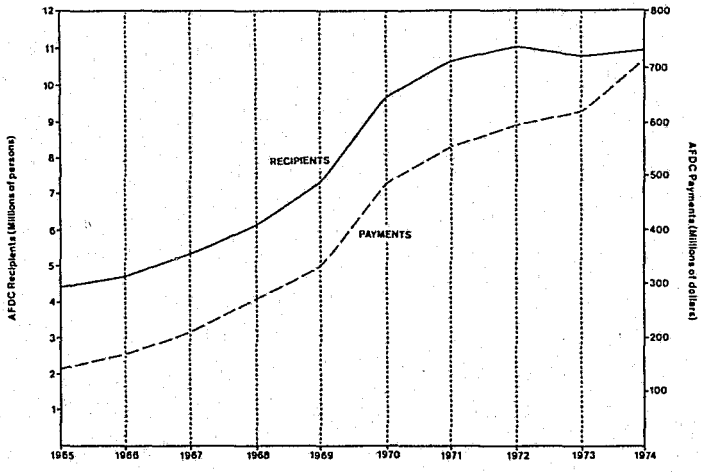
In 1974 there were approximately 10.2 million children under 18 in low-income families; 3.29 million of them were under 6 years of age. In the early 1970's, there was a slight decline in the number of persons below the poverty level. However, in 1973-1974 the number of persons below the poverty level increased by about 1.3 million--despite the fact that the poverty level had been raised to reflect inflation. Other data pertaining to low-income groups were discussed in Section 1. A variety of income assistance and service programs is targeted upon low-income persons, families or areas.

Public Assistance-Maintenance Assistance (State Aid)(13.761) grants money payments through States to low-income families with dependent children; these payments are used to pay for basic necessities. One component, Aid to Families with Dependent Children (AFDC), involved about 3.0 million families in 1973, an increase of 18% from 1971. However, partly due to trends toward smaller

families (the average AFDC family decreased from 3.8 to 3.6 members) the increase in the number of recipients from December 1971 to December 1973 was not as dramatic (see Figure 2.1). Families of Native Americans may qualify for aid through the Indian Social Services-General Assistance program (15.113) if they live on or near Indian reservations where aid is not available from State or local public agencies.

The Social Security system and the Veterans Administration provide assistance to qualified families, regardless of income level. The programs which affect children, directly or indirectly, include the Social Security-Survivors Insurance Program (13.805), Disability Insurance (13.802), Retirement Insurance (13.803), Special Benefits for Disabled Coal Miners (13.806), Supplemental Security Income (13.807), Pensions to Veterans Widows and Children (64.105), Veterans Dependency and Indemnity Compensation for Service-Connected Deaths (64.110), and Compensation for Service-Connected Deaths for Veterans, Dependents Program (64.102). Other programs that provide assistance, support, or social services include Child Development

Figure 2.1 AFDC Recipients and Payments: December 1965 to December 1974



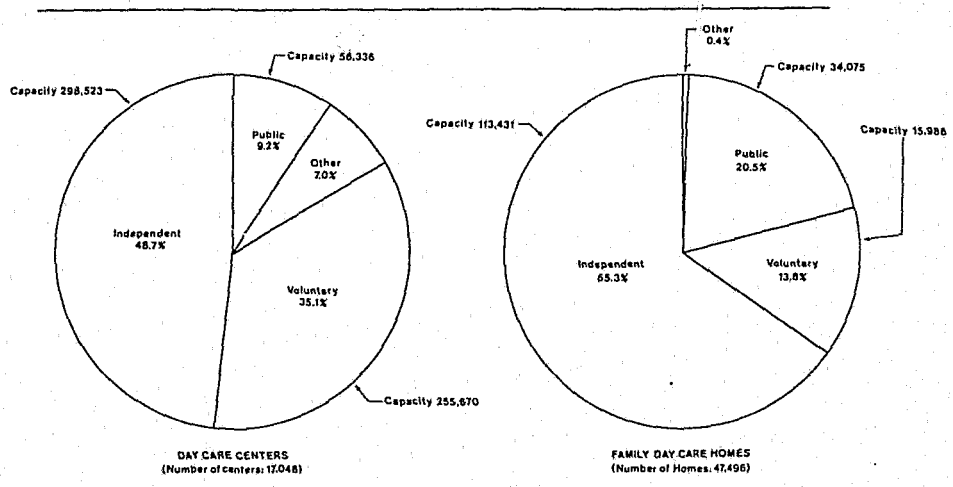
Head Start (13.600), Child Development-Child Welfare Research and Demonstration Grants (13.608), Public Assistance-Social Services (13.754), Public Assistance Research (13.766), Work Incentives Program (17.226), Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children (13.431), and Community Service Training Grants (13.768).

Preschool Programs and Education

A broad range of educational programs are targeted on specific groups: preschool children, handicapped children, children in institutions, children in migrant families, members of ethnic minorities, children whose maternal language is not English, children in low-income families, children from rural areas, and those who are potential school drop-outs. The programs described below are designed to meet the special needs of their various target populations.

As noted earlier, increasing numbers of mothers are joining the labor force; the number of children under 6 who had working mothers was approximately 5.6 million in 1972. Data for 1971 indicated a total capacity of about 912,000 in approved or licensed day-care centers and family day-care homes, and incomplete data for 1972 showed a capacity of about 821,000 (see Figure 2.2). Thus, there are slots for less than 20% of the children under 6 in licensed or

Figure 2.2 Licensed or Approved Day Care Facilities: 1972

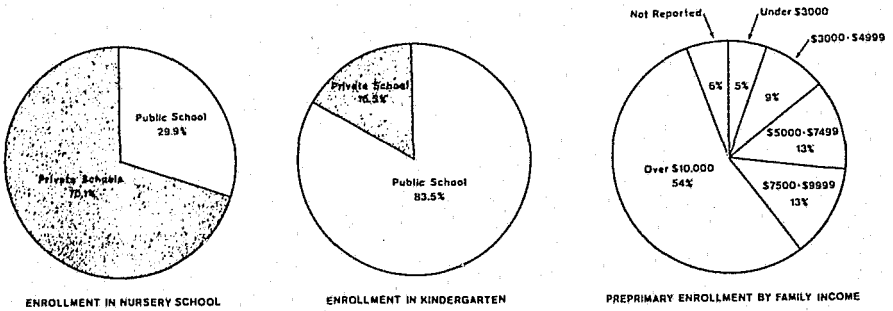


approved day-care facilities. The Work Incentives Program-Child Care-Employment Related Supportive Services (13.748) provides child-care services to AFDC recipients participating in WIN employment and training activities. As of the last day of the quarter ending December 31, 1973, nearly 56,000 children under six were provided child care while their mothers or caretakers participated in the Work Incentives Program (17.226). Of these children, 53% were provided care either in their own home or at a relative's home, 40% were provided care in day-care facilities, and 7% received care through other arrangements. A related program, Public Assistance-Social Service (13.754) provides child-care services to recipients of public assistance.

The percentage of eligible children enrolled in nursery school or kindergarten increased steadily between 1964 (25.5%) and 1972 (41.6%), although there was a slight decrease to 40.9% in 1973. Because the majority of nursery schools are operated under private auspices, most nursery school students attend private schools. However, at the kindergarten level many programs operate under public auspices resulting in a majority of kindergartners attending public schools (see Figure 2.3). Over half of the children enrolled in preprimary programs came from families with incomes over $10,000.

The majority of preschool programs are for kindergarten children, and are administered at the local level. A large number of children, primarily from low-income families, are served by the Federally sponsored Head Start program (13.600). Head Start reached about 350,000 children in FY '75, about 15-20% of the eligible population. Head Start is not exclusively targeted upon low-income families. Up to

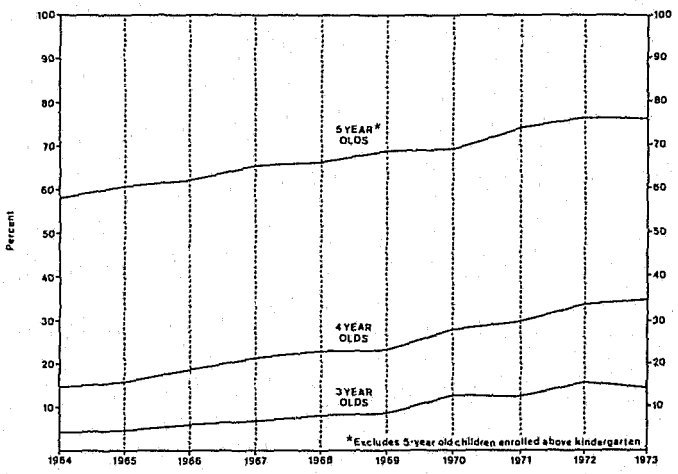
Figure 2.3 Preprimary School Enrollment: October, 1973



10% of Head Start children may be from non-poverty families and current requirements stipulate that at least 10% of the children in Head Start must be handicapped children. A companion program, Follow Through (13.433), is designed to augment and sustain gains made by children who have participated in Head Start and other preschool programs. However, it served only a portion of the children leaving Head Start and other programs--78,000 children in FY '75. Related programs include: Appalachian Child Development (23.013); Educationally Deprived Children--Special Grants for Urban and Rural Schools (13.511); Handicapped Early Childhood Assistance (13.444); and Handicapped Preschool and School Programs (13.449).

The percentage of 3 to 5 year olds enrolled in preprimary programs has increased steadily over the last decade (see Figure 2.4). It is estimated that 84% of five-year olds are enrolled in school, as compared to 99% of children between the ages of 6 and 13. In addition to increased preschool enrollments, dropout rates are declining. Two programs are designed to keep students in school. One, the Dropout Prevention Program (13.410), is designed to keep elementary and secondary students in school through the use of innovative methods, materials, systems, or programs. In FY '74, nine demonstration projects in the Dropout Prevention Program were

Figure 2.4 Preprimary School Aged Children Enrolled in Nursery School and Kindergarten: October, 1964 to October, 1973



continued; dropout rates decreased, and projects with reading and math components have reported average gains of 1.5 to 2.0 years in student achievement. The other program, Federal Employment for Disadvantaged Youth-Part Time (Stay-in-School Campaign)(27.003), is designed to provide part-time employment opportunities for disadvantaged persons, 16 through 21, so that they may continue their education without interruptions caused by financial pressures. In FY '76, participation is expected to be 21,000 youths per month, an increase of 4,000 per month over 1975.

As Figure 2.5 shows, most elementary school children are enrolled in their modal grade, although a larger percentage of Black than White children is enrolled below modal grade level. A larger percentage of Black than White children also is enrolled above modal grade level.

Special instruction is available in many public school systems to handicapped pupils. The proportion of handicapped pupils receiving special instruction varies with the type of handicap (see Figure 2.6). Handicapped pupils except for the mentally retarded and hard of hearing are most likely to receive specialized instruction at the elementary level.

The following programs provided educational services for handicapped children at the preschool, elementary and secondary levels in FY '75: Handicapped Preschool and School Programs (13.449), which assisted in developing programs for handicapped children from preschool through secondary school levels; Handicapped Innovative Programs-Deaf-Blind Centers (13.445), which offered diagnostic, educational, and consultative services to approximately 3,800 deaf-blind children and their families; the Handicapped Regional Resource Centers Program (13.450), which provided comprehensive services for 40,000 handicapped children, and Educationally Deprived Children-Handicapped (13.427), which served about 184,000 handicapped children in State-operated or supported schools in FY '75. Other programs providing services to handicapped children include: Handicapped Early Childhood Assistance (13.444), Special Programs for Children with Specific Learning Disabilities (13.520), Handicapped Physical Education and Recreation Research (13.447), Handicapped Research and Demonstration (13.443), and Handicapped Media Services and Captioned Films (13.446).

Although some programs are not targeted specifically upon the handicapped, they may indirectly benefit the handicapped. Supplementary Educational Centers and Services-Special Programs and Projects (13.516) is one program that sets aside a given proportion of its funds (at least 15%) to aid the handicapped.

Figure 2.5 Modal Grade Enrollment: October, 1972

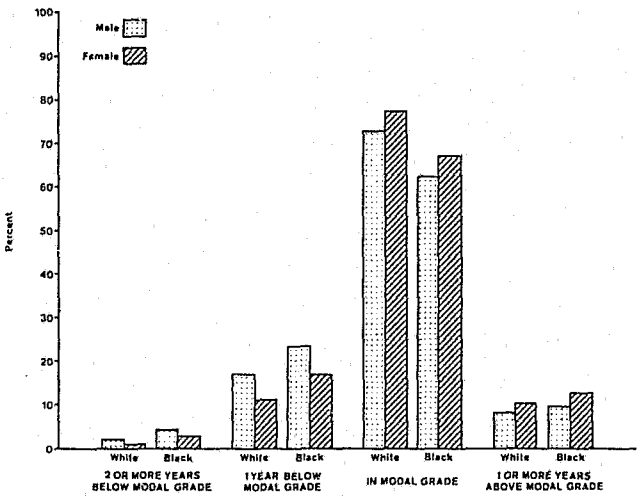
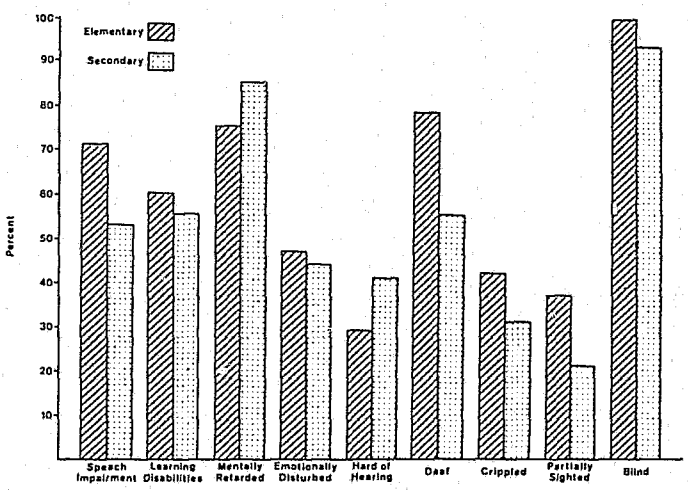


Figure 2.6 Percent of Handicapped Pupils Receiving Special Instruction or Assistance in School: Spring, 1970



Through a number of other programs, educational services are provided for neglected and delinquent children in institutions, children of migratory workers, American Indian children, low-income children, and the bilingual population. Through the program Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children (13.431), approximately 50,000 children were served in FY '75. In FY '75, 430,000 children of migratory workers were served through the Educationally Deprived Children-Migrants program (13.429). Programs which serve American Indian children include: Indian Education-Grants to Local Educational Agencies (13.534); Indian Education Special Programs and Projects (13.535); Indian Education Grants to Non-Federal Educational Agencies (13.551), Indian Education-Federal Schools (15.110); and Indian Education-Assistance to Non-Federal Schools (15.130). Educationally Deprived Children-Special Grants for Urban and Rural Schools (13.511) and Educationally Deprived Children-Local Educational Agencies (13.428) are two programs which are targeted on low-income children. Through the Bilingual Education program (13.403), local education agencies receive assistance to develop and implement new and innovative programs. For the school year 1975-76, bilingual educational services are expected to serve approximately 178,000 children.

Through the Office of Child Development, the Exploring Childhood Program is designed to give high school students an opportunity to learn about many aspects of child development and to interact with children. Originally developed for junior and senior high school students, its adaptation to other settings is being considered. This expansion would involve child care staff and parents as well as young people in a non-school environment. In 1974-75, Exploring Childhood was used in 230 schools and by 410 additional educational and social service agencies.

The following programs have educational components which provide child development and parent education services to specific target populations of adults and youth. The Cooperative Extension Service (10.500) provides these services primarily to persons in rural and farm areas. A related program, Indian Agricultural Extension (15.101), serves Indian organizations and individuals. The Vocational Education-Consumer and Homemaking Program (13.494) is targeted on economically depressed areas or areas of high rates of unemployment, and provides training programs adapted to the needs of youth and adults in these areas.

The Right to Read-Elimination of Illiteracy program (13.533), whose goal is to increase the literacy level of the population, is targeted on persons 16 and older. The program's goal is to increase functional literacy so that, by 1980, 99% of those 16 years of age and 90% of those over 16 will be functionally literate.

The physically handicapped, the retarded, and the disadvantaged all require teachers and staffs able to meet their needs. The Federal government funds several programs (Handicapped Teacher Education, 13.451; Handicapped Physical Education and Recreation Training, 13.448; Teacher Corps-Operations and Training, 13.489; Educational Personnel Training Grants-Career Opportunities, 13.421; and Developmental Disabilities-Demonstration Facilities and Training, 13.632) which train personnel to teach these target populations.

Nutrition

Preliminary findings of the First Health and Nutrition Examination Survey indicate that a substantial proportion of preschool children are inadequately nourished. Data indicate that poor nutrition is found in both Black and White children, and in children in families both above and below the poverty level, especially with respect to iron intake (see Figure 2.7).

This study also suggested that the diets of Blacks and/or children in poverty families include more of certain nutrients per 1,000 calories than those in other groups. For example, Blacks and/or children from low-income families consume more iron, vitamin A, and protein per 1,000 calories than their counterparts. However, the caloric intake of Blacks (both above and below poverty) may be lower than that of Whites, so that certain deficiencies may be more likely among Blacks than Whites.

Four out of every five schools offer the National School Lunch Program (10.555). In FY '74, 24.9 million children, 57% of those enrolled in schools where the program was available, participated in the program (see Figure 2.8). The decline in participation from FY '73 reflects a decrease in school enrollment, rather than any decrease in the rate of participation. This program is not exclusively targeted upon children in poverty families, although free or reduced price lunches (approximately one-third of all school lunches served) are available to children from low-income families.

Figure 2.7 Percent Population Aged 1-5 Years Below Nutritional Standard: 1971 to 1972

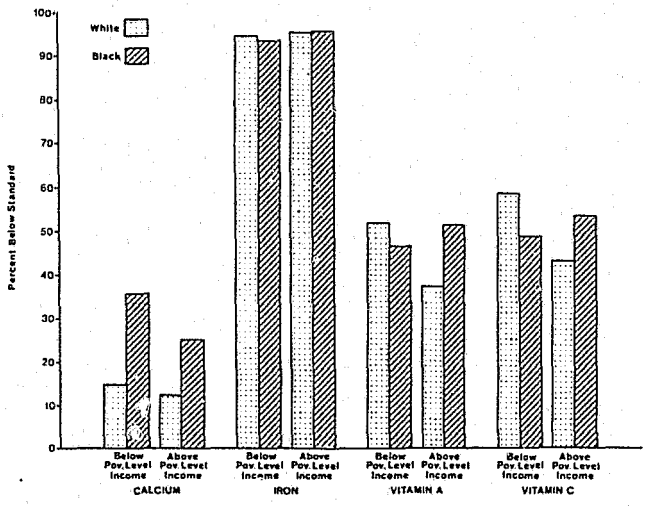
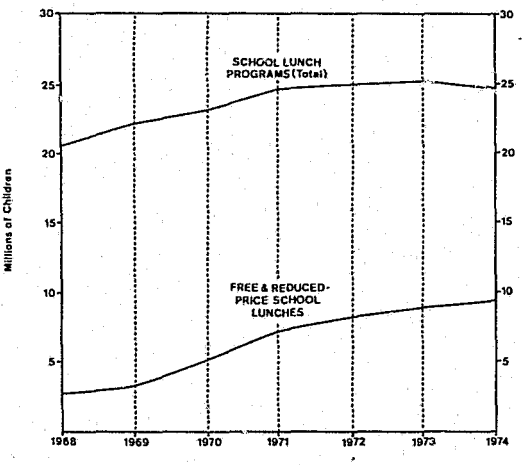


Figure 2.8 Number of Children Participating in the National School Lunch Program: 1968 to 1974



Other programs include the Special Food Service Program for Children (10.552), the School Breakfast Program (10.553), the Special Milk Program for Children (10.556), the Special Supplemental Food Program for Women, Infants, and Children (10.557), Nonfood Assistance for School Food Service Programs (10.554), School Health and Nutrition Services for Children from Low-Income Families (13.523), Child Development-Head Start (13.600), and Follow Through (13.433). There are several programs for improving directly or indirectly the nutritional status of children, particularly those in low-income families: Food Distribution program (10.550), Public Assistance-Maintenance Assistance (State Aid) (13.761), and Native American Programs (13.612). The Food Stamps program (10.551) increases food purchasing power of eligible families; during FY '75 an average of 13.1 million will participate in the program, a 7% increase over FY '73. Nutrition education programs are provided through the Cooperative Extension Service (10.500) and the Indian Agricultural Extension Program (15.101).

Handicapped Children

An estimated 7% of live births, an annual incidence of 200,000, result in handicaps from congenital anomalies, both structural and non-structural (Sickle Cell Anemia, Tay-Sachs Disease). Only about one-third of congenital handicaps are believed to be observable at birth; two-thirds do not become evident until later in life. There are an estimated 1.2 million handicapped children under 6. Between the ages of 0 and 19, approximately 2.3 million children are speech impaired, 2.0 million suffer from learning disabilities, 1.5 million are mentally retarded, 1.3 million are emotionally disturbed, 328,000 are crippled and impaired children, 328,000 children are hard of hearing, 66,000 are visually handicapped and 49,000 are deaf.

The Crippled Children's Services (13.211) provides services, especially in rural and low-income areas, to crippled children and children with conditions which lead to crippling. During FY '74, 509,000 crippled persons under 20, including 97,000 with multiple handicaps and 41,000 with congenital heart disease, were provided services. Maternal and Child Health Services (13.232) provides services to low-income and rural children with physical handicaps, which include screening, diagnosis, treatment, and follow-up services. It seeks to reduce the incidence of mental retardation through improving prenatal and postpartum care of mothers and infants. This

78-464 O - 77 - 42

program also supports clinics for mentally retarded children which provide diagnostic, counseling, treatment, and follow-up services. Comprehensive services for the mentally retarded are provided through the Developmental Disabilities-Basic Support program (13.630).

Other programs related to handicapping conditions excluding educational programs include Special Food Service Program for Children (10.552), Maternal and Child Health Research (13.231), Maternal and Child Health Training (13.233), Handicapped Early Childhood Assistance (13.444), Handicapped Innovative Programs--Deaf-Blind Centers (13.445), the Office for Handicapped Individuals (13.603), Developmental Disabilities-Special Projects (13.631), Developmental Disabilities-Demonstration Facilities and Training (13.632), and Handicapped Physical Education and Recreation Training (13.448).

Mental Health

A substantial but unknown number of children have mental health problems; in an unknown percentage of cases treatment is obtained. In 1971, about one-fifth of all patient care episodes in psychiatric services, or 772,000, involved children under 18. Of these, about 632,000, or 82%, were dealt with on an outpatient basis (see Figure 2.9). In the under 18 age group there is little overall difference between Whites and non-Whites in admission rates to outpatient psychiatric services. Males have higher admission rates than females in both groups although admission rates are somewhat higher for non-White than for White males (see Figure 2.10) in the 14-17 age group. Outpatient care was characterized by diagnoses of personality disorders, transient situational disturbances, behavior disorders of childhood and adolescence, and social maladjustment. The 140,000 inpatient episodes involving children under 18 constituted a 32% increase over a two-year period. In addition to the diagnoses associated with outpatient care, inpatient diagnoses were characterized by a relatively high incidence of schizophrenia, depressive disorders, and disorders associated with drug abuse.

Mental Health-Children's Services (13.259) emphasizes prevention of mental health problems and coordination of community services for children and families: 111 and 161 staffing awards were issued in

Figure 2.9 Patient Care Episodes Under 18 Years of Age by Type of Psychiatric Facility: 1971

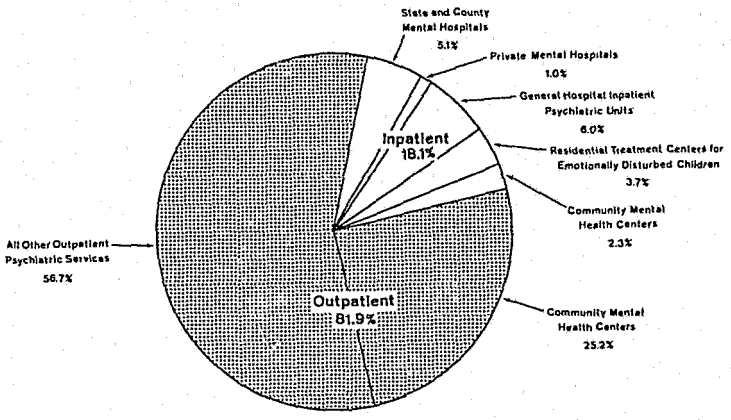
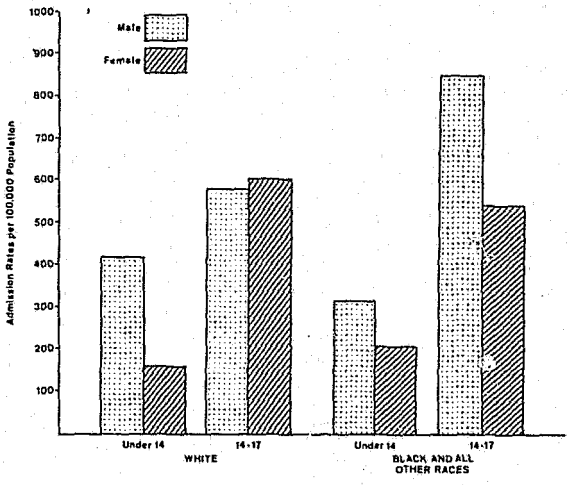


Figure 2.10 Admissions to Outpatient Psychiatric Services: 1970 to 1971



FY '74 and FY '75, respectively. Mental Health-Community Mental Health Centers (13.240) finances the building of centers, organizes and improves mental health services and initially provides partial compensation to professional and technical personnel. Funds for mental health facilities are also provided by Comprehensive Public Health Services-Formula Grants (13.210), Mental Health-Hospital Improvement Grants (13.237), and Mental Health-Hospital Staff Development Grants (13.238). Other programs include Indian Health Services (13.228), Mental Health Fellowships (13.241), Mental Health Research Grants (13.242), Mental Health Training Grants (13.244), Mental Health Research Development Awards (13.281), Mental Health National Research Services Awards (13.282), Medical Assistance Program (13.714), and Public Assistance-Maintenance Assistance (State Aid)(13.761).

Child Abuse and Neglect

Child abuse and neglect is a multi-faceted problem, with social and legal, as well as physical and mental health implications. To some extent it is a self-perpetuating problem: children who are abused are, in turn, relatively likely to abuse their children. Conservative estimates place the national incidence of parental maltreatment at 60,000, resulting in 6,000 deaths annually--more deaths than are caused by any single childhood disease. Projections from data from California and Colorado indicate that the incidence is much higher. From 200,000 to 250,000 children are in need of protective services each year; 30,000 to 37,500 of them are badly injured. One survey, based on a sample of 129 counties, estimated that 600,000 children under 18 are abused or neglected each year. Florida, which has a relatively effective reporting system, reported over 29,000 incidents of child abuse and neglect between October 1972 and September 1973, a rate of 13.4 cases per 1,000 child population. If this rate is taken as an estimate for the entire U.S., it would place the total at approximately 925,000 cases of child abuse and neglect annually. These estimates vary widely, but due to incomplete reporting all may be on the conservative side.

The Child Development-Child Abuse and Neglect Prevention and Treatment program (13.628) assists State, local, and voluntary agencies in developing and strengthening programs which prevent, identify, and treat child abuse and neglect. Its accomplishments

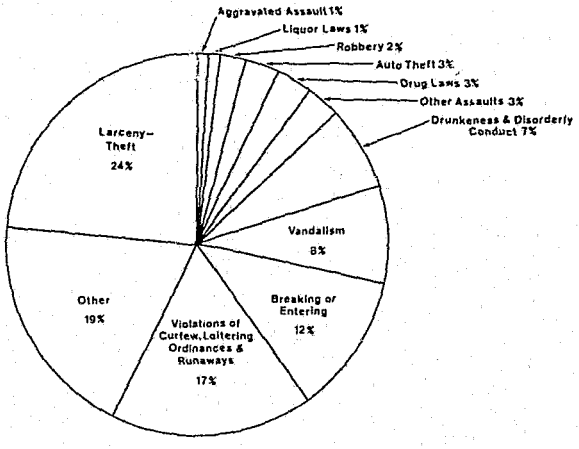
include the establishment of the National Center on Child Abuse and Neglect, the awarding of demonstration and research grants, and the development of a clearinghouse of information related to this problem. Child Welfare Services (13.707) is concerned with protective services which prevent the neglect, abuse, exploitation, or delinquency of children. Financial support may be provided for foster care, adoptive placements, day care, homemaker services, and the return of runaway children. During FY '75 an estimated 222,000 families and 400,000 children received services from this program.

Delinquency, Drug and Alcohol Abuse

Nearly a million children were involved in over 1.1 million juvenile delinquency cases (excluding traffic offenses), representing a 3% increase in 1973 over the previous year. Nine percent of all arrests made in 1973 involved children under 15 and over a quarter involved persons under 18. Juveniles are most likely to be apprehended for larceny-theft (see Figure 2.11). Approximately half of all persons arrested for larceny-theft in 1973 were under 18, representing a 12% increase in rate since 1968.

Violations of drug laws also are likely to involve youthful offenders. In 1973, 57% of all narcotic drug law arrests involved persons under 21 years of age.

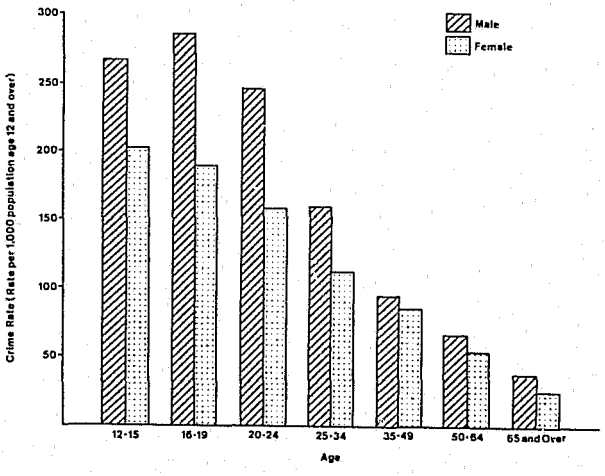
Figure 2.11 Percent Arrests of Persons Under 15 Years of Age: 1973



Of the approximately 57,000 children in juvenile facilities in 1971, 83% were adjudicated delinquents, 14% were being held pending court action, 2% were dependent and neglected children, and 1% were awaiting transfer to another jurisdiction. Most, about 36,000, were in training schools. The average stay in juvenile correctional facilities has been estimated at eight months. Sixty-one percent of admissions to juvenile correctional facilities were first-time commitments, with males outnumbering females 4 to 1; for recommitments, males outnumbered females 12 to 1.

Children and youth, in addition to perpetrating crimes, are also frequent victims. A recent survey of criminal victimization (see Figure 2.12) indicated that victimization rates are highest between the ages of 12 and 19. Males under 35 were characterized by substantially higher rates than females. By far the most common crime against individuals over 12 is personal larceny, followed by simple and aggravated assaults.

Figure 2.12 Criminal Victimization: 1973



Delinquency prevention is an objective of Child Welfare Services (13.707) which also helps return runaways to their homes. The Office of Youth Development's Runaway Youth Program provides financial assistance to non-profit groups to start new programs or strengthen existing programs for runaways. Educational services are provided to delinquent children through the Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children (13.431); during FY '75 an estimated 50,000 children in 1,500 institutions participated in this program. The Law Enforcement Assistance Administration is implementing two programs, the first of which is deinstitutionalization of status offenders who have committed no real crime, such as runaways and truants. Begun in early 1975, its goals include removal of status offenders from detention centers, training schools, and jails, and reduction of recidivism. The diversion program, which will involve alternatives to training schools, is expected to become operational during the fall of 1975. Other programs include Mental Health Research Grants (13.242), Mental Health Training Grants (13.244), Public Assistance-Social Services (13.754) and the National Institute of Mental Health's Center for Studies on Crime and Delinquency.

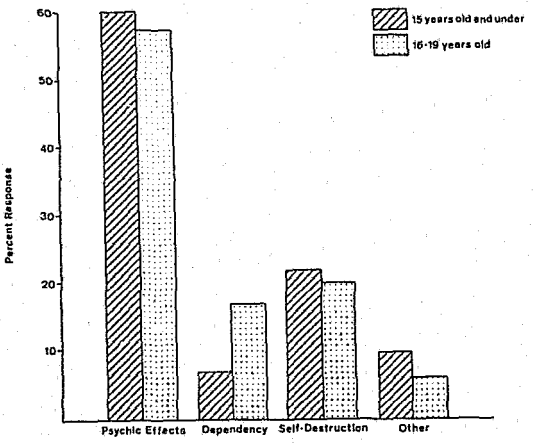
Use of alcohol is widespread among adolescents and youth. Preliminary findings of the Second Special Report to Congress on Alcohol and Health (1974) indicate that, by 7th grade, 63% of the males and 54% of the females have tried alcoholic beverages; by 12th grade these percentages have climbed to 93% and 87%, respectively. Circumstances under which alcohol is consumed vary: 7th-9th graders may drink at home on special occasions, whereas 10th-12th graders may drink at unsupervised parties. Perhaps 42% of high school students drink at least once a month, and 5% become intoxicated at least once a week.

Other drugs also are used, and abused. Drug Abuse Warning Network data (1973-1974) suggest that children 15 and under comprise 22% of the U.S. population and 7% of the drug-abusing population. However, 16-19 year-olds comprise only 7% of the population, but 24% of the drug-abusing population. A wide variety of drugs are used. The most popular (excluding alcohol) for those 10-19 is marijuana. In the 10-19 age bracket, hallucinogens (notably LSD) are the second most commonly used class of drugs, followed closely by barbiturate sedatives and tranquilizers.

The achievement of psychic effects is the primary motive for drug abuse among those under 20 (see Figure 2.13). Drug usage is primarily related to sex and age. There is little difference between Blacks and Whites in the use of marijuana, which in both ethnic groups seems to be concentrated among males 16-19. Whites who use hashish tend to be under 20, whereas Black users are somewhat older, between 20 and 39. Regardless of ethnicity, males under 29 are more likely than females to utilize amphetamines; females are more likely to utilize other drugs, such as aspirin and phenobarbitol.

The Drug Abuse Education Programs (13.275) collects, prepares, and disseminates drug abuse information; it also develops and evaluates drug abuse education and prevention programs for teachers, laymen, and the general public and, more specifically, youth and special high-risk groups. Children may also benefit from the Children of Alcoholics and the Teenage Alcohol Abuse Prevention programs sponsored by the National Institute on Alcohol Abuse and Alcoholism. Prevention and treatment programs include Drug Abuse Community Service Programs (13.235), Drug Abuse Demonstration Programs (13.254), Comprehensive Public Health Services-Formula Grants (13.210), Narcotic Addict Rehabilitation Act Contracts (13.239), Mental Health-Community Mental Health Centers (13.240), Alcohol Community Service Programs (13.251), Alcohol Demonstration Programs (13.252), Alcohol Formula Grants (13.257), and Drug Abuse Prevention Formula Grants (13.269).

Figure 2.13 Motivation for Abuse of All Drugs Nationwide: July, 1973 to February, 1974



Other programs include Mental Health-Hospital Staff Development Grants (13.238), Alcohol, Drug Abuse, and Mental Health Administration Scientific Communications and Public Education (13.243), Alcohol Fellowships (13.270), Alcohol Research Development Awards (13.271), Alcohol National Research Service Awards (13.272), Alcohol Research Programs (13.273), Drug Abuse Research Development Awards (13.277), Drug Abuse National Research Service Awards (13.278), Drug Abuse Research Programs (13.279), Drug Abuse Training Programs (13.280).

Physical Health

Physical health problems affecting children and families span family planning, maternal and infant health, and disease control.

Although fertility rates (see Section 1) have been declining steadily over the past several years, overpopulation, unwanted pregnancies, spacing, delay, and limiting family size are still important concerns. There are several Federal programs which provide voluntary contraceptive counseling and services.

Family Planning Projects (13.217) provided family planning services to an estimated 1.6 million people during FY '74, and Maternal and Child Health Services (13.232) provided these services to an estimated 1.25 million (including 115,000 through Family Planning Projects) during the same year. Payments for family planning services are available through the Medical Assistance Program (13.714). Related programs include Family Planning Services-Training Grants (13.260), Population Research (13.864), Comprehensive Public Health Services-Formula Grants (13.210), and Public Assistance-Social Services (13.754).

Although, as discussed in Section 1, both maternal and infant mortality rates have been declining over the past several years, these problems are far from being solved as evidenced, for example, by the discrepancy between the rates for Black and White infants and mothers. In addition, the mortality rate for infants born to teenage mothers is about twice that for infants born to mothers 25 to 34. There are also an estimated 500,000 spontaneous abortions, stillbirths, and miscarriages each year, due to defective fetal development.

Other infants begin life at a disadvantage due to health conditions present at birth. The most common defects observable at birth are genital organ anomalies, followed by anomalies of the heart and circulatory system, muscoskeletal anomalies, and anomalies of the nervous system. However, many birth defects are not observable until later in the child's life.

Low birth weight infants, those weighing less than 5.5 pounds at birth, are seventeen times more likely to die in infancy than infants of normal weight. They are also more susceptible to birth defects. Birth defects afflict about 18% of the 245,000 low birth weight infants born each year, as compared to 6% of infants weighing more than 5-1/2 pounds. A major cause of low birth weight is maternal malnutrition. Moreover, almost one of every four of these infants is born to a teenage mother.

Alcoholic or drug addicted mothers can transmit their problem to their infants. Infants born to these mothers begin life with multiple disadvantages which include the actual physical addiction and subsequent withdrawal, the social implication of an alcoholic or addicted mother, and the possible (but unproven) predisposition to alcohol or drug addiction later in life. Venereal diseases also present threats to the health of infants. Although congenital syphilis is preventable through routine testing and treatment of pregnant women, in 1974 there were 1,334 reported cases of congenital syphilis in the U.S. Despite the downward trend in the incidence of syphilis in the total population (see Figure 2.14) the rate of congenital syphilis in infants under one year of age has increased from .4 (1957) to 1.1 (1973) per 10,000 live births (see Figure 2.15).

Maternal and Child Health Services (13.232) is concerned with all aspects of maternal and infant-child health, including maternal and infant mortality, especially in rural and economically depressed areas. In FY '74 this program provided services to an estimated 142,000 mothers and 48,000 infants, and supported eight intensive infant care projects. Related programs include Family Planning Projects (13.217), Indian Health Services (13.228), and Maternal and Child Health Research (13.231).

There has been a long-term decrease in the incidence of many communicable diseases which are preventable through immunization. As Figure 2.16 shows, fewer cases of measles, rubella, and polio were reported in 1974 than in any year since national reporting began. Figure 2.17 shows trends in immunization. In the early

Figure 2.14 Reported Cases of Venereal Disease: 1963 to 1974

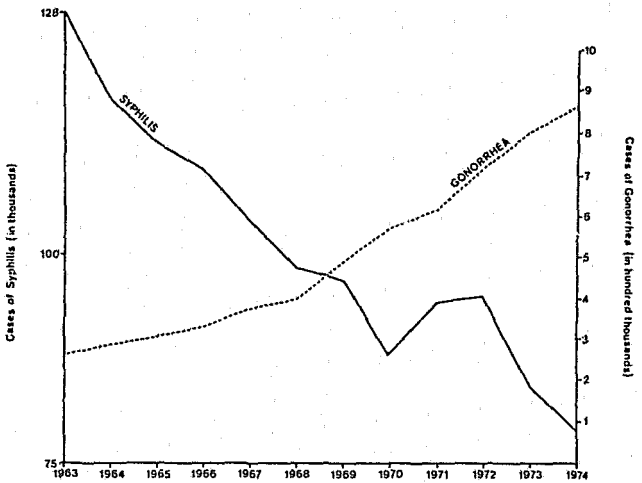
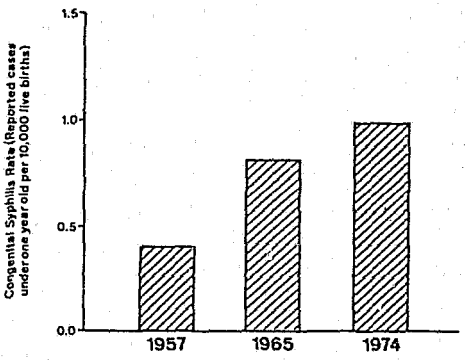


Figure 2.15 Congenital Syphilis: 1957, 1965, 1974



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7 OF 19

Figure 2.16 Reported Cases of Selected Communicable Diseases in the United States: 1964 to 1973

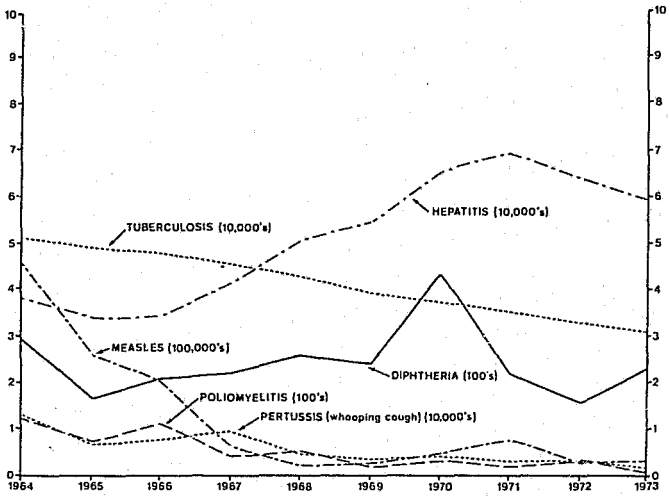
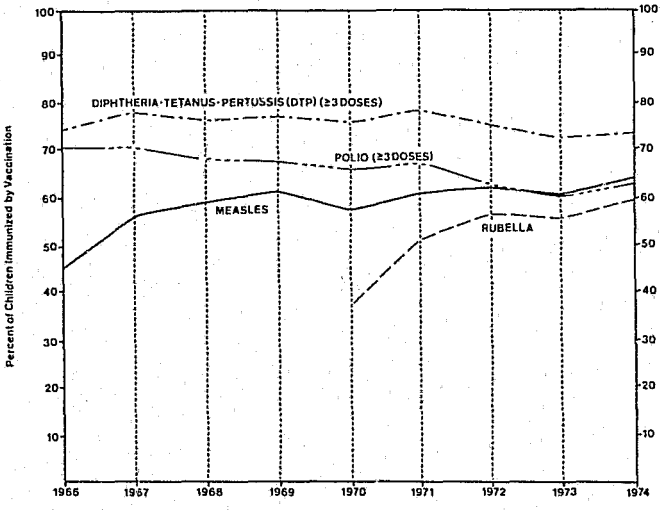


Figure 2.17 Major Immunizations for Children 1-4 Years Old: 1966 to 1974



1970's there was a decrease in polio immunizations, especially in low-income areas. The percentage of school children not immunized against polio reached its highest level since 1965. Although there was an increase in immunization against rubella between 1970 and 1972, the number of doses administered through public programs dropped by about 30% during the following year. Also, the number of doses of measles vaccine administered through public programs fell during this period, though by a smaller percentage, about 16%. Decreased emphasis on mass immunization and community programs resulted in inadequate immunization in poverty areas; efforts are being made to re-emphasize mass immunization programs. Mass immunizations against communicable disease are administered by Disease Control-Project Grants (13.268) with priority given to areas and populations with the highest incidence and prevalence of communicable diseases; $6.2 million was expended for this purpose in FY '75.

Well-child clinics, pediatric clinics, immunization programs, and dental care projects are provided to children from low-income families by Maternal and Child Health Services (13.232). Family Health Centers (13.261) also provide low-income recipients with comprehensive health services; an estimated 105,000 people will receive services from its 30 projects.

Programs such as Indian Health Services (13.228), Migrant Health Grants (13.246), and the Appalachian Health Demonstrations (23.004) administer comprehensive health services to specific target populations.

The Early Periodic Screening, Diagnosis, and Treatment Program is a part of the Medical Assistance Program (13.714). Between February 1972 and September 30, 1974, approximately 1,881,000 children under 21 received services from the EPSDT program. The Center for Disease Control-Investigations, Surveillance, and Technical Assistance (13.283) will test 300,000 children in 35 to 40 project areas for poisoning from lead-based paint. This condition, a threat to children exposed to lead-based paint, is the focus of the Childhood Lead-Based Paint Poisoning Control program (13.266); an estimated 490,000 high-risk children were screened in FY '75. Of these children, approximately 73,000 had elevated blood levels and 24,800 children were treated. In addition to screening and treating children, this program provides for inspection of dwelling units of these children and subsequent reduction of the paint hazard.

In FY '75, approximately 21,000 homes were inspected, with hazard reductions accomplished in 9,500 units. The Urban Rat Control program (13.267) seeks to reduce health threats from rat infestations.

Other programs related to child health include Health Services Development-Project Grants (13.224), Office for Health Maintenance Organizations (13.256), Emergency Medical Services (13.284), Public Assistance-Maintenance Assistance (State Aid)(13.761), Maternal and Child Health Research (13.231) and Child Health Research (13.865).

APPENDIX IV:

YOUTH EMPLOYMENT PROBLEMS

This Appendix has been excerpted from a paper which summarizes an analysis of the youth employment situation, prepared in the Office of the Assistant Secretary for Policy, Evaluation and Research, U. S. Department of Labor. The analysis was completed a little more than a year ago and the data reflect what was available at that time. Although employment/unemployment statistics have changed, the analysis still appears to be valid.

The labor market experience of young people has been the subject of policy discussions for many years. These discussions have focused on several aspects of youth labor market experience in an attempt to define the problem. Initially concern centered on the high rate of unemployment. Later, the emphasis shifted to the lack of job preparation and occupational information for youth who enter the labor market with less than a college degree.

Most recently, there has been a growing concensus that improvement in the youth employment situation requires better relationships among the institutions involved with education and work.

ANALYSIS

The Department of Labor analysis indicates that there are problems with the quantity and quality of jobs available to young people during the early years of work--the so-called transitional years when young people move from school to work.

For the majority of young workers the problem is limited to quality. For a sizable and growing minority the problem is both quality and quantity. Both of these problems result in a less than satisfactory beginning in the labor market.

Concern has been expressed about the high unemployment rate for youth aged 16 to 19 which is over three times the rate for workers aged 20 and above. Moreover, as shown in Table 1, the proportion of unemployed workers who are youth has increased from 15.8 percent in 1955 to 28.5 percent in 1973.

Table 1. YOUTH UNEMPLOYMENT, 1955-1973

	1955	1960	1965	1970	1973
Unemployment (millions)					
Total, all workers	2.9	3.9	3.4	4.1	4.3
Unemployed youth (16-19)	0.4	0.7	0.9	1.1	1.2
Youth as % of total	15.8	18.5	26.0	27.0	28.5
Unemployment rates (%)					
Total, all workers	4.4	5.5	4.5	4.9	4.9
Youth (16-19)	11.0	14.7	14.8	15.3	14.5
Workers age 20 and over	3.9	4.8	3.6	4.0	3.8

SOURCE: 1973 Manpower Report of the President, Table A-6.

The unemployment rate of youth would appear to be a serious and growing problem. However, on closer examination, the problem is not as serious as depicted in Table 1. Over 70 percent of youth unemployment in 1973 is accounted for by young persons entering or reentering the labor force. Less than 17 percent of youth unemployment in 1973 is accounted for by young persons who were laid off. The unemployment of new entrants and reentrants to the labor force tends to be of short duration and is qualitatively different, from a personal and social perspective, than the unemployment of persons due to a job layoff. Table 2 presents the 1973 unemployment rates of youth and adult workers by reason of unemployment. Much, if not most, of the labor force mobility of teenagers, and to a lesser extent, women, is voluntary.

Table 2. UNEMPLOYMENT RATES IN 1973 BY REASON OF UNEMPLOYMENT

	TOTAL RATE	ENTRANTS & REENTRANTS	QUITS	LAYOFFS
Total, all workers	4.9	2.2	0.8	1.9
Youth aged 16-19	14.5	10.3	1.7	2.4
Males 20 and over	3.2	0.8	0.5	1.9
Females 20 and over	4.8	2.3	0.9	1.6

SOURCE: 1973 Manpower Report of the President, Table A-21.

78-464 O - 77 - 43

The higher teenage unemployment rate, even after adjusting for labor force entry and reentry, reflects, in part, a life cycle phenomenon. Youths voluntarily experience different jobs to gain knowledge about employment opportunities and their own reaction to these opportunities. It is possible to design a more rational and efficient system to provide information about job opportunities. Such a system would be particularly helpful for the majority of new full-time labor force entrants, most of whom (80%) enter without a college degree and receive little or no career assistance in high school.*

An additional serious problem for this non-college majority is the quality of the early labor market experience. Jobs available to young people tend to be narrowly concentrated in low-paying, small, non-union firms that lack in-firm training and promotion chances. A study supported by the Department of Labor showed widespread exclusion of youth from career entry jobs, although there was no evidence of a relationship between age and job performance in 17 out of 20 industry/occupation groups.

This exclusion of most youth from career entry jobs appears to result from the isolation of three institutions: employers, schools and manpower agencies.

o Employers generally are not in touch with the schools and simply do not know what youth can offer.

o Schools, on the other hand, have avoided a job emphasis, providing little vocational counseling, or good occupational information or job placement assistance.

o Manpower agencies provide little service to youth in school, even at the point when students are leaving high school and entering full-time work.

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* On June 4, 1975, Secretary John Dunlop announced an operational 8-State Occupational Information Grants Systems Program to stimulate the development and distribution of good occupational information to young people.

In addition to this qualitative youth employment problem, there is a serious quantitative employment problem for black teenagers.* As shown in Table 3, the average annual unemployment rate for black teenagers almost doubled between 1955 and 1973. In 1955, the unemployment rate for black teenagers was almost twice the unemployment rate for blacks age 20 and over; in 1973 the unemployment rate for black teenagers grew to over four times that for older blacks. Teenagers accounted for 13 percent of black unemployment in 1955; by 1973 this had grown to 31 percent.

Table 3. BLACK TEENAGE UNEMPLOYMENT 1955-1973

	1955	1960	1965	1970	1973
Unemployment (thousands)					
Total, all black workers	601	787	676	752	894
Teenage blacks (16-19)	78	138	169	235	275
Teenagers as % of total	13.0	17.5	25.0	31.2	30.8
Unemployment rates (%)					
Total, all blacks	8.7	10.2	8.1	8.2	8.9
Teenage blacks	15.8	24.4	26.2	29.1	30.2
Blacks 20 and over	8.1	9.1	6.6	6.2	6.8

SOURCE: 1973 Manpower Report of the President, Table A-5.

* Although the preponderance of data reported in this paper deals with black teenagers, there is reason to believe that the youth employment problem in central cities and rural areas applies also to poor non-black teenagers.

The unemployment problem for black teenagers has worsened relative to white teenagers since 1955. In 1955, the ratio of black to white teenage unemployment was 1.5; by 1973 this ratio had grown to 2.4. The deterioration in the labor market situation of black teenagers cannot be explained by participation rates, which actually went down between 1962 and 1972. Nor can the black teenage unemployment situation, like the white, be explained by the entry and reentry pattern of a young student-dominated population.

The data do indicate, however, that there has not been a sufficient growth in youth employment in the areas where black youth are concentrated. By 1972 a majority of low-income blacks, aged 16-21, were living in central cities. However, between 1960 and 1970, the largest growth in youth jobs occurred outside of the central cities.

Looking ahead to the future, Table 4 contains projections of labor force growth between 1970 and 1985. While the total number of teenagers in the labor force in 1985 is projected to be less than were in the labor force in 1970, the number of black teenagers in the labor force is expected to grow by 34 percent between 1970 and 1985, with most of the growth occurring by 1975. As the size of the white teenage labor force levels off between 1975 and 1980, and diminishes between 1980 and 1985, the employment outlook for black teenagers should improve, provided that racial discrimination continues to decrease and black teenagers and job opportunities are within the same geographic labor market.

Table 4. PROJECTIONS OF LABOR FORCE GROWTH, 1970-1985

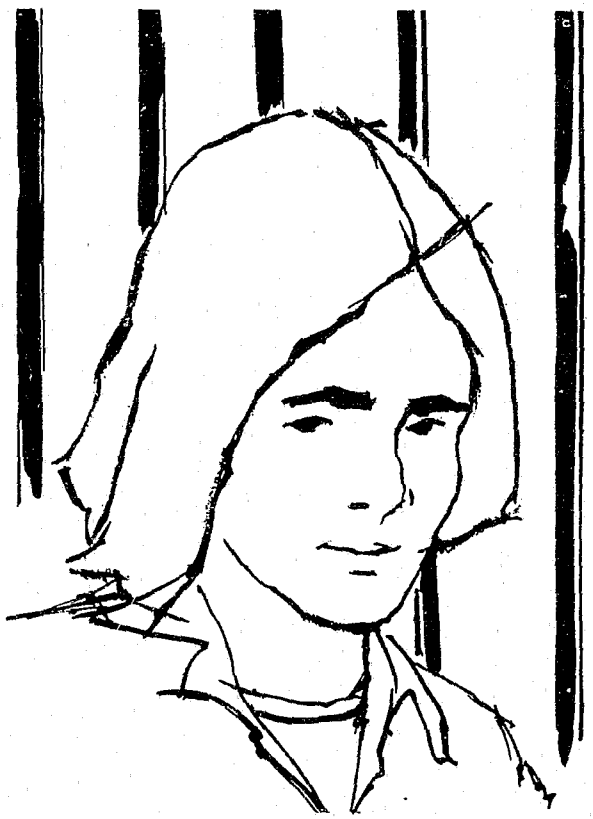
(In Millions)

	1970 actual	Projected 1975	1980	1985	% inc. 1970-85
Total, all workers	85.9	92.8	100.7	107.2	24.7
Teenagers, total	7.6	8.2	8.3	7.4	-2.7
Black teenagers	0.8	1.1	1.2	1.1	33.8
White teenagers	6.8	7.1	7.1	6.3	-7.2
Workers 20+	78.3	84.6	92.4	99.7	27.4
Black 20+	8.7	9.6	10.9	12.3	41.5
White 20+	69.6	75.0	81.5	87.4	25.7

SOURCE: 1973 Manpower Report of the President, Table E-4

*U.S. GOVERNMENT PRINTING OFFICE:1976 211-063/558 1-3

PROGRAM ANNOUNCEMENT:
DEINSTITUTIONALIZATION OF STATUS OFFENDERS



MARCH 1975

U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
Juvenile Justice and Delinquency Prevention Operations Task Group

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20530

PROGRAM ANNOUNCEMENT

Pursuant to the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, the Law Enforcement Assistance Administration is giving major priority to deinstitutionalization of status offenders through use of discretionary funds. Only a limited number of programs can be funded through this effort. Careful evaluation will be initiated at the beginning of the program in order to provide information about the most workable approaches. This effort will assist local jurisdictions and states in planning and implementing similar programs in the future under requirements of the new Juvenile Justice and Delinquency Prevention legislation.

Because of your interest in the welfare of these youths, we felt it important to notify you of this effort. This packet contains all necessary information pertaining to application for Federal assistance under this national program. The preliminary applications should be sent to the appropriate State Planning Agency Office, Regional Office, and one copy to the Juvenile Justice and Delinquency Prevention Task Group in Washington. If the project involves more than one state or territory, the original and two copies should be sent directly to the Juvenile Justice and Delinquency Prevention Task Group, 633 Indiana Avenue, N.W., Washington, D.C., 20531. Preliminary applications will be reviewed by the State Planning Agency, Regional Office and Central Office based on the specifications and guidelines which are provided in this packet. The deadline for submission of preliminary applications is May 16, 1975. Refer to the enclosed Guideline Manual Section in completion of your application(s).

Applications will be rated and judged on the basis of the Selection Criteria outlined in the enclosed Guideline. You will note that these criteria emphasize development of workable and realistic programs which achieve specific objectives. Should you have any questions concerning the program, I would suggest that you contact your State Planning Agency or the staff of the Juvenile Justice and Delinquency Prevention Task Group in Washington at 202-386-4203.

Richard W. Velde
Administrator

UNITED STATES DEPARTMENT OF JUSTICE

news release

Law Enforcement Assistance Administration

Public Information Office
Telephone (202) 386-4551

Washington, D.C. 20530

FOR IMMEDIATE RELEASE
MONDAY, MARCH 17, 1975

The Law Enforcement Assistance Administration said today it has set aside $8.5 million for public and private agencies that formulate innovative programs to keep juvenile status offenders--which include truants, runaways, and incorrigibles--out of detention and correctional facilities.

The goal of the program, said LEAA Administrator Richard W. Velde, is to halt the incarceration of juvenile status offenders within two years. Community-based resources should be developed to replace correctional institutions used for juveniles.

"In passing the Juvenile Justice and Delinquency Prevention Act last year, Congress directed LEAA to focus immediately its attention on this area," said Mr. Velde.

"We believe this approach will give us the best approaches from public and private agencies who are experienced in planning for juvenile status offenders," he said.

All interest groups should submit preliminary applications, of no more than 12 pages, he said. After a preliminary screening, LEAA will ask for expanded proposals. Tentative plans call for grant awards to be made by late summer.

An LEAA survey of juvenile detention and correctional facilities revealed that in 1971 about one-third of all youths in institutions, including community-based facilities, were status offenders--persons whose offenses would not be considered criminal if committed by adults.

"Status offenders should not be classified as delinquents if we are to achieve justice for juveniles," Mr. Velde said. "By removing these young people from correctional institutions we can provide them with the most appropriate and effective assistance."

The Juvenile Justice Act places a high priority on removing status offenders from correctional institutions and requires all states receiving formula grants under the Act to make sure that within two years no status offenders are placed in detention or committed to institutions.

"Our young people are important to us," said Mr. Velde. "We must be sensitive to their needs and, where possible, reduce their involvement with the criminal justice system."

The deadline for preliminary applications is May 16. Applicants can secure program guidelines from their criminal justice state planning agency or the Juvenile Justice and Delinquency Prevention Operations Task Group, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C., 20531.

LEAA

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UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Guideline Change

M 4500.1C CHG 3
March 13, 1975

Subject: GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Cancellation Date: After Filing

1. PURPOSE. The purpose of this change is to reserve Chapter 26 and to transmit Chapter 27, entitled Program for Deinstitutionalization of Status Offenders, of the Guide for Discretionary Grant Programs, M 4500.1C.

2. SCOPE. This change is of interest to all individuals who hold the Discretionary Fund Guidelines.

3. PAGE CHANGES. Page changes should be made in accordance with the chart below.

PAGE CONTROL CHART

Remove Page	Date	Insert Page	Date
xxi thru xxii	Nov 22, 1974	xxi xxii 207 thru 220	Nov 22, 1974

Charles R. Work

CHARLES R. WORK
Deputy Administrator for
Administration

Distribution: SPAs and CO and RO Professional Personnel; Holders of M 4500.1C

Initiated By: Juvenile Justice and Delinquency Prevention Operations Task Group

CHAPTER 27. DEINSTITUTIONALIZATION OF STATUS OFFENDERS

184. PURPOSE. The purpose of this effort is to design and implement model programs which both prevent the entry of juvenile status offenders into correctional institutions and detention facilities and remove such juveniles from institutions and detention facilities within two years of grant award by providing community-based alternatives and using existing diversion resources. Removal should result in reduction of the total population of juveniles in correctional institutions within the designated jurisdictions, as well as provide assurance that reentry will not occur following the two year grant period.

a. The program target is juveniles who have committed offenses which would not be criminal if committed by an adult. (Status Offenders)

b. Subgoals are:

(1) Develop and implement mechanisms at both the pre-adjudication and post-adjudication stages which utilize alternatives to secure detention.

(2) Remove juvenile status offenders incarcerated in correctional institutions.

(3) Identify and develop community-based services which provide effective alternatives to institutional and detention placement along with mechanisms for referral which hold service providers accountable on a per child basis.

(4) Evaluate efforts and develop information on the effectiveness of the various models which can be used to guide program development for juvenile status offenders in future years.

185. RANGE AND DURATION OF GRANTS. All awards for this program will be approved for two year support, but will be funded in annual increments of 12 month periods. LEAA's commitment to fund in the second year is contingent upon satisfactory grantee performance in achieving stated objectives and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the two years. It is anticipated that grants will range up to $1.5 million over the two year period, depending on the size of the project and number of juveniles served. Funds for this program are allocated under the Crime Control Act of 1973.

186. ELIGIBILITY. All public or private not-for-profit organizations and agencies are eligible to apply.

187. POSSIBLE PROGRAM STRATEGIES.

a. Project proposals are invited from jurisdictions which may vary in their:

(1) Community tolerance of status offenders.

(2) Accessibility of resources for status offenders.

(3) Legal approaches to status offenders.

(4) Degree of control over client activities.

(5) Interrelationships with the juvenile justice system.

b. Program strategies are:

(1) Action projects which remove populations of status offenders from correctional institutions and detention facilities and prevent their future placement in institutions and detention facilities. Programs which seek new legislation or modification of existing juvenile codes may be needed in certain jurisdictions. Therefore applications specific to this concern or combined with an action program will be entertained.

(2) Projects which strengthen alternative service delivery organizations such as national youth serving organizations, public and private agencies, professional organizations, etc., for these specific purposes.

188. PROJECT SPECIFICATIONS.

a. Working Assumptions. The program is based on the following assumptions:

(1) As derived from the Juvenile Justice and Delinquency Prevention Act of 1974, juveniles labeled as "status offenders":

(a) Are detained, committed, placed, and adjudicated for offenses which would not be considered criminal if they were adults; and their detention and incarceration in correctional institutions is inappropriate and often destructive.

(b) Present adjustment problems centered in their family and community and can best be treated through community-based services.

(c) Can be treated more effectively and economically outside incarcerative settings.

(2) Community Resources:

(a) Have the responsibility, interest, and capacity to respond in creative and responsible ways to the development and delivery of services which support more constructive juvenile behavior patterns.

(b) Their response is likely to vary as a function of:

1 Community tolerance for juvenile problem behavior.

2 Resource availability/accessibility.

3 Legal provisions for dealing with status offenders separately from delinquent offenders.

4 Degree of control exercised by the juvenile justice system over community-based treatment/service programs for status offenders.

5 Extent to which programs for the treatment of status offenders control and regulate the activities of their clients.

(c) May deal with status offenders by:

1 Modifying their available resources to fit the presumed underlying etiology of types of problem behavior with which it is confronted.

2 Redefining the nature of the presenting problem of the youth to fit the resources that are available.

(3) The juvenile justice system:

(a) In status offense cases, detain, adjudicate and incarcerate as a last alternative when other community resources and services are not available, fail, or are unable to respond.

(b) Will, through its broad discretion and tradition of diverting children and youth from the criminal justice system, support alternatives to institutionalization and detention.

(c) Can make more effective use of its limited resources if status offenders are handled in a different manner.

b. Site Selection and Data Needs. Preference in selection of projects will be given to those applicants who plan to remove total populations of status offenders from specific correctional institutions, detention facilities, and jails and block entry within two years; and those which institute practices and procedures designed to reintegrate juveniles into the community with minimum criminal justice system penetration. When appropriate, under a specific program area and essential to understanding the dimensions of the problem, the application should address the following data needs:

(1) A profile which describes and documents the dimensions of the problem, e.g., operative jurisdictional definition of status offense, percentage and number of status offenders in juvenile court caseload, disposition, population of target institutions, jails, and detention facilities and percentage of status offenders from the target jurisdictions, age range, types of offenses, length of institutionalization, and institutional expenditures for status offenders. It should also provide comparable data for the remainder of youth involved in the juvenile justice system for the target jurisdiction.

(2) An inventory of existing community services which are to be used, described in terms of services presently being provided, gaps, need for new services, anticipated need for modification in scope of delivery mechanisms, and commitment to participation in the project.

(3) A system description and flow chart of the juvenile justice system as it impacts status offenders, e.g., source of referral, disposition, current alternatives to institutionalization.

(4) A description of how the juvenile justice system is to participate, the kind of mechanisms to be developed to prevent institutionalization and detention; and those methods to be used in coordinating the activities of the court, law enforcement and social agencies. This information should be supported by statements from the court and other participants describing their anticipated involvement and responsibility for achievement of stated goals. It should also include a description of mechanisms which will ensure accountability for service delivery on a per child basis.

(5) A description of the statutory rules pertinent to the deinstitutionalization of status offenders within the target jurisdiction. It should also include a brief description of any

administrative policies, procedures and/or court rules which might hinder or facilitate implementation of the project.

(6) A chart which describes program goals and subgoals with milestones and details for removal of status offenders from institutions and detention facilities and the phasing out of entry into institutions and detention facilities.

(7) A description of alternative services to institutionalization and detention supported by a description of strategies and methodology for development.

(8) In addition to appropriate base line data, all applications must include a description of program objectives in measurable terms and a preliminary work schedule which relates objectives to specific milestones.

(9) Provide a budget of the total costs to be incurred in carrying out the proposed project. Indicate plans for supplementing potential LEAA funds with other Federal, state, local or private funds in excess of the required 10% cash match.

189. DEFINITIONS.

a. Community tolerance for status offenders refers to the willingness of significant professional and/or lay members of the community to absorb status offenders in the fabric of their social institutions, such as school, church, family, welfare, recreational and employment structures. Low tolerance would be manifested by denial of responsibility for status offenders by these structures. The tolerance exhibited by communities may range upward to include the capacity to absorb status offenders into some but not others of their institutions. While no community may be expected to be totally tolerant of problem behavior, there are those sufficiently tolerant to accept and support a variety of efforts to sponsor their absorption and "normalization". Examples of low tolerance are:

(1) Schools refuse to readmit students expelled for "problem" behavior.

(2) Recreational agencies refuse to accept into their programs youth known to police and courts for minor infractions.

(3) In response to community sentiment and pressure, police enter delinquency petitions on youth accused of status offenses.

(4) Community or agency programs established to deal with problem youth in the community have an exclusively delinquent clientele.

(5) A sharply negative attitude with respect to the employment of youth with any kind of juvenile court record.

b. Resource accessibility refers to the degree to which a community has within it organizations capable of absorbing status offenders and a demonstrated willingness to serve them as clients.

(1) There may be many, some, or few agencies and organizations available to serve the needs of status offenders.

(2) Most, many, or few of the available agencies may be either willing or able to acquire the staff and competence to provide the services needed by status offenders.

c. Legal approaches refers to the existence, or lack thereof, of special statutes (PINS, CHINS, MINS) relating to status offenders. These are usually state statutes, which may be supported by local codes and ordinances. The provision of a separate category for status offenders will affect the readiness of a community or jurisdiction to implement the deinstitutionalization of status offenders.

d. Control over clients refers generally to the degree to which the lives and activities of status offenders are determined by agency staff and procedures. Examples of extreme control over clients include:

(1) In-house requirements and provision of jobs, tutoring, therapy, and recreation.

(2) Regulations concerning curfew, dating, peer associates, and interaction with family members.

(3) Close and detailed monitoring of conformity to house or agency rules, including a schedule of penalties for infractions.

e. The opposite pole of the client control continuum is represented by an absence of surveillance and regulations, exemplified by programs that:

(1) Utilize local schools for the educational needs of clients.

(2) Permit client autonomy in choice of peer associates, recreational activity, and the pursuit of normal interests.

(3) Encourage continuous interaction with family members.

(4) Foster maximum participation in agencies and institutions that serve the needs and interests of the nondelinquent youth of the community.

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f. Control by the justice system refers to the extent to which status offender programs are controlled by and/or are accountable to correctional, court, probation, or police officials, rather than community organizations and agencies outside the juvenile justice system. Controls in this sense can be fiscal, administrative or political. Examples of high program control by the justice system include:

(1) Police or probation personnel in decision making positions, or on program staff.

(2) Requirements imposed on program staff to transmit to police or court personnel detailed reports of client behavior.

(3) Status offender treatment programs organized and conducted by juvenile justice agencies.

g. Low justice system controlled programs are typically sponsored, staffed, and managed solely by community based agencies and organizations. Lines of accountability run chiefly to their or other governing bodies and to their source of funding support. If these are public agencies, they are concerned with health and welfare functions, and they are formally and legally independent of agencies in the juvenile justice system. However, in view of the necessary involvement of juvenile justice agencies in programs serving the needs of court designated status offenders, most will exhibit mixed forms of control. Again, the precise degree to which there exists control by and accountability to the juvenile justice system is open in principle to precise specification.

h. Coordination.

(1) The mechanism for coordination of all parties with jurisdictional authority over affected juveniles and resources essential to provision of suitable alternative services, among others, will include the juvenile court and its key operational components (diagnostic or intake and probation division), the agency or agencies responsible for juvenile correctional facilities and law enforcement, agencies responsible for provision of human services and educational institutions in the affected jurisdiction(s).

(2) This mechanism must be supported by written agreements which reflect concurrence with overall project objectives, specify the action steps to be taken by each party in relation to disposition of status offenders or the resources to be provided in support of workable community based human services. Additionally, agreements should include commitment of staff time for planning and coordination.

(3) While such mechanisms may not be operational at the preliminary application stage, a description of preliminary or supportive activities within the designated jurisdiction must be provided in sufficient detail to permit reviewers to assess feasibility of the project achieving stated goals.

i. Alternative Services. Development and management of alternative services must be supported by existence of or plans for development of:

(1) A management information system which provides systematic feedback on court disposition of all juvenile offenders by referral source and kind of offense, placement of juveniles in affected correctional institutions by kind of offense, and expenditures on a per child basis for juveniles referred for services identified as "alternatives to institutional placement".

(2) A monitoring system which assures that standards defined for alternative services are maintained, and specifically accounts for actual service delivery on a per child basis.

j. Programs which minimize the stigmatizing of youth are those which

(1) Avoid the use of labels which carry or acquire adverse connotations for the youth or organization with whom they may be affiliated.

(2) Avoid the segregation of youth for the purposes of special treatment.

(3) Avoid the identification programs in such a way that they exist only for the purpose of helping youth with serious problems. Generally, non-stigmatizing programs should be structured in such a way as to ensure that participating youth experience the least possible impediments to family life, school and employment.

k. Detention facilities are those which provide temporary care in a physically restrictive facility prior to adjudication, pending court disposition or while awaiting transfer to other facilities as a result of court action.

l. Institutions for purposes of this program are those which are physically restrictive and where placement extends beyond 30 days.

190. SPECIAL EVALUATION REQUIREMENTS.

a. Since the Law Enforcement Assistance Administration will provide for an independent evaluation of all projects funded in this program, determination will be made during the application stage of costs to be incurred by grantees for evaluation. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design.

b. Data to be collected for program evaluation purposes will refer in some instances to specific projects and in others to the overall LEAA Deinstitutionalization Program design. With respect to the latter, grantees will be required to assist in the provision of data pertinent to:

(1) The effectiveness of deinstitutionalization on changes in delinquent and conforming behavior of clients.

(2) The relevance of deinstitutionalization to the interruption of delinquent career patterns suggested by the stigmatizing process and labeling theory.

(3) The comparative ease of implementation and effectiveness of programs in community settings:

(a) Having higher and lower tolerance for juvenile behavior.

(b) Having higher and lower resource accessibility.

(c) With and without special and general legislative approaches to status offenders (PINS, CHINS, etc.).

(4) The comparative effectiveness of programs:

(a) Higher and lower in degree of control over clients' lives.

(b) Higher and lower in program control by components of the formal juvenile justice system.

(5) The impact of the deinstitutionalization program on the use of the limited resource of the juvenile justice system.

c. Other things being equal, priority will be given to project proposals which incorporate feasible experimental control designs compatible with achievement of program goals.

d. The Law Enforcement Assistance Administration will require that data collection procedures specified by the evaluator ensure the privacy and security of juvenile records. The evaluator will ensure that information identifiable to a specific private person is used only for the purpose for which obtained and it may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his legal guardian or legal representative.

191. SELECTION CRITERIA. Applications will be rated and selected equally in relation to all of the following criteria. Preliminary applications will be reviewed and rated in relation to paragraph 191b, c, f, and i.

a. The extent to which a stable funding base for continuation of alternatives to incarcerative placement of status offenders can be established when LEAA funding ceases.

b. The size of the juvenile population affected in relation to costs and quality of service.

c. The extent to which there are plans for use of other public and private funds in execution of the overall plan.

d. The extent to which existing private and public youth serving agencies are incorporated into the planning and implementation of the plan.

e. The extent to which alternative services:

(1) Maximize use of non-stigmatizing service approaches sponsored by public and private agencies.

(2) Involve youth and significant others in assessment of needs and service options.

(3) Employ program strategies which seek to identify and address problems located within service delivery systems.

f. The degree to which the mechanisms for coordination:

(1) Include essential parties and specificity with respect to their respective commitments. (See paragraph 189h)

(2) Indicate that there will be a reduction in the number of juveniles incarcerated within the affected jurisdiction.

g. The extent to which there is accountability for service on a per child basis.

h. The extent to which the project can be evaluated in relation to experimental design and availability of data.

i. The extent to which there is assessment of impact of deinstitutionalization upon affected institutions and agencies and inclusion of program strategies which promote greater public awareness of the issues and community support for the program.

192. SPECIAL REQUIREMENTS.

a. To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of six meetings during the course of the two year projects. Meetings shall be planned with the grantees by mutual agreement, with the exception of the first, which will be called one week following grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.

b. Two weeks following grant award, grantees shall submit a revised statement of work which reflects essential adjustments in tasks and milestones.

c. Service providers must coordinate submissions with agencies and institutions directly responsible for removal of juveniles from institutions within a designated jurisdiction.

d. Applicants with submissions which cross state or territorial boundaries in the areas of capacity building and legislative reform shall make site selections in conjunction with LEAA following award of action programs in order to maximize opportunities for impact.

193. SUBMISSION REQUIREMENTS.

a. Preliminary Application

(1) All applicants must simultaneously submit the original preliminary application to the State Planning Agency (SPA) for the affected jurisdiction(s), one copy to the cognizant Regional Office (RO) and one copy to the LEAA Central Office; or the original and two copies to the Juvenile Justice and Delinquency Prevention Task Group (JJDPTG) in Washington, D.C., if the proposed program extends beyond state boundaries. One copy should be sent to the appropriate A-95 Clearinghouse.

(2) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments to the appropriate RO and the JJDPTG in

Washington, D.C. All institutions/not-for-profit organizations interested in submitting preliminary applications shall be allowed to do so.

(3) Regional Offices, following review, will forward their comments to the JJDPTG in Washington.

(4) Upon receipt of SPA and RO comments, the JJDPTG will select those preliminary applications judged to have elements most essential to successful program development. Notification will be sent to all applicants with information copies forwarded to SPAs and ROs.

(5) Preliminary applications must be mailed or hand delivered to the State Planning Agency or the JJDPTG at the LEAA by May 16, 1975.

(a) Preliminary applications sent by mail will be considered to be received on time by the SPA or LEAA if the preliminary application was sent by registered or certified mail not later than May 16, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

(b) Hand delivered preliminary applications must be taken to the SPA or, when appropriate for LEAA, to Room 742 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays or Federal holidays.

b. Applications.

(1) The deinstitutionalization of status offenders program has been determined to be of national impact, and the format for application submission as stated in paragraph 11, Chapter 1 of Guideline Manual 4500.1C has been modified.

(2) Application distribution should be as follows:

(a) Original and two copies to the Juvenile Justice and Delinquency Prevention Task Group, LEAA, 633 Indiana Avenue, N.W., Washington, D.C., 20531.

(b) One copy to each of the appropriate A-95 Clearinghouses.

(3) LEAA will forward a copy of the application to the cognizant Regional Office and State Planning Agency for review and comment.

(4) State Planning Agency comments should be forwarded to the cognizant Regional Office within 20 days following receipt of the application.

(5) Regional Office comments should be forwarded to the JJDPTG along with State Planning Agency comments within 30 days of receipt of application. Review comments will be considered received in time for incorporation into the final selection process if postmarked not later than September 19, 1975.

(6) Applications will be reviewed by the JJDPTG and final recommendations made in accordance with predefined selection criteria. In most cases, awards will be made to the appropriate State Planning Agency with subgrants to the applicant.

(7) Program monitoring will be done by the JJDPTG in conjunction with the cognizant Regional Office.

194. PRELIMINARY APPLICATION. Part IV, the narrative statement of the preliminary application should address the following specific data needs in no more than 12 pages. You may include as appendices supportive data or documents.

a. Statement of Need.

(1) Briefly describe the dimensions of the problem and the efforts within the jurisdiction to develop alternatives to institutional placement which would be available to status offenders. Include statistical data on the number of status offenders, their socio-economic characteristics, primary referral sources, and the manner in which they are presently handled by the juvenile justice system. Describe alternatives available to juveniles at each stage of processing. Include in this section the operative jurisdictional definition of status offense, jurisdictional boundaries within which your program would operate, and sufficient demographic information to permit assessment of potential program impact.

(2) Applicants proposing projects under Paragraph 187b(2) of this Manual should provide the data most relevant to the activities to be undertaken, including descriptive information which makes clear the relationship between proposed activities and problems associated with status offenders. Programs which exceed state boundaries should identify those geographic areas in which they would expect to have the greatest impact.

b. Project Goals and Objectives. Goal statements should be specific to the expected activities of the juvenile justice system, service providers, juveniles affected, and others who may be involved in implementation of the project. The major objectives of the proposed project should be stated in measurable terms, e.g., specific activities in relation to expected results. Based upon these objectives, provide a timetable for completion of major tasks.

c. Methodology. Describe the way in which project components would be developed and applied to the problems described. Show the relationship between these activities and achievement of objectives. Identify specific agreements essential to project success and describe your progress in securing them. Include copies of agreements that have been consummated.

d. Benefits Expected. Describe expected impact upon the school system, service providers, juvenile justice system (court, police and correctional facilities), and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact and briefly explain your plan for response.

e. Experience of Applicant. Describe the nature of your accountability for services to juveniles, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals.

f. Evaluation Requirements. Provide a brief statement which assesses where your project would be placed in relation to the five dimensions listed under paragraph 187a of this Manual. The information provided must be sufficient to permit LEAA to locate the project along each of these dimensions. Supporting data should be supplied, if available, but we are not requesting collection of data at this stage. Also provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 190a of this Manual.

LEAA'S DISCRETIONARY FUNDING PROGRAM TO REDUCE DETENTION AND INSTITUTIONALIZATION OF JUVENILE STATUS OFFENDERS

BACKGROUND

Ever since the Plymouth Bay Colony, Americans have declared that certain conduct tolerable in adults will not be tolerated in children. As late as 1824, the New York State Legislature made it a crime for a youth to lead "a vicious and vagrant life". Other states made juvenile rudeness, unruliness and disobedience toward parents criminal acts.

This became one of the reasons for the establishment of a separate juvenile court at the turn of the century. These were hardly appropriate instances for the imposition of criminal sanctions; they merited rather a gentle scolding and the application of whatever other measures were needed to turn the youth from the crooked to the straight path. In fact, the new court was established to perform this benevolent role with respect to all children, whether they were brought before it for one of these peculiar juvenile crimes, or for more traditional criminal acts, or because of the abuse or neglect of their parents. The laws establishing separate juvenile systems generally used the term "delinquent" to cover all juvenile conduct to be brought to the attention of the court, whether or not it arose from criminal misconduct.

Today every U. S. juvenile court has the authority to assume jurisdiction over a youth on one or another of these traditional non-criminal bases -- truancy, incorrigibility, beyond control of the parents or school, promiscuity, runaway, becoming a danger to oneself or others, or being in need of supervision. These, together with other restrictions on particular acts by minors, such as liquor and cigarette purchase and use, are known as "status offenses" -- they are offenses only because of the youth's "status" as a juvenile. The new Juvenile Justice and Delinquency Prevention Act of 1974 (§ 223 (a) (12)) defines status offenses as "offenses that would not be criminal if committed by an adult." Youths brought into court on the basis of one of these charges are known as "status offenders."

As the juvenile court has developed, and it has become apparent that its role is at least in part punitive and stigmatizing, there has been growing pressure to separate non-criminal from criminal

offenders -- distinguishing "status offenders" from "delinquents". Many states, beginning with California in 1961 and New York in 1962, have now adopted legislation establishing such a distinction. The most common form is to create a new legal category known as PINS (or CINS, YINS or MINS) -- Persons in Need of Supervision -- consisting of all the non-criminal bases for juvenile court jurisdiction. The laws often set different procedural standards, and dispositional alternatives, for these offenses.

In 1972 there were 25 states with laws which distinguished between delinquency and at least some of the status offenses. By the end of 1974 there were 34. Seventeen states include all status offenses within the "delinquency" category. Twenty-six states place all non-criminal bases for court jurisdiction in a single category, and in 8 states some status offenses remain in the delinquency category while others have been placed in a separate statutory section. However, of the 26 states which do separate status and delinquent offenses, 6 provide that an adjudicated status offender who violates a term or condition of probation can be returned to court and adjudicated a "delinquent".

A corollary of the call for separate PINS jurisdiction* has been a major public movement for separate treatment of status offenders following adjudication -- placing them in facilities apart from delinquents and removing them from jails and training schools altogether. National organizations such as the National Council on Crime and Delinquency and the National Advisory Commission on Criminal Justice Standards and Goals have taken a leadership role in urging such reforms. There are now eleven states -- Alaska, Hawaii, Maryland, Massachusetts, New Mexico, New Jersey, North Carolina, Oklahoma, South Dakota, Texas and Vermont -- which prohibit institutionalizing status offenders in training schools, generally with some qualification, such as age. The Congress, in the new Juvenile Justice and Delinquency Prevention Act, placed extremely high priority on this objective, requiring all states receiving block grants under the Act to assure that, within two years, no status offenders would be detained or committed to institutions within the state. In 1972, the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs -- a

*A major professional and scholarly debate is currently raging around the wisdom of vesting juvenile courts with jurisdiction over status offenses. No state has eliminated such jurisdiction; however, a large number of organizations, from the California Assembly Interim Committee on Criminal Procedure to the American Civil Liberties Union to the National Council of Jewish Women, have called for its abolition. The Law Enforcement Assistance Administration has not adopted a position on this issue; the status offender program being undertaken assumes that there will be no major change in juvenile court jurisdiction in most states in the near future.

group consisting of the department heads for each of the federal agencies involved in youth-related programming -- engaged in a process of determining national priorities for the juvenile area. Problems related to the handling of status offenders were considered the highest priority for that group of executive officials as well.

There is now a rather significant, almost dramatic, movement in the direction of removing status offenders from secure juvenile institutions. LEAA wishes to further the Congressional interest in this development through the use of discretionary funds currently available under the Crime Control Act of 1973. This paper will summarize the small amount of data and research on status offenders of which we are currently aware, set forth the rationale for the LEAA program and indicate the learnings we hope to develop from it.

A PRELIMINARY CAUTION

As is true of many areas of criminal justice research, the subject of status offenders is clouded by a lack of precision in the definition of terms. What constitutes a status offender? What is an institution? Legitimate differences of opinion and methods of counting can lead to grossly different conclusions about the severity of status offender problems. For instance, the Ohio Youth Commission recently found that estimates of the percentage of status offenders among the youths sent from one county to the state training schools varied from 2% to 6% to 17%, depending on whether or not delinquent youths committed for violating conditions of their probation were included within the definition of status offender. Similarly, LEAA's own 1971 census, Children in Custody, does not distinguish,in its tables on delinquent and status offenders, between youths held in training schools and jails and those in halfway houses and shelter facilities, which most reformers consider useful alternatives to training schools. In sum, the statistics which we report should be taken with a considerable grain of salt, representing gross estimates, based on few studies, many with varying definitions of terms, conducted at various times over the past twenty years.

THE ROLE OF STATUS OFFENSES IN THE JUVENILE JUSTICE SYSTEM

From a statistical standpoint, status offenders constitute a surprisingly large proportion of all the youths involved in the juvenile justice system at all levels. Studies of the subject, which are summarized in Attachment A, are far from comprehensive, yet their combined results point to striking conclusions.

Best estimates (generally using the broadest definition of the term) suggest that about 25% of all cases filed in the juvenile courts of the United States are status offense charges. This represents less than half of the status offenses referred to the court; approximately 60% are handled at the court intake level without further action.

Of the status offender cases filed, over 90% are adjudicated by the court as either delinquents or status offenders. As many as one fourth of those adjudicated as status offenders are sent to juvenile institutions. Using these gross proportions, we can estimate that of the youths referred to juvenile courts on status offense charges, perhaps as high as 10% are ultimately placed in training schools and other secure institutions.*

Before, during, and after the adjudication process, one-half of status offenders spend time in a detention center.

In addition, a large number of status offenders are either detained or sentenced to serve time in city and county jails.

Status offenders represent a very large proportion of the populations of youths in training schools, detention centers and jails. LEAA's 1971 census found that about one-third of all youths in the nation's training schools were status offenders. Other studies show that between 45 and 50% of those youths detained before, during, or after trial are status offenders. Approximately 40% of youths in jails have committed only status offenses.

The situation is worse for girls than for boys. Seventy percent of all females in juvenile detention and correctional facilities are status offenders; about 20% of males fall in this category.

Status offenders confined in detention or institutional facilities tend to spend the same or longer periods of time there than do delinquents sent to the same places.

The actual number of youths placed in detention and correctional institutions in the United States is probably decreasing with time. However, the absolute number remains high. In 1971, approximately 12,000 status offenders were in training schools on a given day. There are estimates that as many as 6,000 status offense youths are in detention centers on an average day. Surveys of local jails in 1970 and 1972 suggest that 3,000 to 5,000 status offenders are jailed on a given day.

Based on preliminary findings from advance reports to be published soon by LEAA (Children in Custody: 1973 -- Advance Report) and HEW (Juvenile Court Statistics - 1973), it appears that the detention and institutionalization of all types of juvenile offenders, including status

*No state which we have queried can substantiate such a large figure, however. Their estimates of current practice fall more in the 1% than the 10% range. A gross estimate based on our comparison of court filings and institutional commitments for the years 1971 and 1972 suggests an 8% figure.

offenders, is decreasing, the proportion of status offenders among the total population of institutionalized youths is decreasing, the disproportionate representation of females among status offenders detained and institutionalized is diminishing, and the absolute number of juveniles, including status offenders, processed by juvenile courts is also decreasing.

THE UTILITY OF INSTITUTIONS FOR STATUS OFFENDERS

Considerable research has been conducted on the effectiveness of training schools for juveniles. We are not aware of any which has examined the impact of institutionalization on status offenders as a separate class of youths; most studies review the impact of correctional programs on all youths placed in the schools. This research has generally concluded that training schools do not rehabilitate juveniles; rates of reconfinement run from 30 to 70%. At least one study concludes that incarceration leads to increased criminality; however, findings on this issue are mixed. Some researchers have concluded that the training schools they studied had no effect on juvenile recidivism; others suggest that institutions are better for some youths, community-based programs more successful for others. On the whole, however, few would dispute the general conclusion that most training schools fail to positively affect the law-breaking behaviors of most youths sent to them.

Most of this research has concentrated on recidivism -- the impact of training schools on future arrests, court appearances or adjudications -- to the exclusion of other types of measurements of benefit or harm to youths, such as emotional adjustment or educational progress. Many professionals now believe that, from these standpoints, residential institutions for juvenile offenders do more harm than good due to three factors: 1) their regimentation, 2) the harmful effects of association with other disturbed or law-breaking youths, and 3) the inability of such institutions to provide learnings usable in the community situations from which the youths have come and to which they will return. These conclusions have not been tested in a rigorous way for either delinquent or status offenders.

The utility of detention centers and jails for status offenders has not been studied. Few would suggest that these experiences are therapeutic for youths, except perhaps in the deterrent sense of "giving them a taste of jails." They are usually justified by the need for maintaining control over youths in order to assure their appearance in court, or for temporary shelter when they are not welcome at home and the detention center is the only other placement available on short notice. For most youths, except possibly for runaways (and there are no studies to substantiate making an exception for them) detention does not appear to be necessary in order to assure further court appearances. And the lack of other alternatives for temporary shelter hardly justifies confinement in a jail or detention center.

THE CHARACTERISTICS OF STATUS OFFENDERS

The legal definition of a status offender is relatively straightforward. Status offenses include conduct which would not be criminal if engaged in by an adult. The great majority of status offenders are brought to court for running away from home, for being truant from school, or for being incorrigible or beyond the control of their parents. The policy-related or moral issues concerning appropriate handling of such youths seem quite obvious when the problem is viewed from the purely definitional perspective. However, the actual practices of the juvenile justice system and the problems presented by youths who are currently labeled as status offenders are far more complex than the legal definition suggests.

Very little research has been conducted which compares the behavioral make-up or even the criminal backgrounds of youths adjudicated as either status offenders or delinquents. What little is available shows no significant differences between the two. A New York survey (Calof, n.d.) did show that PINS youths are not normal adolescents -- that they have a variety of severe behavioral problems. It found frequent diagnoses of "personality disorder," "passive aggressive personality", "schizophrenia", and "unsocialized aggressive personality" among the 316 PINS youths studied. An additional 16% had a history of psychiatric hospitalization, 42% were involved in drug use, 25% were removed from school by "medical suspension", 33% had already been placed outside their homes prior to the current PINS proceedings, and 73% were from broken homes. Several other studies have attempted to compare status offenders with delinquent youths. They have found no significant differences based on prior arrests, on personality-attitude tests, on staff and self-reported ratings of adjustment to treatment, on successful completion of treatment and on post-release arrests or commitments. However, the work has been very limited and this conclusion must be considered tentative.

It is fair to say, based on current knowledge, that status offenders are difficult youths to deal with, have a high number of emotional, educational and relational problems, but are not clinically distinguishable from delinquents who come before the court because of criminal acts.

One factor in this puzzle is that, at least in large jurisdictions, status offenses are used as just another legal category in much the same

way that various felony and misdemeanor charges are manipulated in plea bargaining in adult criminal courts. The police arrest a youth several times for criminal acts, warning him that he will be sent to court if he does not change his ways. After several such events, they refer the youth to court. The complaint is either filed as a status offense or relabeled as such by court intake in order to give the youth the least serious record. Referrals from home or school which could be filed as criminal charges -- such as assault, disorderly conduct or vandalism -- are frequently filed as status offenses. Thus, the fact that a youth is charged as a status offender or a delinquent is not a reliable measure of the conduct which brought him to the attention of the police or the court.

Once referred to court, the youth is adjudicated and his disposition is analyzed in terms of the limited alternatives most available to the court. Can this child be helped best by being returned to his home, being placed on probation, being committed to a group home, or being placed in the training school? Most courts do not proceed from the more logical approach of assessing the youth's needs first, and then seeking out means for satisfying them, using a broad variety of resources -- both those traditionally available to the court, and others which would have to be purchased on a case-by-case basis.

Studies of juvenile court decision-making show that most juvenile judges use institutionalization as a last resort, saved for those youths who have failed in all other available settings and demonstrated a pattern of misconduct over a period of time which fits with the judge's concept of a true delinquent -- one who will not reform himself through minor sanctions -- one who has, in effect, exhausted the court's patience.

On the other hand, no studies have established any basis for believing that juveniles progress from status to delinquent offenses, a phenomenon which would be likely to appear if status offenses were used merely as a plea bargaining tool for minor or first delinquent acts. (Research in this area is insignificant, however). And the data do show some differences between status and delinquent offenders which suggest that, at least in some jurisdictions, there is a qualitative difference between them.

For instance, the greater rates of detention of status offenders probably arise from the high proportion of cases in which the parents

will not accept the youth in the home. We have little data on the proportion of status offenses falling within the different non-criminal categories, but we guess that a large number are "beyond control" or "incorrigibility" petitions brought against the child by his or her own parents. By its very nature, this situation gives the court fewer options. Residential placement must be found immediately. If the family problem cannot be resolved, a long-term residential placement is needed. When the youth proves sufficiently difficult that relatives and foster parents will have nothing more to do with him, the pressure to use a training school becomes very strong.

In addition, females make up an unusually high percentage of institutionalized juveniles. Because of our general social taboos relating to youthful sexuality -- particularly on the part of females -- girls who choose notorious promiscuity as a means of expressing adolescent rebellion are likely to be rejected by their families, relatives, and foster care agencies. Alternatives for unruly girls, especially sexually active ones, are very difficult to establish. Communities object to the creation of group homes for girls for fear they will create a bad moral example for other youths. Dr. Lerman, et. al. (1974) have recently completed a study of the New Jersey girl's training school which shows that, though the overall population of the school has fallen tremendously over the past several years, the majority who remain are status offenders, and many of them are there because they are promiscuous.

This analysis would suggest, then, that some of the crucial problems in deinstitutionalizing status offenders are:

- Determining who, in fact, are status offenders rather than criminal violators being processed as status offenders.
- Creating mechanisms for assessing the needs of status offenders and matching them with a range of community services.
- Identifying existing resources for status offenders.
- Assuring access of status offenders to existing community services.
- Providing alternatives to short-term detention of status offenders.

- Providing means for dealing with the needs of female status offenders

Program responses which would address these problems might include the following:

- In-home placement
- Shelter homes
- Small group homes
- Foster homes
- Special crisis services, such as psychiatric, educational, vocational and health counselling and counselling services for families*
- Facilities for runaway youth
- Coordinated delivery of services through purchase-of-services agreements

Any of these facilities or programs could serve as a means for providing counselling, health care, job placement, recreation, remedial education or special advocacy for involved youth.

*A successful example of such programs is a crisis counselling diversion procedure used for PINS cases in Sacramento, California. Information on this program, entitled "Family Crisis Counseling: An Alternative to Juvenile Court," may be obtained from the National Criminal Justice Reference Service, LEAA, Washington, D. C. 20531.

PROGRAM RATIONALE

LEAA's discretionary funding program, the details of which are contained in LEAA Guideline M4500.1C CHG 3, is based on the following logic:

1. Status offenders constitute a group of youths different from juvenile delinquents, who become involved with the juvenile justice system because of behavior which would not be criminal for an adult. As noted above, the small amount of currently available evidence does not support this assumption; however, the results suggesting little difference between status and delinquent offenders may be due to the operation of the juvenile justice system -- its failure to consistently label youths on the basis of the actual behaviors for which they were reported to the court -- rather than to an actual similarity of the youths themselves. LEAA assumes that those systems which participate in this program will establish different dispositional outcomes for delinquent and status offenders which will, in turn, lead to the making of clearer distinctions between the two groups during the charging and adjudication processes. On the other hand, we will be attempting to measure the extent to which the opposite phenomenon occurs -- youths who would otherwise be processed as status offenders being instead considered delinquents in order to place them in detention or training schools.

2. It is unjust for the juvenile justice system to incarcerate youths for "non-criminal" behavior. The only possible justification -- that secure residential placement would substantially improve their lives -- is not supported by the research on training school outcomes. The primary basis for Congress' concern about secure confinement of status offenders comes not from complete findings about the effects of institutionalization on youths or reduced or increased recidivism rates, but rather from the moral repugnance of the incarceration of young persons who have not committed crimes. Therefore, although we will carefully assess the consequences of deinstitutionalization, we will not be "testing" the basic principle -- one which is primarily philosophical in nature.

While there is general professional agreement that a small number of status offenders should live a secure residential placement for their own development needs, the vast majority should not. In developing the requirements for the new Juvenile Justice Act, the Congress decided that an outright ban on institutionalizing status offenders would do more good for the great majority of status offenders who do not need institutions than harm for the very few who do. Consequently, communities participating in this program will be held to such a standard.

They will have to justify secure placements in ways other than the commission of status offenses -- either through an actual delinquency charge or a separate mental health commitment.

3. For the same reasons, it is also inappropriate to detain status offenders in jails or detention centers prior to or during court processing of their cases. Detention centers are inappropriate for temporary shelter needs. They do not seem necessary, in the status offender context, for assuring appearance at trial, or protection of the community (because, supposedly, a status offender has not committed a criminal act). The major problem incurred will be with respect to runaways who under this program may be placed only in non-secure facilities, from which they may again run away. It is the Congressional policy, expressed in the Juvenile Justice Act, that even if this be the result, running away is not sufficiently serious conduct to justify holding a youth in custody. Communities applying for funding under this program are challenged to develop more creative responses to this problem.

4. Status offenders are nonetheless in need of various types of services, which can be provided most effectively and economically within their own communities. The program assumes that the services needed -- family counselling, health and psychiatric care, remedial education, and job skills development and placement -- can best be provided in a local community setting. Special preference will be given in the selection process to those proposals which demonstrate:

- involvement of community resources and funding in the project, which will also assure its continuation following the end of the LEAA grant
- involvement of existing community organizations and services in the planning of the project and in the delivery of services once it begins
- commitment to dispositional processes which will assess the individual needs of each youth involved and develop a correctional plan based on those needs rather than on the traditional placement alternatives available to the court
- involvement of youths and their parents or guardians in the decisions concerning the treatment plan

- ° means for seeing that agencies which agree to undertake the implementation of all or part of such a plan report progress for each child periodically to the court or another agency responsible for the plan's development
- ° minimizing the extent to which the services rendered will mark the youth in his or others' eyes as a delinquent or "bad" person.

5. The provision of federal funds through this program will allow local communities to develop better services to meet these needs, or to develop better mechanisms for delivering services which already exist in their communities. We assume that lack of resources is one of the major reasons why alternative programs for status offenders are not more prevalent. In a number of communities necessary services and alternative facilities may not exist at all. In others, however, the problems are more related to lack of access for juvenile status offenders to existing programs, which exclude them based on the relative difficulty of dealing with court-referred rather than "more normal" youths. Funding will be provided to create new programs, to increase the capacities of existing ones to encourage or enable them to accept status offenders, and to coordinate all of them to meet the needs of status offenders more effectively.

6. The community-based services funded by the program will be more effective than institutional programs both in reducing subsequent criminal acts and in supporting constructive juvenile behavior patterns. The evaluation of the programs funded will concentrate on assessing the effectiveness of community programs in reducing delinquency and creating more positive behavior patterns for youths. To the extent possible, it will compare them with the records of youths who are committed to correctional institutions.

7. Communities will be able to develop mechanisms which will focus the services provided with this funding on the target groups -- those status offenders already in, or who would otherwise be detained or placed in secure institutions by the juvenile justice system -- thereby reducing the extent of institutionalization of status offenders in the United States.

In addition to the criteria outlined above, and other standard comparative factors, major emphasis in the selection process will be based on the expected impact of the projects. One of the program's two major goals is to actually decrease the number of youths in

detention and correctional institutions. Applicants will therefore be ranked on the basis of their ability to make maximum use of the resources they request in actually reducing the populations of status offenders in detention and correctional institutions. This program is not intended to support general diversion or prevention projects by which large numbers of youths are intercepted before they commit delinquent acts or before they enter court processing. It is focused, rather, on concentrating our resources on the much smaller number of youths who would otherwise actually be detained or sent to correctional institutions. This will usually require that the programs have a close link to the juvenile court or to the state youth authority or other agency which actually makes the decision to place a status offender in an institution. In the case of detention, it will usually require the active participation of the police or the court, depending on which of these makes the decision whether or not to detain a status offender.

8. The programs developed will vary from community to community, providing various program models which can be compared through evaluation to determine the relative utility of alternative approaches. As noted in the discussion of research goals which follows, the second major goal of the program is to develop information on the effectiveness of various program models in different settings. Consequently, we will attempt during the selection process to maximize the variety of programs funded, seeking diversity along five different dimensions:

- the degree of community tolerance for status offenders
- the level of resources available to status offenders in the community
- the legal approach to status offenses in the community
- the extent of juvenile justice system involvement in the operation of particular programs, and
- the degree of control exercised over the youths by the programs themselves.

These dimensions are discussed more extensively in the guideline. By carefully evaluating the success of each program, and relating it to each of these factors (and to any others which appear on analysis to be significant), we hope to be able to provide communities with information on what types of efforts are likely to work best in which situations.

RESEARCH GOALS

Our evaluation of the status offender program has two major research goals: 1) measuring the success of the deinstitutionalization effort and 2) evaluating the relative effectiveness of alternative programs supported by these funds. In addition, we hope to be able to add to our general knowledge about status offenders and their relationship to the juvenile justice system.

Program Impact

Evaluation of program impact will focus on the effectiveness of the selected projects, and the program as a whole, toward actually removing status offenders from, and preventing their entry into, detention centers, jails, and correctional institutions.

To reach this goal we will monitor the activities of the jurisdictions funded to ascertain whether or not they reach their own deinstitutionalization goals and in addition, to discover:

- any changes in juvenile justice system processing and labeling of offenders,
- the impact of the program on the institutions themselves, and
- other unintended consequences.

Effectiveness of Alternative Programs

We wish to structure the funding effort so as to maximize the variety of programs along five dimensions, which we hypothesize will be significantly related to program effectiveness:

- community tolerance for status offenders,
- accessibility of resources for status offenders,
- legal approaches to status offenders,
- degree of juvenile justice system control over programs, and
- degree of program control over client activities.

This matrix will provide the major basis for comparative evaluation of program outcomes.

To the extent possible, we will also seek to compare program effectiveness in terms of the types of youths and behavioral problems with which they have to deal. That is, we hope to learn as much as possible about which types of programs are best for particular types of youths.

The major criteria to be employed in evaluating the effectiveness of alternative programs include the following:

1) Reduction of criminality -- both official (arrests, court appearances) and self-reported measures will be obtained.*

2) Incidence of positive behaviors -- improved adjustment in the family, school, and community contexts, as indicated by family acceptance/support, school performance, and responsible and personally gratifying roles in the world of work, recreation, etc.

3) Other criteria -- to be indicated by community leaders where programs are established.

We recognize several difficulties in implementing the evaluation objectives outlined:

- the need for longitudinal studies which would provide for long-term follow-up of program clients. Communities (or others) may be required to continue the data collection effort beyond the actual funding period in order for us to determine whether there are positive or negative (or any) long-term results of the programs funded,

- the lack of precise measurement tools and the associated costs in improving them,

- the need for projects to hold firmly to their initial designs and objectives in order for the comparative effectiveness measurements to have meaning, and

*By gathering both types of data in a number of jurisdictions, we may be able to enhance our understanding of the relationship between these alternative measurement tools.

- the difficulty of implementing controlled experimental designs which would compare the results of institutional and community-based approaches on comparable groups of youths. Special consideration will therefore be given to applicants who propose to incorporate control groups into their action programs, particularly during an interim period prior to full program implementation.

Other Research Goals

These depend, in large part, upon the nature of the research settings surrounding the projects selected:

1) We hope to increase our knowledge of the characteristics of status offenders as compared with delinquents. Are there important differences? If so, what are they? Do they differ from community to community?

2) We expect to further our knowledge about the development of delinquent careers. Do status offenders become delinquents, who later become adult criminals?

3) We anticipate learning much about the problems surrounding coordinated delivery of social services to youths. Different models of service delivery should be represented in the variety of programs implemented.

4) The opportunity is present to learn about a variety of "community-based" approaches. What distinguishes them from traditional programs for youths? What difference does juvenile justice system control of programs make?

As in any research or evaluation endeavor, we are likely to learn less than we would want, and we will remain open to the possibility of ancillary findings of great significance which appear by chance.

ATTACHMENT A
LITERATURE REVIEW

Introduction

We simply do not have comprehensive and reliable data on the numbers and characteristics of status offenders in detention centers, jails, and correctional institutions (training schools). In this appendix we present the data which have helped us to develop the picture, albeit incomplete, of status offender involvement in the juvenile justice system that is summarized in the body of the background paper. We do not claim to have conducted an exhaustive search for relevant data and literature. Rather, we present what is known to us at this time.

Furthermore, our review of relevant literature and data is limited to what is known about the involvement of status offenders, per se, in detention centers, jails, and institutions. A growing body of knowledge is emerging with regard to the experience of all types of offenders in these aspects of the criminal justice system (cf., Sarri, 1974; Pappenfort, et. al., 1970, 1973; LEAA, 1974).

Status Offenders in Detention

LEAA's 1971 census of juvenile detention and correctional facilities (Children in Custody, 1974) counted 11,748 youth in detention centers on a given day. The average daily population of detention centers for fiscal year 1971 was reported to be 12,186, with an average length of stay of 11 days per youth. Almost 500,000 youths were admitted to detention centers during fiscal year 1971. Offense data were not reported separately for youths in detention centers. Approximately two-thirds of all facilities surveyed reported offense data on all adjudicated youths, which showed that 70% of the females and 23% of the males in all facilities on a given day were status offenders. (However, only 29% of the youths in detention centers were adjudicated; therefore the reliability of these figures for the detention population is quite likely to be low.)*

The Pappenfort, et. al. (1970) survey of residential institutions in the U.S., Puerto Rico, and the Virgin Islands counted 10,875 youths in detention centers on a given day in 1965. Offense data were not reported.

NCCD (1967) surveyed a sample of 250 U.S. counties and prorated these data for the rest of the country. They estimated that a total of 317,860 youths were detained in detention centers during 1965. However, NCCD did not attempt to determine the offense characteristics of detained youths. These three studies

*The results of a similar census for 1973 will be published soon by LEAA, entitled Children in Custody: 1973 -- Advance Report. The results of this survey will undoubtedly serve to modify the above conclusions.

tell us nothing about changes in the levels of detention since different definitions were used. However, Sarri (1974: 65) concludes from her review of studies of detention and jailing that "although the proportion of youth who were held in jail and detention manifested a steady decline during the nineteenth and first half of the twentieth century, this trend appears to have been reversed in recent years."

Several other studies provide clearer data on the offense histories of youths held in detention centers; however, none of these is nationwide in its scope.

Ferster, et. al. (1969) surveyed juvenile detention centers serving 10 of the largest cities in the U.S., and other selected jurisdictions. The percentages of youths held in detention charged with status offenses ranged from 16% to 68%.

Ariessohn and Gonion (1973) examined the offenses of youths admitted to the San Diego Juvenile Hall during 1970. "Half of the minors admitted had been arrested for being 'incorrigible', running away, or committing other 'crimes' for which no equivalent adult offense exists." (p. 29)

Helen Sumner (1971: 173-74) examined the detention practices in the probation departments of eleven California counties during a two-month period (presumably during 1967). All cases referred to the eleven probation departments (a total of 1,849 youths) during the two-month period were studied. Among these, 36% were detained. Approximately 50% of the status offenders were detained.

A study of detention in Georgia (Sarri, 1974: p.20) was made during 1971-72 which was focused on the state's six newly built regional detention facilities. Data were collected over a fifteen-month period on a sample of 1,086 youths placed in the detention facilities during that period. The study revealed that 54% of youths detained were charged with status offenses or determined to be in need of protection. This study also found that the majority (52%) of status offenders were detained for a period of 0-14 days; however 18% were detained for 31-60 days, and 13% for 61 days and longer. Thirty-one percent of both status offenders and youths alleged to have committed crimes against persons were detained for an average of over 30 days.

Howlett's (1973) study of detention in Orleans Parish (Louisiana) revealed that over 42% of the youths detained there between March 1, 1972 and February 28, 1973 were status offenders. Almost 76% of the white children detained were status offenders,

compared with 25% of the black youths. The most frequent offense for which children were detained was "runaway", constituting over 32% of the total offenses and almost 80% of the non-criminal offenses.

Howlett also found that the average length of stay in detention for status offenders was 10.22 days, compared with 10.12 days for personal offenses, and 12.26 days for property offenses.

In 1969, status offenders accounted for over 40% of all detention admissions in California (California Bureau of Criminal Statistics, 1969). Baron, Feeney, and Thornton (1973: 14) corraborated this observation for 1969 in Sacramento County, California.

William H. Sheridan's (1967: 27) review of 10 studies made by the HEW Children's Bureau on state and local detention programs (including jails) showed that 48% of the 9,500 children studied were status offenders. Among those specifically in detention homes, 50% were status offenders.

Paul Lerman's (1971) analyses of "recent" detention figures for all 5 New York City boroughs revealed the following patterns: "1) PINS boys and girls are more likely to be detained than are delinquents (54 to 31 percent); and 2) once PINS youth are detained they are twice as likely to be detained for more than 30 days than are regular delinquents (50 to 25 percent)" (pp. 38-39).

Status Offenders in Jail

Reliable data on the number of status offenders presently held in jails in the U.S. are not available at this time. Three nationwide studies of jailing have been conducted. In 1970 a National Jail Census was sponsored by the Department of Justice, LEAA (reported in 1971). In 1972 the Department of Justice (LEAA) sponsored a survey of inmates in American jails (reported in 1974). These surveys reported 7,800 and 12,744 juveniles in local jails on a given day in 1970 and 1972, respectively. On the basis of its 1965 survey, NCCD estimated that 87,951 youths were detained in jails during that year. However, these surveys did not include all jails -- only city, county, or township facilities that held persons for 48 hours or more. None of these surveys reported offense data for juvenile inmates, so they shed no light on the number of juvenile status offenders included in jail populations.

These surveys do not tell us the total number of youths jailed in all types of facilities in the U. S. on an annual basis. Estimates as high as 500,000 have been made (Sarri, 1974: 5).

Selected studies have addressed the issue of offense histories of youths in jails. An NCCD survey (1971) of local jails in upper New York State revealed that 43% of children in them were status offenders. Downey (1970) surveyed 18 states and found that 41% of children in their jails were status offenders.

In Sheridan's review of the 10 HEW studies 1,300 of the 9,500 children studied were held in jails. Among these, 40% were status offenders (1967: 27).

Velimesis (1969), reporting on a study of women and girls in Pennsylvania jails, observed that females are more likely to be detained for status offenses (primarily for offenses against public order, family, or administrative officials) and also are held longer, than males. Powlak (in Sarri, 1974) drew the same conclusion from his study of detention and jailing of juveniles in an eastern state, as did Pappenfort in his survey of detention facilities (1970).

Status Offenders in Juvenile Institutions

LEAA's 1971 survey of juvenile detention and correctional facilities (Children in Custody), revealed that approximately one-third of youths in institutions (which included "shelters", "halfway houses" and "group homes" as well as "training schools") were status offenders. Seventy percent of all adjudicated juvenile females and 23% of juvenile males in all types of facilities surveyed (on whom offense data were available -- approximately two-thirds, altogether) were there for status offenses. A rough estimate from these data would suggest that approximately 22,000 status offenders were admitted to training schools during 1971. There was a wide variance among the reporting states, however, with West Virginia, Indiana, Arkansas and New Mexico showing very low rates of status offender commitments.*

There are other sources which provide less comprehensive data on the institutionalization of status offenders.

The following table shows the percentages of youths whose first commitment to the California Youth Authority, 1965-1973, was based largely on status offenses (specifically, "Welfare and Institutions Code violations: all age-related offenses such as incorrigibility, truancy, runaway, foster home or county camp failure, and escape from county camp or juvenile hall") as reported by the California Youth Authority (1974) .

*See note supra page 1.

	1965	1966	1967	1968	1969	1970	1971	1972	1973
Total	28	26	25	24	22	20	14	14	10
Male	30	28	27	30	30	30	23	22	17
Female	60	58	60	52	50	44	38	42	33

These data indicate a gradual decrease in the incarceration of status offenders in California, between 1965 and 1973. However, Paul Lerman's (1968) reanalysis of data related to the California experience with its Community Treatment Program suggests that the decreased institutionalization of juveniles in California was offset by increased detention of youths at the local level.

An NAJC survey (Sarri, Vinter, and Kish, 1974: 16) of youths in 25 institutions, based on their self-reported reason for institutionalization, showed the following compositions for three types of institutions:

Offense	Closed Inst.	Open Inst.	Day Program	All
Status offense	49%	44%	59%	51%
Marijuana	10%	16%	4%	9%
Larceny, theft burglary	29%	29%	29%	29%
More serious	12%	11%	8%	11%
	N=657	N=45	N=145	N=187

There may be substantial changes in these figures in more recent years. For instance, South Carolina reported 782 juveniles in institutions in 1971, 41% of which were status offenders. June 1974* data from South Carolina are as follows:

	Youth Category				
Basis for Commitment	Girls 10-16	Younger Boys 10-14	Older Boys 15-16	Intensive Care**	Total
Criminal act	64	169	231	74	538
Status offense	105	28	9	7	149
Combined	169	197	240	81	687
% status offense	62%	14%	4%	9%	22%

*Special analysis, South Carolina Department of Youth Services, January, 1975

**Troublemakers of all ages, composed of 75 males and 6 females

Paul Lerman, et. al. (1974) analyzed the offense histories of females committed to the New Jersey Training School for Girls between 1960 and 1972. Their findings follow (p. 20):

	1960	1965	1970	1972
Total Admissions	192	243	92	83
Number of non-criminal admissions	174(91%)	209(86%)	61(66%)	47(57%)
Number of minor criminal admissions	6	5	16	14
Number of serious criminal admissions	12	29	16	20

The table shows that the percentage of non-criminal (or status offender) admissions to the training school ranged from 91% in 1960 to 57% in 1972.

Lerman and his colleagues also examined the types of status offenses for which females (on whom such data were available) were committed during the above years (p. 20). These data are presented as percentages: *

	1960	1965	1970	1972
Incorrigible	60	47	62	32
Runaway/Truancy	50	68	79	55
Immorality	53	24	24	16
Other	0	5	7	19
N=	(30)	(38)	(29)	(31)

The table shows that except for 1960 the offenses runaway and truancy, accounted for the largest percentage of commitments.

Baron, Feeney, and Thornton (1973: 15) found that, during 1969, over 72% of all "placements" in Sacramento involving juveniles were status offenders.

William H. Sheridan's "summary review of between 15 and 20" correctional institutions for delinquent children revealed that about 30% of the inmates were status offenders (1967: 27).

*The columns do not total 100% due to multiple offenses.

Wisconsin, which reported over 1,000 youths in custody in 1971 now estimates no more than 30-40 youths in secure institutions. Massachusetts is another familiar example -- from 582 in 1971 to almost zero today. Maryland and New Jersey will soon join the zero ranks.

The Ohio Youth Commission (Wheeler, 1974) recently published a 1974 survey of 30 reporting states showing an average of 25% status offenders among juvenile institution populations, varying from a high of 54% in North Carolina to a low of 0 reported by Alabama*, Alaska and Illinois*.

Length of institutionalization

A study by Dr. Lerman (1971) of a 1963 sample of Manhattan boys showed that status offenders tend to spend longer periods in institutions than do delinquents:

	Status offenders	Delinquents
Range	from 4 to 48 months	from 2 to 28 months
Median	13 months	9 months
Average	16.3 months	10.7 months

In Gerald Wheeler's (1974) survey of 30 states, only 5 (North Carolina, Idaho, California, Arkansas, and Ohio) reported length of stay by offense. In general, the least serious status offenders were associated with longer institutional stay (p. 19).

Criminal Careers of Status Offenders

Very little research has been focused on the criminal careers of status offenders, although the assumption is frequently made that non-serious, or status offenders, eventually become adult criminals. Several studies support this hypothesis.

Studies carried out by Shaw and Moore (1951), McKay (1967), Reiss (1951), Goldberg (1948), and Frum (1958) found a general pattern of progression from truancy, incorrigibility, and petty stealing to more serious offenses. However, these studies have not addressed the fact that a much larger proportion of youths who evidence "problem" behavior never move into more serious crimes or adult criminality (Sutherland and Cressey, 1970: 255).

*These findings should be interpreted with caution. Alabama does not differentiate between delinquent and status offenses, and Illinois' report does not square with our understanding.

Expenditure of LEAA Resources on Status Offenders

Attachment B shows the expenditure of LEAA monies at the state and federal levels since 1969; data for the last three years are incomplete. Grants for community-based alternatives to incarceration total more than $203 million. Those identified as being focused on juvenile justice constituted more than half of that amount. But only $5 million has been reported as focusing on the status offender. Because of incompleteness of reporting, these figures should be viewed as only the roughest sorts of indicators.

Attachment B

GRANTS FOR COMMUNITY-BASED TREATMENT
ALTERNATIVES TO INCARCERATION

FISCAL YEAR	69	70	71	72	73	74	75
All Programs							
Part C Subgrant	1,382,883	21,934,655	47,080,154	39,525,759	22,840,705	6,703,757	834,142
Part C Discretionary	341,454	4,271,458	13,650,460	3,435,884	4,054,388	3,170,912	793,352
Part E Subgrant			352,349	5,782,403	4,598,715	1,096,858	193,500
Part E Discretionary			82,000	7,974,301	7,713,294	3,093,903	181,164
Institute	126,457	19,848	397,881	534,353	157,562	278,540	245,535
Technical Assistance			15,000			250,000	
Training (402)						7,500	7,500
Systems and Statistics			125,237			279,664	
Total for Fiscal Year	1,850,794	26,225,961	61,703,081	57,252,700	39,364,664	14,881,134	2,255,133
Juvenile Justice Programs							
Part C Subgrant	813,816	13,524,979	25,759,731	19,562,241	12,225,041	4,134,579	834,142
Part C Discretionary	99,019	2,335,931	4,671,427	1,771,772	2,566,338	1,241,760	125,100
Part E Subgrant			234,437	1,989,841	1,695,739	689,100	193,500
Part E Discretionary				3,413,184	1,887,620	1,877,896	181,164
Institute			132,966	150,004	157,562		245,535
Technical Assistanct			15,000				
Training (402)						7,500	7,500
Systems & Statistics							
Total for Fiscal Year	912,835	15,860,910	30,813,561	26,887,041	18,532,300	7,950,835	1,586,881
Status Offenders							
Part C Subgrant		318,100	1,143,683	441,524	1,116,793	185,060	
Part C Discretionary		374,904	598,978		467,223		
Part E Subgrant				28,945			
Part E Discretionary				161,812	152,565	137,547	
Total for Fiscal Year		693,004	1,742,661	632,281	1,736,587	322,607	
Grant Total	2,763,629	42,779,875	94,259,303	84,772,022	59,633,551	23,154,576	3,842,014

Total all programs all fiscal yea. $203,533,467

Total all Juvenile Justice Programs all fiscal years $102,544,363

Total all Status Offender Programs all fiscal years $5,127,140

*Incomplete GMIS reports

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ADDENDUM

SECTIONS OF THE

GUIDE FOR DISCRETIONARY GRANT PROGRAMS

RELEVANT TO PROGRAM ANNOUNCEMENT:

"DEINSTITUTIONALIZATION OF STATUS OFFENDERS"

M 4500.1C

CHAPTER 1. GENERAL SPECIFICATIONS FOR DISCRETIONARY GRANTS

1. GENERAL. This chapter contains the general requirements, eligibility rules and other specifications for "discretionary grants" from funds allocable "as the Administration may determine" under Sections 306 and/or 455 of the Act. Except as expressly modified for individual programs set forth in chapters 5 through 25, these specifications apply to all applications for discretionary grants. They should be reviewed carefully by potential applicants.

2. PROGRAMS CONSIDERED. Applications will ordinarily be considered only to the extent that they fall within the coverage of programs set forth in this guideline manual. For statements of the scope and the specifications of discretionary programs, reference should be made to the individual descriptions set forth by major program area in chapters 5 through 25.

3. ELIGIBLE GRANTEES.

   a. Discretionary grants authorized under Part C (Grants for Law Enforcement Purposes) of the Act can be made only to:

      (1) States or combinations of States;

      (2) Local units of government;

      (3) Combinations of local units of government; or

      (4) Non-profit organizations.

   b. Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Act can be made only to:

      (1) States;

      (2) Local units of government; or

      (3) Combinations of local units of government.

   c. Programs contemplating action by a particular type of law enforcement agency, or efforts conducted for State and local government by a university or other private agency, must have the application submitted by either:

      (1) The department of State government under whose jurisdiction the project will be conducted; or

(2) A unit of general local government, or combination of such units, whose law enforcement agencies, systems, or activities will execute or be benefited by the grant.

4. MULTI-STATE OR MULTI-UNIT PROJECTS. Several discretionary programs encourage or give preference to multi-State, regional, or cooperative projects involving multiple units of State or local government. In such cases, and to facilitate these arrangements, a flexible approach to applicant selection has been adopted.

a. Unless otherwise indicated in the specifications for a particular program, applications may be made by:

(1) One government unit in the group on behalf of the others;

(2) All units in the group jointly; or

(3) A special combination, association or joint venture created by a group of governmental units for general or grant application purposes.

b. In all cases, clear evidence will be required of approval by all participating units of government with respect to:

(1) Their participation in the project; and

(2) The terms and commitments of the grant proposal or application.

5. SPECIAL REQUIREMENTS. LEAA is required to insure that ALL discretionary grants meet certain administrative and legal requirements prior to funding. Therefore, the applicant as the most knowledgeable party concerned with the application must insure that the following requirements are addressed in the application:

a. Clean Air Act Violations. In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857) as amended by Public Law 91-604, the Federal Water Pollution Act (33 U.S.C. 1251 et seq.) as amended by Public Law 92-500 and Executive Order 11738, grants, subgrants or contracts cannot be entered into, reviewed or extended with parties convicted of offenses under these laws.

b. Relocation Provisions. In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 84 Stat. 1894, and the regulations of the Department of Justice (LEAA Guideline Manual M 4100.1C, State Planning Agency Grants, paragraph 31):

(1) The applicant and State Planning Agency shall assure that any

program under which LEAA financial assistance is to be used to pay all or part of the cost of any program or project which results in displacement of any individual family, business and/or farm shall provide that:

(a) Within a reasonable period of time prior to displacement comparable decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with such regulations as issued by the Attorney General;

(b) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General;

(c) Relocation or assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General;

(d) The affected persons will be adequately informed of the available benefits and policies and procedures relating to the payment of monetary benefits; and

(2) Such assurances shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems.

c. Environmental Impact.

(1) The National Environmental Policy Act of 1969 established environmental review procedures to determine if a proposed LEAA funded program or project is a "major Federal action significantly affecting the human environment". Each proposed action listed below must include an environmental evaluation. (See LEAA Guideline Manual M4100.1C, State Planning Agency Grants, paragraph 28.)

(a) New construction.

(b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.

(c) The implementation of programs involving the use of pesticides and other harmful chemicals.

(d) The implementation of programs involving the use of microwaves or radiation.

(e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.

(f) Other actions determined by the LEAA Regional Administrator to possibly have a significant effect on the quality of the environment.

(2) A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an environmental analysis (a draft environmental impact statement) or whether a negative declaration can be filed.

(3) An environmental evaluation is a report of the environmental effects of the proposal and should consist of questions and narrative answers as well as supporting documentation that substantiates conclusions. (See appendix 2-3.)

(4) An environmental analysis must be submitted with the original application in cases where the proposed action would significantly affect the environment. It will utilized in the preparation of a draft environmental impact statement.

(5) A negative declaration (see appendix 11) will be filed by the LEAA Regional Administrator if the environmental evaluation does not indicate a significant environmental impact.

d. Historic Sites. Before approving grants involving construction, renovation, purchasing or leasing of facilities the cognizant LEAA Regional or Central Office shall consult with the State Liaison Officer for historic preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places. If the undertaking may have an adverse effect on the listed program properties, the cognizant LEAA Regional or Central Office shall notify the Advisory Council on Historic Preservation. (See M 4100.1C, paragraph 30.)

e. A-95 Notification Procedures. All discretionary grant applicants (Federally recognized Indian tribes excepted) MUST notify as early as possible the appropriate metropolitan, regional and State A-95 clearinghouse of their intent to apply for assistance. See appendix for optional notification form. The clearinghouse will review the notification and must react within 30 days. If the clearinghouse feels that the project will have a significant effect on the environment or other State and/or local projects, it may request an additional 30 days to review the completed application. The applicant must submit any comments made by or through the clearinghouse; LEAA will not accept the application without evidence that it has undergone A-95 review. If the clearinghouse does not react to the applicant's notification of intent to apply for assistance within 30 days, then the project may be considered to have had A-95 clearinghouse review. (See M 4100.1C, paragraph 27 and G 4063.1A for detailed instructions covering the A-95 notification procedures. LEAA Regional Offices and State Planning Agencies have copies available.)

f. Civil Rights Compliance. In accord with the regulations implementing Title VI of the Civil Rights Act of 1964, 28 C.F.R. 42.101, ET. SEQ., Subpart C, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to the subpart. (Refer to appendix 8).

g. Equal Employment Opportunity. In accord with LEAA external equal employment opportunity regulations, 28 C.F.R. 42.201, ET. SEQ., Subpart D and LEAA equal employment opportunity program guidelines (affirmative action regulations), 28 C.F.R. 42.301, ET. SEQ., Subpart E, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to the subparts. (See appendix 8 and appendix 9 respectively.)

h. Flood Disaster Protection. In accord with Section 202(a) of the Flood Disaster Protection Act of 1973, no Federal agency may approve any financial assistance for construction purposes after July 1, 1975 for use in any area identified by the Secretary of the Department of Housing and Urban Development (HUD) as an area having special flood hazards unless the community in the hazardous area is then participating in the National Flood Insurance Program.

i. Security and Privacy. Pursuant to Section 524(b) of the Act, as amended, with respect to programs related to Criminal Justice Information Systems, the grantee agrees to insure that all criminal history information collected, stored, or disseminated, shall, to the maximum extent feasible, contain disposition as well as arrest data. Security and privacy of the information must be assured and an individual must be given access to review his criminal history records for the purpose of challenge or correction.

6. SPECIAL REQUIREMENTS FOR APPLICATIONS FOR PART E FUNDS. State Planning Agencies, as a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities shall require that ALL applicants for such funds demonstrate and provide the following to the extent applicable.

a. Reasonable use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources and the minimization of incarceration by State and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of disposition for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.);

b. Special provision for the treatment of alcohol and drug abusers in institutions and community-based programs;

c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders;

d. Special study for the feasibility of sharing facilities on a regional (multi-State, multi-county or regional within States, as appropriate) basis;

e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies;

f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contractual agreements with the Bureau of Prisons;

g. Certification that where feasible and desirable provisions will be made for the sharing of correctional institutions and facilities on a regional basis;

h. Certification that Part E funds will utilize advance techniques in the design of institutions and facilities;

i. Satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices including a clear idea of the kinds of personnel standards and programs which will be sought in institutions and facilities receiving Part E support; and

j. Certification that special administrative requirements dealing with objectives, architectural and cost data, contractual arrangements, etc., will be made applicable to contractors.

7. SUBMISSION DATES. Applications for discretionary grant projects under this Guideline Manual should be submitted to LEAA operating component not later than May 31 of any calendar year.

8. STATE PLANNING AGENCY COORDINATION. Applicants are encouraged to consult with and seek advance assistance from State Planning Agencies in the development of applications. Discretionary grant applications must be submitted, IN ADVANCE OF LEAA FILING, to the Title I State Law Enforcement Planning Agency (refer to appendix 2) of the State in which the program or project will be executed. In the case of multi-State efforts, such submissions are to be made to each State Planning Agency concerned.

a. In order to expedite administrative processing, the applicant should, at the time of submission to the State Planning Agency, submit a copy of the application to the appropriate metropolitan, regional and State A-95 clearinghouse. This action should be noted along with the date of submission on the application submitted to the State Planning Agency. (See paragraph 5e.)

b. State Planning Agency Certification and Confirmation.

(1) Most grants will be through the State Planning Agencies for fund administration and monitoring purposes and, accordingly, State Planning Agencies must certify their willingness to accept such grants. (See appendix 3 for suggested form of State Planning Agency certification and confirmation.)

(2) Unless otherwise indicated by LEAA, a necessary element of each application will be the State Planning Agency confirmation that:

(a) The proposed project is consistent with the State's comprehensive law enforcement plan (or plans where several States are involved);

(b) The grant project will, if approved, be incorporated or integrated as an action effort within the action plan component of the State plan; and

(c) State action fund allocations to the beneficiary agency, unit of government, or region will not be reduced or supplanted by virtue of the discretionary award.

9. APPLICATION FORMS.

a. The following two application forms should be used in the preparation of all formal applications for discretionary grant funds:

(1) LEAA Form 4000/3 (6-73) for all non-construction programs (see appendix 4),

(2) LEAA Form 4000/4 (6-73) for all construction programs (see appendix 5).

b. The only exception to the use of LEAA Forms 4000/3 or 4000/4 is the Small State Supplemental Allocation Program (E) for which no application is necessary, as it is included within the State's annual comprehensive State plan.

10. PREAPPLICATIONS.

a. Preparation of a formal application involves considerable investment of time and effort. Accordingly, applicants may wish to submit preliminary proposals where large scale efforts are involved or there is uncertainty as to whether the proposed activities are potentially within program guidelines. A preliminary application, LEAA Form 4000/5, Preapplication for Federal Assistance, or a two or three page letter can serve as a preliminary proposal if they include a clear statement of:

(1) Project goals and methods;

(2) Timetable;

(3) Budget (by major categories); and

(4) Resources available (facilities, staff, and cooperating agencies or entities).

b. Informal proposals, whether by letter or preliminary application, may be transmitted to the cognizant LEAA Regional Office. (See appendix 6 for a list of LEAA Regional Offices.) Copies should be concurrently furnished to the State Planning Agencies.

c. Following determination of eligibility and communication of LEAA questions and comments, the applicant can proceed more readily to develop the required formal application.

11. APPLICATION SUBMISSION.

a. Prior to submission to LEAA, the applicant for discretionary funds must submit to his cognizant State Planning Agency (see paragraph 8) and appropriate A-95 clearinghouses (see paragraph 5e) a copy of his application.

b. Application distribution should be as follows:

(1) Original and four copies to the cognizant LEAA Regional Office (see appendix 6 for addresses);

(2) One copy to each cognizant State Planning Agency (see appendix 2 for addresses); and

(3) One copy to each of the appropriate A-95 clearinghouses.

c. All applications for Part E funds for purposes of construction or renovation of juvenile and adult correctional institutions or facilities MUST BE submitted in accordance with Guideline G 4063.2A, National Clearinghouse for Criminal Justice Planning and Architectures, to the clearinghouse for clearance of the architectural plans, designs and construction drawings. Applications should be forwarded to the clearinghouse simultaneous with the submissions listed in paragraph 11b(2) and (3) above. In turn the clearinghouse will respond to the applicant, the State Planning Agency and the cognizant LEAA Regional or Central Office. The address of the clearinghouse is:

The National Clearinghouse of Criminal
Justice Planning and Architecture
University of Illinois
1102 West Main Street
Urbana, Illinois 61801

d. Where multi-State projects are involved, copies are required for each affected State Planning Agency and LEAA Regional Office.

e. At the time of submission to LEAA, applications should include the completed State Planning Agency endorsement (appendix 3) or, where this is pending or endorsement has been withheld, an indication of status.

12. APPLICATION NOTIFICATION. Applicants will be notified of either approval or disapproval of their formal application no later than 90 days from the date the application arrives at LEAA. If the application is disapproved, the notification will contain specific reason for the disapproval. This requirement does not apply to pre-applications or other submissions which do not meet application requirements.

13. GRANTEE MATCHING CONTRIBUTIONS. The following subparagraphs set forth grantee matching contribution requirements for Fiscal Years 1971, 1972, 1973 and for years beyond 1974. As this guideline manual cancels all previous years guides for discretionary grant programs, the Fiscal Years 1971, 1972 and 1973 requirements are primarily for general information purposes.

a. For Fiscal Years 1971 and 1972 funds all applicants for grants made under Part C (Indian programs excepted) and Part E of the Act must be prepared to provide at least 25 percent of the total project costs.

b. For Fiscal Year 1973 funds all applicants for grants made under Part C and Part E of the Act must be prepared to provide at least:

(1) Twenty-five percent of the total project costs (Part C funds for Indian programs excepted) and

(2) At least 40 percent of the required non-Federal share of the total project cost of all Part C grants must be in cash rather than in-kind goods and services. (Refer to LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants, chapter 4, paragraph 9.)

c. For Fiscal Years 1971, 1972 and 1973 grants [except as limited by paragraph 13b(2)], matching cost contributions can be from the following sources:

(1) Funds from State, local or private sources may not include funds from other Federal sources with the following exceptions:

(a) The Housing and Community Development Act of 1974, and

(b) Funds from the Appalachian Regional Development Act of 1965, as amended, P.L. 89-4, 40 U.S.C 214.

(2) In-kind resources (services, goods or facilities).

d. For funds beyond Fiscal Year 1973, all applicants for grants made under Part C and Part E of the Act must be prepared to provide at least 10 percent of the total project costs (Part C funds for Indian programs excepted) and the matching cost contribution MUST BE in cash rather than in-kind goods and services. (Refer to M 7100.1A, chapter 4, paragraph 19.) Matching cost contributions can be funds from State, local or private sources but may not include funds from other Federal sources with the following exceptions:

(1) The Housing and Community Development Act of 1974, and

(2) Funds from the Appalachian Regional Development Act of 1965.

14. FISCAL ADMINISTRATION. Discretionary grants will be administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants. M 7100.1A relates primarily to fiscal administration of planning grants (Part B of the Act) and action grants ("block grants") allocated on the basis of population (Part C of the Act). Appendix 7 adjusts M 7100.1A for application to the special characteristics of discretionary grants and includes a section indicating the responsibilities of State Planning Agencies through which most discretionary grants are made.

15. CONTINUATION SUPPORT. In general, one year is viewed as the normal project period. However, where LEAA Regional or Central Office or Administrator commitments indicate that continuation support will be considered and where applicants desire to present a multi-year or

future year budget, or estimate future year needs for project continuation in order to better present their project concept and development, the appropriate forward year data must be added to the normal grant application budget material (see chapter 2, Section E, LEAA Form 4000/3). It should be noted that future year cost data is either explicitly or implicitly requested in some discretionary programs. However, LEAA Form 4000/4 does not provide for continuation support as it is anticipated that construction programs will not require continuation funding.

16. MEDICAL RESEARCH AND PSYCHOSURGERY. It is LEAA policy not to fund grant applications for medical research or for the use of medical procedures which seek to modify behavior by means of any aspect of psychosurgery, aversion therapy, chemotherapy (except as part of routine clinical care), and physical therapy of mental disorders. Such proposals will be referred to the Secretary of the Department of Health, Education, and Welfare for appropriate funding consideration. This policy does not apply to a limited class of programs involving procedures generally recognized and accepted as not subjecting the patient to physical or psychological risk (e.g., methadone maintenance and certain alcoholism treatment programs), as specifically approved in advance by the Office of the Administration, after appropriate consultation with and advice of the Department of Health, Education, and Welfare. This is not intended to cover those programs of behavior modification such as involve environmental changes or social interaction where no medical procedures are utilized.

17. USE OF DISCRETIONARY FUNDS FOR CONSTRUCTION PROJECTS. LEAA recognizes the need to clarify its policy with respect to the use of discretionary funds for construction projects. This need arises because of the critical need to allocate scarce LEAA resources totheir most effective, high priority uses.

a. When Congress wrote and the President approved the Act providing for a program of comprehensive planning for law enforcement and criminal justice and for grants to implement planned changes, it provided under both Part C and Part E for construction grants. The construction grants under Part C were always intended clearly to be supportive of and supplemental to programs aimed at crime reduction and at improvements in the criminal justice system.

b. The construction grants under Part E were intended to meet the need for improved correctional facilities, but the Congress was careful to say that the prime emphasis was to be on community-based correctional facilities in that Part. It also made it clear that no facilities were to be built with Part E funds unless there was a comprehensive plan for correctional programs and facilities of which the proposed construction was an integral, necessary, and logical

78-464 O - 77 - 47

part. The restrictions on construction grants in Part E reflect a national conviction that prisons and jails have failed to reduce crime, and that it would be unwise to build more jails and prisons of the same kind we have had in the past. This conviction is also the basis for the recommendations made by the National Advisory Commission on Criminal Justice Standards and Goals, whose Report on Corrections urges that local correctional facilities be primarily community-based facilities and that new state facilities be built only if there is absolutely no alternative. Further, states themselves have generally given low priority to use of LEAA funds for construction, either placing a dollar limit on projects or limiting expenditures to planning and design of new facilities.

c. For these reasons, LEAA is adopting a policy statement with respect to use of discretionary funds for construction projects which is explicit. It is as follows:

(1) Discretionary funds (both Part C and Part E funds) will be used to fund new construction programs only if every condition on the use of Part C and Part E funds for construction is fully and completely met. In this respect, the relocation and environmental policy acts must be complied with prior to LEAA funding.

(2) LEAA will fund only those new construction projects which represent the only method available to the grantee to meet program goals set forth in the state's comprehensive plan or those which fall within established national priority programs. The applicant will have to make a showing that the comprehensive plan's program goals or the national priority program's goals cannot be met in any other way except through a construction program or project.

(3) LEAA will fund only those projects which meet critical needs, which are innovative and exemplary in their approach, and which involve replicable approaches which other jurisdictions are able to use. Critical needs will vary, but applicants will have to make a convincing case that the need is more than routine. An innovative and exemplary approach to construction would involve special attention to the needs of citizens who come in contact with the criminal justice system, attention to the possible multi-jurisdictional, regional or multi-purpose use of the facility, flexible design which anticipates the possibility of changes in use of the building or facility and in the kinds and numbers of persons who will use it, among other approaches. A replicable project would be one which would involve a package which spells out how requirements for the facility were developed, how the facility supported the goals of the comprehensive plan of the state, how the considerations of program objectives were built into the design of the facility, what the objectives of the facility or building were; and also contained a

comprehensive evaluation design for determining the future utility and effectiveness of the contribution the building is to make to program objectives and goals.

(4) LEAA will not use more than 5 percent of its discretionary funds under Part C in any one year for construction projects, or more than 30 percent of its discretionary funds under Part E in any one year for new construction projects. For a definition of construction programs, see chapter 4, paragraph 6 of the LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants, April 30, 1973, as amended by Change 1 , January 24, 1974.

18. POTENTIAL POST AWARD REDUCTIONS. The following general conditions must be added to all grants awarded by LEAA:

"THIS GRANT, OR PORTION THEREOF, IS CONDITIONAL UPON SUBSEQUENT CONGRESSIONAL OR EXECUTIVE ACTION WHICH MAY RESULT FROM FEDERAL BUDGET DEFERRAL OR RECISION ACTIONS PURSUANT TO THE AUTHORITY CONTAINED IN SECTIONS 1012(A) AND 1013(A) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974, 31 U.S.C. 1301, PUB. L. 93-344, 88 STAT. 297 (JULY 12, 1974)."

19. RESERVED.

CHAPTER 2. APPLICATION FORMS

20. STANDARD APPLICATION FORMS. The standard forms for submission of discretionary fund appplications are LEAA Form 4000/3, Application for Federal Assistance, for non-construction programs and 4000/4, Application for Federal Assistance, for construction programs. These forms are reproduced with instructions as appendix 4 and appendix 5 . As previously indicated in paragraph 10 above, the applicant may wish to submit a preliminary proposal for initial review of project eligibility, feasibility and merit. Ultimately, a duly executed and completed application form will be required for all applications with the exception of the Small State Supplemental Allocation Program (E). These allocations are incorporated into the annual comprehensive State plan and "block" grant submission.

a. Because of the variety of discretionary programs, parts of the standard form may not seem appropriate for a specific application. In such cases, applicants should be as responsive as possible and seek guidance from their state planning agency. Occasionally, the announcement for a specific discretionary program will indicate special data or information to be included in the applications. This should be added to the standard information required by LEAA Forms 4000/3 and 4000/4.

b. A signed original and four copies are required for each application submission. Refer to paragraphs 11a and 11b for proper application submission.

c. For multi-State projects, copies of applications should be sent to each interested State Planning Agency, LEAA Regional Office and A-95 clearinghouse.

d. Submission of applications for Part E funds for purposes of construction or renovation of juvenile and adult correctional institutions or facilities MUST follow the procedures outlined in Chapter 1 paragraph 11c.

21. PREPARATION OF LEAA FORM 4000/3. Following are miscellaneous instructions to aid the applicant in the preparation of LEAA Form 4000/3 to be used for all non-construction program applications.

a. Part I.

(1) Item No. 2, Applicant's Application Number. This should be left blank as it will be completed by LEAA.

(2) Item No. 6, Federal Catalog Number. The Catalog of Federal Domestic Assistance program number for LEAA discretionary grants is 16.501. Only this number should be placed in block 6.

(3) Item No. 8, Grantee Type. Grantee here refers to the State agency, local government unit, institution or department or non-profit organization which will implement the project whether as direct grantee or subgrantee of a State Planning Agency.

(4) Item No. 16, Signature of Authorized Representative. The signature shown MUST BE that of the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the agency or governmental unit involved.

b. Part III, Budget Information. (Refer to appendix 2-1 and 2-2 for an example of a properly completed application budget.)

(1) Section A, column (a). Grant applications requesting only one kind of discretionary funds (either Part C or Part E) should place the designation "DF-Part C" or "DF-Part E" as appropriate on line 1. (See appendix 2-2) Grant applications requesting a combination of Part C and Part E funding should place the designation "DF-Part C" on line 1 and "DF-Part E" on line 2. (See appendix 2-2)

(2) Section A, column (b). Column (b) will always reflect the Catalog of Federal Domestic Assistance program number for LEAA discretionary grants, 16.501. This is the same number that appears in Item 6 on page 1 of the application.

(3) Special LEAA Instructions. In accordance with the special instructions contained on page 8 of the application, applicants must provide a separate budget narrative detailing by budget category the Federal and non-Federal share.

(a) Personnel. List each position by title (and name of employee, if available), show the annual salary rate and the percentage of time to be devoted to the project by the employee.

(b) Fringe benefits. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.

(c) Travel. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis for computation (e.g., "Five trips for 'X' purpose at $80 average cost - $50 transportation and two days per diem at $15" or "Six people to 3-day meeting at $70 transportation and $45 subsistance"). In training projects where travel and subsistance of trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

(d) Equipment. Each type of equipment to be purchased should be separately listed with unit costs.

(e) Supplies. List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation.

(f) Contractual. The application must show the selection basis for any contract or subcontract or prospective contract or subcontract mentioned (including construction services and equipment).

1 For individuals to be reimbursed for personal services on a fee basis list each type of consultant or service, the proposed fee rates (by day, week or hour) and the amount of time to be devoted to such services.

2 For construction contracts and organizations, including professional associations and educational institutions, performing professional services indicate the type of services being performed and the estimated contract cost data.

(g) Construction refers to minor construction or renovation.

(h) Other. Included under "other" should be such items as rent, telephone, and janitorial or security services. Items should be listed by major type with basis of computation shown.

(i) The Administration may accept any indirect cost rate previously approved for any applicant by any Federal granting agency in accordance with the provisions of Circular No. A-87. In lieu of an approved rate flat amounts not in excess of 10 percent of direct labor costs (including fringe benefits) or 5 percent of total direct costs may be claimed.

22. GRANT ASSURANCES. The grant assurances continued in Part V of LEAA Form 4000/3 and LEAA Form 4000/4 are incorporated in and made a part of all discretionary grant awards.

a. All grant assurances should be reviewed carefully because they define the obligations of potential grantees (and their subgrantees) and express commitments that will have binding contractual effect once award is made and accepted by the grantee.

b. Special Conditions. Frequently, LEAA will approve or require, as a condition of grant award and receipt of funds, "special conditions" applicable only to the particular project or type of program receiving grant support. Where special conditions are to be negotiated and included in the terms of an award, notice and opportunity for discussion will be provided to grant applicants. Special conditions may:

(1) Set forth Federal grant administration policies (e.g., allowable cost);

(2) Set forth LEAA regulatory pronouncements (e.g., written approval of changes);

(3) Seek to secure additional project information or detail;

(4) Establish special reporting requirements; and

(5) Provide for LEAA approval of critical project elements such as key staff, evaluation designs, dissemination of manuscripts, contracts, etc.

c. All projects proposing the construction or renovation of facilities will be required to comply with certain standard grant conditions for construction programs. Refer to Appendix 5 for a list of standard grant conditions for construction grants.

d. It will be noted that some of the grant assurances and special conditions refer to and incorporate the requirements of other Federal and LEAA issuances (see paragraph 5). Copies of these and other grant condition references may be obtained from the applicant's cognizant LEAA Regional or Central Office. The most important of these other LEAA issuances are:

(1) M 7100.1A, Financial Management for Planning and Action Grants which, as delineated in appendix 7 is established as the basic fiscal administration manual for discretionary grants;

(2) LEAA regulations implementing the provisions of the Civil Rights Act of 1964 with respect to LEAA grants (appendix 8);

(3) LEAA equal employment opportunity regulations (28 C.F.R. 42.301 subpart D) and equal employment opportunity program guidelines (28 C.F.R. 42.301, subpart E) with respect to LEAA grants (appendixes 9 and 10).

23. PREPARATION OF LEAA FORM 4000/4. Following are miscellaneous instructions to aid the applicant in the preparation of LEAA Form 4000/4, Part I. This form is to be used for all construction grant applications.

a. Item No. 2, Applicant's Application Number. Refer to paragraph 21a(1).

b. Item No. 6, Federal Catalog Number. Refer to paragraph 21a(2).

c. Item No. 8, Grantee Type. Refer to paragraph 21a(3).

d. Item No. 16, Signature of Authorized Representative. Refer to paragraph 21a(4).

24. RESERVED.

APPENDIX 2-1. EXAMPLE OF COMPLETED BUDGET PAGES, LEAA FORM 4000/3.

OMB NO. 40-R0166

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. DF-Part C	16.501	$	$	$ 210,995	$ 152,900	$ 363,895
2.						
3.						
4.						
5. TOTALS		$	$	$ 210,995	$ 152,900	$ 363,895

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$ 59,853
b. Fringe Benefits					39,902
c. Travel					16,800
d. Equipment					2,900
e. Supplies					21,925
f. Contractual					40,000
g. Construction					
h. Other					118,620
i. Total Direct Charges					300,000
j. Indirect Charges					63,895
k. TOTALS	$	$	$	$	$ 363,895
7. Program Income	$	$	$	$	$

OMB NO. 80-R0180

SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8. DF - Part C	$ 76,500	$	$ 76,400	$ 152,900
9.				
10.				
11.				
12. TOTALS	$ 76,500	$	$ 76,400	$ 152,900

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 210,995	$ 52,749	$ 52,749	$ 52,749	$ 52,748
14. Non-Federal	152,900	38,225	38,225	38,225	38,225
15. TOTAL	$ 363,895	$ 90,974	$ 90,974	$ 90,974	$ 90,973

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. DF - Part C	$ 210,995	$	$	$
17.				
18.				
19.				
20. TOTALS	$ 210,995	$	$	$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

APPENDIX 2-2. EXAMPLE OF PART C AND PART E COMPLETED BUDGET PAGES, LEAA FORM 4000/3.

OMB NO. 80-R0186

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. DF-Part C	16.501	$	$	$210,995	$ 152,900	$363,895
2. DF-Part E	16.501			88,000	32,000	111,000
3.						
4.						
5. TOTALS		$	$	$298,995	$ 184,900	$474,895

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3) Part C	(4) Part E	
a. Personnel	$	$	$ 59,853	$ 20,000	$ 79,853
b. Fringe Benefits			39,902	6,000	45,902
c. Travel			16,800	1,000	17,800
d. Equipment			2,900		2,900
e. Supplies			21,925	10,000	31,925
f. Contractual			40,000	20,000	60,000
g. Construction				52,000	52,000
h. Other			118,620	2,000	120,620
i. Total Direct Charges			300,000	111,000	411,000
j. Indirect Charges			63,895		63,895
k. TOTALS	$	$	$363,895	$ 111,000	$ 474,895
7. Program Income	$	$	$	$	$

OMB NO. 80-R0188

SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8. DF-Part C	$ 76,500	$	$ 76,400	$ 152,900
9. DF-Part E	32,000			32,000
10.				
11.				
12. TOTALS	$108,500	$	$ 76,400	$ 184,900

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 298,995	$ 74,748	$ 74,748	$ 74,748	$ 74,751
14. Non-Federal	184,900	46,225	46,225	46,225	46,225
15. TOTAL	$ 483,895	$120,973	$120,973	$120,973	$120,976

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. DF-Part C	$ 210,995	$	$	$
17. DF-Part E	678,400			
18.				
19.				
20. TOTALS	$ 889,395	$	$	$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

CHAPTER 3. REPORTING REQUIREMENTS

25. GENERAL.

a. This chapter will discuss in detail the following two reporting forms:

(1) Discretionary Grant Progress Report, LEAA Form 4587/1 (See appendix 3-1), and

(2) Financial Status Report, LEAA Form 7160/1 (H-1 Report) (See appendix 3-2).

b. In addition, the following two financial reports must be completed by particular grantees.

(1) Report of Federal Cash Transactions, LEAA Form 7160/2 (H-2 Report) to be completed by all grantees receiving funds through letters of credit, and

(2) Request for Advance or Reimbursement, LEAA Form 7160/3 (H-3 Report) to be completed by all grantees receiving funds directly from LEAA and not through letters of credit.

c. A special series of reports will be made to the Audio-Visual Communications Division of LEAA on all grants that have any audio-visual, media, printing and publications materials or equipment involved in the grant or the replication of the grant. One copy of LEAA Form 4587/1 and LEAA Form 7160/1 will be forwarded directly to LEAA, Audio-Visual Communications Division, Attn: Audio-Visual Communications Monitor. Two copies of audio-visual media or graphics materials produced will be submitted to the Audio-Visual Communications Monitor. The schedule listed in Paragraph 26 and 27 will be followed for these reports. One copy of the grant document will be forwarded to the Audio-Visual Communications Monitor when the grant is issued by LEAA Headquarters or Regional Office Grant Control Office.

d. Although discretionary grants are administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants, the financial reports and reporting procedures are described by the standards for administration of grants-in-aid contained in OMB Circular A-102.

26. NARRATIVE REPORTING. Discretionary Grant Progress Report, LEAA Form 4587/1, shall be used as the standard narrative reporting form for all discretionary grant awards.

a. Submission.

(1) The report is submitted by the subgrantee to its State Planning Agency on a quarterly basis (i.e., as of June 30, September 30, December 31 and March 31). (Direct grantees should follow this submission schedule but forward their reports directly to their cognizant LEAA Regional or Central Office.)

(2) The report is due at the cognizant LEAA Regional or Central Office on the 30th day following the close of the quarter.

(3) The first report will be due after the close of the FIRST full quarter following approval of the grant.

(4) The first report will cover the period from approval of the grant, through the close of the first full quarter of activity.

(5) The final progress report will be due 90 days following the close of the project or any approved extension thereof.

27. LEAA FORM 7160/1. The Financial Status Report, LEAA Form 7160/1 (H-1 Report) is the standard report form to be used for all discretionary grants awarded on July 1, 1973 or after. The form and its instructions are reproduced as appendix 3-2.

a. Submission.

(1) Grantees must submit a separate report for each discretionary grant.

(2) An original and one copy of the report is submitted quarterly, within 45 days following the end of the quarter, to the Office of the Comptroller, Washington, with a copy provided to the cognizant LEAA Regional or Central Office, and the State Planning Agency, if appropriate.

(3) Final reports are due 90 days following the close of the project or any approved extension thereof.

b. Instructions. Following are miscellaneous instructions to aid in the preparation of LEAA Form 7160/1.

(1) Item 1 - Federal Agency and Organizational Element. Enter the name of the cognizant LEAA Regional or Central Office.

(2) Item 4 - Employer Identification No. Enter the employer identification number assigned to the organization by the U.S. Internal Revenue Service (IRS).

(3) Item 5 - Grantee Account No. or Identifying No. This item is not applicable to LEAA. Enter "N/A".

(4) Item 8 - Project Period. Enter the month, day, and year of the beginning and ending period of the grant as shown in the Grant Award Letter. If this grant period has changed, the dates indicated in this item should agree with the dates shown on the latest approved Grant Adjustment Notice. The dates should be indicated as follows:

(a) Month - 01 through 12

(b) Day - 01 through 31

(c) Year - last two digits of the calendar year.

(5) Item 9 - Report Period. Enter the month, day, and year of the beginning and ending dates of the quarter for which this report is prepared. Refer to paragraph 4b(4) for the proper date format.

(6) Item 10 - Status of Funds. This item presents the obligation and expenditure status of the grant. Only the "Total" column need be completed.

(a) Line a - Total Outlays Previously Reported. Enter the total Federal and non-Federal program outlays at the beginning of the report period. This value will be the amount reported on line 10e of the previous report. Exception:

1 When the grant is being reported for the first time the value will be zero "0"

2 When using this report form for the first time, the value will be the actual amount of disbursements for the grant as of the close of business on the day prior to the first reporting day.

(b) Line b - Total Program Outlays This Period. Enter the amount of Federal and non-Federal cash disbursements reported by the grantee/subgrantee as expended for the indicated grant. This figure includes all program income returned for use in executing the grant.

(c) Line c - Program Income Credits. Enter the program income included in line b, Total Program Outlays this Period.

(d) Line d - Net Program Outlays this Period. Enter the result of line b, Total Program Outlays this Period, less line c, Program Income Credits.

(e) Line e - Total Program Outlays to Date. Enter the sum of line a, Total Outlays Previously Reported, and line d, Net Program Outlays this Period. This amount represents the cumulative outlays to date of both Federal and non-Fedral funds.

(f) Line f - Less: Non-Federal Share of Program Outlays. Enter the cumulative non-Federal share (matching contribution) of the program outlays included in line e, Total Program Outlays to Date.

(g) Line g - Total Federal Share of Program Outlays. Enter the result of line e, Total Program Outlays to Date, less line f, Non-Federal Share of Program Outlays.

(h) Line h - Total Unpaid Obligations. Enter the total Federal and non-Federal unpaid obligations for the grant. This amount represents the amount of obligations incurred by the grantee/subgrantee which have not been paid.

(i) Line i - Less: Non-Federal Share of Unpaid Obligations. Enter the non-Federal share of unpaid obligations included on line h, Total Unpaid Obligations.

(j) Line j - Federal Share of Unpaid Obligations. Enter the result of line h, Total Unpaid Obligations, less line i, Non-Federal Share of Unpaid Obligations.

(k) Line k - Total Federal Share of Outlays and Unpaid Obligations. Enter the sum of line g, Total Federal Share of Program Outlays, and line j, Federal Share of Unpaid Obligations.

(l) Line l - Total Federal Funds Authorized. Enter the total Federal grant award amount as defined by the Grant Award Letter or revised by Grant Adjustment Notices.

(m) Line m - Unobligated Balance of Federal Funds. Enter the result of line l, Total Federal Funds Authorized, less line k, Total Federal Share of Outlays and Unpaid Obligations.

(7) Item 12 - Remarks. This space will be used to provide information necessary to comply with LEAA legislative and administrative requirements. For Part C discretionary grants provide the cumulative amount of Federal funds outlayed for compensation of police and other regular law enforcement personnel during the period set forth in the grant award.

78-464 O - 77 - 48

APPENDIX 3-1. DISCRETIONARY GRANT PROGRESS REPORT

OMB APPROVAL NO. 43-R0028
EXPIRATION DATE 6-30-73

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION	DISCRETIONARY GRANT PROGRESS REPORT		
GRANTEE	LEAA GRANT NO.	DATE OF REPORT	REPORT NO.
IMPLEMENTING SUBGRANTEE	TYPE OF REPORT ☐ REGULAR QUARTERLY ☐ SPECIAL REQUEST ☐ FINAL REPORT		
SHORT TITLE OF PROJECT	GRANT AMOUNT		
REPORT IS SUBMITTED FOR THE PERIOD	THROUGH		
SIGNATURE OF PROJECT DIRECTOR	TYPED NAME & TITLE OF PROJECT DIRECTOR		
COMMENCE REPORT HERE (Add continuation pages as required.)			
RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)		DATE	

LEAA FORM 4587/1(REV. 1-73) REPLACES LEAA-OLEP-150, WHICH IS OBSOLETE. DOJ—1973—05

PROGRESS REPORTS--INSTRUCTIONS FOR LEAA DISCRETIONARY GRANTS

Grantees are required to submit Quarterly Progress Reports on project activities and accomplishments. No fixed requirements as to length or detail have been established, although some general guidelines appear below. It is expected that reports will include data appropriate to the stage of project development and in sufficient detail to provide a clear idea and summary of work and accomplishments to date. The following should be observed in preparation and submission of progress reports.

a. Reporting Party. The party responsible for preparing the report will be the agency, whether grantee or subgrantee, actually implementing the project. Thus, where a State Planning Agency is the grantee but has subgranted funds to a particular unit or agency to carry on the project, the report should be prepared by the subgrantee.

b. Due Date. Reports are submitted by the subgrantee to its State Planning Agency on a quarterly basis (i.e., as of June 30, September 30, December 31, and March 31) and are due at the cognizant Regional Office on the 30th day following the close of the quarter (unless specified otherwise by LEAA). The first report will be due after the close of the first full quarter following approval of the grant (i.e., for a grant approval on May 1 the first report will be due for the quarter ending September 30. It will cover the five month period May through September). The award recipient's final progress report will be due 90 days following the close of the project or any extension thereof.

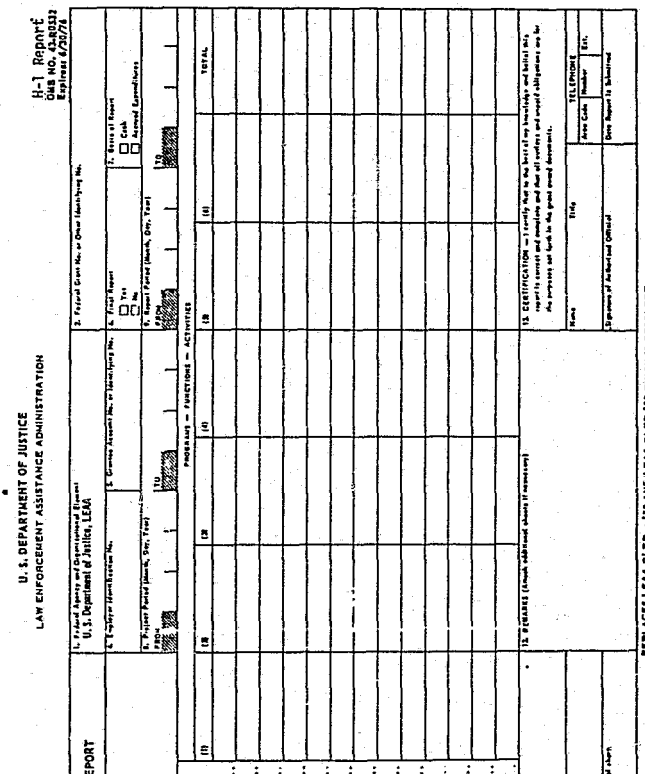
c. Form and Execution. Three (3) copies of each report should be submitted. However, five (5) copies must be submitted for all final reports. (If the grantee wishes to submit the same report to several agencies it may utilize LEAA Form 4.87/1 (1-73) as a face sheet completing all items and attach the report to it.) If continuation pages are needed, plain bond paper is to be used. It should be noted that the report is to be signed by the person designated as project director on the grant application or any duly designated successor and reviewed by the cognizant State Planning Agency.

d. Content. Reporting should be non-cumulative and describe only activities and accomplishments occurring during the reporting period. These activities and accomplishments should be described with specific attention to project phases or stages completed (e.g., initial planning stage, compilation of preliminary survey effort, purchase of required equipment, staging of pilot training program, etc.). Reports should be concrete and specific concerning accomplishments (e.g., number of people trained, volume of correctional services provided, extent of equipment usage, etc.). Special emphasis should be placed on comparison of actual accomplishments to goals established for the report period. If established goals were not met, reasons for slippage must be given. Special reports, evaluation studies, publications or articles issued during the period should be attached, and major administrative or design developments should be covered (e.g., changes in personnel, changes in project design, improvements or new methods introduced). Budget changes should be touched upon. Problem areas and critical observations should be mentioned and frankly discussed, as well as project successes.

e. Dissemination. All three (3) copies of regular quarterly progress reports and all five (5) copies of final reports should be submitted to the subgrantee's State Planning Agency. After review the State Planning Agency will forward two (2) copies of the quarterly report and four (4) copies of the final report to the cognizant LEAA Regional Office. The Regional Office will route the reports to all interested LEAA units. Copies should also be provided to other agencies cooperating in or providing services to the project.

f. Special Requirements. Special reporting requirements or instructions may be prescribed for discretionary projects in certain program or experimental areas to better assess impact and comparative effectiveness of the overall discretionary program. These will be communicated to affected grantees by LEAA.

APPENDIX 3-2. FINANCIAL STATUS REPORT



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

H-1 Report
OMB NO. 43-R0332
Expires 6/30/76

FINANCIAL STATUS REPORT

1. Federal Agency and Organizational Element to Which Report is Submitted: U.S. Department of Justice, LEAA

2. Federal Grant No. or Other Identifying No.

3. Recipient Organization (Name and complete address, including ZIP code)

4. Employer Identification No.

5. Recipient Account No. or Identifying No.

6. Final Report: ☐ Yes ☐ No

7. Basis of Report: ☐ Cash ☐ Accrued Expenditures

8. Project Period (Month, Day, Year): FROM [ ] [ ] [ ] TO [ ] [ ] [ ]

9. Report Period (Month, Day, Year): FROM [ ] [ ] [ ] TO [ ] [ ] [ ]

10. STATUS OF FUNDS — PROGRAM — FUNCTIONS — ACTIVITIES

	(1)	(2A)	(2B)	(3)	(4)	(2A)	(2B)	(5)	TOTAL
a. Total outlays previously reported (Line 10h from previous report)									
b. Total program outlays this period									
c. Less: Program income credits									
d. Net program outlays this period (Line b minus Line c)									
e. Total program outlays to date (Sum of Lines a and d)									
f. Less: Non-Federal share of program outlays									
g. Total Federal share of program outlays (Line e minus Line f)									
h. Total unpaid obligations									
i. Less: Non-Federal share of unpaid obligations									
j. Federal share of unpaid obligations (Line h minus Line i)									
k. Total Federal share of outlays and unpaid obligations (Line g plus Line j)									
l. Total Federal funds authorized									
m. Unobligated balance of Federal funds (Line l minus Line k)									

11. Indirect Expense: a. Type of rate (Mark box) ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed

b. Rate

c. Base

d. Total amount

e. Federal share

12. REMARKS (Attach additional sheets if necessary)

13. CERTIFICATION — I certify that to the best of my knowledge and belief this report is correct and complete and that all outlays and unpaid obligations are for the purposes set forth in the grant award documents.

Name | Title | TELEPHONE (Area Code, Number, Ext.)

Signature of Authorized Official | Date Report is Submitted

LEAA FORM 7160/1 (6-75)

REPLACES LEAA OLEP – 189 AND LEAA OLEP 185 WHICH IS OBSOLETE.

INSTRUCTIONS FOR PREPARING THE FINANCIAL STATUS REPORT

Item 1 – Enter the name of the cognizant LEAA Regional or Central Office.

Item 2 – Enter the Federal grant number.

Item 3 – Enter the name and complete mailing address including the ZIP code for the SPA or other grantee organization.

Item 4 – Enter the employer identification number assigned by the U. S. Internal Revenue Service.

Item 5 – Enter "NA" for not applicable.

Items 6 and 7 – Mark the appropriate block.

Item 8 – Enter the month, day, and year of the beginning and ending period of the grant. The ending period should reflect any approved extension date.

Item 9 – Enter the month, day, and year of the beginning and ending dates of the quarter for which this report is prepared.

Item 10 –

Line a. Enter the total outlays reported on Line 10e of the previous report. Show zero, if this is the initial report for the grant.

Line b. Enter the total gross program outlays for this report period, including disbursements of cash realized as program income. For reports which are prepared on a cash basis, outlays are the sum of the subgrantees actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors. For reports prepared on an accrued expenditure basis, outlays are the sum of the subgrantees actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the subgrantee for goods and other property received and for services performed by employees, contractors, and other payees. Outlays for Planning Grants include both the outlays made by the SPA for its own operation and outlays reported by the subgrantees.

Line c. The report prepared on a cash basis, enter the amount of cash income received during the quarter which is to be used in the project or program in accordance with the terms of the grant. For reports prepared on an accrual basis, enter the amount of the net increase (or decrease) in the amount of accrued income since the beginning of the report period.

Line d. This amount should be the difference between amounts shown on Lines b and c.

Line e. Enter the sum of amounts shown on Lines a and d above. This amount represents the cumulative outlays to date of both Federal and non-Federal funds.

Line f. Enter the cumulative non-Federal share ("Match") of the program outlays included in the amount of Line e.

Line g. Enter the cumulative Federal share of program outlays. The amount should be the difference between Lines e and f.

Line h. For reports prepared on a cash basis, enter the total amount of unpaid obligations for this grant. Unpaid obligations for Planning Grants consist of unpaid obligations of the SPA for its own operation plus unpaid obligations reported by the subgrantees. For reports prepared on an accrued expenditure basis, enter the amount of undelivered orders and other outstanding obligations. Do not include any amounts that have been included on Lines a through g. On the final report, Line h should have a zero balance.

Line i. Enter the non-Federal share of unpaid obligations included on Line h. On the final report, Line i should have a zero balance.

Line j. Enter the Federal share of unpaid obligations included on Line h. The amount shown on this line should be the difference between the amounts on Lines h and i. On the final report, Line j should have a zero balance.

Line k. Enter the sum of the amounts shown on Lines g and j. If the report is final, the report should not contain any unpaid obligations.

Line l. Enter the total amount of the federal grant.

Line m. Enter the unobligated balance of Federal funds. This amount should be the difference between Lines l and k.

Item 11 – INDIRECT EXPENSE

a. Type of rate – Mark appropriate block.
b. Rate – Enter the rate in effect during the quarter.
c. Base – Enter the amount of the base to which the rate was applied.
d. Total Amount – Enter the total amount of the Federal share charged during the quarter.
e. Federal Share – Enter the amount of the Federal share charged during the report period.

When reporting on Planning or Block Action Grants, complete only items d and e. Enter "N/A" for items a through c.

If more than one rate was applied during the project period, indicate a separate schedule which shows the basis against which the indirect cost rates were applied, the respective indirect rates, the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date. (See Office of Management and Budget Circular No. A-87 which contains principles for determining allowable costs of grants and contracts with State and local governments.)

Item 12 – Provide the following information, if applicable:

a. Planning Grants
   (1) Consultant services – the amount included in Line k for consultant services.
   (2) Pass-through – the cumulative amount of awards to subgrantees.
b. Block Action Grants – Part C
   (1) Pass-through – the cumulative amount of Federal funds subgranted to local units of government. This amount should include subgrants to units of state government for the benefit of local units of government when such a waiver has been granted.
   (2) Buy-in – the cumulative amount of State funds provided to local units of government to be used as part of the grantee contribution.
   (3) One-third Personnel Limitation – the cumulative amount of Federal funds outlayed for compensation of police and other regular law enforcement personnel. This is only required to be shown on the final M-1 report.
c. Categorical Grants – Part C
   One-third Personnel Limitation – the cumulative amount of Federal funds outlayed for compensation of policy and other regular law enforcement personnel.

Item 13 – The contents of this item are self-explanatory

ADDITIONAL INFORMATION

A. All cash figures will be shown in parenthesis ( ).

B. Due Date: Quarterly, within 45 days after end of quarter. Final reports are due 90 days after end of grant period or after completion.

C. Distribution: Original and one copy to–
   U. S. Department of Justice, LEAA
   Budget and Finance Division
   Washington, D. C. 20530
   One copy to cognizant LEAA Regional or Central Office.
   One copy to be retained by SPA or other grantee.

APPENDIX 1. PRELIMINARY APPLICATION

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OMB NO 80-R0187

PREAPPLICATION FOR FEDERAL ASSISTANCE PART I	1. State Clearinghouse Identifier 2. Applicant's Application No.
3. Federal Grantor Agency Organizational Unit Administrative Office Street Address – P.O. Box City State Zip Code	4. Applicant Name Department Division Street Address – P.O. Box City County State Zip Code
5. Descriptive Name of the Project	
6. *Federal Catalog No.	7. Federal Funding Needed $
8. Grantee Type _____ State, _____ County, _____ City, _____ Other (Specify)	
9. Type of Assistance _____ Grant, _____ Loan, _____ Other (Specify)	
10. Population Directly Benefiting from the Project	12. Length of Project
11. Congressional District a. b.	13. Beginning Date 14. Date of Application

15. The applicant certifies that to the best of his knowledge and belief, the data in this preapplication are true and correct, and the filing of the preapplication has been duly authorized by the governing body of the applicant.

Typed name	Title	Telephone Number		
		AREA CODE	NUMBER	EXT.
Signature of authorized representative				
For Federal Use Only				

LEAA FORM 4000/2 (7-71)

INSTRUCTIONS

This form shall be used for all Federal assistance projects for construction, land acquisition or land development in excess of $100,000 Federal funding. It is not applicable to continuing grants after the initial grant has been awarded, or to requests for supplements or revisions to existing grants or loans. However, the applicant may submit the preapplication form for other assistance requests, and the Federal grantor agency may require the preapplication form for other assistance requests.

Submit the original and two copies of all required forms. If an item cannot be answered or does not appear to be related or relevant to the assistance requested, write "NA" for not applicable.

Item 1 – Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 – Enter the applicant's preapplication number or other identifier.

Item 3 – Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the grantor agency.

Item 4 – Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity and the complete address of the applicant.

Item 5 – Enter the descriptive name of this project.

Item 6 – Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance request pertains to more than one catalog number, leave this space blank and list the catalog numbers in Part III.

Item 7 – Enter the approximate amount that is requested from the Federal government. The amount should include the total funds requested in this application and should agree with the total amounts shown in Part III, Line 6, Column (e).

Item 8 – Check one grantee type. If the grantee is other than a State, county, or city government, specify the type of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 – Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV.

Item 10 – Enter the number of persons directly benefiting from this project. For example, if the project is a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 11

a. Enter the congressional district in which the applicant is located.
b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 12 – Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 13 – Enter the approximate date the project is expected to begin.

Item 14 – Enter the date this application is submitted.

Item 15 – Complete the certification before submitting the report.

November 22, 1974

M 4500.1C
OMB NO. 50-R0157
Appendix 1

PREAPPLICATION FOR FEDERAL ASSISTANCE

PART II

1. Does this assistance request require State, local, regional or other priority rating? _____ Yes _____ No
2. Does this assistance request require State or local advisory, educational or health clearance? _____ Yes _____ No
3. Does this assistance request require Clearinghouse review? _____ Yes _____ No
4. Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No
5. Is the proposed project covered by an approved comprehensive plan? _____ Yes _____ No
6. Will the assistance requested serve a Federal installation? _____ Yes _____ No
7. Will the assistance requested be on Federal land or installation? _____ Yes _____ No
8. Will the assistance requested have an effect on the environment? _____ Yes _____ No
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____ Yes _____ No
10. Is there other related assistance for this project previous, pending, or anticipated? _____ Yes _____ No

PART III – PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1.				
2.				
3.				
4.				
5.				
6. Total Federal Contribution		$	$	$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals		$	$	$

PART IV – PROGRAM NARRATIVE STATEMENT
(Attach per instruction)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with the instructions.

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the date it will be obtained.

Item 3 – Attach the clearinghouse comments for the preapplication in accordance with the instructions contained in Office of Management and Budget Circular No. A-95.

Item 4 – Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 5 – Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it. Federal agencies will provide separate instructions, if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status, and amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Complete: Lines 1-5 – Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 – Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 – Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 – Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 – Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 – Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

APPENDIX 2. ADDRESSES OF STATE PLANNING AGENCIES
(As of October, 1974)

ALABAMA
Robert G. Davis, Director
Alabama Law Enforcement Planning Agency
501 Adams Avenue
Montgomery, Alabama 36104
205/269-6665

ALASKA
Larry S. Parker, Executive Director
Governor's Commission on the
Administration of Justice
Pouch AJ
Juneau, Alaska 99801
907/465-3530

ARIZONA
Albert N. Brown, Executive Director
Arizona State Justice Planning Agency
Continental Plaza Building
5119 North 19th Avenue, Suite M
Phoenix, Arizona 85015
602/271-5466

ARKANSAS
Ray Biggerstaff, Director
Commission on Crime and Law Enforcement
1000 University Tower Building
12th at University
Little Rock, Arkansas 72204
501/371-1305

CALIFORNIA
Anthony L. Palumbo, Executive Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, California 95823
916/445-9156

COLORADO
Joseph C. Murdock, Executive Director
Division of Criminal Justice
Department of Local Affairs
1370 Broadway, Room 210
Denver, Colorado 80203
303/892-3331

CONNECTICUT
H. Rollie Sterrett, Executive Director
Governor's Planning Committee on
Criminal Administration
75 Elm Street
Hartford, Connecticut 06115
203/566-3020 or 246-2349

DELAWARE
Norma V. Handloff, Director
Delaware Agency to Reduce Crime
Room 405 - Central YMCA
11th and Washington Streets
Wilmington, Delaware 19801
302/571-3430

DISTRICT OF COLUMBIA
Benjamin Renshaw, Executive Director
Office of Criminal Justice Plans and Analysis
Munsey Building, Room 200
1329 E Street, NW
Washington, D.C. 20004
202/629-5063

FLORIDA
Charles Davoli, Bureau Chief
Bureau of Criminal Justice Planning
and Assistance
Byrant Building
620 South Meridian Street
Tallahassee, Florida 32304
904/488-6001

GEORGIA
Jim Higdon, Administrator
Office of the State Crime Commission
Suite 306
1430 West Peachtree Street, NW
Atlanta, Georgia 30309
404/656-3825

GUAM
Edward C. Aguon, Director
Comprehensive Territorial Crime Commission
Office of the Governor
P. O. Box 2950
Agana, Guam 96910
Guam/772-8781

CONTINUED

8 OF 19

HAWAII
Dr. Irwin Tanaka, Director
State Law Enforcement and Juvenile Delinquency
Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, Hawaii 96813
808/548-4572

IDAHO
Robert C. Arneson, Director
Law Enforcement Planning Commission
State House, Capitol Annex No. 3
Boise, Idaho 83707
208/384-2364

ILLINOIS
Dr. David Fogel, Executive Director
Illinois Law Enforcement Commission
120 South Riverside Plaza
Chicago, Illinois 60606
312/454-1560

INDIANA
Frank A. Jessup, Executive Director
Indiana Criminal Justice Planning Agency
215 N. Senate
Indianapolis, Indiana 46202
317/633-4773

IOWA
George W. Orr, Executive Director
Iowa Crime Commission
520 E. 9th Street
Des Moines, Iowa 50319
515/281-3241

KANSAS
Thomas W. Regan, Director
Governor's Committee on Criminal Administration
535 Kansas Avenue
10th Floor
Topeka, Kansas 66603
913/296-3066

KENTUCKY
A. Wilson Edwards, Administrator
Executive Office of Staff Services
Department of Justice
209 St. Clair Street - 5th Floor
Frankfort, Kentucky 40601
502/564-6710

LOUISIANA
Wingate M. White, Executive Director
Louisiana Commission on Law Enforcement
and Administration of Criminal Justice
Room 314, 1885 Wooddale Boulevard
Baton Rouge, Louisiana 70806
504/389-7178

MAINE
John B. Leet, Executive Director
Maine Law Enforcement Planning and
Assistance Agency
295 Water Street
Augusta, Maine 04330
207/289-3361

MARYLAND
Richard C. Wertz, Executive Director
Governor's Commission on Law Enforcement
and Administration of Justice
Executive Plaza One, Suite 302
Cockeysville, Maryland 21030
301/666-9610

MASSACHUSETTS
Arnold P. Rosenfeld, Executive Director
Committee on Criminal Justice
Room 1230
80 Bolyston Street
Boston, Massachusetts 02116
617/727-5497

MICHIGAN
Don P. LeDuc, Administrator
Office of Criminal Justice Programs
Lewis Cass Building - 2nd Floor
Lansing, Michigan 48913
517/373-3992

MINNESOTA
Dr. Robert E. Crew, Jr., Executive Director
Governor's Commission on Crime Prevention
and Control
444 Lafayette Road, 6th Floor
St. Paul, Minnesota 55101
612/296-3052

MISSISSIPPI
William R. Grissett, Executive Director
Division of Law Enforcement Assistance
Suite 200, Watkins Building
510 George Street
Jackson, Mississippi 39201
601/354-6591

MISSOURI
Robert C. Gruensfelder, Executive Director
Missouri Law Enforcement Assistance Council
P. O. Box 1041
Jefferson City, Missouri 65101
314/751-3432

MONTANA
Michael Lavin, Acting Executive Director
Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601
406/449-3604

NEBRASKA
Harris R. Owens, Executive Director
Nebraska Commission on Law Enforcement
and Criminal Justice
State Capitol Building
Lincoln, Nebraska 68509
402/471-2194

NEVADA
Carrol T. Nevin, Director
Commission on Crime Delinquency
and Corrections
State Capitol
1209 Johnson Street
Carson City, Nevada 89701
702/885-4405

NEW HAMPSHIRE
Roger J. Crowley, Director
Governor's Commission on Crime
and Delinquency
80 South Main Street
Concord, New Hampshire 03301
603/271-3601

NEW JERSEY
John J. Mullaney, Executive Director
State Law Enforcement Planning Agency
3535 Quaker Bridge Road
Trenton, New Jersey 08625
609/292-3741

NEW MEXICO
Norman E. Mugleston, Executive Director
Governor's Council on Criminal
Justice Planning
P. O. Box 1770
Santa Fe, New Mexico 87501
505/827-2524

NEW YORK
Thomas S. Chittenden, Deputy Commissioner
State of New York, Division of
Criminal Justice Services
270 Broadway, 8th Floor
New York, New York 10007
212/488-3891

NORTH CAROLINA
Donald R. Nichols, Administrator
Division of Law and Order
North Carolina Department of Natural and
Economic Resources
P. O. Box 27687
Raleigh, North Carolina 27611
919/829-7974

NORTH DAKOTA
Robert Holte, Acting Director
North Dakota Combined Law Enforcement Council
Box B
Bismarck, North Dakota 58501
701/224-2594

OHIO
Colonel Alphonso Montgomery
Administration of Justice Division
Ohio Department of Economic and
Community Development
Box 1001
Columbus, Ohio 43216
614/369-7610

OKLAHOMA
James GTeason, Acting Director
Oklahoma Crime Commission
5235 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105
405/521-3392

OREGON
Robert D. Houser, Administrator
Executive Department, Law Enforcement Council
240 Cottage Street, S. E.
Salem, Oregon 97310
503/378-4347

PENNSYLVANIA
John T. Snavely, II
Governor's Justice Commission
Department of Justice
P. O. Box 1167
Federal Square Station
Harrisburg, Pennsylvania 17120
717/787-2042

PUERTO RICO
Dionisio Manzano, Director
Puerto Rico Crime Commission
G.P.O. Box 1256
Hato Rey, Puerto Rico 00936
809/783-0398

RHODE ISLAND
Bradford E. Southworth, Executive Director
Governor's Committee on Crime, Delinquency
and Criminal Administration
265 Melrose Street
Providence, Rhode Island 02907
401/277-2620 or 2621

SOUTH CAROLINA
Lee M. Thomas, Executive Director
Office of Criminal Justice Programs
Edgar A. Brown State Office Building
1205 Pendleton Street
Columbia, South Carolina 29201
803/758-3573

SOUTH DAKOTA
Randolph J. Seiler, Acting Director
South Dakota State Criminal
Justice Commission
118 West Capitol
Pierre, South Dakota 57501
605/224-3661

TENNESSEE
Francis W. Norwood, Executive Director
Tennessee Law Enforcement Planning Agency
Suite 205, Capitol Hill Building
301 - 7th Avenue, North
Nashville, Tennessee 37219
615/741-3521

TEXAS
Robert C. Flowers, Executive Director
Criminal Justice Council, Executive Department
610 Brazos
Austin, Texas 78701
512/476-7201

UTAH
Robert B. Andersen, Director
Law Enforcement Planning Agency
Room 304 - State Office Building
Salt Lake City, Utah 84114
801/328-5731

VERMONT
Michael K. Krell, Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, Vermont 05602
802/828-2351

VIRGINIA
Richard N. Harris, Director
Division of Justice and Crime Prevention
8501 Mayland Drive, Parham Park
Richmond, Virginia 23229
804/770-7421

VIRGIN ISLANDS
Melville M. Stevens, Administrator
Virgin Islands Law Enforcement Commission
Box 280 - Charlotte Amalie
St. Thomas, Virgin Islands 00801
809/774-6400

WASHINGTON
Saul Arrington, Administrator
Law and Justice Planning Office
Office of Community Development
Office of the Governor
Olympia, Washington 98504
206/753-2235

WEST VIRGINIA
Gerald S. White, Executive Director
Governor's Commission on Crime,
Delinquency and Corrections
Morris Square, Suite 321
1212 Lewis Street
Charleston, West Virginia 25301
304/348-8814

WISCONSIN
Robert Stonek, Executive Director
Wisconsin Council on Criminal Justice
122 W. Washington Avenue
Madison, Wisconsin 53702
608/266-3323

WYOMING
John B. Rogers, Administrator
Governor's Planning Committee on
Criminal Administration
State Office Building
Cheyenne, Wyoming 82002
307/777-7716

AMERICAN SAMOA
Clarence E. Scanlan, Director
Territorial Criminal Justice Planning Agency
Office of the Attorney General
Box 7
Pago Pago, American Samoa 96920
Pago, Pago, 33431

APPENDIX 3. SUGGESTED FORM OF STATE PLANNING AGENCY APPROVAL AND CERTIFICATION RE DISCRETIONARY GRANT AWARD

U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration

DISCRETIONARY GRANT APPLICATION
ENDORSEMENT STATE PLANNING AGENCY
CERTIFICATION AND APPROVAL

Discretionary Grant Application Title:_____

Implementing Agency or Governmental Unit:_____

To: Regional Office_____
Law Enforcement Assistance Administration

The undersigned State Planning Agency ("SPA"), duly constituted under P.L. 90-351, as amended, has reviewed the attached grant application and represents as follows:

1. The proposed project is deemed consistent with the State comprehensive law enforcement plan and is endorsed for favorable consideration by LEAA pursuant to the terms of the discretionary funds program under which it is being submitted.

2. If approved for grant award by LEAA, the State Planning Agency will integrate or incorporate the project as an action effort within the current year action plan component of the State's next comprehensive law enforcement plan.

3. If approved for grant award by LEAA, the State Planning Agency is willing to be the grant recipient and, in turn, to subgrant funds to the relevant unit of State or local government, or combination of units, for execution of the project in accordance with the application. This endorsement will constitute the SPA as co-applicant with the implementing agency or unit of government for such purposes and the SPA reserves the right to apply its normal subgrant administration and reporting requirements to this project.

4. If the application is approved for grant award by LEAA, the State Planning Agency certifies that its "block grant" allocations or subgrants to the implementing State agency or unit of local government or to the region or metropolitan area in which it is located will not, by virtue of such discretionary award action, be reduced or curtailed.

5. This application has been submitted to the State, regional and metropolitan Clearinghouses in accordance with OMB Circular A-95. Clearinghouse review [ ] has [ ] has not been completed.

State Planning Agency:_____

Date:_____ By:_____
(authorized officer)

Note: Where the State Planning Agency, for any reason, is unable to complete the endorsement as constituted, it should promptly notify the presenting unit or LEAA and explain the reasons or submit a certification containing such modifications as it may deem acceptable.

Where the State cannot enforce liability, the following SPA certification should be added:

"The State does not have an adequate forum in which to pursue subgrantee liability in the event of illegal use of funds under this grant. Therefore, this certification is subject to LEAA waiver of State liability and LEAA agreement to pursue legal remedies for fund misuse if necessary."

APPENDIX 4. APPLICATION FOR FEDERAL ASSISTANCE (NONCONSTRUCTION PROGRAMS), LEAA FORM 4000/3

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

OMB NO. 43-R-0526
EXPIRES 6/75

APPLICATION FOR FEDERAL ASSISTANCE (NONCONSTRUCTION PROGRAMS) PART I	1. State Clearinghouse Identifier 2. Applicant's Application No.
3. Federal Grantor Agency Organizational Unit Administrative Office Street Address – P.O. Box City / State / Zip Code	4. Applicant Name Department Division Street Address – P.O. Box City / County State / Zip Code
5. Descriptive Name of the Project	
6. Federal Catalog No.	7. Federal Funding Requested $
8. Grantee Type _____ State, _____ County, _____ City, _____ Other (Specify)	
9. Type of Application or Request _____ New Grant, _____ Continuation, _____ Supplement, _____ Other Changes (Specify)	
10. Type of Assistance _____ Grant, _____ Loan, _____ Other (Specify)	
11. Population Directly Benefiting from the Project	12. Length of Project
12. Congressional District a. b.	14. Beginning Date 15. Date of Application
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.	
Typed Name	Title / Telephone Number (Area Code / Number / Ext.)
Signature of Authorized Representative	
For Federal Use Only	

LEAA Form 4000/3(Rev.8-74) Replaces edition of 6-73 which is obsolete.

INSTRUCTIONS

PART I

This form shall be used for all Federal assistance except for (a) construction, land acquisiton or land development projects and (b) single purpose one-time assistance requests of less than $10,000 which do not require a clearinghouse review, an environmental impact statement, or relocation of persons, businesses or farms. This form shall be used also to request supplemental assistance, to propose changes or amendments, and to request continuation or refunding, for approved grants originally submitted on this form.

Submit the original and two copies of the forms. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable. When a request is made for supplemental assistance, amendments or changes to an approved grant, submit only those pages which are appropriate.

Item 1 – Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment O, Office of Management and Budget Circular No. A-95.

Item 2 – Enter the applicant's application number or other identifier. If a preapplication was submitted, show also the number that appeared on the preapplication if different than the application number.

Item 3 – Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the Federal grantor agency.

Item 4 – Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity, and the complete address of the applicant.

Item 5 – Enter the descriptive name of this project.

Item 6 – Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance will pertain to more than one catalog number, leave this space blank and list the catalog numbers under Part III, Section A.

Item 7 – Enter the amount that is requested from the Federal Government in this application. This amount should agree with the total amount shown in Part III, Section A, Line 5 of Column (e). For revisions, changes, or amendments, show only the amount of the increase or decrease.

Item 8 – Check one grantee type. If the grantee is other than a State, county, or city government, specify the type of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 – Check the type of application or request. If the "Other Changes" block is checked, specify the type of change. The definitions for terms used in Item 9 are as follows:

a. New grant – an action which is being submitted by the applicant for the first time.

b. Continuation grant – an action that pertains to the continuation of a multi-year grant (e.g., the second year award for a project which will extend over five years).

c. Supplemental grant – an action which pertains to an increase in the amount of the Federal contribution for the same period.

d. Changes in the existing grant – Specify one or more of the following:

(1) Increase in duration – a request to extend the grant period.

(2) Decrease in duration – a request to reduce the grant period.

(3) Decrease in amount – a request to decrease the amount of the Federal contribution.

Item 10 – Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV – Program Narrative.

Item 11 – Enter the number of persons directly benefiting from this project. For example, if the project is for a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 12

a. Enter the congressional district in which the applicant is located.

b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 13 – Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 14 – Enter the approximate date the project is expected to begin.

Item 15 – Enter the date this application is submitted.

Item 16 – Complete the certification before submitting the report.

OMB NO. 80-R0 186

PART II

PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local, regional, or other priority rating?
_____Yes _____No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____Yes _____No

Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?
_____Yes _____No

(Attach Comments)

Item 4.
Does this assistance request require State, local, regional or other planning approval?
_____Yes _____No

Name of Approving Agency _____
Date _____

Item 5.
Is the proposed project covered by an approved comprehensive plan?
_____Yes _____No

Check one: State ☐
Local ☐
Regional ☐
Location of Plan _____

Item 6.
Will the assistance requested serve a Federal installation?
_____Yes _____No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 7.
Will the assistance requested be on Federal land or installation?
_____Yes _____No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 8.
Will the assistance requested have an impact or effect on the environment?
_____Yes _____No

See instructions for additional information to be provided.

Item 9.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____Yes _____No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10.
Is there other related assistance on this project previous, pending, or anticipated?
_____Yes _____No

See instructions for additional information to be provided.

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 – Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 – Furnish the name of the approving agency and the approval date.

Item 5 – Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

OMB NO. 80-R0184

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A, Budget Summary
Lines 1-4, Columns (a) and (b).

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to *multiple* programs where *none* of the programs *require* a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period *only* if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should *not* equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B, Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h — Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 — Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

OMB NO. 80-R0186

SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

INSTRUCTIONS

PART III
(continued)

Section C. Source of Non-Federal Resources

Line 8-11 — Enter amounts of non-Federal resources that will be used on the grant. (See attachment F, Office of Management and Budget Circular No. A-102.) See LEAA instructions this page.

Column (a) — Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) — Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Office of Management and Budget Circular No. A-102.)

Column (c) — Enter the State contribution if the applicant is *not* a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) — Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) — Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 — Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 — Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 — Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 — Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 — Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F — Other Budget Information.

Line 21 — Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 — Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 — Provide any other explanations required herein or any other comments deemed necessary.

LEAA Instructions

Applicants must provide on a separate sheet(s) a budget narrative which will detail by budget category, the federal and nonfederal (in-kind and cash) share. The grantee cash contribution should be identified as to its source, i.e., funds appropriated by a state or local unit of government or donation from a private source. The narrative should relate the items budgeted to project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category.

INSTRUCTIONS

PART IV
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

3. APPROACH.

a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.

d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information: name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.

b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.

c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3a. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office or unit.

b. If the grantee is a unit of state or local government, state planning agency or law enforcement agency, it will comply with Title VII of the Civil Rights Act of 1964, as amended, and 28 C.F.R. 42.201 et seq. prohibiting discrimination in employment practices based on race, color, creed, sex or national origin. Additionally, it will obtain assurances from all subgrantees, contractors and subcontractors that they will not discriminate in employment practices based on race, color, creed, sex or national origin.

c. It will comply with and will insure compliance by its subgrantees and contractors with Title I of the Crime Control Act of 1973, Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Departmentof Justice (28 C.F.R. Part 42) such that no person, on the basis of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by LEAA.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

APPENDIX 6. ADDRESSES AND MAP OF LEAA REGIONAL OFFICES

REGION 1 - BOSTON
George K. Campbell
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109
617/223-4671 (Admin.)
617/223-7256 (Opns)
617/223-5675 (TA & BOP)
617/223-5665 (Fin.Mgmt Div)

REGION 2 - NEW YORK
Jules Tesler
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
26 Federal Plaza, Rm. 1337
Federal Office Building
New York, New York 10007
212/264-4132 (RA)
212/264-9196 (Admin.)
212/264-4482 (TA)
212/264-2535 (Opns)

REGION 3 - PHILADELPHIA
Cornelius M. Cooper
Regional Administrator
LEAA - U. S. Dept. of Justice
325 Chestnut Street, Suite 800
Philadelphia, Pennsylvania 19106
215/597-9440 thru 9442 (RA & Dep.)
215/597-9443 thru 46 (TA)
215/597-0804 thru 06 (Grants Mgmt Div)

REGION 4 - ATLANTA
Charles Rinkevich
Regional Administrator
LEAA - U. S. Dept. of Justice
730 Peachtree Street, NE., Rm. 985
Atlanta, Georgia 30308
404/526-5868 (Admin.)
404/526-3414 (Opns)
404/526-3556 (TA)

REGION 5 - CHICAGO
Edwin R. LaPedis
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
O'Hare Office Center, Room 121
3166 Des Plaines Avenue
Des Plaines, Illinois 60018
312/353-1203

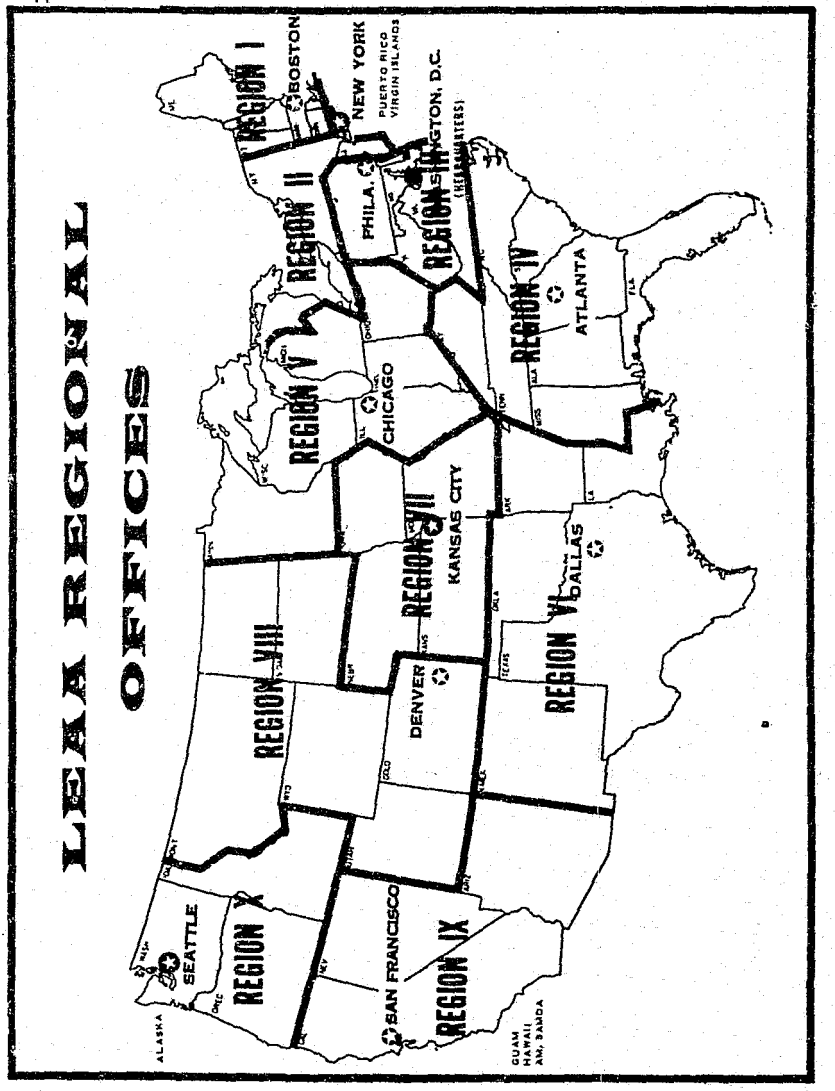
REGION 6 - DALLAS
Robert Grimes
Regional Administrator
LEAA - U. S. Dept. of Justice
500 S. Ervay Street, Suite 313-C
Dallas, Texas 75201
214/749-7211

REGION 7 - KANSAS CITY
Marvin Ruud
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
436 State Avenue
Kansas City, Kansas 66101
816/374-4501 (Admin.)
816/374-4504 (Opns)
816/374-4508 (TA)

REGION 8 - DENVER
Joseph Mulvey
Regional Administrator
LEAA - U. S. Dept. of Justice
Federal Building, Rm. 6324
Denver, Colorado 80202
303/837-4784 (RA) -2456 (Admin.)
303/837-2367 (Prog) -2385 (Grants)
303/837-4265 (Spec Svc) -4141 (BOP)
303/837-4940 (Indian Desk)

REGION 9 - SAN FRANCISCO
Thomas Clark
Regional Administrator
LEAA - U. S. Dept. of Justice
1860 El Camino Real, 4th Floor
Burlingame, California 94010
415/697-4046 (FTS 415/341-3401)

REGION 10 - SEATTLE
Bernard G. Winckoski
Regional Administrator
LEAA - U. S. Dept. of Justice
130 Andover Building
Seattle, Washington 98188
206/442-1170


LEAA REGIONAL OFFICES
REGION I
BOSTON
NEW YORK
PUERTO RICO
VIRGIN ISLANDS
REGION II
PHILA.
REGION III
WASHINGTON, D.C.
(HEADQUARTERS)
REGION IV
ATLANTA
REGION V
CHICAGO
REGION VII
KANSAS CITY
REGION VI
DALLAS
REGION VIII
DENVER
REGION X
SEATTLE
ALASKA
REGION IX
SAN FRANCISCO
GUAM
HAWAII
AM. SAMOA

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APPENDIX 7. APPLICABILITY OF M 7100.1A, FINANCIAL MANAGEMENT OF PLANNING AND ACTION GRANTS TO THE ADMINISTRATION OF DISCRETIONARY GRANTS

1. BACKGROUND. Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants has been developed as a complete reference source and guide for financial questions arising in the administration of action grants by State Planning Agencies, including grants from discretionary funds.

2. APPLICABILITY. Since it is anticipated that grants under the discretionary programs will normally be applied for through, and administered by, State Planning Agencies, the provisions of M 7100.1A relating to subgrantees will be directly applicable to projects receiving funds under the discretionary grant program, subject to the exceptions or clarifications which follow in this appendix.

3. STATE PLANNING AGENCY SUPERVISION AND MONITORING RESPONSIBILITY.

   a. As LEAA's grantee, the State Planning Agency has responsibility for assuring proper administration of subgrants under the discretionary grant program including responsibility for:

      (1) Proper conduct of the financial affairs of any subgrantee or contractor insofar as they relate to programs or projects for which discretionary grant funds have been made available and

      (2) Default in which the State Planning Agency may be held accountable for improper use of grant funds.

   b. When the SPA is the grantee and the ultimate recipient of the funds is a subgrantee, the following approvals are authorized.

      (1) A SUBGRANTEE may transfer, between direct cost object class budget categories, the following:

         (a) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or $10,000 whichever is greater (for grant budgets in excess of $100,000) or

         (b) A cumulative 5 percent change of the grant budget (for grants of $100,000 or less).

(2) The SPA shall give prior approval for:

(a) Any cumulative amount of transfers exceeding the limitations set forth in paragraph 3b(1) and (2) above.

(b) Extensions of discretionary projects up to three months beyond the approved duration.

(c) Cost items normally requiring grantor approval except where a budget change is involved above the limits in paragraph 3b(1) and (2) above.

(d) All other deviations from a discretionary grant.

c. When the GRANTEE is also the ultimate recipient of the funds (No SPA supervision and monitoring), the grantee may:

(1) Transfer, between direct cost object class budget categories, the following:

(a) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or $10,000 whichever is greater (for grant budgets in excess of $100,000) or

(b) A cumulative 5 percent change of the grant budget (for grants of $100,000 or less).

(2) The cognizant monitoring office shall give prior approval for:

(a) Any cumulative amount of transfers exceeding the limitations set forth in paragraph 3b(1) and 3b(1)b above.

(b) Extensions of discretionary projects beyond the approved duration in accordance with approved policy.

(c) Cost items normally requiring grantor approval except where a budget change is involved above the limits in paragraph 3b(1)a and 3b(1)b above.

(d) All other deviations from a discretionary grant.

4. ALLOWABILITY OF COSTS. The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in OMB Circular No. A-87, "Federal Management Circular (FMC)" and in the LEAA Guideline Manual for Planning and Action Grants, M 7100.1A.

   a. Each individual project supported under the discretionary grant program will, unless otherwise provided in program specifications, be subject to a separate grant application to the Administration incorporating a detailed budget of proposed project costs.

   b. The budget narrative will set forth the details of cost items specified in chapter 3 of M 7100.1A as requiring specific prior approval.

   c. Award of the discretionary grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.

   d. Cost items requiring "grantor approval" under M 7100.1A may be handled by the State Planning Agencies exactly as in the case of subgrants under the block grant program EXCEPT where a budget change is involved above the dollar limits set forth in paragraph 3b(2) of this appendix.

   e. Where M 7100.1A requires the specific approval of LEAA or when changes in any of the budget categories exceed the limitations set forth in paragraph 3b(2) of this apppendix, these items will receive consideration and subsequent approval or disapproval by the Administration.

   f. Changes among items within one of the budget categories may be made by the subgrantee without prior approval but will otherwise remain subject to M 7100.1A cost allowability and budget requirements.

   g. Limitation of travel and subsistence charges by grantee to levels allowed under Federal travel regulations (or for the grantee's established travel policies if lower), including use of less than first class accommodations in air and rail travel and the applicable per diem rate at the time the expense is incurred. Exceptions to this requirement must have the prior approval of the LEAA awarding office. (See LEAA Guideline G 7100.3, dated September 10, 1974, for further information.)

5. GRANTEE CONTRIBUTIONS AND MATCHING SHARES.

   a. All individual grants made under the discretionary grant program are subject to grantee matching contribution requirements as stated in chapter 4 of M 7100.1A.

   b. Not more than one-third of any discretionary grant may be expended for compensation of police, and other regular law enforcement and criminal justice personnel exclusive of time engaged in training programs or in research, development, demonstration, or other short term programs (Indian manpower projects not to exceed 24 months duration excepted).

   c. Matching contribution data, including the cash match, will be presented in each grant application for discretionary funds.

6. AWARD AND PAYMENT OF GRANT FUNDS.

   a. As grant applications are approved by the Administration, grantees will receive formal statements of award evidencing such action and indicating the amount and type of grant and any special conditions of the grant.

   b. State Planning Agencies will normally be the grantees and as such will be obligated to proceed promptly to award subgrants for execution of the project by intended implementing agencies. Exceptions to this requirement must be negotiated with the LEAA awarding office.

   c. Payments of Federal grant funds under the discretionary grant program will be through the Letter of Credit procedure currently in existence with the State Planning Agencies.

   d. Recipients of subgrants will make all applications for Federal funds to the State Planning Agencies through which the discretionary grant application was processed and the grant was awarded, and such applications will be in accordance with normal subgrant regulations and procedures of the State Planning Agency.

   e. The provisions of chapter 5, paragraph 6 of M 7100.1A are not applicable to grants under the discretionary grant program. Discretionary grant funds will be obligated within the specific grant period indicated on grantee's statement of award and must be expended within 90 days after that date.

   f. Request for change or extension of the grant period must be made in advance of expiration and in writing.

APPENDIX 8. REGULATIONS IMPLEMENTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 28 C.F.R. 42.101, ET SEQ., SUBPART C.

REVISED, JULY 5, 1973

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 [1]

AUTHORITY: The provisions of this Subpart C issued under secs. 601–605, 78 Stat. 252, secs. 1–11, 79 Stat. 828, 80 Stat. 379; 42 U.S.C. 2000d–2000d–4, 18 U.S.C. Prec. 3001 note, 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949–1953 Comp.

SOURCE: The provisions of this Subpart C contained in Order No. 365–66, 31 F.R. 10265, July 29, 1966, unless otherwise noted.

§ 42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

§ 42.102 Definitions.

As used in this subpart—

(a) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.

(b) The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term "State" includes any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

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[1] See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(i) The term "academic institution" includes any school, academy, college, university, institute, or other association, organization, or agency conducting or administering any program, project, or facility designed to educate or train individuals.

(j) The term "disposition" means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.

(k) The term "governmental organization" means the political subdivision for a prescribed geographical area.

§ 42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) employment practices except to the extent described in § 42.104(c).

§ 42.104 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have

the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) (1) *Employment practices.* Whenever a primary objective of the Federal financial assistance to a program, to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (I) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c) (1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c) (1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

§ 42.105 Assurance required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for

which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter are appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

(b) *Assurances from government agencies.* In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with this subpart as respects such program.

(c) *Assurance from academic and other institutions.* (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any

such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Any State or State agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance (1) provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and (2) provide for such methods of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation.

§ 42.106 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

§ 42.107 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 42.108 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such

noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

§ 42.109 **Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section 602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

§ 42.110 Decisions and notices.

(a) *Decisions by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on the record or on review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on the record whenever a hearing is waived.* Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Attorney General.* Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or reci-

pient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 42.111 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 42.112 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or Executive Order 11114 or 11246, as amended, or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) *Supervision and coordination.* The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(e)), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General.

APPENDIX A—ASSISTANCE ADMINISTERED BY THE DEPARTMENT OF JUSTICE TO WHICH THIS SUBPART APPLIES

1. Assistance provided by the Law Enforcement Assistance Administration pursuant to the Law Enforcement Assistance Act of 1965, and title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3711–3781.

2. Assistance provided by the Federal Bureau of Investigation through its National Academy and law enforcement training activities pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3744.

3. Assistance provided by the Bureau of Narcotics and Dangerous Drugs pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 872.

APPENDIX 9. LEAA EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS, 28 C.F.R. 42.201, ET SEQ., SUBPART D.

REVISED AUGUST 18, 1972

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 42—NONDISCRIMINATION; EQUAL OPPORTUNITY; POLICIES AND PROCEDURES

Subpart D—Equal Employment Opportunity in Federally Assisted Programs and Activities

Sec.

AUTHORITY: The provisions of this Subpart D issued under 5 U.S.C. 301; and sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended.

§ 42.201 Purpose and application.

(a) The purpose of this subpart is to enforce the provisions of the 14th amendment to the Constitution by eliminating discrimination on the grounds of race, color, creed, sex, or national origin in the employment practices of State agencies or offices receiving financial assistance extended by this Department.

(b) The regulations in this subpart apply to the employment practices of planning agencies, law enforcement agencies, and other agencies or offices of States or units of general local government administering, conducting, or participating in any program or activity receiving Federal financial assistance extended under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Act). This subpart shall not apply to federally assisted construction contracts covered by Part III of Executive Order 11246, September 24, 1965; enforcement of nondiscriminatory employment practices under such contracts shall be effected pursuant to the Executive order.

§ 42.202 Definitions.

(a) The definitions set forth in § 42.102 of Subpart C, Part 42, Title 28, Code of Federal Regulations are, to the extent not inconsistent with this subpart, hereby made applicable to and incorporated in this subpart.

(b) As used in this subpart, the term "employment practices" means all terms and conditions of employment including but not limited to all practices relating to the screening, recruitment, selection, appointment, promotion, demotion, and assignment of personnel, and includes advertising, hiring, assignments, classification, discipline, layoff and termination, upgrading, transfer, leave practices, rates of pay, fringe benefits, or other forms of pay or credit for services rendered and use of facilities.

(c) As used in this subpart, the terms "law enforcement," "State," and "unit of general local government" shall have the meanings set forth in section 601 of the Act.

§ 42.203 Discrimination prohibited.

No agency or office to which this subpart applies under § 42.201 shall discriminate in its employment practices against employees or applicants for employment because of race, color, creed, sex, or national origin. Nothing contained in this subpart shall be construed as requiring any such agency or office to adopt a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance. Notwithstanding any other provision of this subpart, it shall not be a discriminatory employment practice to hire or assign an individual on the basis of creed, sex, or national origin where the office or agency claiming an exception for an individual based on creed, sex, or national origin is able to demonstrate that the creed, sex, or national origin of the individual is essential to the performance of the job.

§ 42.204 Assurances required.

(a) (1) Every application for Federal financial assistance to carry out a program to which this regulation applies shall, as a condition of approval of such application and the extension of any Federal financial assistance pursuant to such application, contain or be accom-

panied by an assurance that the applicant will comply with the requirements of this subpart, and will obtain such assurances from its subgrantees, contractors, or subcontractors to which this subpart applies, as a condition of the extension of Federal financial assistance to them.

(2) The responsible Department officials shall specify the form of the foregoing assurances. Such assurances shall be effective for the period during which Federal financial assistance is extended to the applicant or for the period during which a comprehensive law enforcement plan filed pursuant to the Act is in effect in the State, whichever period is longer, unless the form of the assurance as approved in writing by the responsible Department official specifies a different effective period.

(b) Assurances by States and units of general local government relating to employment practices of State and local law enforcement agencies and other agencies to which this subpart applies shall apply to the policies and practices of any other department, agency, or office of the same governmental unit to the extent that such policies or practices will substantially affect the employment practices of the recipient State or local planning unit, law enforcement agency, or other agency or office.

§ 42.205 Compliance information.

The provisions of § 42.106 are hereby made applicable to and incorporated in this subpart.

§ 42.206 Conduct of investigations, procedures for effecting compliance, hearings, decisions, and judicial review; forms, instruction, and effect on other regulations.

(a) Each responsible Department official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions, and procedures for effectuating this subpart as applied to programs for which he is responsible. Insofar as feasible and not inconsistent with this subpart, the conduct of investigations and the procedures for effecting compliance, holding hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by §§ 42.107 through 42.111 of subpart C of this part; provided, that where the responsible Department official determines that judicial proceedings (as contemplated by § 42.108(d)) are as likely or more likely to result in compliance than administrative proceedings (as contemplated by § 42.108(c), he shall invoke the judicial remedy rather than the administrative remedy; and provided further, that no recipient of Federal financial assistance or applicant for such assistance shall be denied access to the hearing or appeal procedures set forth in sections 510 and 511 of the Act for denial or discontinuance of a grant or withholding of payments thereunder resulting from the application of this subpart.

(b) If it is determined, after opportunity for a hearing on the record, that a recipient has engaged or is engaging in employment practices which unlawfully discriminate on the ground of race, color, creed, sex, or national origin, the recipient will be required to cease such discriminatory practices and to take such action as may be appropriate to eliminate present discrimination, to correct the effects of past discrimination, and to prevent such discrimination in the future.

(c) Nothing in this subpart shall be deemed to supersede any provisions of Subparts A, B, and C of Part 42, Title 28, Code of Federal Regulations, or of any other regulation and instruction which prohibits discrimination on the ground of race, color, creed, sex, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

Effective date. This regulation shall become effective upon publication in the FEDERAL REGISTER (8-18-72).

Dated: August 9, 1972.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

[FR Doc.72-14083 Filed 8-17-72;8:50 am]

APPENDIX 10. LEAA EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES (AFFIRMATIVE ACTION REGULATIONS). 28 C.F.R. 42.301, ET SEQ; SUBPART E.

REVISED AUGUST 31, 1973

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION; EQUAL OPPORTUNITY; POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

On March 9, 1973, the Law Enforcement Assistance Administration of the Department of Justice (LEAA), promulgated equal employment opportunity guidelines (28 CFR 42.301, et seq., Subpart E). The second paragraph of those guidelines reads as follows:

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530, Attention: Office of Civil Rights Compliance, within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 42, Subpart E as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

In accordance with the preceding paragraph, written comments, suggestions, data or arguments, have been received by the Administrator of the Law Enforcement Assistance Administration. Material submitted has been evaluated and changes deemed by LEAA to be appropriate have been incorporated into revised equal employment opportunity guidelines, the text of which follows.

By virtue of the authority vested in it by 5 U.S.C. 301, and section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues Title 28, Chapter I, Subpart E of Part 42 of the Code of Federal Regulations. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Subpart E—Equal Employment Opportunity Guidelines

Sec.

AUTHORITY: 5 U.S.C. sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197, as amended.

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Pub. L. 90-351, 82 Stat. 197; Pub. L. 91-644, 84 Stat. 1881) has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

(b) Pursuant to the authority of the Safe Streets Act and the equal employment opportunity regulations of the LEAA relating to LEAA assisted programs and activities (28 CFR 42.201, et seq., Subpart D), the following Equal Employment Opportunity Guidelines are established.

78-464 O - 77 - 51

§ 42.302 Application.

(a) As used in these guidelines "Recipient" means any state, political subdivision of any state, combination of such states or subdivisions, or any department, agency or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of the earlier receipt of assistance is still in effect.

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, extends to state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) Assignments of compliance responsibility for Title VI of the Civil Rights Act of 1964 have been made by the Department of Justice to the Department of Health, Education, and Welfare, covering educational institutions and general hospital or medical facilities. Similarly, the Department of Labor, in pursuance of its authority under Executive Orders 11246 and 11375, has assigned responsibility for monitoring equal employment opportunity under government contracts with medical and educational institutions, and non-profit organizations, to the Department of Health, Education, and Welfare. Accordingly, monitoring responsibility in compliance matters in agencies of the kind mentioned in this paragraph rests with the Department of Health, Education, and Welfare, and agencies of this kind are exempt from the provisions of this subpart, and are not responsible for the development of equal employment opportunity programs in accordance herewith.

(d) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after either the promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3 percent, such recipient is required to formulate, implement, and maintain an equal employment opportunity program relating to employment practices affecting women. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

(e) "Minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish-surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican or Spanish origin. In Alaska, Eskimos and Aleuts should be included as "American Indians."

(f) For the purpose of these guidelines, the relevant "service population" shall be determined as follows:

(1) For adult and juvenile correctional institutions, facilities and programs (including probation and parole programs), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(2) For all other recipient agencies (e.g., police and courts), the "service population" shall be the State population for state agencies, the county population for county agencies, and the municipal population for municipal agencies.

(g) "Fiscal year" means the twelve calendar months beginning July 1, and ending June 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment

and selection of entrance candidates; and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written Equal Employment Opportunity Program.

Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex and national origin (include for example Spanish-surnamed, Oriental, and American Indian). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex and national origin on each shift and in each location should be identified. When relevant, the recipient should indicate the racial/ethnic mix of the geographic area of assignments by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex, and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

(c) The number of individuals by race, sex and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year, identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., state and local employment services, or other reliable sources. Recipients should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(b). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cut-off score is established and whether the

test has been validated to predict or measure job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women, (see § 42.303) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with Title VII has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) which, among other things, proscribes the use of employee selection practices, procedures and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals or women for employment. The EEOC Guidelines set out appropriate procedures to assist in establishing and maintaining equal employment opoprtunties. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC Guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and, if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

§ 42.305 Record keeping and certification.

The Equal Employment Opportunity Program and all records used in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, the recipient shall file a certificate with the cognizant state planning agency or LEAA regional office stating that the equal employment opportunity program is on file with the recipient. The form of the certification shall be as follows:

I, ---------- (person filing the application) certify that the ---------- (criminal justice agency) has formulated an equal employment opportunity program in accordance with 28 CFR 42.301, et seq., Subpart E, and that it is on file in the Office of ---------- (name), ---------- (address), ---------- (title), for review or audit by officials of the cognizant state planning agency or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each state shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Post award compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever iden-

tifiable referral or selection procedures and policies suggest to LEAA the appropriates of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

(c) A significant disparity between minority representation in the service population and the minority representation in the agency workforce may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the service population.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these Guidelines for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the assurances of compliance, filed by a recipient in accordance with § 42.204(a)(3), specify a different period.

§ 42.308 Noncompliance.

Failure to implement and maintain an Equal Employment Opportunity Program as required by these Guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and § 42.205).

Effective date.—This Guideline shall become effective on August 31, 1973.

Dated August 24, 1973.

DONALD E. SANTARELLI,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.73-18555 Filed 8-30-73;8:45 am]

VIOLENCE BY YOUTH GANGS AND YOUTH GROUPS IN MAJOR AMERICAN CITIES

SUMMARY REPORT

This summary is based on a report by:

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Center for Criminal Justice
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Cambridge, Mass.

The project on which this summary is based was supported by Grant Number 74-NI-99047 awarded to the Center for Criminal Justice of the Harvard Law School by the National Institute for Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U. S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position of the U. S. Department of Justice.

April 1976

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

FOREWORD

Many crime analysts in recent years have tended to overlook the problem of youth gang violence in our major cities. They shared the popular view that gangs were a problem of the 1950's but no longer.

Now, in the first nationwide study ever undertaken of the nature and extent of gang violence, Walter B. Miller reports that gangs in many cases have continued to be a problem for the last 20 years and in other cases have changed in their patterns -- such as increased use of guns, less formalized organizational structure, and greater activity in the schools -- previously considered "neutral turf."

How could there have been such a misreading of the national situation? According to Miller, the problem lies in the lack of any systematic method for gathering the right information.

Miller's study concentrated primarily on the eight largest U.S. cities. He finds gang violence levels high in: New York, Chicago, Los Angeles, Detroit, Philadelphia and San Francisco. From available data, he estimates the youth gang population in these cities as ranging from 760 gangs and 28,500 members to 2,700 gangs and 81,500 members. Statistics kept by these cities show 525 gang-related murders in the three-year period from 1972 through 1974, or an equivalent of 25 percent of all juvenile homicides in the cities. Miller believes these figures may "represent substantial undercounts" because of the different definitions in use in the cities for classifying gang-related homicides.

In making these determinations, Miller relied on the judgments of criminal justice and social service personnel in the cities rather than undertaking an independent survey of gang members.

Miller already is expanding this study under a new grant from the National Institute for Juvenile Justice and Delinquency Prevention. This second study will focus on additional cities and also will attempt to find, among other things, some explanations for the serious gang violence so prevalent today.

Milton Luger
Assistant Administrator
Office of Juvenile Justice and
Delinquency Prevention

SUMMARY

Few Americans ever bought the romantic notion that big city youth gangs were composed of harmless, appealing youngsters who had stepped out of West Side Story. They understood the truth to be more threatening than that. Yet it's probably fair to say that most Americans today regard gangs as a problem of the 1950's, a happening whose vestiges are represented in the 1970's by small knots of teenagers congregating on street corners in the slums. The kids may cause a little trouble now and then but it's nothing that police and juvenile workers can't easily control.

That perception, according to a new study, is as flawed as the rejected romantic portrayal. Gangs are not only back -- but it appears that in many cases they never left.

Not content only to claim the street as their "turf," some youth gangs have shifted part of their operations to schools, where they have taken "control" of cafeterias, playgrounds, and hallways -- shaking down students for permission to use them and terrorizing teachers and administrators.

The move to the schools is one change in the habits and style of youth gangs of the mid-1970's. Another is the increased use of guns. A third is a tendency to spend less time and energy fighting each other in favor of preying on innocents. The result, says the author of the study, is that youth gangs in America today are more

lethal than ever before, are terrorizing greater numbers of people, and in general constitute a national crime problem of the first magnitude. At the same time, the gangs are not easily succumbing to attempts at suppressing them.

"...efforts by local communities to cope with gang crime have, by and large, failed conspicuously," writes Harvard's Walter B. Miller. "Many urban communities are gripped with a sense of hopelessness that anything can be done to curb the unremitting menace of the gangs."

Miller is a Research Fellow at Harvard Law School's Center for Criminal Justice. His year-long investigation took him to 12 of the Nation's largest cities. His study concentrated on the six cities which Miller ascertained faced the most severe youth gang problems--New York, Chicago, Los Angeles, Philadelphia, Detroit, and San Francisco. His grant was supported by the National Institute for Juvenile Justice and Delinquency Prevention, the research and evaluation arm of the Office of Juvenile Justice and Delinquency Prevention in LEAA.

Stated in its broadest terms, Miller's goal was to determine the state of youth gangs in the mid-1970's, to compare them to their predecessors of 10 and 20 years ago in their operating techniques, their social characteristics and the danger and problem they posed to their communities. He was also interested in how gangs were perceived by outsiders. Among Miller's findings:

- From available data he estimates the youth gang population in the six cities as ranging from 760 gangs and 28,500 members to 2,700 gangs and 81,500 members. He describes the high side as "probably still conservative."

- Gang violence today is more lethal than during any previous period and the major reason appears to lie in the "extraordinary increase in the availability and use" of guns by gang members.

- Gangs can be found in elementary, junior and senior high schools and are generating levels of terror that reach frightening proportions. "There is no point in trying to exaggerate the situation," said a source familiar with gang activity in Philadelphia schools. "The truth by itself is devastating."

- Gang makeup by age, social position, and economic class remains much the same as it was in the 1950's. And despite claims that female criminality in recent years has become more prevalent and violent, urban youth gang activity continues to be "a predominantly male enterprise." Gangs exhibit a decidedly traditional attitude toward the roles females play. Girls carry weapons for boys, serve as auxiliaries, and frequently offer their impugned honor as justification for a rumble between gangs.

- The criminal justice establishment, including its academic members, and the media have generally failed to gauge the national dimensions of the youth gang problem. They have often misread trends in gang activity, with the result that the country has been lulled into thinking gangs are not a major problem; in actuality they constitute "a crime problem of the utmost seriousness."

Failure of Perception

Miller blames this failure of perception on the "peculiarly erratic, oblique, and misleading" way in which information on gangs has been acquired. Too much attention, he maintains, has been paid to the media's reports on gang activity, particularly those of the New York City media. The press there, he says, portrayed gangs during the 1950's as groups of black-jacketed youths roaming the city streets. "They bore romantic names such as Sharks and Jets, engaged one another periodically in planned rumbles which required courage of the participants ('heart') but were not particularly dangerous to the general public...."

During the 1960's gangs seemed to have virtually disappeared. Conventional thinking had them dissolving under the weight of law enforcement measures by police,

rehabilitation programs by social workers, and debilitating effects of drugs. What spirit had not been sapped was transferred to political activism. For close to a decade New Yorkers read or heard little of gangs.

Then, in the Spring of 1971, gangs reappeared. They were discovered in the South Bronx and soon had spread to other parts of the city. They were more lethal and heavily armed than their predecessors, allowed themselves to be incited and directed by "violence hardened older men," and turned more toward victimizing innocent citizens rather than each other. In keeping with their new, deadly image, they adopted such names as Savage Skulls and Black Assassins. No lovable kids from West Side Story were these.

Many criminal justice professionals and members of the media viewed the New York developments as evidence of a sudden and somewhat mysterious re-emergence of youth gangs. The revival theory fit the conviction that had been held for the previous 10 years, namely that gangs were a thing of the past. And that, says Miller, is where they went wrong.

Whatever the accuracy of the New York portrayal, what the professionals overlooked was that the United States contained other cities, and that conditions in those cities were not necessarily the same as in New York. For example, notes Miller, in 1967, when New York was in the middle of its "no gang" period, the Mayor's office in Chicago was reporting 150 gang-related homicides --"probably the highest annual figure ever recorded for an American city." In the barrios of Los Angeles, meanwhile, gang members during the 1960's went on killing each other just as they had in the 1950's. In Philadelphia, police-reported gang killings started to climb in 1965. By 1968 the governor of Pennsylvania felt compelled to order the State Crime Commission to study the burgeoning problem of youth gang violence. In short, while the social scientists, journalists, and national law enforcement experts had relegated youth gangs to history, youth gangs themselves were thriving.

"How could so blatant a misreading of the overall national situation have occurred?" Miller asks. "The answer is simple. There was not at the time nor is there at present, any agency, in or out of government, that takes as a major responsibility the gathering of information as to gangs and gang activities on a nationwide basis."

Without such an objective source of information, Miller goes on, there was no way to evaluate the "often sensationalized" claims of the media that the country was undergoing a new wave of gang violence. It was in part to fill this information gap that Miller undertook his LEAA-supported study.

First Nationwide Survey

Miller visited 12 cities, contacted 61 public and private agencies and interviewed 148 people. He spent hours talking to juvenile and youth gang specialists connected with the police, social agencies, the courts, correction systems, and probation departments.

Because he has found youth gang members themselves to be unreliable as the major source of information, Miller relied largely on secondary sources. He spoke with juvenile and gang specialists in police departments and municipal, county, and private agencies and with probation, judicial, and corrections personnel. At times he had to use press reports of uneven quality. He warns that some of the data he has amassed from government sources must be considered in light of the potential bias on the part of those supplying the data. Municipal agencies, for example, often have a political or bureaucratic interest in exaggerating or underestimating the extent of gang violence. However, the use of a variety of sources of information (interviews, newspaper accounts, and official documents) served to compensate to a considerable degree for the possible inadequacies of any single source.

The limitations, says Miller, were inherent in the nature of the subject; i.e., despite their visibility, gangs usually conceal many of their most significant activities. Much of what gang members do can be brought to the surface only by those outsiders who have won their trust and who maintain close and continued contact with them. There were also limitations on time and resources available. Nevertheless and notwithstanding the qualifications, Miller asserts:

"So far as is known, the present study represents the first attempt to compile a national-level picture of youth gang and youth group problems, based on direct site visits to gang locales."

Miller plans to circulate the report and solicit reactions from the agencies and individuals he dealt with, as well as some authorities who were not interviewed. Their comments will help form a second study, which LEAA is also financing. That effort is attempting to find, among other things, explanations of serious youth gang violence.

A Serious Problem

In the meantime, Miller has tabulated a set of first-time statistics and collected verbal assessments from men and women in the field who have dealt with youth gangs. The findings and conclusions he draws from his evidence are at times startling, even frightening. They also seem likely to generate controversy among those who define what major crime problems face American society. Miller claims that most criminal justice professionals have given youth gang problems short shrift. He cites three major federally supported crime studies since 1967 and notes that only one, that of the President's Commission on Law Enforcement and the Administration of Justice, allocated a separate chapter or paper on the subject. Youth gangs were barely mentioned by the other two commissions, The National Commission on the Causes and Prevention of Violence and The National Advisory Commission on Criminal Justice Standards and Goals.

"While varying in the nature and degree of attention devoted to youth gangs," writes Miller, "all three conveyed a similar message. Youth gangs are not now or should not become a major object of concern in their own right; youth gang violence is not a major crime problem in the United States; what gang violence does exist can fairly readily be diverted into 'constructive' channels, primarily through provision of services by community-based agencies."

Miller says one of the purposes of his study was to test the validity of that position. As he acknowledges, his conclusions "diverge radically" from those of the Federal commissions. He writes:

"Youth gang violence in the United States in the mid-1970's appears as a crime problem of the utmost seriousness. Hundreds of gangs and thousands of gang members frequent the streets, buildings, and public facilities of major cities; whole communities are terrorized by the intensity and ubiquity of gang violence; many urban schools are in effect in a state of occupation by gangs, with teachers and students exploited and intimidated; violent crime by gang members is in some cities equivalent to as much as one-third of all violent crime by juveniles...."

The sheer lethality of today's youth gangs comes through with terrifying vividness in the statistics that Miller has compiled on gang-related homicides in five of the target cities. (Data on Detroit were unavailable.) Miller concedes that some cities are exceedingly loose in defining a gang-connected homicide. Los Angeles, for example, includes in that category virtually any murder committed by an individual who happens to be a member of a gang--a youth gang as well as possibly adult groups such as motorcycle gangs and van clubs. Chicago police, on the other hand, classify a killing as gang-related only if it stems directly from a gang fight. Thus the retaliatory shooting of a lone gang member by a passing car-full of rival gang members would not be listed as a "youth-gang homicide," according to Miller.

Given the balancing factors, the inconsistency of definition does not seem critical and does not soften the

impact of the gang-related murder statistics: 525 for a three-year period from 1972 through 1974, or an equivalent of 25 percent of all juvenile homicides for those cities. The three largest cities, adds Miller, recorded about 13,000 gang member arrests in a single year, with about half of those linked to violent crimes. To make matters worse, Miller claims some of the gang crime figures "may represent substantial undercounts."

"It is probable," concludes Miller, "that violence perpetrated by members of youth gangs in major cities is at present more lethal than at any time in history." From the evidence he has assembled, says Miller, the violence that gang members direct against one another and against the general public is without precedent. "It is not unlikely," he says in summary, "that contemporary youth gangs pose a greater threat to public order, and greater danger to the safety of the citizenry, than at any time during the past."

Miller attributes the growth in gang violence largely to one factor: the gun.

"Probably the single most significant development affecting gang-member violence during the present period is an extraordinary increase in the availability and use of firearms to effect violent crimes. This development is in all likelihood the major reason behind the increasingly lethal nature of gang violence."

Miller also found that gang members had gone upwardly mobile in their choice of guns. Home-made zip guns of the type popularized in the 1950's were employed by a few younger gang members, Miller was told, "but several informants said that such crude weaponry was held in contempt by most gang members." Even Saturday Night Specials were not particularly popular (only in San Francisco were they regarded as a major gang weapon). Instead, the majority of hand guns used were of the quality used by police, such as the Smith and Wesson .38.

Arrest records provided Miller with a "very rough notion" of how prevalent guns were in the world of youth

gangs. Between 1972 and 1974, for example, New York police reported approximately 1,500 arrests of gang members for possession of dangerous weapons, a charge which he notes almost always relates to possession of firearms. Chicago, meanwhile, recorded 700 gang-member arrests for "possession of firearms" in 1974, the same year that Los Angeles recorded 1,100 gang-member arrests for "assault with a deadly weapon" and 115 more for "shooting at inhabited dwellings."

An authority interviewed by Miller in Los Angeles characterized the status that guns had achieved in his community:

"In this city a gang is judged by the number and quality of weapons they have; the most heavily armed gang is the most feared; for our gangs, firepower is the name of the game."

Gangs in the Schools

What is perhaps most disturbing about Miller's discoveries is that gangs have carried their violence--or their fearsome reputation for it--into the public schools. School systems have strengthened security measures but violence still occurs. Victims of gang attacks include other gang members, students who are not gang members, and teachers.

"In all four of the largest cities," reports Miller, "respondents provided vivid accounts of gangs prowling the school corridors in search of possible rivals, and preventing orderly movement through the hallways. All four cities report open gang fights occurring in the hallways--in some cases with considerable frequency. The shooting and killing of teachers by gang members was reported for Chicago and Philadelphia, and of non-gang students in Chicago and Los Angeles. Shootings and other assaults were also reported to have occurred in school cafeterias, auditoriums, and other internal locations."

Teachers in many schools, according to Miller, were so terrorized (and sometimes actually attacked) by gang

members that they were afraid to report illegal activities to police or testify at court proceedings. The violence and intimidation practiced by gangs has led to what Miller calls the "territorialization" of many schools.

"To a degree never before reported," he writes, "gang members have 'territorialized' the school buildings and their environments--making claims of 'ownership' of particular classrooms, gyms, cafeterias, sports facilities and the like--in some cases applying ownership claims to the entire school. As "owners of school facilities, gang members have assumed the right to collect 'fees' from other students for a variety of 'privileges'--students going to school at all, passing through hallways, using gym facilities and, perhaps most common--that of 'protection'--the privilege of not being assaulted by gang members while in school."

Philadelphia, says Miller, was forced to close the cafeterias in several major high schools because gangs had claimed the right to control access and seating arrangements.

In many instances, adds Miller, school administrations have simply been overpowered by gangs and stand virtually helpless before them. In New York, one respondent told Miller, some of the semi-autonomous school districts created by the city's partial decentralization program had 'sold out' to the gangs, "granting them the privilege of recruiting members among the student body in return for promises to refrain from violence."

School principals and other administrators who once were hesitant to ask for help in coping with gangs--for fear that it would reflect on their managerial abilities--have now reversed their policy of concealment and some even exaggerate their problems in an effort to obtain assistance, according to Miller.

Why gangs have switched from the streets to the schools is one of the explanational avenues that Miller will pursue in his second study. But he offers one tentative reason that he feels is worthy of further exploration. During

78-464 O - 77 - 52

the past decade, he notes, school systems have been under pressure to "hold" the maximum number of adolescents in schools. Many of the methods used in the past to keep problem youngsters out of school are no longer available.

Some Misconceptions

One of the more intriguing aspects of Miller's study was his comparison of gangs of the 1970's with those of the past. He took note of certain assumptions held today and set out to test their validity. Among his discoveries:

CLAIM. Gangs are moving out of inner city slums and into middle class suburbs. FINDING. By and large the "primary locus" of gang activity remains the slum sections of a city. What has happened in some metropolitan areas is that the slums and ghettos have moved out of the center city to the "outer city," to ring cities, or to formerly working class and middle class neighborhoods in the suburbs.

CLAIM. The age span of gang members is spreading; six-and seven-year-olds are engaging in violent gang activity while men in their twenties and thirties are playing a much larger role in gangs. FINDING. While there may have been some expansion in both directions, preliminary indications are that they are not substantial and that the predominant age range still lies somewhere between 12 and 21.

CLAIM. Females are more deeply involved in gangs and they are filling more active, violent roles. FINDING. Despite stories of serious criminal behavior by females today, arrest and other data as well as assessments by local authorities indicate that the part played by girls in the gangs of the 1970's does not differ significantly from that of the past. Most respondents felt females did not represent a particularly important element of gang problems.

Miller found that ethnicity was still the substance holding members of the same gang together but he also discovered changes in which ethnic groups were forming the

most gangs. Black and Hispanic gangs had overtaken gangs made up of white youths from blue collar families. A familiar American pattern is being played out. Those groups that have most recently migrated to the city are filling the ranks of youth gangs. (Miller has observed exceptions: in Los Angeles some "gang barrios" go back three or more generations; in northwest Chicago boys of Italian ancestry belong to the same gangs to which their fathers or even their grandfathers belonged.)

The newest and most surprising ethnic development that Miller discovered among gangs was the increase in the number of youths from Asian backgrounds.

"Accepted doctrine for many years has been that oriental youth pose negligible problems in juvenile delinquency or gang activity; this accepted tenet has been seriously undermined by events of the 1970's--not only by the violent activities of the newly-immigrated 'Hong Kong Chinese' but by the development in several cities of gangs of Filipinos, Japanese, and other Asian groups. The estimated number of Asian gangs is now almost equal to that of white gangs and may exceed their number in the near future," Miller writes.

Another change has taken place in the realm of inter-gang warfare. Miller found that gangs tend to engage less in the traditional large scale "rumble" in favor of "forays" by small armed and often motorized bands. Gang members are still the principal victims of gang violence but Miller spotted what he judges to be a trend toward increased victimization of adults and children.

A New Wave of Violence?

Serving as the crux of Miller's study has been the question he formulated and attempted to answer. Are American cities undergoing a "new wave" of gang violence? After tracing the history of youth gangs in his six target cities and examining the material he collected on gang activities in the mid-1970's, his answer is "a qualified yes."

Using 1970 as a base, Miller says the "new wave" characterization certainly fits New York, Los Angeles, and Detroit. "The 'wave' is present but less new in Chicago and Philadelphia, which have experienced serious gang problems for all or most of the past decade," he adds. San Francisco, Miller found, had experienced an increase of gang activity only in Asian neighborhoods, but he detected a few signs of a possible resurgence in black sections, which had seen a decline in youth gangs.

Miller proceeds gingerly in predicting what the future holds for American youth gangs. He notes the "rather poor track record" researchers have compiled in charting future crime trends and adds that forecasting behavior of youth and its sub-cultures is particularly vexing. Miller bases his predictions on extrapolations as well as opinions he solicited from the experts who took part in his survey.

The majority of those queried in Chicago, Detroit, and San Francisco told Miller they thought gang problems would worsen in their cities during the next few years. In New York, Philadelphia, and Los Angeles most respondents predicted that gang crime would hold at current levels or improve. Miller says that except for Los Angeles, where conditions appear to be worsening, those predictions conform to his extrapolations.

Part of the reason for Miller's forecast was his discovery that demographic projections don't hold much encouragement for an easing of gang violence. National population forecasts these days dwell on the ending of the baby boom, an event which will lead to a decrease in the size of the teen-age population. Miller points out that while this may be true for the United States at large and for the middle class, it does not hold for minority group youngsters growing up in big cities, the youngsters who make up the primary recruitment pool for youth gangs.

"Rather than decreases," writes Miller, "projections suggest rather sizable increases in the size of this population--a population which currently manifests the highest potential for involvement in violent and predatory crime."

In view of the evidence, Miller concludes that "the general outlook appears to be one of continuing high rates of gang crime in most of the largest cities, with probable increases in some and decreases in others averaging out to a continuing high all-city level."

Miller acknowledges circumstances could emerge (such as "massive" infusions of Federal money to deal with youth gangs or "massive" jailings by police of youth gang members) that would alter this outlook. But he sees the probability of this happening as low and therefore "the likelihood that gang problems will continue to beset major cities during the next few years appears high."

What can be done about youth gangs will be explored in Miller's second study. For now he believes it will suffice to address ourselves to another question: "How serious are problems posed by youth gangs and youth groups today, and what priority should be granted gang problems among a multitude of current crime problems?" His answer:

"...the materials presented in this report appear amply to support the conclusion that youth gang violence is more lethal than ever before, that the security of a wider sector of the citizenry is threatened by gangs to a greater degree than ever before, and that violence and other illegal activities by members of youth gangs and groups in the United States in the mid-1970's represents a crime problem of the first magnitude which shows little prospect of early abatement."

A HISTORY OF SIX CITIES

In attempting to ascertain the seriousness of youth gang problems today, Walter Miller found it necessary to trace the history of gangs in his six target cities. What follows is Miller's "highly condensed" version of the full histories he prepared, covering the decade from 1965 to 1975:

NEW YORK. Apparently experienced a lull in gang violence between 1965 and '71, then a rapid rise in the numbers of gangs and gang crimes up to 1973. Since that year the numbers of reported gangs, gang members and gang-member arrests have remained consistent and at a high level, but the number of gang-related killings appears to have dropped off markedly.

CHICAGO. Experienced the rise and fall of a number of well-publicized "supergangs" between 1965 and '73, with a peak of gang killings in 1969, and a proliferation of smaller, more traditional gangs and rising gang-member arrest rates in subsequent years.

LOS ANGELES. Traditional Hispanic gangs posed problems between 1965 and '71, primarily in established Hispanic communities. After an apparent lull in black gang activity, black gangs began to proliferate around 1972, and contributed the bulk of rapidly rising numbers of gang killings which at present have reached record high levels.

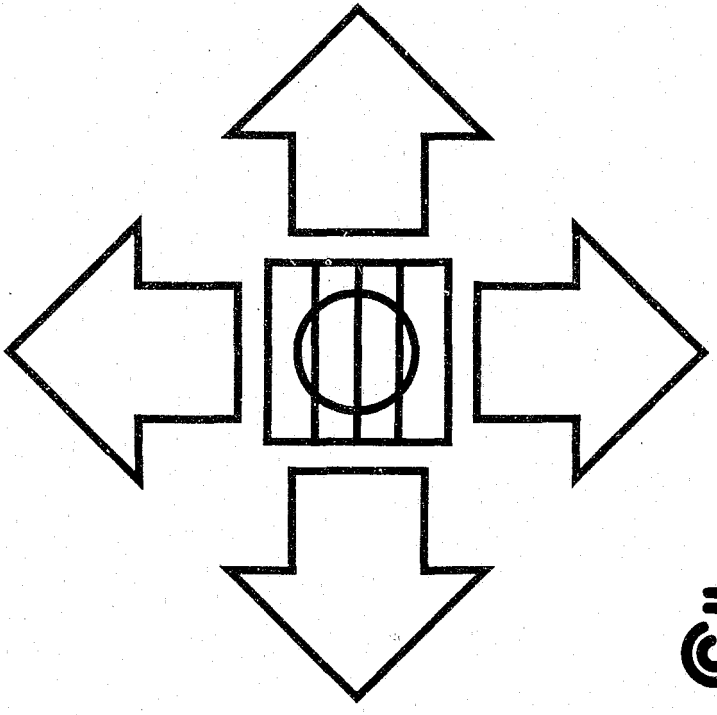
PHILADELPHIA. Problems with violent gangs, mostly black, began to intensify near the beginning of the ten year period, with police reporting an average of about 40 gang-related killings each year for the six middle years of the decade. During the past two years the numbers of gang-related killings have diminished, but the present number of gangs and gang members remains at the high level maintained during the past five years.

DETROIT. Reported a decline in a well-developed earlier gang situation during the earlier years of the decade, experienced growth of a small number of larger gangs between 1968 and '73, and a proliferation of smaller gangs, mostly black, between that year and the present. Gang-related killings currently stand at record levels.

SAN FRANCISCO. Also saw a decline in a previous development of black gangs early in the decade, accompanied by the establishment of a small number of highly criminal Chinese gangs. Between 1971 and '74 there was an increase in the numbers of relatively small Asian gangs, particularly Filipino, and an increase in lethal incidents involving the Chinese gangs. Between 1973 and the present there has apparently been a decline in the violence of Chinese gangs, accompanied by a possible resurgence of black gangs, particularly in the school context.

PROGRAM ANNOUNCEMENT:

DIVERSION OF YOUTH FROM THE JUVENILE JUSTICE SYSTEM



APRIL 1976

U.S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

NATIONAL INSTITUTE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION

PROGRAM ANNOUNCEMENT

Pursuant to the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, the Law Enforcement Assistance Administration is giving major priority to the diversion of youth from the juvenile justice system through use of Omnibus Crime Control discretionary funds. Only a limited number of programs can be funded through this effort. Careful evaluation will be initiated at the beginning of the program in order to provide information about the most workable approaches. This effort will assist local jurisdictions and States in planning and implementing similar programs in the future under requirements of the new Juvenile Justice and Delinquency Prevention legislation.

Because of your interest in the welfare of youth, we felt it important to notify you of this effort. This packet contains all necessary information pertaining to the preliminary application for Federal assistance under this national program. The preliminary applications should be sent to the Office of Juvenile Justice and Delinquency Prevention, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531 by June 4, 1976. Upon receipt, the OJJDP will conduct an initial screening to determine those preliminary applications meeting eligibility and capability conditions based on the specifications and guidelines provided in this packet. Upon making this determination, notifications will be sent to applicants not meeting these conditions and copies of the remaining applications will be forwarded to the cognizant SPA and Regional Office for review. Review conducted at this point by all reviewers will consider the degree to which applicants meet the selection criteria. Refer to the enclosed Guideline Manual Section in completion of preliminary applications.

Applications will be rated and judged on the basis of all selection criteria outlined in the enclosed guideline. You will note that these criteria emphasize development of non-duplicative, workable and realistic programs which achieve specific objectives. Should you have any questions concerning application submission, I would suggest that you contact your State Planning Agency, LEAA Regional Offices or the Office of Juvenile Justice and Delinquency Prevention in Washington.

It is perhaps useful to note that the Office of Juvenile Justice and Delinquency Prevention operates under two statutory funding authorities. While the diversion program is consistent with the policy direction of the Office established by Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, the funding authority is Section 453(4) and 455(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In carrying out the policy direction of the Office as required by Section 527 of the Juvenile Justice and Delinquency Prevention Act, LEAA has no authority to waive any of the statutory requirements applicable to Omnibus Crime Control Act funds. Therefore, the Agency cannot waive the cash match requirements for grants funded with Parts E or C Crime Control funds.

In the final analysis, the amelioration of conditions which result in the involvement of youth in the juvenile justice system is everyone's responsibility. No single agency or societal institution can unilaterally plan or implement a successful program to modify the deleterious and costly consequences of unnecessary stigmatization through law enforcement, judicial, legal defense, and correctional processing. Intensive training of police, court, and other service providers is an absolute requirement, if troubled youth are to be handled efficiently and humanely through this program initiative. Most important is the active and intensive involvement of those community forces --schools, religious leaders, mental health and social service agencies-- as well as parents and the youths themselves to participate in decisions and policies which affect their neighborhoods and lives.

It is hoped that through this latest initiative, cooperative planning and program implementation activities, involving public and private voluntary agencies, will be fostered. Your participation is encouraged.

Richard W. Velde
Administrator

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

NATIONAL INSTITUTE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION

ANUNCIO DE PROGRAMA

Conforme a las disposiciones aplicables de la Ley Miscelanea Para el Control del Crimen y Seguridad en las Calles de 1968, segun enmendada, así como la Ley de Justicia Juvenil y Prevención de la Delincuencia de 1974, la Administración para Ayuda y Mantenimiento de la Ley (Law Enforcement Assistance Administration - LEAA), le está dando preferencia a programas diseñados para desviar a jovenes del sistema judicial utilizando para ello una cantidad limitada de fondos discrecionales.

Al inicio de cada programa una evaluacion detallada sera llevada a cabo para asi poder determinar los metodos, y programas mas efectivos. Dicha evaluación permitirá a jurisdicciones locales y estatales, el planificar e implementar programas similares como lo requiere la antes referida Ley de Justicia Juvenil.

Debido al gran interés que existe en el bienestar de jóvenes en general, creemos importante el notificarle sobre este programa. Adjunto a esta notificación encontrará literatura con información sobre las gestiones relacionadas con la solicitud preliminar para fondos federales bajo este programa nacional. Las solicitudes preliminares deberán ser enviadas a la siguiente dirección:

Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency
Prevention
633 Indiana Avenue, N. W. - Room 444
Washington, DC 20531

Cuando la Oficina reciba su solicitud, la misma será examinada para determinar eligibilidad conforme a las estipulaciones y condiciones contenidas en la literatura adjunta. Al hacerse dicha determinación, las solicitudes rechazadas seran devueltas.

Aquellas solicitudes que satisfagan las condiciones aplicables seran referidas a las Agencias Estatales de Planificacion (State Planning Agencies) asi como a la Oficina Regional correspondiente de la LEAA. Estas entidades entonces examinarán, en detalle, dichas solicitudes, y determinarán el grado de conformidad de cada una de estas en lo que respecta a los elementos de selección.

Las solicitudes preliminares serán evaluadas conforme a los criterios (elementos) de selección enumerados en el panfleto (manual) adjunto. Notará que dichos elementos enfatizan el desarrollo de programas realizables y que a la vez tengan como meta objetivos específicos y definidos.

Solicitudes preliminares seran recibidas por la Oficina de Justicia Juvenil de la LEAA hasta el 4 de Junio de 1976. Si desea mas informacion sobre este programa communíquese con su Agencia Estatal de Planificación (State Planning Agency), la Oficina Regional aplicable de la LEAA o con la Oficina de Justicia Juvenil de la LEAA en Washington, D. C. (Office of Juvenile Justice and Delinquency Prevention).

Debe de notarse que la Oficina de Justicia Juvenil opera bajo dos distintas autorizaciones de naturaleza legislativa. Por un lado, los esfuerzos encaminados a desviar jóvenes del sistema de justicia criminal se describen en la sección 201 de la Ley de Justicia Juvenil y Prevención de la Delincuencia de 1974. Por otro lado, la autoridad, para hacer disponibles fondos federales se estipula en las secciones 453(4) y 455(a)(2) de la Ley Miscelanea para el Control del Crimen y Seguridad en las Calles de 1968, segun enmendada. Llevando a cabo la política pública de la Oficina de Justicia Juvenil, como lo requiere la Seccion 527 de la antes referida Ley de Justicia Juvenil, la LEAA no tiene la autoridad para obviar ninguno de las requisitos estatutarios que son aplicables a fondos provenientes bajo la Ley Miscelanea. Por ende, la LEAA no puede obviar los requisitos de proveer fondos en especie (cash) para parear subvenciones que la Agencia hiciere con fondos provenientes de las partes C o E de la Ley Miscelanea.

En ultima instancia, el minimizar las condiciones que conducen al envolvimiento de jovenes en el sistema de justicia juvenil es la responsabilidad de todos. Ninguna agencia o entidad social puede unilateralmente planificar o implementar un programa que sea conducente a la reducción de las circumstancias que contribuyen a la maculación, completamente innecesaria, que es el resultado de intervenciones por parte de agencias a cargo del mantenimiento de la ley, tribunales, asistencia legal y correccionales.

El adiestrar, en forma intensiva personal policiaco judicial y otros proveedores de servicios dentro del sistema de justicia juvenil, es absolumente necessario. Esto es, si es que se quiere bregar en una forma efectiva y humana con los jovenes que seran la clientela bajo este programa. Mas importante aun es la participación activa de líderes de la comunidad, de entidades privadas, agencias que proveen servicios de salud mental y servicios sociales, así como de los padres y los propias jóvenes que partipan de una forma u otra en aquellas decisiones que puedan tener impacto en las vidas de dichos jovenes.

Tenemos la esperanza de que a traves de este esfuerzo, se estimule la cóoperación entre agencias públicas y entidades privadas en lo que respecta a planificar e implementar proyectos bajo este programa.

Richard W. Velde

Richard W. Velde
Administrador

UNITED STATES DEPARTMENT OF JUSTICE

news release

Law Enforcement Assistance Administration

Public Information Office
Telephone (202) 376-3820

Washington, D.C. 20531

FOR RELEASE AT 6:30 P.M. E.S.T.
THURSDAY, APRIL 22, 1976

The Law Enforcement Assistance Administration will provide $10 million for public and private agencies with innovative programs that will divert juvenile offenders from the juvenile justice system, it was announced today.

LEAA Administrator Richard W. Velde said that "while there are significant variations among youthful offenders, many juveniles engage in episodic acts of lawbreaking that disappear as they grow older."

"For these youth, the diversion effort should provide more effective and less expensive treatment. It should upgrade the range of community resources so that we may forego formal court processing or incarceration," Mr. Velde said.

Diversion of juveniles from the criminal justice system was authorized under the Juvenile Justice and Delinquency Prevention Act of 1974.

Although LEAA will continue to provide funds for juvenile programs throughout the country, the diversion program "will be concentrated in urban areas where the most extensive juvenile delinquency problems exist," according to LEAA Assistant Administrator Milton Luger, who directs LEAA's Office of Juvenile Justice and Delinquency Prevention.

Applications are invited from public and private non-profit organizations outside the formal structure of the juvenile justice system in cities of 250,000 or more; counties of 350,000 or more; contiguous multiple jurisdictions of 500,000 or more; states with populations under 500,000; and Indian tribal groups on reservations of 4,000 or more.

All interested groups should submit preliminary applications of no more than 12 pages in accordance with the guideline issued for this program. After a preliminary screening, LEAA will ask for expanded proposals. The deadline for preliminary applications is June 1, 1976.

Applicants may secure program guidelines from their state criminal justice planning agency, LEAA Regional Office, or the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531

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UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Change

M 4500.1D CHG-1

Subject: GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Cancellation Date: After Filing

1. PURPOSE. The purpose of this change is to transmit chapter 13, entitled Diversion of Youth From Official Juvenile Justice System Processing, of the Guide for Discretionary Grant Programs, M 4500.1D.

2. SCOPE. This change is of interest to all individuals who hold the Guide for Discretionary Grant Programs.

3. PAGE CHANGES. Page changes should be made in accordance with the chart below. The change involving chapter 12 is to add a subparagraph 12a(7).

Page Control Chart

REMOVED PAGE	DATED	INSERT PAGE	DATED
xxiii and xxiv	July 10, 1975	xxiii	April 12, 1976
		xxiv	April 12, 1976
		xxiv-1	April 12, 1976
Chapter 12		Chapter 12	
99 and 100	July 10, 1975	99 and 100	April 12, 1976
		Chapter 13	
		101 thru 121	April 12, 1976

Richard W. Velde
Administrator

Distribution: SPAs; CO and RO Professional Personnel; Holders of M 4500.1D; OJJDP Special List

Initiated By: Office of Juvenile Justice and Delinquency Prevention

78-464 O - 77 - 53

CHAPTER 12. INTRODUCTION TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAMS (X)

122. PURPOSE.

a. The objectives of the Office of Juvenile Justice and Delinquency Prevention, as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, are to make grants to and contracts with public and private agencies, organizations, institutions, or individuals to:

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

(2) Develop and maintain community-based alternatives to traditional forms of institutionalization.

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

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

(5) Facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the National Institute for Juvenile Justice and Delinquency Prevention.

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

(7) Develop and maintain programs which prevent and control juvenile delinquency. *

b. The objectives of the Office as mandated by the Crime Control Act of 1973, P.L. 93-83, are to develop programs which would have a significant impact on both the high rates of crime and delinquency and on the overall operation of the juvenile justice system. This objective is consistent with LEAA's mission to "develop, test and evaluate effective programs, projects and techniques to reduce crime and delinquency. "

123. SCOPE OF PROGRAMS.

a. Programs will be announced in the following general areas:

(1) Diversion of juveniles from the juvenile justice system.

(2) Program for reducing serious crime committed by juveniles, through advanced techniques for changing the behavior of serious juvenile offenders and other strategies aimed at the settings and groups through which serious juvenile crime occurs.

(3) Program for the prevention of juvenile delinquency through selected strategies which support development of constructive patterns of juvenile behavior through improving the capacity of agencies and institutions responsible for supporting youth development.

b. The program objective, description, and specifications for Chapter 14 and 15 will be issued as changes to this Manual as the program areas are developed by the Office. *

c. The program for the deinstitutionalization of status offenders is deleted from the discretionary grant program. This was chapter 27 of M 4500.1C dated November 22, 1974.

d. No applications for the programs briefly described in paragraph 123a. above will be considered until such time as program descriptions are issued.

CHAPTER 13. DIVERSION OF YOUTH FROM OFFICIAL JUVENILE JUSTICE SYSTEM PROCESSING (X1)

124. PURPOSE. Pursuant to Sections 224(a)(3) and 527 of the Juvenile Justice and Delinquency Prevention Act of 1974, and Sections 301 and 451 of the Omnibus Crime Control Act of 1968, as amended, the purpose of this program is to design and implement demonstration projects which develop and test effective means of diverting juveniles from involvement with the traditional juvenile justice system at the critical points of penetration, and to determine the significance of providing effective and coordinated services to a portion of those youth diverted. DIVERSION PROCESS, for the purposes of this program initiative, is defined as a process designed to reduce the further penetration of youths into the juvenile justice system. Diversion can occur at any point following apprehension by the police for the alleged commission of a delinquent act and prior to adjudication. It focuses on specific alternatives to juvenile justice system processing which are outside the system, including provision of services and complete release. The diversion process makes use of a range of community resources which support the normal maturation of children, and seeks to remedy specific adjustment problems depending on the individual needs of youth. OTHER DEFINITIONS essential to completion of applications are provided in paragraph 133 of this chapter. Supplementary material referenced in this Guideline is only available in the Program Announcement issued April 1976. It can be obtained from the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

a. Major Program Goals.

(1) To reduce by a significant number, adjudication of juveniles alleged to be delinquent in selected jurisdictions over a three year period.

(2) To achieve a more comprehensive and coordinated approach to the diversion process through redirection and expansion of existing community resources and provision of more cost-effective services.

(3) To reduce delinquent behavior of those youth diverted by providing effective services to that portion of youth diverted who need such services.

(4) To improve the quality and efficiency of juvenile justice decision making.

b. Subgoals.

(1) To develop and strengthen community-based service models which encourage youth employment and youth participation in decision making.

(2) To enable the juvenile justice system, as a result of diversion of less serious offenders, to concentrate more of its resources on the juvenile offender whose offenses preclude consideration for diversion.

c. Program target is youth who would otherwise be adjudicated delinquent. While automatic exclusion of children alleged to have committed serious offenses is inconsistent with the aims of diversion, youth charged with such crimes as murder, forcible rape or armed robbery are not generally considered appropriate for diversion unless substantial evidence supports their not being a further danger to the community. Youth who would normally be warned and released, screened and referred to community services, or released by the court are not the target for this program. Using data on the number of youth adjudicated in 1975, each community will define the target population by precise criteria, identify the critical points of penetration into its jurisdiction's juvenile justice system and develop action projects which reduce further penetration by this target population.

125. WORKING ASSUMPTIONS. The program is based on the following assumptions:

a. When viewed as a process, operating within a continuum from police warning and release to adjudication, diversion impacts the efficiency of the entire system at the various levels of official action. Thus, the juvenile justice system is likely to become more efficient and effective at each level as a result of increased diversion.

b. While there are significant variations among youthful offenders, many juveniles engage in episodic acts of lawbreaking interspersed with longer periods of law-abiding conduct. More often than not, such lawbreaking is transitory and disappears as youth grow older, with or without juvenile justice system intervention or special services. Thus, a good number of youths can be diverted without referral for services or further system supervision.

c. Variations in police reporting procedures, organization of juvenile courts, child welfare and other components of the community juvenile justice system markedly influence the handling of lawbreaking youths in different jurisdictions. Thus, community toleration of contemporary youth behavior as well as organizational willingness and capacity to respond constructively to youth problems significantly affect diversion rates.

d. Negative labeling, with the consequence of stigmatization, suggests that there is a relationship between formalized court processing and future delinquency. While research findings have not been definitive, if community stigmatization has the likely effect of reinforcing or perpetuating delinquent behavior, diversion of youth from formal processing is an approach which merits further testing.

126. EVALUATION DESIGN. The evaluation will seek:

a. To determine the extent to which diversion can occur at the most critical points in juvenile justice system processing and result in a reduction in adjudication.

b. To assess the impact of diversion programs on juvenile justice system processes and procedures.

c. To determine the extent to which services were redirected and coordination increased.

d. To determine whether the target population benefits more from diversion with services than from diversion without services.

e. To determine the relative impact of diversion vs. traditional juvenile justice system processing on social adjustment and delinquent behavior.

f. To assess the impact of a range of alternative diversion services on social adjustment and occurrence of delinquent behavior.

g. To compare the cost of traditional juvenile justice system processing with alternative forms of diversion.

127. PROGRAM STRATEGY.

a. Program Impact. Applications are invited which propose action programs to divert increased numbers of juveniles at the most critical points of penetration into the juvenile justice system. While program design will vary according to the characteristics of jurisdictional needs and resources, the overall program thrust, in all instances, should:

(1) Identify and address existing problems and procedures in the diversion process.

(2) Provide legal safeguards to protect the rights of youth participating in diversion.

(3) Provide solutions which reduce fragmentation in the youth services delivery system and focus resources upon those children at greatest risk of being further involved with the juvenile justice system.

(4) Strengthen existing service components to facilitate public and private coordinated service delivery.

(5) Include program approaches which test new concepts in service delivery, develop or refine service models suitable for replication in other areas, and include innovative media techniques for increasing public understanding of the program.

b. Proposal Development. Project proposals will be developed in two phases. A preliminary application will be submitted and a limited number of applicants will be invited to prepare full program designs based upon the degree to which their preliminary design meets the stated selection criteria. The Office of Juvenile Justice and Delinquency Prevention will provide technical assistance, through use of consultants and staff, with program development. Those applications will be selected for grant award which are judged to meet all selection criteria at the highest level.

c. Range and Duration of Grants. Awards for this program will be for a three year period, funded in annual increments. LEAA's commitment to continue in the second and third years is contingent upon satisfactory grantee performance in achieving stated objectives in the previous program year(s) and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the third year. It is

anticipated that grants will range up to $2.0 million for a three year period with grant size based upon the number of juveniles served, complexity of problems addressed, and the jurisdiction's capacity to absorb the program after this funding terminates. Funds for this program are allocated under the Omnibus Crime Control Act of 1968, as amended. Pursuant to Sections 306(a) and 455(a) of the Crime Control Act, funds awarded in response to this Guideline require a 10 percent cash match.

d. Program Eligibility.

(1) While this program is subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention as prescribed in Section 527 of the Juvenile Justice Act of 1974, the authority to use Part E funds for this program is Section 453(4) of the Omnibus Crime Control Act of 1968, as amended. This authority permits no waiver of statutory requirements applicable to Part E funds.

(2) Public and Private non-profit organizations and agencies are eligible to apply, but if selected must become subgrantees of one of the eligible groups listed in paragraph 127d(3) below.

(3) Programs must meet eligibility requirements for Part E discretionary funds as established in M 4500.1D, July 10, 1975, Chapter 1, paragraph 4b. Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Act can be made only to State Planning Agencies, local units of government, or combinations of local units of government.

(4) Pursuant to Section 453(4) of the Omnibus Crime Control Act of 1968, as amended, projects are eligible which service those youth within the cognizance of the juvenile court system upon entry into the program. While projects are expected to meet the eligibility requirements under this Section, police functions and some service components considered essential to program effectiveness, but not clearly meeting requirements for Part E, will be funded under Part C of the Omnibus Crime Control Act.

e. Applicant Eligibility. Applications are invited from public and private not-for-profit organizations and agencies in: (use 1970 U.S. Census Reports)

(1) Cities of 250,000 or more.

(2) Counties of 350,000 or more.

(3) Contiguous multiple jurisdictions of 500,000 or more. (This could include 1 or more counties or an entire state).

(4) States with populations under 500,000.

(5) Indian tribal groups on reservations of 4,000 or more.

f. Applicant Capability. While applications may reflect the participation of several public and private youth serving agencies and organizations, the official applicant must meet the following conditions of special capability.

(1) Be located outside the formal structure of the juvenile justice system while having the capacity to involve law enforcement agencies and courts in development and implementation of the overall program.

(a) Multiple-function agencies administering a variety of planning and human resource program components as well as juvenile justice system components (intake, corrections, after-care) are considered to be outside the formal structure for purposes of this response. Although multiple-function agencies may apply, their justice system components may not administer the project, but may operate components through contracts.

(b) While law enforcement agencies, juvenile courts and probation departments do not meet the capability requirements for applicants, in all instances they are expected to play a major role in planning and implementation of the project. Support for their functions must be reflected in coordination mechanisms, budget and program design.

(c) Where private youth serving agencies are applicants, public youth serving agencies are expected to play a major role in planning and implementation with support provided for their functions as outlined in paragraph 127f(1)(b) above.

(2) Have substantial responsibility for providing leadership in planning, standard setting, and coordination of youth services as evidenced by statutory authority or broadly based community sanction and support, in combination with a newly created or already established budget for this responsibility.

(3) Have the demonstrated capability or experience to develop management and fiscal systems essential to the coordination of a multi-dimensional program.

(4) Be able to provide access to data essential to the national evaluation of projects funded in response to this Manual.

128. PRELIMINARY APPLICATION REQUIREMENTS. This initial application will consist of a preliminary project design of 12 pages with supporting addenda. Where data are not available in time for submission of the Preliminary Application, indicate when they can be obtained and from what sources. This document should include:

a. Statement of Need. (Include Addendum I in Preliminary Application.)

(1) Briefly describe the jurisdiction in terms of socio-economic and demographic characteristics. Identify the area(s) of principal impact for this program. Provide statistical data in the addenda on the number of juveniles under 18 for the entire jurisdiction as well as the impact area(s); population density; crime rates; school drop-out rates; adult and youth unemployment statistics.

(2) Using Supplement V (flow-chart) as a model, document and describe fully the flow of youth through the juvenile justice system. Describe the established diversion process in terms of ordinances or codes regulating juvenile behavior, administrative procedures or policies existing in courts, law enforcement agencies, schools and social agencies. Describe the projects or programs which are considered to be primarily "diversion services" and identify the clientele and types of services provided. Describe and prioritize problems within the existing diversion process and related services.

(3) Describe the major points of juvenile justice system penetration for all youth penetrating the system and identify the most critical points along with reasons for

their designation. Identify those juveniles penetrating the system at each point of penetration and describe them in terms of socio-economic characteristics and official offense records for 1975. Indicate the number of juveniles to be diverted at each point in this program.

(4) Data requested in paragraph 128(a)(2) and (3) are critical to selection of preliminary applications as they document the basis for selection of the target population and describe the diversion process now in effect.

b. Project Goals and Objectives.

(1) Identify the target population and designate the critical points of penetration. Define program goals and objectives in terms of expected decreases in actual numbers of youth officially processed at each of the specific points of penetration and expected reduction of delinquency adjudications within the target jurisdiction. Identify the major problems to be addressed in the diversion process in terms of expected changes in official processing by juvenile justice system agencies; capability and focus of existing public and private youth services programs; community capability for planning and coordination; expected benefits to juveniles affected.

(2) Define objectives for each of the problems identified in measurable terms, i.e., specific activities in relation to expected results.

c. Methodology. Develop a methodology in accordance with the specifications outlined in paragraph 128b above. Identify any significant problems which would need to be addressed in order to achieve the objectives of the program and explain proposed methods for resolving. Identify specific agreements essential to project success and describe your progress in securing them. Copies of agreements consummated should be included in the addenda.

d. Benefits Expected. Describe expected impact upon youth involved in the diversion process, as well as the juvenile justice system (court, police and correctional facilities), school system, public and private service providers and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact.

e. Capability of Applicant. Describe the nature of your accountability for services to juveniles as specified in paragraph 127f, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals. Identify sources and amount of your operating budget, and describe your agency's policy-making structure, relationship to or location within county, city or state government.

f. Evaluation Requirements. Provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 131d of this chapter, and that access can be secured to essential juvenile justice system data. Identify the data routinely recorded by the police and juvenile court and indicate whether it is computerized or manually stored.

g. Budget. Develop a preliminary budget in accordance with specifications outlined in paragraphs 128b and c of this chapter and paragraph 131d which reflects expenditures over three years.

129. APPLICATION REQUIREMENTS. (These are not to be addressed in the Preliminary Application.)

a. Program Goals. Restate the program goals and objectives pursuant to instructions in paragraphs 128a and b.

b. Problem Definition and Data Needs. Information provided about problems within the jurisdiction's diversion process, characteristics of the target population, proposed solutions, and documentation of the critical points of juvenile justice system penetration are essential to review and selection of projects. City and state comprehensive criminal justice plans should be used as resources in meeting data requirements. The following information, if not already provided in the addenda to the preliminary application must be provided in the application. If information was provided, refer to that document in accounting for data required in each of the categories outlined below:

(1) A socio-economic profile of the jurisdiction with such demographic data as are necessary to document crime rates, racial/ethnic population, adult and youth unemployment, population density, school enrollment and drop-out rates.

(2) A system description and flow chart of official processing, including but not limited to juvenile justice system agencies (police, courts and correctional institutions). Agencies with authority to refer to court for official action should be included along with an explanation of the nature of their authority.

(3) Statistical documentation of juveniles entering the system at each point of penetration over the past year (1975) along with their ages, offenses, socio-economic characteristics, and disposition by the processing agency using the model flow chart provided in Supplement V.

(4) A description of the statutory rules, codes, and ordinances governing juvenile behavior; a description of administrative procedures (including formal or informal policies) which regulate or prescribe methods for responding to juvenile behavior in juvenile justice system agencies and others capable of initiating court referral or other official action.

(5) An inventory of public and private youth serving agencies with known diversion functions or services, described in terms of selection criteria, major foci, operating budget, geographic location in relation to the target population for this program, number of youth served, and commitment to participation in this program.

(6) Identification of gaps in services, anticipated need for modification in scope or thrust of existing services along with an explanation of anticipated problems in closing gaps or in achieving modifications considered necessary to support a more effective diversion process.

c. Program Methodology. Based upon the information provided in this paragraph, develop a project design which provides a clear description of the following:

(1) The target population and selection criteria for juveniles participating in the diversion process.

(2) The range of public and private services to be provided to the target population including a description of (a) new services, (b) existing services that will continue to be available, and (c) existing services which will be improved or expanded as part of this program. Indicate ways in which service components for diverted youth will maximize participatory activities, provide experiences which are non-stigmatizing, and encourage youth employment and youth participation in decision-making.

(3) The safeguards that will be developed to protect the legal rights of juveniles at any stage in the diversion process where there is danger of abrogation of such rights. Minimally, such safeguards must provide right to legal counsel during the period of intake, if it involves admission of guilt, and at termination hearings, if such hearings are conditions of diversion. Other desirable legal safeguards are suggested in Supplement IV. Pursuant to Section 524(a) and (c) of the Crime Control Act of 1968, as amended, confidentiality of program records used or gathered as part of a research or statistical project or project component must be provided along with assurance that no prosecutorial use may be made of them in pending or future legal proceedings. Additionally, assurances must be provided that program information gathered under funds from this program, identifiable to a specific private person is used only for the purpose for which obtained and may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his/her legal guardian or legal representative.

(4) The organizational structure for implementing the project with sufficient detail to make clear its official authority or public sanction for leadership; staff capability; potential for performing an effective advocacy role in the redirection of resources and standard-setting; and ability to coordinate planning and provide leadership in setting goals.

(5) The administrative procedures and coordination mechanisms to be employed in implementing the project, including the role of law enforcement agencies, juvenile courts, and public and private youth service providers. This

discussion should include the involvement of participating agencies in the planning, development and implementation of the project in addition to the methods for maintaining coordination, assuring accountability and establishing monitoring procedures for service delivery.

(6) The educational and public relations activities that are required to gain and maintain public understanding and support for the program.

d. Workplan. Prepare a work schedule which describes specific program objectives in relation to milestones, activities and time-frames for accomplishing the objectives.

e. Budget. Prepare a budget of the total costs to be incurred in carrying out the proposed project over three years with a breakout for each budget year. Indicate plans for supplementing LEAA funds with other Federal, state, local or private funds in excess of the required ten percent cash match.

130. SELECTION CRITERIA. Applications will be rated and selected in relation to all the following selection criteria. Preference will be given to those projects presenting specific opportunities for intergovernmental coordination of resources. Other criteria being equal, consideration will be given to geographic spread in project selection. Applications will be rated and ranked in relation to all selection criteria and only those meeting all criteria at the highest level will be selected for grant award. Ratings appear in parenthesis after each selection criterion. Preliminary applications will be rated and selected only in relation to paragraphs 130 a, b, c, e, f, g, and h of this chapter:

a. The extent to which there is a significant numerical decrease, over 3 years, in youth formally processed at the most critical points of penetration into the juvenile justice system; and the extent to which there is a decrease in formal processing at all other points of penetration into the system. Decreases in formal processing and delinquency adjudications will be established by reference to data indicating numbers and characteristics of youth handled during the prior year. Performance at the end of each program year will be measured in part by achievement of projected decreases. (20 points)

b. The extent to which the target population includes youth at greatest risk of further juvenile justice system penetration as evidenced by type and number of offenses, socio-economic characteristics, high community rates of youth unemployment, school drop-out and delinquency. (25)

c. The extent to which the court, law enforcement and correctional agencies, schools and public and private youth service providers agree to participate in an expanded diversion process. This should be evidenced by written agreements which describe how they will participate, the kinds of mechanisms which involve them in planning and coordination and whether they will provide access to essential data. (25)

d. The extent to which safeguards are developed in connection with screening, referral and delivery of services which protect the legal rights of youths and avoid widening the network of control by the juvenile justice system. Evidence of this will be examined in connection with:

(1) Conditions associated with disposition.

(2) Conditions associated with voluntary or involuntary termination from service programs.

(3) Assurances of confidentiality of records. (15)

e. The extent to which screening and referral mechanisms reflect the range of dispositional alternatives, from release without services or further system supervision to referral for intensive services with effective tracking of outcomes. (15)

f. The extent to which randomization is assured by juvenile justice agencies in assignment of youth to the range of dispositional alternatives outlined in the program. Randomization is possible because the resources of the diversion programs will not allow provision of services to all youth diverted. Random assignment of youth to services is therefore a reasonable and equitable procedure to follow in the allocation of limited resources. Among those youth determined to be eligible for diversion in this program, some will be referred for normal Juvenile Justice System processing, and tracked. Others will be diverted as program participants. Their dispositions will include:

78-464 O - 77 - 54

(1) Diversion with services.

(2) Diversion without services. (10)

g. The extent to which the program approaches:

(1) Build public understanding and support for the new responses to juvenile behavior.

(2) Provide overall support services to public and private youth serving agencies participating in the diversion effort for purposes of improving their capacity to provide services to diverted youth, e.g., training, information systems, evaluating, accounting services. (10)

h. The extent to which there is redirection of existing public and private services and more use of these services for youth at greatest risk of further juvenile justice system penetration. (25)

i. The extent to which service models (see Supplement III for examples):

(1) Encourage youth employment.

(2) Encourage youth participation in planning, implementation and evaluation of the program.

(3) Are non-stigmatizing as evidenced by a mixture of non-juvenile justice referrals with system referrals.

(4) Are cost effective as evidenced by use of existing public and private youth serving agencies as service providers, and retraining existing staff to assume new responsibilities or acquire new skills. (20)

j. The extent to which the diversion process expands in scope and thrust as evidenced by projected:

(1) Changes in administrative procedures for official processing of juveniles.

(2) Modifications in ordinances, regulations or codes which define delinquent behavior, prescribe standards for delivery of youth services or outline new requirements for official processing. (20)

k. The extent to which there is use of new public or private funds beyond the required 10 percent cash match. (10)

l. The extent to which there is capability and interest in continuing the program after termination of this grant. (15)

131. SPECIAL REQUIREMENTS.

a. The conditions of capability outlined in paragraph 127 are critical to implementation of a successful diversion program. Therefore, concurrence by the cognizant SPA and LEAA Regional Office that the applicant meets the conditions of capability will be required prior to an invitation to develop a full application.

b. To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of nine meetings during the course of the three year projects. Meetings will be planned with the grantees by mutual agreement, with the exception of the first, which will be called shortly after grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.

c. Sixty days following grant award, grantees will submit a revised budget and statement of work which reflects essential adjustments in tasks and milestones.

d. A grant will be awarded by the National Institute for Juvenile Justice and Delinquency Prevention for a national evaluation of the diversion initiative. The national evaluator will develop the evaluation design to be implemented at each site by a local evaluator under contract to the cognizant State Planning Agency. The applicant should include in the proposed budget an allocation for this expenditure in an amount up to 15% of the total award requested. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design. Grantees must agree to an acceptable level of randomization. This will be determined by the national evaluator and project staff at each site prior to grant award, based upon program design.

132. SUBMISSION REQUIREMENTS.

a. Preliminary Application.

(1) All applicants will submit the original preliminary application and two copies to the LEAA Central Office of Juvenile Justice and Delinquency Prevention. One copy should be sent to the appropriate A-95 clearinghouse. SPAs will provide the addresses of clearinghouses.

(2) Upon receipt, the Office of Juvenile Justice and Delinquency Prevention will conduct an initial screening to determine those preliminary applications meeting eligibility specifications and capability conditions as outlined in paragraph 127 of this Manual. Upon making this determination, notifications will be sent to applicants not meeting these conditions and copies of the remaining applications will be forwarded to the cognizant SPA and Regional Office for review. Review conducted at this point by all reviewers will consider the degree to which applicants meet the full range of initial selection criteria.

(3) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments and concurrence or non-concurrence to the appropriate Regional Office and the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C. Statements of concurrence must address the specifics of paragraph 127 of this Manual. Statements of non-concurrence must provide facts regarding the specifics of paragraph 127 of this Manual.

(4) Regional Offices, following review will forward their comments and statements of concurrence or non-concurrence to the Office of Juvenile Justice and Delinquency Prevention in Washington.

(5) Upon receipt of SPA and RO comments, the OJJDP will select those preliminary applications judged to best meet the conditions of capability and selection criteria. Prior to final selection, site visits will be made by LEAA Central and Regional staff. Applicants determined to have elements most essential to successful program development will be invited to develop full applications. Unsuccessful applicants will be notified and information copies forwarded to SPAs and ROs.

(6) Preliminary applications must be mailed or hand delivered to the OJJDP at the LEAA by JUNE 4, 1976.

(a) Preliminary applications sent by mail will be considered to be received on time by OJJDP if sent by registered or certified mail not later than June 4, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

(b) Hand delivered preliminary applications must be taken to the OJJDP of LEAA, Room 444 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m. except Saturdays, Sundays or Federal holidays, not later than JUNE 4, 1976.

b. Applications.

(1) The Diversion Program has been determined to be of national impact and applications should be submitted in accordance with the format outlined in paragraph 23, Chapter 1 of Guideline Manual 4500.1D issued July 10, 1975.

(2) Guideline Manual 4500.1D will be forwarded to those applicants invited to develop full applications.

133. DEFINITIONS. For the purposes of responding to the Program Guideline, the following working definitions are provided.

a. System

(1) Juvenile Justice System refers to official structures, agencies and institutions with which juveniles may become involved, including, but not limited to, juvenile courts, law enforcement agencies, probation, aftercare, detention facilities, and correctional institutions.

(2) Law Enforcement Agencies means any police structure or agency with legal responsibility for enforcing a criminal code, including, but not limited to, police and sheriffs' departments.

(3) Critical Points of Penetration means the specific points in the juvenile justice system at which decisions are made whether or not to pursue a charge against a youth further along the formal procedural path leading to juvenile court adjudication. For example:

(a) After apprehension by the police and prior to official referral to court.

(b) After referral to court intake and prior to petitioning.

(c) After petitioning and prior to preliminary hearing.

(d) At preliminary hearing and prior to dispositional hearing.

(4) Delinquent Acts refers to behavior of juveniles that is in violation of a statute or ordinance in the particular jurisdiction and which would constitute a crime if committed by adults.

(5) Dispositional Alternatives refers to the options available to juvenile justice system officials at the various points where a child is in contact with the system. These might range from counsel and release by police to participation in a community-based public or private residential program by direction of the juvenile court prior to adjudication.

(6) Administrative Procedures are those non-statutory, internal agency policies which organize and define police, court and school behavior.

(7) Apprehension refers to an action by law enforcement agencies which involves actual filing of an official arrest report.

b. Programmatic.

(1) Jurisdiction means a unit of general local government such as a city, county, township, town, borough, parish or village or a combination of such units.

(2) Community refers to an area within a designated juris-

diction which has a specific set of characteristics which demographically distinguish it from others within the same jurisdiction.

(3) Program refers to the national diversion effort supported by the Office of Juvenile Justice and Delinquency Prevention.

(4) Project means the set of activities designed to achieve the overall objectives of diversion in a particular jurisdiction.

(5) Project Components refers to the particular diversion efforts taking place within a project.

(6) Private Voluntary Youth Serving Agency means any agency, organization or institution with experience in dealing with youth, designated tax exempt by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code.

(7) Public Youth Serving Agency means any agency, organization or institution which functions as part of a unit of government and is thereby supported by public revenue, for purposes of providing services to youth.

(8) Agreements refers to the assurances between and among juvenile justice system components and service providers which are necessary to ensure attainment of program goals.

(9) Legal Safeguards refers to the assurance that a juvenile's constitutional, statutory, and civil rights are protected during his participation in the diversion process.

(10) Legal Advocacy is the process of protecting and ensuring the right of due process on behalf of youth in the juvenile justice system.

(11) Youth Advocacy is a process of intervening on behalf of juveniles to ensure that community institutions, social service agencies and the juvenile justice system respond to those needs of youth which are presently not being met.

(12) Screening is a process of determining whether a child's needs can be met by a particular project or project component.

(13) Referral is the process of directing a program participant to those services or activities appropriate to his/her needs.

(14) Tracking System refers to the procedure used for the monitoring and follow-through of activities in which youth are involved in the diversion process for purposes of ensuring proper delivery of services.

(15) Accountability refers to planning, management, and evaluation procedures which cause precise use of resources and design of activities, to attain approved objectives and provide independently verifiable information to judge how well activities attain objectives.

(16) Contemporary Youth Behavior is that behavior generally associated with adolescence, which is sometimes labelled as deviant, depending on the degree of tolerance in the community for such behavior.

(17) Negative Labeling is a theory that some youth who are defined and described in a disparaging manner by significant others (parents, teachers, juvenile justice system officials) come to accept, and as a result, behave according to the negative definition.

(18) Stigmatization is the process whereby society views a youth unfavorably according to certain characteristics, such as those of his associations, environment, or his participation in services, all of which may be a result of negative labeling.

(19) Voluntary Participation is the act of involvement of youth in activities which the youth chooses.

(20) Youth Participation is the ongoing active involvement of young people in activities and decisions which directly affect their lives.

(21) Coordination is the process by which the various agencies and systems responsible for carrying out program objectives work together to provide a comprehensive, non-duplicative service network.

(22) Individualization of Youth Needs is the process of determining the specific needs of a youth and designing an appropriate service plan to meet these needs.

(23) Replicable Findings refers to those data gleaned from the projects which can be used by other jurisdictions in establishing projects of a similar nature with similar goals and objectives.

(24) Non-stigmatizing means programs which mix juvenile justice system referrals and non-juvenile justice referrals in the same program or service.

(25) Research or Statistical Information means any information which is collected during the conduct of a research or statistical project or derived from such information, and which is intended to be utilized for research or statistical purposes. The term includes information which is collected directly from the individual or obtained from any agency or individual having possession, knowledge or control thereof.

(26) Program Information is records, files or written reports developed in conjunction with services provided to juveniles by agencies, organizations, institutions or others supported in whole or in part with funds provided pursuant to this program announcement.

LEAA'S DISCRETIONARY FUNDING FOR JUVENILE DIVERSION PROGRAMS

BACKGROUND

Since the establishment of the first juvenile court in Illinois in 1899, the problem of treatment and prevention of juvenile delinquency has been an especially tenacious one. The early hopes and expectations that juvenile courts would drastically reduce youthful crime have been largely unmet. (In 1957, the juvenile court referral rate nationwide was 19.8 cases per 1,000 children 10 through 17 years of age; by 1972 the rate had jumped to 33.6.)

Recent observers of the juvenile court have argued that we have expected too much of them, overloading them with cases and calling upon them to deal with difficult and complex behavioral and social problems at the same time that we have failed to equip them with resources for achieving those goals. Then too, there are limits to the extent to which courts can be transformed entirely into therapeutic organizations. Courts often tag juveniles with the stigma of being "delinquents" in spite of their best efforts to avoid doing so. Consequently, many persons have come recently to argue for more modest expectations for courts, in which they would restrict their efforts to "hard core" offenders (Schur, 1973; Lemert, 1971). Those same commentators argue that new structures outside the official juvenile justice system are required, to which less serious cases can be diverted, and where they will receive services that address many of the individual and collective problems of youth in contemporary society.

The proposals for diversion have grown out of other, reciprocal interests as well. Recent criminological theory and research regarding delinquency, the development of social reaction theory, and shifts in types and number of offenses being committed by youth, have all provided a strong case for diversion.

DELINQUENT BEHAVIOR AND CAUSATION

Traditional sociological and psychological views have generally characterized the delinquent as much different from his nondelinquent peers. Causes have been sought by comparing past histories of apprehended offenders with those of nondelinquents (Glueck and Glueck, 1950).

However, the newer evidence indicates that most youngsters engage in at least occasional acts of delinquency (of varying degrees of seriousness). Moreover, the "delinquency problem" is a social product involving the interactions between juveniles, adult audiences, and social control agencies, including the police and courts. The level of official delinquency observed in a particular community bears some relationship to the quantity of misconduct on the part of youths, but it is also influenced by public attitudes, police practices, and other factors, all of which vary from community to community.

Research on "hidden delinquency" has shown that delinquency is not restricted to lower class youth, youngsters from broken homes, or children who do poorly in school. Juveniles from myriad social backgrounds engage in delinquent behavior. And, most of these hidden offenders "grow out of" lawbreaking and become stable citizens, without receiving any ministrations from the juvenile justice system.

Another thing which is clear is that juvenile delinquency takes a number of forms, varying in frequency, duration, and seriousness. Many youngsters engage in only a few relatively petty acts of lawbreaking, while others carry out sex offenses, predatory acts, or other patterns of misconduct. Some are fitting subjects for juvenile court intervention while others are candidates for diversion.

Much recent research indicates that many youths engage in episodic flirtations with lawbreaking, rather than being deeply entangled in misconduct. Also, delinquency is often a transitory phenomenon, related to the problems of "growing up" so that many youths apparently "grow out of" this activity, whether anything is done with them or not.

Detailed discussion of the causes of delinquency would take us too far afield. However, it is fair to say that theories emphasizing psychological maladjustment often are off the mark. Many juvenile lawbreakers are psychologically normal, so that their lawbreaking conduct cannot be attributed to psychological maladjustment.

Also, recent thinking lays stress upon "institutional" factors such as school experiences which exacerbate delinquency, variations in police policies, etc. as important sources of delinquent conduct. These newer perspectives direct attention toward community influences in fostering youth misconduct and away from exclusive focus upon juvenile offenders.

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9 OF 19

Newer orientations direct attention to: (1) the way control agencies such as the police are organized and the importance these agencies place upon the delinquency problem (Bordua, 1967; Wilson, 1968; Gibbons, 1976); (2) the extent to which youth are allowed meaningful participation in the world of work, significant decision-making in the schools, and effective participation in other institutional spheres; (3) social and demographic characteristics of the community; (4) the willingness of agencies outside the police and courts to respond to problems of youthful misconduct, and (5) the amount and type of public concern about juvenile lawbreaking.

What of social-structural or "institutional" factors in delinquency? Youths occupy marginal roles, are barred from adult status and responsibility, and are faced with a number of difficulties which are not experienced by other age groups. They are expected to develop "mature" attitudes and beliefs but are denied access to adult rights and prerogatives. They are compelled to attend school, even though the school frequently fails to offer meaningful educational experiences to them. Juveniles have no significant voice in educational decision-making (Schafer and Polk, 1967). Schools sometimes engender self-perceptions of failure on the part of juveniles and push some toward dropping out of school and into misconduct. These problems of youth are exacerbated in large urban metropolitan centers because of high mobility rates, widespread social anonymity, substandard schools, deficient recreational outlets, lack of employment opportunities for youth, and related characteristics found there. Attempts to reduce the level of misconduct must address these conditions and must endeavor to alter the status situation of youth by creating meaningful new roles and opportunites.

The other side of the coin is that agencies outside of the juvenile justice system have often been unwilling to deal with problems of juveniles, thereby leading to higher rates of delinquency. The juvenile court has often been seen as a dumping ground for the school, the family, and welfare agencies (cf. Emerson, 1969).

The level of community concern also effects delinquency rates. If citizens are upset about delinquency and agitate for its control, the police and courts are likely to respond to such pressure by arresting and processing more offenders than in a community where juvenile misconduct is not perceived as a major community ill. Levels of community tolerance vary from community to community (Parker, 1970; Lentz, 1966; Carter, 1968). On this same point, the higher arrest rates of black youths in lower class neighborhoods may be partially explained by the higher likelihood of the victim to demand action (Lemert, 1971; Piliavin and Briar, 1964).

SOCIAL REACTION THEORY

In the past decade or so, a large number of sociologists have offered a host of plausible claims about the potentially adverse impact that social reactions may have upon socially-identified deviants of one kind or another (cf. Gibbons and Jones, 1975). Social reaction theorists view deviance, including delinquency, as frequently situational in character. An act may or may not be responded to as delinquent, depending upon the situation in which it occurs. Young boys kicking over garbage cans in an alley are sometimes viewed as "incorrigible hoodlums" and sometimes as "a few kids sowing wild oats." In either case, the reaction to the behavior depends upon who observes it, who the actors are, when the activity occurs, and a number of other factors as well.

Social reaction theory also focused upon the effects of labeling upon the actor so labeled. Lemert (1972), argues that a personal role-orientation as a deviant frequently grows out of the experience of being tagged as a deviant by a social audience. A feedback process often operates in which repeated misconduct or deviation triggers social reactions to the behavior (police arrest, court referral, expulsion from school, etc.), which stimulate further acts. Deviant careers arise out of stigmatization brought about by a societal reaction to particular behavior. Social reaction theory, with its emphasis on the consequences of stigmatization and the role of a formalized court processing as a possible contributing agent to future misbehavior, has provided a strong buttressing argument for youth diversion (Lemert, 1971).

Social reaction contentions regarding the deleterious effects of official intervention, court processing, and the like, have a ring of plausibility to them, but the empirical accuracy of such claims is uncertain, (Gibbons and Jones, 1975). Program evaluation efforts joined to federal funding of diversion programs ought to provide increased factual data on stigma and the effects of social labeling.

PROBLEMS OF THE JUVENILE COURT

Juvenile courts have come increasingly under attack from a number of diverse directions, including the United States Supreme Court. Recent court rulings (Kent, Gault, Winship) have limited the court's decision-making powers and have provided youth with some of the legal protections guaranteed adults.

Most of the criticism of juvenile courts centers about three propositions: (1) they are quasi-legal organizations characterized by "overreach of the law" (Lemert, 1971:5); (2) they are poorly organized to deal with the problems which come before them because they are understaffed, lack sentencing alternatives, and are overly bureaucratic in function; and finally, (3) they have failed as a method of providing treatment.

"Overreach of the law" in juvenile courts refers to the jurisdiction they have over dependency and neglect cases, status violations, and other behaviors which would not be punishable for adults. There are many who would have the reach of the law reduced through diversion (Schur, 1973; Lemert, 1971).

Juvenile courts are often faced with hordes of youth with whom they must deal in their day-to-day functioning, at the same time that they are understaffed, under-budgeted, and overworked. Courts are forced to bureaucratize their operations to such an extent that individuals under their care are too often subjected to dispositions based not in the child's needs but on the needs of the court to get the case out of the way and to get on to another one. People-processing becomes the major work of the court. The solution to this problem lies in reduction of the number of cases brought before the court through diversion of youth out of the court machinery.

The notion that juvenile courts provide much treatment is questionable (cf. Gibbons, 1976). Emerson's (1969) study of a court in one Eastern city came to the conclusion that rather than rehabilitating lawbreakers, the court was much more interested in bringing about social control. It was bound together with other organizations in the community in such a way as to maximize the satisfaction of the needs of those agencies, but with lesser concern for the youth who were processed by the court. Similar findings have been reported by Langley (1972) from a study of a metropolitan juvenile court in Tennessee.

The problems of juvenile courts include excessive workloads, a paucity of treatment alternatives, and coercive, stigmatizing features. Courts are courts, not therapeutic communities. Accordingly, ways must be found to divert less serious delinquents away from juvenile courts. Sarri (1975:11) has summed up the benefits of diversion:

1. The powers of the juvenile court are extraordinary and should be reserved for extraordinary, not minor cases.

2. Large numbers of cases interfere with optimal functioning of the court, with the result that processing of cases will be slow and highly bureaucratized.

3. Juvenile courts have limited resources of staff and monies. If they are overloaded, ineffectiveness will increase and it will not be possible to concentrate on serious delinquency cases.

4. The juvenile court was established to be a court of law, and its limitations in remedying all social ills must be accepted. It cannot order morality, or induce respect for authority.

DIVERSION--GENERAL COMMENTS

The principle of diversion is of long standing. The police have long practiced diversion by giving youngsters verbal tongue lashings or telling them to "go home and keep out of trouble." Schools have engaged in diversion by setting up special classes and devices such as student-run traffic courts to deal with misbehaving students.

Then too, youth diversion is part of a broader trend toward reducing the involvement of offenders in the criminal justice system. Thr growth of community treatment facilities, increased use of probation and parole for adult offenders, and decriminalization of certain offenses have, like diversion, been aimed at reducing the involvement of offenders with the criminal justice system.

The need for diversion is clear enough. But, there are at least six basic questions concerning youth diversion that must be confronted:

1. What is diversion? (Are there differing conceptions of diversion and different forms of diversion in practice? If so, what kind of diversion strategy ought to be encouraged?)

2. Who should be diverted? (Relatively petty offenders? Relatively serious offenders? If the latter, how are "serious offenders" to be identified?)

3. At what point should diversion take place? (Prior to police arrest? At the station house? At court intake?)

4. To what should youth be diverted? (To no program? To an alternative program? What kind? Should diversion programs be inside or outside the juvenile justice system?)

5. What legal issues must be addressed in diversion? (Should admissions of guilt be required of diversion candidates? Should courts retain some jurisdiction or hold over divertees?)

6. What are some of the potential consequences of diversion programs which might well maximize their effectiveness, or conversely, that might limit their impact?

WHAT IS DIVERSION?

A plethora of ideas and themes revolving around the notion of diversion has sprung up in the United States in the past decade. "Judicious nonintervention," "benign neglect," "decriminalization," "diversion," "youth services bureaus," "release on own recognizance," and other notions are all elements of a central theme of reducing the number of offenders in the criminal and juvenile justice system. Additionally, a heterogeneous collection of programs has grown up, all identified as "diversion" endeavors. The situation is parallel to that of youth services bureaus, which are supposed to be used for diversion of juvenile referrals out of the juvenile court. A wide variety of youth services bureaus are now in existence, with little in the way of a shared theoretical rationale, organizational structure, agency procedures, or other indicators of conceptual coherence to be found in them (Polk, 1971; Seymour, 1972).

The diverse meanings currently attached to "diversion" have been discussed by Cressey and McDermott (1974) and by the Phase I, N.E.P. diversion effort assessment (McDermott and Rutherford, 1975).

The President's Commission on Law Enforcement and Administration of Justice (1967) defined diversion as: "A process of referring youth to an existing community treatment program or prevention program in lieu of further juvenile justice system processing at any point between apprehension and adjudication." The N.E.P. definition of diversion (McDermott and Rutherford, 1975) parallels the President's Commission

definition: "Diversion occurs after a youth's initial contact with an agent of law (provided that the contact gives law enforcement personnel the opportunity to impose legally sanctioned, coercive control over a youth's actions) and prior to formal adjudication. Diversion involves a cessation (at least temporarily) of formal processing in favor of informal disposition."

Considerable variability exists regarding opinions concerning the ingredients of diversion. For example, many would contend that diversion requires more than "screening," in which offenders are completely released from any further scrutiny or processing. Diversion, to most persons involves doing something with the offender. At the same time, some would extend the meaning of the diversion concept to policies of "benign neglect," "judicious nonintervention," or doing nothing further to cases.

Another point of confusion has to do with whether diversion must be to an alternative program that is completely outside of the official juvenile justice system. Some programs, such as the Sacramento County 601 project, operating within the juvenile court system, have been labeled as diversion.

To many persons, diversion means referral to programs outside the justice system. Sarri (1975:2) likens diversion to "those activities by public officials such as police, intake and probation officers, and so forth that result in direct referral of the juvenile to agencies and persons who are capable of handling the problem outside the jurisdiction of the juvenile justice system." Elliott (1974:14) concurs with Sarri: "Diversion represents a referral to a community-based program or agency which is independent of the justice system." The National Advisory Commission on Criminal Justice Standards and Goals (Courts, 1973:27) on the other hand, includes as diversion, programs "run by agencies of the criminal justice system."

There are two elements of the definition of diversion employed in this federal effort:

1. Diversion must limit penetration of youth into the juvenile justice system. Diversion can occur at any point between apprehension and adjudication. (Diversion is not prevention nor is it synonomous with alternative to incarceration.)

2. Diversion must remove youths from the juvenile justice system, to be handled by some agency or person outside of that system. Programs such as "informal probation" are not diversion.

The existing evidence on diversion programs to date (see review of existing studies below) is far from clear regarding whether referral to services of some kind or another is superior in impact upon youths to referral to services of some kind or another is superior in impact upon youths to referral without continued services or intervention. At the same time, the data on this point are so scanty that this issue must be regarded as a major research question. What is needed are experimental studies in which some portion of a group of comparable youngsters is diverted to programs while others are simply screened out of further processing of any kind. Only in this way can the question of the effects of "diversion to what" be answered.

WHO SHOULD BE DIVERTED?

A number of suggestions have been made regarding candidates for diversion. Sarri (1975:12) argues that diversion should be automatic for youth who are "first offenders charged with status offenses or minor misdemeanors, repeated status offenders, or youth known to be receiving service in community agencies." It has also been suggested that youth who are referred to the court because of problems with school, or because social service agencies do not wish to handle them be diverted to programs which can more appropriately deal with these types of cases.

One major recurrent fear expressed by many persons is that diversion programs will end up by "widening the nets" of the juvenile justice apparatus, rather than reducing the number of youngsters who are singled out for attention. That is, many have drawn attention to the possibility that diversion may come to be used most often as an alternative disposition for youths who would normally be screened entirely out of the system in the absence of a diversion program, with few youths who normally would be processed through the justice machinery being diverted.

"Widening of the nets" is more than a hypothetical possibility against which we must be on guard. Duxbury's (1971:1) study of nine experimental youth services bureaus in California reported that: "Although it was anticipated that the bulk of referrals would be from law enforcement and probation, only about one-third of the youth served have been from these sources." Similarly, the N.E.P. (Phase I) Diversion

report describes a number of instances of ongoing diversion programs which deal principally with yougsters who would be ignored entirely were there no diversion program.

The answer to the question: "Who is to be screened out, diverted, or sent on to court referral?" will in all probability be different for different communities. There are wide variations in the nature of "the delinquency problem" from community to community, both in terms of levels of community concern and the patterns of juvenile misconduct found in different communities. But, one thing is clear in all of this: however juvenile justice system administrators define the pool of youths eligible for diversion in particular communities, great care will need to be taken to insure that juveniles get diverted out of official system processing in increased numbers, so as to avoid "widening the net."

AT WHAT POINT SHOULD DIVERSION TAKE PLACE?

Arguments have been put forth for diverting youngsters at a number of points in the juvenile justice system. Most definitions of diversion allow it to take place at any point between apprehension and adjudication. If the goal of diversion is to minimize the penetration then yougsters probably ought to be diverted at every possible opportunity. Youth can be diverted (1) after initial police apprehension, (2) at court intake, and (3) still more might be diverted prior to adjudication.

Diversion at different points will involve picking out youths differentiated in terms of behavioral seriousness and the like: those diverted out of the system at initial police contact are likely to be less serious offenders than those diverted out at court intake. Similarly, programs to which divertees are sent will also differ at these various diversion points, such that court intake divertees may well require a more detailed, complex program than those diverted out at initial contact.

TO WHAT SHOULD YOUTH BE DIVERTED?

There are theoretical reasons to suppose that diversion programs must do more than simply remove youth from the juvenile justice system. Diverted youth should be provided with positive life experiences directed at opening up legitimate roles for them in American society. Diversion programs should work toward enhancing positive self-images

on the part of juveniles. Polk and Kobrin (1972:4-5) outline four basic components of a legitimate identity: "(1) A sense of competence. . . (2) A sense of usefulness. . . (3) A sense of belongingness. . . (4) A sense of power or potency" (emphasis in original).

Polk and Kobrin (1972:21-22) have enumerated five conditions that must be met by any program which purports to provide "access to legitimacy:"

> First, such access starts from the assumption that young people, including the troublesome, have positive resources to contribute to the community. This assumption is quite different than the classical rehabilitation programs, which begin with the premise that the youth has a problem which must be identified and corrected.
>
> Second, the program proceeds immediately to place the young person in an active role where something valuable is contributed, rather than in a passive role where some service is provided.
>
> Third, it is located within a legitimate institution, i.e., the school, a crucial factor in the formation of legitimate identities.
>
> Fourth, the experience can be organized quite easily so that a mix of "good" and "bad" youth is possible.
>
> Fifth, the activity constitutes diversion, both in the sense that it is not connected with the court process and in that legal coercion is not present, i.e., the program is purely voluntary.

The possibilities for creating structures within individual communities to address the needs of youth are probably somewhat different from place to place, so that no single recipe for creating diversion organizations can be provided.

Some broad goals for diversion programs can be identified, paralleling the model put forth by Polk and Kobrin, among others. Diversion programs should stress youth involvement and youth participation, moreover, they should endeavor to include youth in various aspects of decision-making and most important they should regard youth as integral parts of the program, and not merely as clients.

Diversion programs must avoid a "more of the same" approach to treatment and rehabilitation. Time after time traditional treatment models--intensive counseling, therapy, and other "change the offender" types of programs--have been shown to be ineffective. In one analysis of delinquency prevention programs, the John F. Kennedy Center for Research on Education and Human Development (1975:3) concluded that:" . . . recreation, individual and group counseling, social casework, and the use of detached workers have consistently failed to be shown to be effective methods in the prevention or reduction of juvenile delinquency." Clearly, what is called for is new approaches to the delinquency problem. The broad strategy advocated here, including youth participation and involvement, holds promise for success in reducing youth alienation and lawbreaking.

The diversion program model, centered about expanding legitimate social roles for youth, along with increasing their sense of self-worth, is one that has roots in delinquency theory and research alluded to in these pages. There is a good deal of theoretical support that could be marshalled in support of program directions of the kind sketched out here, thus it can be said that strategies of this kind "ought to work." At the same time, there is still no convincing evidence that intervention into the lives of delinquent youngsters, even by means of programs buttressed with a theoretical rationale of great sophistication, will turn out to be more effective than policies of minimal interference into their lives. For example, it is possible that the problems of implementing theoretically-sound diversion programs will turn out to be massive ones, frustrating the efforts at innovative programs. As a result, it is crucial that programs be tested both against conventional justice system processing and against the option of minimal interference with juveniles.

EVALUATION OF EXISTING PROGRAMS OF JUVENILE DIVERSION

One of the major current fads in criminal and juvenile justice programming is diversion of offenders from the juvenile system. A number of observers have noted that virtual explosion of such programs upon the scene. However, there is much disagreement about the nature of diversion as a process, discrepancies in the use of key terminology, and a good deal of other confusion about diversion. A related observation that has been offered widely is that almost nothing is known about the impact, if any, of these varied efforts all proceeding under the name of diversion. Elliott and Blanchard (1975:2) have observed:

> While there seems to be widespread agreement about the desirability of diverting youth from the juvenile justice system and a sizeable mobilization of federal, state and local resources for the development of community diversion programs, there is as yet no systematic evaluation of the consequences of diverting youth compared to simply releasing them or maintaining them in the justice system. The little research which has addressed this question has focused exclusively upon a comparison of the recidivism rates with no attention to other postulated "effects" of this processing practice on youth.

Gibbons and Blake (1975) have reviewed a number of diversion projects that have been subjected to evaluation of some kind.[1] The studies summarized in that assessment include the Pivotal Ingredients of Police Juvenile Diversion Programs Project by Klein (1975a) in Los Angeles County. Although that research did not assess the impact of diversion operations on referrals, it did examine a number of results from establishment of diversion activities in the Los Angeles Police Department and in 35 police departments within Los Angeles County. Klein's major findings were that:

1. There are major differences in styles and levels of commitment to police diversion programs, and these relate differently to types of offenders referred.

2. Evaluation components of the programs reviewed generally had little or no impact on the operations of the programs.

3. Referrals to community agencies have increased significantly over the past five years, but remain relatively low.

4. Referred youngsters, rather than being diverted from the juvenile justice system, are most commonly drawn from those ordinarily released without further action.

5. This pattern of referral as an alternative to release is strongly manifested in the variables of age, sex, prior record, and seriousness of instant offense.

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[1] The Gibbons and Blake report is available from the authors, LEAA Project, Portland State University, P.O. Box 751, Portland, Oregon, 97207; or from the Office of Juvenile Justice and Delinquency Prevention.

6. Current police referral rates are very much a function of the infusion of outside--federal and state--funds. In the absence of continuation of such funds, our data imply that referral rates will recede toward their earlier, very low level.

Gibbons and Blake also examined evaluation results from Project Crossroads in Washington, D.C. (Leiberg, 1971); Alternate Routes in Orange County, California, (Carter and Gilbert, 1973); and the Sacramento County 601 Project (Thornton, Barrett, and Musolf, 1972; Baron, Feeney, and Thornton, 1973). They also reviewed the Pre-Trial Intervention and Diversion Project in Huntington Beach and Costa Mesa, Claifornia (Binder, 1974); an evaluation of two diversion projects by Elliott and Blanchard (1975); and a study of diversion programs employing volunteers, one in Denver (Forward, Kirby, and Wilson, 1975) and the other in the midwest (Davidson, Rappaport, Seidman, Berck, and Herring, 1975). The final study summarized by Gibbons and Blake took place in a large police agency on the west coast (Lincoln, n.d.).

Several of these evaluations reported apparent greater success for the diversion undertaking than for more traditional processing of offenders, while others indicated that "widening of the nets" occurred from diversion, with youngsters who would not normally be retained in the juvenile justice system being most frequent in the diversion caseloads. At least one of the assessments suggested that diversion without services was associated with lower recidivism than either diversion with services or regular justice system processing.

But, the main conclusion to be drawn from these studies collectively is that no firm statements are in order regarding the impact of diversion on juveniles. These evaluation studies were plagued with such problems as very small sample numbers; ambiguity about process elements, that is, scanty information regarding the nature of the diversion activity as it actually operated; insufficient follow-up periods for gauging diversion impact; serious departures from random assignment of cases or comparability of cases in diversion and regular processing samples; failure to employ measures of program effect other than gross recidivism indicators; and other shortcomings. On balance, these evaluation studies stand as testimony to the need for large-scale, sophisticated evaluation of new programs. Clearly, there is insufficient evidence in the nine studies examined by Gibbons and Blake for one to have much confidence in diversion arguments and contentions.

SUPPLEMENT I

THE NATURE AND EXTENT OF DELINQUENT BEHAVIOR

Ideally, public policy formation regarding delinquency prevention and control ought to be based upon comprehensive, detailed, and highly accurate data regarding the extent of "hidden" and recognized delinquency, delinquency rates in different communities, variations in types of misconduct from one area or community to another, recidivism patterns, and kindred facts about youthful lawbreaking. Unfortunately, the existing information on the epidemiology (extent and distribution) of delinquency falls markedly short of this ideal. Delinquency authorities are only able to offer rough estimates of the incidence of delinquency in one community or another, framed in relative and imprecise terms.

Probably the most comprehensive set of data regarding distribution and patterns of delinquency is in the study in Philadelphia by Wolfgang, Figlio, and Sellin (1972). Those researchers obtained information on the delinquency histories, as measured by police contacts, of the cohort of all boys born in 1945 who lived in Philadelphia at least between their tenth and eighteenth birthdays, a total of 9945 boys. This study indicated that 28.6 per cent of the white youths and 50.2 per cent of the black youngsters were classified as offenders at some time during this age span. However, two points limit the applicability of this study: the investigation was limited to Philadelphia and restricted to police contacts.

It is possible to piece together a reasonably accurate characterization of delinquency by collating a number of specific, relatively limited studies that have been conducted in various communities, along with nationwide juvenile court statistics. Gibbons (1976:32) has summarized the picture that emerges from the statistics currently at hand:

1. American delinquency statutes empower juvenile courts to intervene in cases in which youngsters are involved in violations of criminal statutes. But in addition juvenile court laws specify that youths can be made wards of the court and dealt with as delinquents if they are involved in various status offenses enumerated under omnibus clauses of these statutes. The behavioral categories identified in status provisions are extremely general and ambiguous

ones, e.g., ungovernability, waywardness, or immorality. In effect, these laws put nearly all youths "at risk" of being dealt with as delinquents, for they could be interpreted broadly so as to sweep nearly all juveniles into courts.

2. Less than four percent of the juveniles in this nation are actually referred to juvenile courts in any single year although a larger portion of the youth population comes to court attention sometime during the adolescent years. Only about one-half of these referrals are regarded by court officials as serious enough to warrant the filing of a petition and a court hearing, the other half are dealt with informally.

3. Police agencies come into contact with almost twice the number of children known to the court. In general, they refer the serious cases to juvenile courts, while disposing of the less serious offenders informally, within the department, by admonitions and warnings.

4. A fairly large number of offenders is dealt with by public and private social agencies in the community, but many of the individuals they process are also known to the juvenile court. The majority of the cases known to agencies but which are unknown to the courts are relatively petty ones.

5. A large number of youths at all social class levels and in all kinds of communities engage in acts of misconduct and lawbreaking which remain hidden or undetected. In this sense, nearly all juveniles are delinquent in some degree. However, many of the deviant acts of hidden delinquents are the kinds which would often be handled informally or ignored if reported to the juvenile court.

6. Not all of the hidden delinquency in the United States is petty and inconsequential. An indeterminate but important number of serious delinquencies is enacted by juveniles who manage to stay out of the hands of the police or courts.

"HIDDEN" DELINQUENCY

Most of the early studies of delinquency in the United States were based upon police and juvenile court statistics which suggested that delinquent behavior was by and large confined to the poor, inner-city dwellers, blacks and children from broken homes. Studies based on these data resulted in etiological conclusions which located the

the causes of delinquent behavior in deleterious social circumstances. However, recent research has shown youthful misbehavior to be widespread in the United States, rather than being relatively uncommon and restricted to working-class neighborhoods.

The pioneering study of "hidden" delinquency by Porterfield (1943) involved a comparison of college students and actual juvenile court cases. The offenses of the juvenile court cases were incorporated into a questionnaire which was administered to several hundred college students. Virtually all of the latter reported committing at least one of the delinquent acts. The major difference between the two groups centered about offense seriousness, with college students admitting less serious violations than those committed by the official delinquents. Findings similar to Porterfield's were reported by Murphy, Shirley and Witmer (1946), Short (1954), Short and Nye (1958), Dentler and Monroe (1961), Akers (1964), Arnold (1965), and Clark and Wenninger (1962).

However, it should be emphasized that nearly all of the inquiries into "hidden delinquency" indicate that the majority of undetected offenders confess to relatively petty acts of misconduct. These studies do not show that "hidden" offenders are involved in serious and repetitive acts of delinquency to the extent observed among offenders who have been adjudicated by juvenile courts. Nettler's (1974:74-76) review of these studies concluded: "While some criminality is normal, persistent and grave violations of the law are the experience of a minority. This holds whether the measure is confessions or official statistics" (emphasis in the original).

Recent inquiries into "hidden"delinquency have concentrated on the relationship between delinquent behavior and social class membership. For example, Williams and Gold (1972) in a national sample of 842 boys and girls 13 to 16 years of age discovered that 88 percent of all respondents had committed at least one delinquent act while only 20 percent had contact with the police and only 4 percent turned up in police records. Relatively few of the juveniles in this national study reported that they had been involved in repetitive, serious misbehavior. Williams and Gold found no marked relationship between social class and delinquent behavior. Results parallel to those of Williams and Gold have been reported by Akers (1964), Voss (1966), Nye, Short, and Olson (1958), and Hirschi (1969). However, all of these investigations dealt with admissions of relatively petty acts of misconduct, for the most part.

When attention turns to more serious acts of delinquency, a different picture of socio-economic relationships appears. The differential involvement of working-class youths in serious delinquency emerged in an early study by Short and Nye (1958), contrasting high school youths and training school wards. The latter reported involvement in relatively petty offenses more frequently than the "hidden" lawbreakers as well as confessing participation in more serious forms of misconduct. Parallel findings have been reported by Gold (1970).

In summary, the research on hidden delinquency strongly suggest that lawbreaking among American youth is widespread; flirtations with some delinquent behavior is the norm rather than the exception. The delinquent-nondelinquent dichotomy is highly misleading. At the same time, these data indicate that serious, repetitive acts of lawbreaking are differentially concentrated among youths from lower economic circumstances.

THE FLOW OF YOUTHS THROUGH THE JUVENILE JUSTICE SYSTEM

The "hidden" delinquency studies indicate that some unknown but very large proportion of all American youths engage in delinquent acts of varying degrees of seriousness at some time during their adolescent years. In turn, some unknown segment of this group falls into the hands of the police. The FBI Uniform Crime Reports (1974) indicate that in 1973, 1,235,389 juvenile arrests were reported by 4,144 police agencies. However, these statistics do not cover all police departments in the nation. Moreover, we have no way of determining the precise number of lawbreaking youths who are not arrested by the police.

The police perform a major sifting operation with apprehended juveniles, as they send some further into the juvenile justice system while releasing others outright. FBI statistics for 1973 indicate that the 4,144 reporting agencies counseled and released 45.2 percent of the arrested juveniles while sending 49.5 percent of them to juvenile court intake. However, police referral policies are not uniform from one jurisdiction to another. Bordua (1967) has presented data for over 2,000 police agencies in 1965, showing wide variations in the number of youths referred to court. Some agencies released over 95 percent of the youths they encountered, while other departments sent nearly all of the apprehended juveniles to juvenile court. In short, delinquency statistics are often a more revealing measure of police agency activity than they are an index of youthful misbehavior in the community.

What are the determinants of police decisions to refer or not refer a youth to juvenile court? Studies conducted in various communities around the country have provided information on this question. Most of them stress offense seriousness as a paramount consideration in police decision-making, while a number also suggest that racial background and socioeconomic status of the offender also weigh fairly heavily in police dispositions. These inquiries have produced somewhat discordant results, for some investigators contend that racial and economic factors are only incidentally associated with offense seriousness, while others have claimed that the police tend toward harsher dispositions directed at blacks and low income group members, even when offense seriousness is controlled. Studies emphasizing offense seriousness in police decisions include those of Goldman (1963), Terry (1967), McEachern and Bauzer (1967), and Black (1970). Investigations pointing to race as an important, independent factor in police decisions include those of Ferdinand and Luchterhand (1970), Wolfgang, Figlio, and Sellin (1972) and Thornberry (1973). What these findings probably indicate is that racial factors are of varying significance from one community to another.

Police decisions regarding juveniles have also linked to variations in department policies. Bordua's (1967) analysis suggests that the level of delinquency reported to juvenile courts is influenced by departmental policies from one community to another. Evidence on this point is also contained in Wilson's (1968) study which revealed differences in referral policies between two different police department.

Police decision-making regarding juveniles is affected by many variables. Some researchers have reported that attitude of the victim often has much to do with the police decision to refer or not refer a case to court (Hohenstein, 1969; Sellin and Wolfgang, 1964:87-113), while others have stressed the part played by the demeanor of juveniles in the dispositional decisions of the police officers (Piliavin and Briar, 1964; Werthman and Piliavin, 1967).

Once a youth has been referred to juvenile court there is considerable discretion involved in disposition of the case. Court intake officers can counsel, warn and release a youth; they can place a youngster on probation, refer him to another agency; or send him on for petition and court hearing of the case. The decision-making criteria used by court workers are complex ones, although it appears that much the same types of information are taken into account by intake officers as by police.

Robert Emerson's (1969) report on a juvenile court in a northern United States metorpolitan area observed that it provided assembly-line handling of offenders rather than individualized treatment. Also, he argued that court workers arrive at dispositional decisions regarding juveniles in terms of judgments of moral character, so that "bad kids" receive harsh dispositions while those thought to be misguided youngsters are dealt with more leniently. Emerson's commentary suggests that judgments of moral character are frequently both in error and class-linked, such that working-class youths are most likely to be identified as "hard core" delinquents.

Scarpitti and Stephenson (1971) examined the processing of 1200 cases in a juvenile court in a large eastern county. This research indicated that judicial sorting of delinquents into those who receive probation, institutional commitment, or some other disposition revolved around assessments of delinquency risk, therefore the most socially disadvantaged, delinquent, and psychologically atypical boys were sent to training schools.

A parallel study by Arnold (1971) had to do with court dispositions in Austin, Texas. He observed that probation officers did not discriminate against blacks and Mexican-American youths when they referred juveniles to a formal court hearing; rather their decisions were based on offense seriousness. However, he did indicate that judges sent more minority group members than whites to the state correctional authority.

An investigation by Lemert and Rosberg (1948) in Los Angeles County indicated that court-adjudicated blacks and Mexican-Americans were less likely to be placed on probation than were whites, even when variables such as offense history were controlled. Differently, Eaton and Polk (1961) found bias against males in Los Angeles County in that boys were disproportionately committed to institutions by the court but no evidence of ethnic discrimination in the court. Shannon (1963) found that economic status was not a factor in the dispositions made of delinquents in Madison, Wisconsin. He did note that probation decisions were influenced by the seriousness and repetitiveness of misconduct and that males were more harshly dealt with than females on the average. On the other hand, females held for official court handling were more likely to be sent off to a training school, a finding also reported in Washington State by Gibbons and Griswold (1957). Axelrad (1952), Cohn (1963), and Gross (1967) have also indicated that probation officer assessments of delinquency-risk loom large in the dispositional decisions.

The research on dispositional decision-making by police and court officers presents a somewhat confused picture, but it does reveal how the juvenile justice system filters out certain youths while sending others on through the system. Starting with a cohort of norm violators, the number moving through the juvenile justice system is steadily reduced to the point where very few are held in custody following adjudication.

Table 1 indicates the national trends in juvenile court referrals from 1957 to 1972. A summary portrayal of the juvenile justice filtering process is shown in Figure 1.

Table 1. -- NUMBER AND RATE OF DELINQUENCY CASES DISPOSED OF BY JUVENILE COURTS, UNITED STATES, 1957-1972*

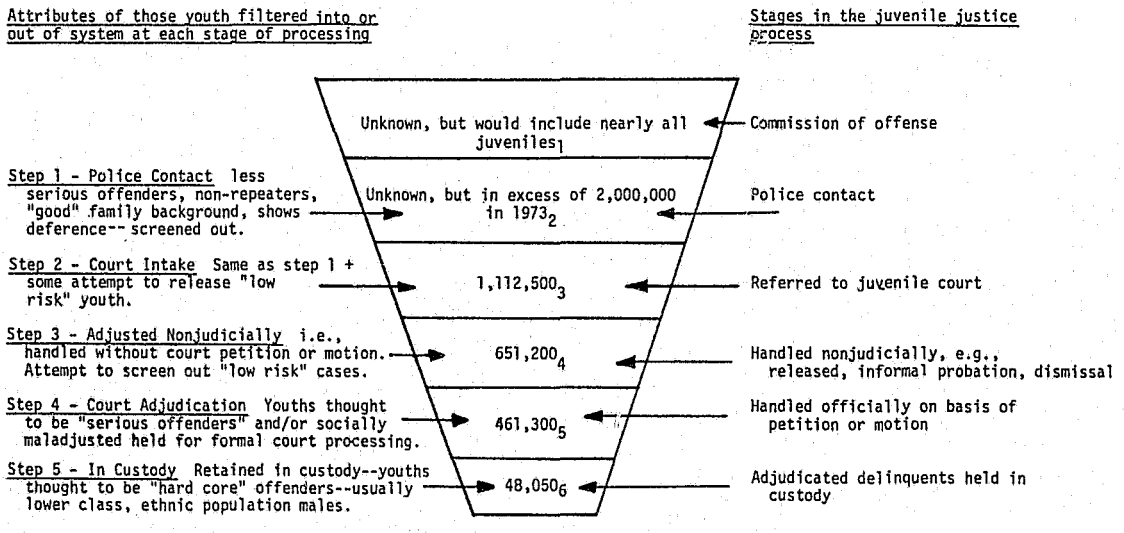
Year	Delinquency cases a/	Child population 10 through 17 yrs. of age (in thousands)	Rate b/
1957.....	440,000	22,173	19.8
1958.....	470,000	23,443	20.0
1959.....	483,000	24,607	19.6
1960.....	510,000	25,368	20.1
1961.....	503,000	26,056	19.3
1962.....	555,000	26,989	20.6
1963.....	601,000	28,056	21.4
1964.....	686,000	29,244	23.5
1965.....	697,000	29,536	23.6
1966.....	745,000	30,124	24.7
1967.....	811,000	30,837	26.3
1968.....	900,000	31,566	28.5
1969.....	988,500	32,157	30.7
1970.....	1,052,000	32,614	32.3
1971.....	1,125,000	32,969	34.1
1972.....	1,112,500	33,120	33.6

a/ Data for 1957-1969 estimated from the national sample of juvenile courts. Data for 1970, 1971 and 1972 estimated from all courts reporting whose jurisdictions included more than three-fourths of the population of the U.S.

b/ Based on the number of delinquency cases per 1,000 U.S. child population 10 through 17 years of age.

* Source: U. S. Department of Health, Education, and Welfare (1973).

Figure 1 THE DELINQUENCY FILTERING PROCESS



1. See Gibbons (1976:16-33).

2. While actual numbers are unknown the Uniform Crime Reports, 1973, p. 19, show that 49.5 per cent of juveniles taken into custody are referred to juvenile court while 45.2 per cent are handled within the department and released.

3. Department of Health, Education, and Welfare (1973:8).

4. Ibid. p. 8.

5. Ibid, p. 8.

6. Detention Status of Children in Juvenile Facilities, June 30, 1971 (U.S. Department of Justice, 1972:7).

SUPPLEMENT II

PROGRAM RATIONALE

LEAA's discretionary funding program, is based on the following logic:

1. Delinquent offenders constitute a disparate group of youths, ranging from youngsters involved in petty, transitory, and isolated acts of misbehavior to youths who represent "hard core" recidivists.

2. Hard core offenders are the most appropriate cases for official juvenile court attention, while less serious juvenile lawbreakers can often be better dealt with outside the framework of the juvenile court.

3. Juvenile misconduct is often a manifestation or product of problems encountered by juveniles within major institutional areas or life arenas, such as schools or the world of work and is less frequently a symptom of individual psychological maladjustment.

4. Diversion programs are often ineffective because they focus upon youth whose misconduct is minor and a reflection of normal maturational stress; or, because they are inadequately funded, not coordinated and fragamented in their approaches.

5. The number of juveniles entering the juvenile justice system is more a function of police arrest patterns and community tolerance of youth behavior than of the nature of seriousness of juvenile misconduct.

6. Diversion must mean the referral of youth to programs outside of the auspices of the juvenile justice system in order to reduce the likelihood of expansion of control by juvenile justice agencies over an increased number of youth.

7. The process for diverting youth is often not identified or is confused with diversion programs and therefore does not become subject to systematic and deliberate efforts directed toward its improvement.

8. Diversion must limit penetration of youth into the juvenile justice system. Diversion can occur at any point between apprehension and adjudication.

9. Attempts to reduce delinquency through diversion programs must do more than simply remove youths from the juvenile justice system. Diverted youngsters should be provided positive life experiences through diversion programs that provide meaningful and viable roles for youth.

78-464 O - 77 - 56

10. Diversion of less serious cases from the juvenile court should allow the courts to deal more effectively with the more serious law-breakers, for diversion would relieve some of the present congestion of cases within the official juvenile justice system.

11. The programs developed will vary from community to community, providing various program models which can be compared through evaluation to determine the relative utility of alternative approaches.

12. Although there are plausible arguments that can be advanced in favor of diversion programs which provide positive experiences and services for youths, this is still a relatively untested assumption. The program design requirement of assignment either to diversion with services or diversion without services will provide for the assessment of the gains, if any, to be achieved through diversion to services.

SUPPLEMENT III

Service Models

Some Examples in Diversion Programs

The Office of Juvenile Justice and Delinquency Prevention encourages applicants to develop innovative ways to involve youth in experiences which affect their lives. One way to accomplish this is through employing youth within diversion programs. OJJDP visualizes numerous roles that youth can assume in diversion programs, both as program staff and as participants in diversion program activities. In fact, youth diverted from the Juvenile Justice System, as well as other youth, constitute a valuable resource to diversion program planners. It is the hope of OJJDP that applicants will recognize this essentially untapped resource and will develop programs and activities to take advantage of the capabilities and interests of youth.

It should be stressed that employing youth in diversion programs requires strong educational support. This support should take two forms: one, insuring that youth receive the training and information that will enable them to perform the duties required of a particular task and two, where appropriate, insuring that youth receive school credit for their work experience. Youth within diversion programs can perform such functions vital to program operation as:

program planning aides (entry level positions)

program planning assistants

research aides (entry level positions)

research assistants

program evaluation aides and assistants

intake aides

peer counselors/youth advocates

team leaders for research projects

Youth in various diversion program activities or components can also engage in:

A. Activities related to school:

tutors/student advisors

teacher aides

curriculum development aides/assistants

B. Activities related to communications/public education:

journalistic writers

editors

printers/publishers

photographers

interviewers

community workshop organizers/participants

C. Activities related to cultural enrichment:

artists

dancers

library researchers

photographers

D. Activities related to human service:

day-care aides/assistants

elderly care aides/assistants

E. Activities related to community restoration:

carpenters

painters

electricians

aides and assistants

The examples of youth employment cited here are by no means exhaustive. They are offered to illustrate the variety of roles the youth can assume in diversion programs. Further examples of youth employment/youth participation projects can be found in the following:

New Roles for Youth, by the National Commission for Resources for Youth, Citation Press, New York, N.Y., 1974.

The Arts, Youth, and Social Change, by the National Council on Crime and Delinquency, and the Department of Health, Education and Welfare, Office of Youth Development, April, 1968.

Model Program: Youth Diversion Project, by J. Galvin, G. Blake and D. Gibbons, available from OJJDP, or write directly to National Criminal Justice Education Project, Portland State University, Portland, Oregon, 97207.

SUPPLEMENT IV

Suggested Standards for Safeguarding
The
Constitutional Rights of Juveniles

Important constitutional rights are often compromised in the course of juvenile court processing, to the lasting detriment of the very children that juvenile courts operating under the doctrine of parens patriae strive so earnestly to protect.

Accordingly, we urge applicants to give serious consideration to establishing such standards and practices which offer maximum legal protection of children coming into contact with programs for which funding is sought. The following are not mandatory for application submission, but are recommended for serious consideration:

1. That both divertees and potential divertees be accorded full due process safeguards from initial contact with program representatives through final contact, whether the child be accepted or not, and whether or not the program is successfully completed.

2. That diversion intake interviews be surrounded by a confidential privilege sufficient to bar later prosecutorial use of potentially damaging information or the fruits thereof.

3. That there be no requirement of a guilty plea as a condition of admission into a program.

4. That no speedy trial waiver be required as a condition of admission, and that any such waiver sought, be limited to the projected length of the diversion period or such lesser period as the child shall actually spend in diversion.

5. That the right to counsel be granted at all critical stages of the diversion process, including intake and termination hearings or other procedures.

6. That a counselor-client confidential privilege be established with the right running to the child, of sufficient strength to bar later prosecutorial use of potentially damaging information or the fruits thereof in pending or future juvenile proceedings. This privilege does not extend to withholding knowledge or information about the intention

of a youth to commit a crime or to information necessary to prevent commission of a crime.

7. That confidentiality of program records be protected so as to insure that no later prosecutorial use be made of them or the fruits of information contained therein in pending or future juvenile proceedings.

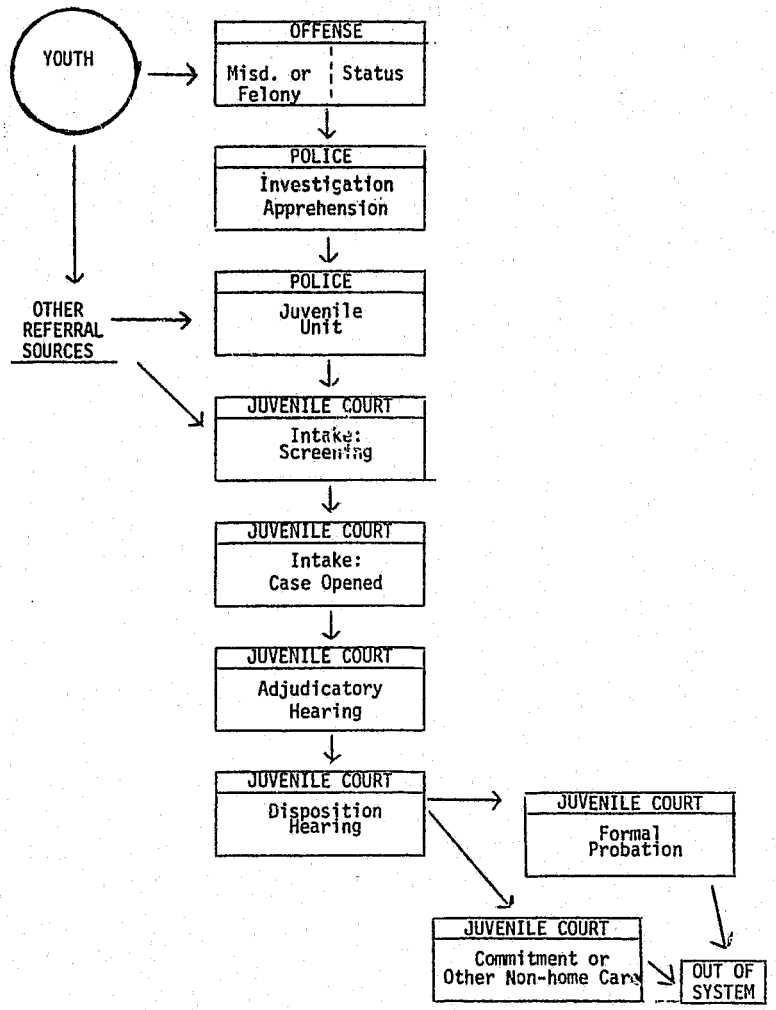
8. That no child be unsuccessfully terminated without a hearing which should include: (a) written notice of the claimed violations, (b) disclosure of the evidence against them, (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross examine witnesses, (e) a neutral and detatched hearing body, and (f) a written statement by the fact-finders as to the evidence relied on and the reasons for revocation, should that be the decision.

- 31 -

SUPPLEMENT V-

FIGURE 2

JUVENILE JUSTICE SYSTEM: SIMPLIFIED FLOWCHART



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ADDENDUM

ADDENDUM I
STATISTICAL SUMMARY

(must be included in all preliminary applications)

1. Number of juveniles adjudicated in: 1973_____ 1974____ 1975____

2. Number of juveniles diverted at each critical point in the juvenile justice system (critical point as described by applicant in preliminary application):

Critical Point	Number Diverted		
	1973	1974	1975
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL			

Number of juveniles who are expected to be diverted during the course of the project:

	Number	Percent decrease over prior year
Year 1	_____	_____
Year 2	_____	_____
Year 3	_____	_____

Total percent decrease comparing 1975 to end of project: _____

3. Population of jurisdiction to be impacted by this program:

	Name	Population
City	_____	_____ or,
County	_____	_____ or,
Contiguous Multiple Jurisdictions	_____	_____
	_____	_____
	_____	_____
	_____	_____

4. Number of juveniles (youth under 18) in jurisdiction as defined in (3) above _____

5. Population density of geographical area covered by program (use 1970 Census) _____

6. Crime rates by 1975 FBI Uniform Crime Report _____.

78-464 O - 77 - 57

ADDENDUM II
UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OMB NO. 80-R0187

PREAPPLICATION FOR FEDERAL ASSISTANCE
PART I

1. State Clearinghouse Identifier

2. Applicant's Application No.

3. Federal Grantor Agency

Organizational Unit

Administrative Office

Street Address – P.O. Box

City State Zip Code

4. Applicant Name

Department Division

Street Address – P.O. Box

City County

State Zip Code

5. Descriptive Name of the Project

6. Federal Catalog No.

7. Federal Funding Needed

$

8. Grantee Type

_____ State, _____ County, _____ City, _____ Other (Specify)

9. Type of Assistance

_____ Grant, _____ Loan, _____ Other (Specify)

10. Population Directly Benefiting from the Project

12. Length of Project

11. Congressional District

a.

b.

13. Beginning Date

14. Date of Application

15. The applicant certifies that to the best of his knowledge and belief, the data in this preapplication are true and correct, and the filing of the preapplication has been duly authorized by the governing body of the applicant.

Typed name	Title	Telephone Number		
		AREA CODE	NUMBER	EXT.
Signature of authorized representative				

For Federal Use Only

LEAA Form 4000/5 (7-73)

INSTRUCTIONS

This form shall be used for all Federal assistance projects for construction, land acquisition or land development in excess of $100,000 Federal funding. It is not applicable to continuing grants after the initial grant has been awarded, or to requests for supplements or revisions to existing grants or loans. However, the applicant may submit the preapplication form for other assistance requests, and the Federal grantor agency may require the preapplication form for other assistance requests.

Submit the original and two copies of all required forms. If an item cannot be answered or does not appear to be related or relevant to the assistance requested, write "NA" for not applicable.

Item 1 – Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 – Enter the applicant's preapplication number or other identifier.

Item 3 – Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the grantor agency.

Item 4 – Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity and the complete address of the applicant.

Item 5 – Enter the descriptive name of this project.

Item 6 – Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance request pertains to more than one catalog number, leave this space blank and list the catalog numbers in Part III.

Item 7 – Enter the approximate amount that is requested from the Federal government. This amount should include the total funds requested in this application and should agree with the total amounts shown in Part III, Line 6, Column (e).

Item 8 – Check one grantee type. If the grantee is other than a State, county, or city government, specify the type of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 – Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV.

Item 10 – Enter the number of persons directly benefiting from this project. For example, if the project is a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 11

a. Enter the congressional district in which the applicant is located.
b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 12 – Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 13 – Enter the approximate date the project is expected to begin.

Item 14 – Enter the date this application is submitted.

Item 15 – Complete the certification before submitting the report.

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OMB NO. 80-R0197

PREAPPLICATION FOR FEDERAL ASSISTANCE

PART II

1. Does this assistance request require State, local, regional or other priority rating? _____ Yes _____ No
2. Does this assistance require State or local advisory, educational or health clearance? _____ Yes _____ No
3. Does this assistance request require Clearinghouse review? _____ Yes _____ No
4. Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No
5. Is the proposed project covered by an approved comprehensive plan? _____ Yes _____ No
6. Will the assistance requested serve a Federal installation? _____ Yes _____ No
7. Will the assistance requested be on Federal land or installation? _____ Yes _____ No
8. Will the assistance requested have an effect on the environment? _____ Yes _____ No
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____ Yes _____ No
10. Is there other related assistance for this project previous, pending, or anticipated? _____ Yes _____ No

PART III – PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1.				
2.				
3.				
4.				
5.				
6. Total Federal Contribution		$	$	$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals		$	$	$

PART IV – PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with the instructions.

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the date it will be obtained.

Item 3 – Attach the clearinghouse comments for the preapplication in accordance with the instructions contained in Office of Management and Budget Circular No. A-95.

Item 4 – Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 5 – Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it. Federal agencies will provide separate instructions, if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status, and amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Complete: Lines 1-5 – Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b): For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 – Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 – Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 – Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 – Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 – Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

M 4500.1D
July 10, 1975

ADDENDUM III

APPENDIX 12. SUGGESTED FORM OF STATE PLANNING AGENCY APPROVAL AND CERTIFICATION RE DISCRETIONARY GRANT AWARD

U. S. DEPARTMENT OF JUSTICE **Law Enforcement Assistance Administration**	DISCRETIONARY GRANT APPLICATION ENDORSEMENT STATE PLANNING AGENCY CERTIFICATION AND APPROVAL

Discretionary Grant Application Title:_____

Implementing Agency or Governmental Unit:_____

To: Regional Office_____
Law Enforcement Assistance Administration

The undersigned State Planning Agency ("SPA"), duly constituted under P.L. 93-83, as amended, has reviewed the attached grant application and represents as follows:

1. The proposed project is not inconsistent with the general thrust of the state comprehensive law enforcement plan and is endorsed for favorable consideration by LEAA pursuant to the terms of the discretionary funds program under which it is being submitted.

2. If approved for grant award by LEAA, the State Planning Agency will integrate or incorporate the project as an action effort within the current year action plan component of the State's next comprehensive law enforcement plan.

3. If approved for grant award by LEAA, the State Planning Agency is willing to be the grant recipient and, in turn, to subgrant funds to the relevant unit of State or local government, or combination of units, for execution of the project in accordance with the application. This endorsement will constitute the SPA as co-applicant with the implementing agency or unit of government for such purposes and the SPA reserves the right to apply its normal subgrant administration and reporting requirements to this project.

4. If the application is approved for grant award by LEAA, the State Planning Agency certifies that its "block grant" allocations or subgrants to the implementing State agency or unit of local government or to the region or metropolitan area in which it is located will not, by virtue of such discretionary award action, be reduced or curtailed.

5. This application has been submitted to the State, regional and metropolitan Clearinghouses in accordance with OMB Circular A-95. Clearinghouse review [ ] has [ ] has not been completed.

State Planning Agency:_____

Date:_____ By:_____
(authorized officer)

Note: Where the State Planning Agency, for any reason, is unable to complete the endorsement as constituted, it should promptly notify the preserving unit or LEAA and explain the reasons or submit a certification containing such modifications as it may deem acceptable.

Where the State cannot enforce liability, the following SPA certification should be added:

APPENDIX 12. (CONTINUED)

"The State does not have an adequate forum in which to pursue subgrantee liability in the event of illegal use of funds under this grant. Therefore, this certification is subject to LEAA waiver of State liability and LEAA agreement to pursue legal remedies for fund misuse if necessary."

ADDENDUM IV
M 4500.1D
July 10, 1975

CHAPTER 2. FINANCIAL ADMINISTRATION OF GRANTS

25. APPLICABILITY OF LEAA'S FINANCIAL MANAGEMENT GUIDE TO DISCRETIONARY GRANTS. Discretionary grants will be administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants. M 7100.1A relates primarily to fiscal administration of planning grants (Part B of the Act) and action grants ("block grants") allocated on the basis of population (Part C of the Act). This chapter of the manual contains basic information. Applicants are urged to obtain copies of the Financial Management Guide.

26. ALLOWABILITY OF COSTS. The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in GSA Federal Management Circular FMC-74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Government" and in the LEAA Guideline Manual, Financial Management for Planning and Action Grants, M 7100.1A.

a. Each individual project supported under the discretionary grant program will, unless otherwise provided in program specifications, be subject to a separate grant application to the Administration incorporating a detailed budget of proposed project costs.

b. The budget narrative will set forth the details of cost items specified in Chapter 3 of M 7100.1A as requiring specific prior approval.

c. Award of the discretionary grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.

d. Cost items requiring "grantor approval" under M 7100.1A may be handled by the State Planning Agency exactly as in the case of subgrants under the block grant program EXCEPT where a budget change is involved above the dollar limits set forth in paragraph

e. Where M 7100.1A requires the specific approval of LEAA or when changes in any of the budget categories exceed the budget transfers set forth in paragraph 29 these items will receive consideration and subsequent approval or disapproval by LEAA.

f. Changes among items within one of the budget categories may be made by the subgrantee without prior approval but will otherwise remain subject to M 7100.1 cost allowability and budget requirements.

g. Limitations of travel and subsistence charges by grantee personnel who are in a travel status on official business incident to a grant program shall be consistent with those normally allowed in like circumstances in the non-federally sponsored activities of the grantees. But under no circumstances shall such charges exceed the maximum amount allowed under current Federal travel regulations. The maximum allowable per diem rate under Federal regulations is $33.00. This rate is based upon the average cost of lodging not to exceed $19.00 plus a $14.00 subsistence allowance. Grantee shall use less than first class accommodations in air and rail travel. (see LEAA Guideline G 7100.1, titled Principles for Determining Travel Cost Applicable to LEAA Grants).

h. Grants to nonprofit organizations will be subject to future GSA Financial Management Circulars setting forth cost principles for such organizations.

27. AWARD AND PAYMENT OF GRANT FUNDS.

a. As grant applications are approved by the Administration, grantees will receive formal statements of award evidencing such action and indicating the amount and type of grant and any special conditions of the grant.

b. State Planning Agencies will normally be the grantees and as such will be obligated to proceed promptly to award subgrants for execution of the project by intended implementing agencies. Exceptions to this requirement must be negotiated with the LEAA awarding office.

c. Payments of Federal grant funds under the discretionary grant program will be through the Letter of Credit procedure currently in existence with the State Planning Agencies.

d. Recipients of subgrants will make all applications for Federal funds to the State Planning Agencies through which the discretionary grant application was processed and the grant was awarded, and such applications will be in accordance with normal subgrant regulations and procedures of the State Planning Agency.

e. The provisions of chapter 5, paragraph 6 of M 7100.1A are not applicable to grants under the discretionary grant program. Discretionary grant funds will be obligated within the specific grant period indicated on grantee's statement of award and must 90 days in advance of expiration of the grant and in writing.

f. Request for change or extension of the grant period must be made at least ninety days in advance.

28. POTENTIAL POST AWARD REDUCTIONS. The following general conditions apply to all grants awarded by LEAA:

a. "THIS GRANT, OR PORTION THEREOF, IS CONDITIONAL UPON SUBSEQUENT CONGRESSIONAL OR EXECUTIVE ACTION WHICH MAY RESULT FROM FEDERAL BUDGET DEFERRAL OR RECISION ACTIONS PURSUANT TO THE AUTHORITY CONTAINED IN SECTIONS 1012(A) AND 1013(A) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974, 31 U.S.C. 1301, PUBLIC LAW 93-344, 88 STAT. 297 (JULY 12, 1974)."

b. "ALL PUBLISHED MATERIAL AND WRITTEN REPORTS SUBMITTED UNDER THIS GRANT OR IN CONJUNCTION WITH THIRD PARTY AGREEMENTS UNDER THIS GRANT MUST BE ORIGINALLY DEVELOPED MATERIAL UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THE GRANT DOCUMENT. WHEN MATERIAL NOT ORIGINIALLY DEVELOPED IS INCLUDED IN THE REPORT IT MUST HAVE THE SOURCE IDENTIFIED. THIS IDENTIFICATION MAY BE IN THE BODY OF THE REPORT OR IN A FOOTNOTE. THIS PROVISION IS APPLICABLE WHETHER THE MATERIAL IS IN A VERBATIM OR EXTENSIVE PARAPHRASE FORMAT."

29. STATE PLANNING AGENCY SUPERVISION AND MONITORING RESPONSIBILITY.

a. When it is the grantee, the State Planning Agency has responsibility for assuring proper administration of subgrants under the discretionary grant program including responsibility for:

(1) Proper conduct of the financial affairs of any subgrantee or contractor insofar as they relate to programs or projects for which discretionary grant funds have been made available; and

(2) Default in which the State Planning Agency may be held accountable for improper use of grant funds.

b. A SUBGRANTEE may transfer, between direct cost object class budget categories, the following:

(1) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or $10,000 whichever is greater (for grant budgets in excess of $100,000) or

(2) A cumulative 5 percent change of the grant budget (Federal and non-Federal funds) (for grants of $100,000 or less).

c. The cognizant monitoring office shall give prior approval for:

(1) Extensions of grants for up to 12 months, with total grant period not to exceed 24 months. Where extensions result in grant periods exceeding a total of 24 months, prior LEAA Central Office approval is required.

(2) Cost items normally requiring grantor approval.

(3) All other deviations from a discretionary grant.

30. SUSPENSION AND TERMINATION OF GRANTS.

a. Suspension and Termination for Cause. When a subgrantee has failed to comply with the terms and conditions of a grant, the SPA may recommend (a) suspension of the grant, (b) termination of the grant for cause or (c) take such other remedies as may be legally available and appropriate in the circumstances.

(1) The decision to terminate or suspend a grant represents a serious judgement that must reflect a thorough analysis of all relevant factors. Initially, the SPA must determine that the subgrantee has failed to comply with one or more of the terms and conditions of the grant. Additionally, it must be determined that such non-compliance is of sufficient magnitude to warrant the termination or suspension of subgrantee support. Each case must be considered on the basis of its individual set of circumstances, recognizing that the decision to terminate or suspend a subgrant contains a responsibility to conform to the principles of due process. An SPA that is considering recommending the termination or suspension of a subgrant should seek early advice from the cognizant LEAA office; and at the same time should notify the subgrantee or local funding unit of its action.

(2) LEAA prefers that deficiencies be corrected whenever practicable. Therefore recommendations by the SPA to suspend or terminate a grant shall normally be taken only after subgrantee has been informed of the deficiency and given sufficient time to correct it.

(3) When conditions are identified which may be serious enough to cause the SPA to consider termination or suspension of a subgrant, the SPA shall advise the subgrantee by letter of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of the grant. The subgrantee shall be required to respond in writing within 30 days of the date of such letter, describing the action taken or the plan designed to correct the deficiency.

(4) If a satisfactory written response to the letter described in paragraph 30a(3) is not received within 30 days of the date of such letter, the SPA shall inform the cognizant LEAA office of its recommendation to suspend or terminate a subgrant. Such notice shall fully set forth the reasons for the action.

b. When the SPA wishes to terminate its administration of a subgrant, it shall provide written notification to the cognizant LEAA office setting forth the reasons for such termination and the effective date. The decision shall thereafter be made by LEAA as to the action to be taken. Where the SPA is authorized to terminate a grant, such action must be in accord with the States' hearing and appeal procedures. If LEAA takes direct action to terminate, then such action will be taken in accord with LEAA's Hearing and Appeal Procedures. The cognizant LEAA Regional or Central Office will be responsible for forwarding the information to all parties concerned.

ADDENDUM V
M 4500.1D
July 10, 1975

ADDRESSES AND MAP OF LEAA REGIONAL OFFICES

REGION 1 - BOSTON
George K. Campbell
Regional Administrator
LEAA - U. S. Dept. of Justice
100 Summer Street, 19th floor
Boston, Massachusetts
617/223-4671 (Admin.)
617/223-7256 (Opns)
617/223-5675 (TA & BOP)
617/223-5665 (Fin.Mgmt Div)

REGION 2 - NEW YORK
Jules Tesler
Regional Administrator
LEAA - U. S. Dept. of Justice
26 Federal Plaza, Rm. 1337
Federal Office Building
New York, New York 10007
212/264-4132 (RA)
212/264-9196 (Admin.)
212/264-4482 (TA)
212/264-2535 (Opns)

REGION 3 - PHILADELPHIA
Cornelius M. Cooper
Regional Administrator
LEAA - U. S. Dept. of Justice
325 Chestnut Street, Suite 800
Philadelphia, Pennsylvania 19106
215/597-9440 thru 9442 (RA & Dep.)
215/597-9443 thru 46 (TA)
215/597-0804 thru 06 (Grants Mgmt Div)

REGION 4 - ATLANTA
Charles Rinkevich
Regional Administrator
LEAA - U. S. Dept. of Justice
730 Peachtree Street, NE., Rm. 985
Atlanta, Georgia 30308
404/526-5868 (Admin.)
404/526-3414 (Opns)
404/526-3556 (TA)

REGION 5 - CHICAGO
V. Allen Adams
Regional Administrator
LEAA - U. S. Dept. of Justice
O'Hare Office Center, Room 121
3166 Des Plaines Avenue
Des Plaines, Illinois 60018
312/353-1203

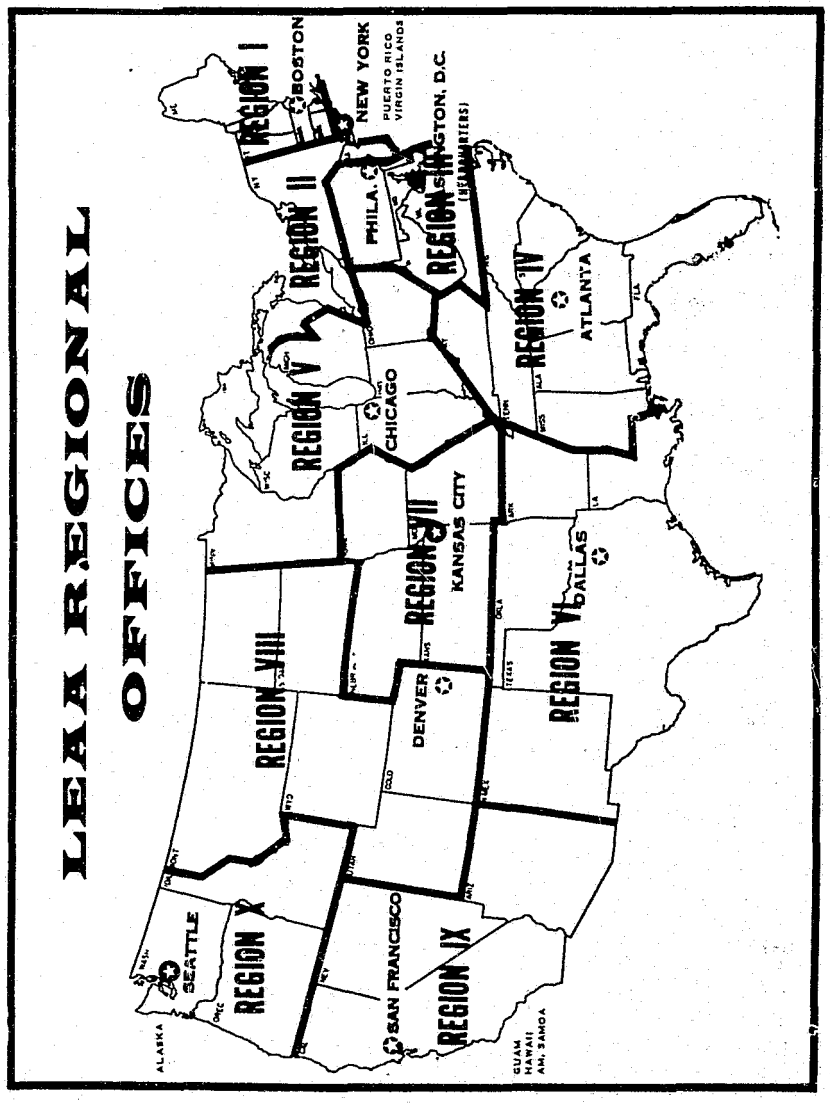
REGION 6 - DALLAS
Henry T. Tubbs, Acting Director
Regional Administrator
LEAA - U. S. Dept. of Justice
500 S. Ervay Street, Suite 313-C
Dallas, Texas 75201
214/749-7211

REGION 7 - KANSAS CITY
Marvin Ruud
Regional Administrator
LEAA - U. S. Dept. of Justice
436 State Avenue
Kansas City, Kansas 66101
816/374-4501 (Admin.)
816/374-4504 (Opns)
816/374-4508 (TA)

REGION 8 - DENVER
Joseph Mulvey
Regional Administrator
LEAA - U. S. Dept. of Justice
Federal Building, Rm. 6324
Denver, Colorado 80202
303/837-4784 (RA) -2456 (Admin.)
303/837-2367 (Opns) -2385 (Grants)
303/837-4265 (PD & TA) -4141 (BOP)

REGION 9 - SAN FRANCISCO
Thomas Clark
Regional Administrator
LEAA - U. S. Dept. of Justice
1860 El Camino Real, 4th Floor
Burlingame, California 94010
415/697-4046 (FTS 415/341-3401)

REGION 10 - SEATTLE
Bernard G. Winckoski
Regional Administrator
LEAA - U. S. Dept. of Justice
915 Second Avenue, Room 3292
Seattle, Washington 98174
206/442-1170


LEAA REGIONAL OFFICES
REGION I
BOSTON
REGION II
NEW YORK
PUERTO RICO
VIRGIN ISLANDS
PHILA.
REGION III
WASHINGTON, D.C.
REGION IV
ATLANTA
REGION V
CHICAGO
REGION VII
KANSAS CITY
REGION VI
DALLAS
REGION VIII
DENVER
REGION X
SEATTLE
ALASKA
REGION IX
SAN FRANCISCO
GUAM
HAWAII
AM. SAMOA

ADDRESSES OF STATE PLANNING AGENCIES

ALABAMA
Robert G. Davis, Director
Alabama Law Enforcement Planning Agency
2863 Fairlane Drive, Building F
Montgomery, Alabama 36104
205/832-6832

ALASKA
Keith Stubblefield
Acting Exec. Director
Governor's Commission on the Adm. of Justice
Pouch AJ
Juneau, Alaska 99801
907/465-3530 or 465-3531

ARIZONA
Dean Cook, Acting Exec. Director
Arizona State Justice Planning Agency
Continental Plaza Building
5119 North 19th Avenue, Suite M
Phoenix, Arizona 85015
602-271-5466

ARKANSAS
General Gerald W. Johnson, Director
Commission on Crime and Law Enforcement
Univ. Tower Bldg., Room 1000
12th at University
Little Rock, Arkansas 72204
501/371-1305

CALIFORNIA
Douglas R. Cunningham, Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, California 95823
916/445-9156

COLORADO
Mr. Paul G. Quinn
Division of Criminal Justice
Department of Local Affairs
328 State Service Bldg.
1525 Sherman
Denver, Colorado 80203
303/892-3331

CONNECTICUT
Mary Hennessey, Exec. Director
Planning Comm. on Criminal Adm.
75 Elm Street
Hartford, Connecticut 06115
203/566-3020

DELAWARE
Christine Harker, Exec. Director
Delaware Agency to Reduce Crime
Room 405 - Central YMCA
11th and Washington Streets
Wilmington, Delaware 19801
302/571-3430

DISTRICT OF COLUMBIA
Mr. Brent Oldham
Acting Exec. Director
Office of Criminal Justice Plans and Analysis
Munsey Bldg., Room 200
1329 E Street, N.W.
Washington, D.C. 20004
202/629-5063

FLORIDA
Charles Davoli, Bureau Chief
Bureau of Criminal Justice Planning and Assistance
Bryant Building
620 South Meridian Street
Tallahassee, Florida 32304

GEORGIA
Jim Higdon, Administrator
State Crime Commission
Suite 306
1430 W. Peachtree St., N.W.
Atlanta, Georgia 30309
404/656-3825

GUAM
Alfred Sablan, Director
Territorial Crime Commission
Office of the Governor
P.O. Box 2950
Agana, Guam 96910
Phone Guam 472-8781

HAWAII
Dr. Irwin Tanaka, Director
State Law Enforcement and
Juvenile Delinquency
Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, Hawaii 96813
808/548-4572

IDAHO
Robert C. Arnerson, Director
Law Enforcement Planning Commission
State House, Capitol Annex No. 3
Boise, Idaho 83707
208/384-2364

ILLINOIS
Dr. David Fogel
Exec. Director
Illinois Law Enforcement Commission
120 South Riverside Plaza
Chicago, Illinois 60606
312/454-1560

INDIANA
Frank A. Jessup, Exec. Director
Indiana Criminal Justice Planning Agency
215 N. Senate
Indianapolis, Indiana 46202
317/633-4773

IOWA
Allen R. Way, Exec. Director
Iowa Crime Commission
3125 Douglas Avenue
Des Moines, Iowa 50310

KANSAS
Adrian Farver, Director
Governor's Comm. on Criminal Adm.
535 Kansas Avenue, 10th Floor
Topeka, Kansas 66603
913/296-3066

KENTUCKY
Kenneth E. Brandenburgh
Administrator
Exec. Office of Staff Services
Department of Justice
209 St. Clair St., 3rd Floor
Frankfort, Kentucky 40601
502/564-6710

LOUISIANA
Wingate M. White, Exec. Director
Louisiana Commission on Law
Enforcement & Administration
of Criminal Justice
1885 Wooddale Boulevard, Rm. 314
Baton Rouge, Louisiana 70806
504/389-7178

MAINE
Executive Director
Maine Law Enforcement Planning
and Assistance Agency
295 Water Street
Augusta, Maine 04330

MARYLAND
Richard C. Wertz, Exec. Director
Governor's Commission on Law
Enforcement & Adm. of Justice
Executive Plaza One, Suite 302
Cockeysville, Maryland 21030

MASSACHUSETTS
Robert J. Kane, Exec. Director
Committee on Criminal Justice
80 Boylston Street, Room 1230
Boston, Massachusetts 02116

MICHIGAN
Dr. Noel Bufe, Director
Office of Criminal Justice
Programs
Lewis Cass Bldg., 2nd Floor
Lansing, Michigan 48913
517/373-3992

MINNESOTA
Dr. Robert E. Crew, Jr.
Exec. Director
Governor's Commission on
Crime Prevention and Control
444 Lafayette Road, 6th Floor
St. Paul, Minnesota 55101
612/296-3052 or 296-3133

MISSISSIPPI
William R. Grissett, Exec. Director
Division of Law Enforcement Assistance
Suite 200, Watkins Bldg.
510 George Street
Jackson, Mississippi 39201
601/354-6591

MISSOURI
Jay Sondhi, Exec. Director
Missouri Law Enforcement
Assistance Council
P.O. Box 1041
Jefferson City, Missouri 65101
314/751-3432

MONTANA
Michael Lavin, Exec. Director
Board of Crime Control
1336 Helena Avenue
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NATIONAL COLLABORATION FOR YOUTH,
Washington, D.C., March 26, 1976.

MR. JAMES M. H. GREGG,
Deputy to the Deputy Administrator for Administration, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. GREGG: This letter of commentary on the proposed Chapter 13, Guide for Discretionary Grant Programs, Diversion of Youth From Official Juvenile Justice System Processing, is submitted on behalf of the National Collaboration for Youth, whose member agencies provide direct services to more than 30,000,000 American young people.

Our first concern addresses Chapter 12, Parts 122–123, of the Guide which is, we realize, beyond the proposed stage, but was transmitted with Chapter 13. Chapter 12, Part 122 states the purpose of the Office of Juvenile Justice and Delinquency Prevention created by the Juvenile Justice and Delinquency Prevention Act of 1974. We wish to take strong exception to the expression of the objectives of the Office in Part 122 (a) in that:

1. It wholly omits stating that prevention of delinquency is a major objective as is express and clear from the Act authorizing the Office;

2. The statement of objectives is clearly drawn from Section 224 (a) of the Juvenile Justice Act which relates to just "Special Emphasis" grants. Section 224 (a) stated purposes are narrower than the intended purposes of the Office. See Section 102.

In addition, Part 122 (b) is technically in error in that the Crime Control Act of 1973 did not "mandate" any objectives to an Office created by a 1974 Act.

With regard to Chapter 13 our concerns include:

1. The decision to fund diversion activities under the Crime Control Act perplexes us in that the requirements of that Act are more stringent (such as mandatory "hard match") and do not have the flexibility necessary for comprehensive diversion programs involving the private sector.

The citation of Section 224 of the Juvenile Justice Act in Part 124 as one authority for what follows in the Guidelines is not only misleading but preposterous. The eligibility criteria in the Guidelines, for example, are inconsistent with Section 224 and are drawn from the Crime Control Act.

2. If the Crime Control Act is to be the source of authority and funding, the obligation is nonetheless upon LEAA to carry out the diversion initiative under the "policy direction" of the Juvenile Justice Act (See Section 527 of that Act.) This, in turn, obligates LEAA to utilize all flexibility in the Crime Control Act necessary to accomplish, as far as possible, the purposes of the Juvenile Justice Act.

One of the very clear and express purposes of that Act is improving the "capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent." (See Section 224 (a).) Provision of such services by public and private agencies is fundamental to any diversion program.

Congress recognized the need ot build the "capacity" of public and private organizations to deliver needed services to youth and mandated doing just that. And yet the proposed Guidelines simply do not address the need for capacity building. Indeed, the focus of the Guidelines seems to be on reducing fragmentation, improving efficiency and reallocation of existing resources. While these objectives have merit, they are clearly secondary to the need for building service delivery capacity.

Capacity building ought to be a major program goal in the diversion effort. It is our conviction that this can be done within the constraints of the authorities cited in Chapter 13, Part 124. Failure to do so is inconsistent with the intent of Congress and, more importantly, is to cripple at the outset the diversion program.

3. The statement of program goals and subgoals confuses priorities in our view. The fisrt major goal is appropriate. Major goal (3) should be listed second. Subgoal (3) should be the third major goal. Major goal (2) should be the first subgoal. A fourth major goal on service delivery capacity building is needed as indicated on the attached edited copy of the Guidelines. Present subgoal (1) should become subgoal (3).

4. The treatment of "Program Target", p. 102, is inadequate. Ruling out, as it appears to do, first, second and third time minor offenders and serious offenders, leaves it unclear who is to receive diversion services. In addition, failure to give communities guidance on target population definition leaves the door open to

highly arbitrary definitions with built in potential for racism, sexism and class discrimination.

5. We have strong reservations concerning the evaluation design (p. 103). It is quite weak as to the definitions of successful diversion and "beneficial impact on the target population." In our view, the evaluation should assess the capacity and ability of a community to provide services for diverted youth and to increase the public's tolerance of such services.

We have a much more fundamental concern when reading Part 126(c) in conjunction with selection criterion Part 130(f) which together seem to call for a field experiment.

The crucial design component is "randomization." Part 130(f) mandates such a practice in assigning youth "to the range of dispositional alternatives," which include diversion without services. Unless there has been a major breakthrough in social science technology, of which we are unaware, this use of the experimental method strikes us as nothing short of incredible.

Beyond the ethical questions raised, the technology of field experimentation is still too primitive to justify its use in a program of such magnitude and delicacy. It is difficult to conceive how control and treatment groups could be randomly formed that can even be assumed to be statistically free of the various sample errors.

One way to test Part 126(c), given randomization, would be to assume that youth who need services and youth who do not are evenly distributed throughout the target population. The data we have would indicate uneven distribution, with youth who need services being in the majority. If uneven distribution is assumed, then one has to use statistical techniques to control for the built-in bias. This may be a rewarding educational exercise, but it does not seem to have much to do with helping youth.

The randomization mandate may also serve to further frustrate private service provider agency involvement in that, in addition to negative ethical implications, there may be negative legal liability implications associated with denial of services to youth in need of same.

6. We are baffled as to the justification and authority for restricting applicant eligibility to the most populous cities and counties as the Guidelines do. The need for diversion and diversion services is *by no means* limited to such areas.

7. The Guidelines are replete with evidence of a strong focus on public agencies as the primary actors in the diversion program. Amendment of the Guidelines is needed throughout (see attached edited copy) to make it express and clear that: (a) private agencies are eligible applicants; (b) private agencies are vital to the provision of services indispensable for successful diversion; (c) private agencies are already experienced in providing needed services and that experience must be built upon; (d) grantees are specifically *required* to consult with private service provider agencies and involve them in the planning and implementation of program; and (e) private agency involvement is crucial to achieving the education of the public in support of diversion services since their private agency leadership is from that public citizenry and more often than not represents opinion leadership in the community.

These requested amendments are completely consistent with the "policy direction" given LEAA by Congress through the Juvenile Justice Act.

8. The Guidelines appear to completely foreclose applicant eligibility on the part of any national organization or consortium of national organizations. There is a score of private voluntary organizations at the national level whose membership is comprised of community-based private voluntary organizations engaged in direct service to youth. The chief reason for existence of the national organizations is to give support and assistance to their local member organizations to accomplish their service delivery. The national organizations provide leadership and set standards for programmed service delivery.

This capacity building role of national voluntary organizations relates directly to enhancing the local delivery of diversion services. To foreclose the possible participation of national organizations is to foreclose a major avenue of approach to accomplishing successful diversion programs for youth.

LEAA has itself recognized the capacity building role of national organizations in several instances by funding national organizations under both the Crime Control Act and the Juvenile Justice Act. While the failure to provide for their eligibility some way in these Guidelines was inadvertent, we did want to point out the need for correcting this oversight.

9. The data collection and submission requirements made of applicants strike us as excessive and, for some applicants, impossible. We would urge a provision in the Guidelines to indicate that good faith rather than strict compliance is acceptable. The data requirements may block participation of otherwise excellent, qualified applicants.

10. We do not understand why criteria 130 (h), (i) and (l) are not to be included as criteria for rating and selection.

11. The proposed filing deadline for preliminary applications of May 21, 1976 is, in our judgment, unrealistic. With the Guidelines in need of substantial revision and with the substantial data development and program conceptualization required for even a preliminary application, the date is simply too early. Unless it is changed, only the most sophisticated public agencies already engaged in diversion services with data already in hand will be able to meet the deadline. The deadline in effect is discriminatory.

12. We strongly suggest that applicants be required to establish that their intended activities will not duplicate diversion services already available in their jurisdiction, as distinguished from expanding or improving such services.

We finally call your attention to the suggested amendments reflected in the attached edited copy of the Guidelines.

Sincerely,

CHRISTOPHER M. MOULD,
Director, Washington Office,
National Board of YMCA's.

Enclosure:

CHAPTER 12. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (CATEGORY ONE) (X)

122. PURPOSE

a. *The objectives of the Office of Juvenile Justice and Delinquency Prevention,* as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93–415, are to make grants to and contracts with public and private agencies, organizations, institutions, or individuals to:

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

(2) Develop and maintain community-based alternatives to traditional forms of institutionalization.

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

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

(5) Facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the National Institute for Juvenile Justice and Delinquency Prevention.

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

(7) Develop and maintain programs to maximize the prevention of juvenile delinquency.

b. *The objectives of the Office* as mandated by the Crime Control Act of 1973, P.L. 93–83, are to develop programs which would have a significant impact on both the high rates of crime and delinquency and on the overall operation of the juvenile justice system. This objective is consistent with LEAA's mission to "develop, test and evaluate effective programs, projects and techniques to reduce crime and delinquency.

123. SCOPE OF PROGRAMS

a. *Programs* will be announced in the following general areas:

(1) Diversion of juveniles from the juvenile justice system.

(2) Program for reducing serious crime committed by juveniles, through advanced techniques for changing the behavior of serious juvenile offenders and other strategies aimed at the settings and groups through which serious juvenile crime occurs.

(3) Program for the prevention of juvenile delinquency through selected strategies which support development of constructive patterns of juvenile be-

havior through improving the capacity of agencies and institutions responsible for supporting youth development.

b. *The program objective*, description, and specifications for chapters 13, 14 and 15 will be issued as changes to this manual as the program areas are developed by the office.

c. *The program for the deinstitutionalization of status offenders* is deleted from the discretionary grant program. This was chapter 27 of M 4500.1C dated November 22, 1974.

d. *No applications for the programs briefly described in paragraph 123a*, above will be considered until such time as program descriptions are issued.

CHAPTER 13. DIVERSION OF YOUTH FROM OFFICIAL JUVENILE JUSTICE SYSTEM PROCESSING (XI)

124. PURPOSE

Pursuant to Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974, and Sections 301 and 451 of the Omnibus Crime Control Act of 1968, as amended, the purpose of this program is to design and implement demonstration projects which develop and test effective means of diverting juveniles from involvement with the traditional juvenile justice system at the critical points of penetration, and to determine the significance of providing effective and coordinated services to a portion of those youth diverted. Definitions essential to completion of applications are provided in Section 133 of this chapter.

a. Major program goals:

(1) To reduce by a significant percentage, adjudication of juveniles alleged to be delinquent in selected jurisdictions over a three year period.

(2) To reduce recidivism rates of those youth diverted by providing effective and coordinated services to that portion of youth diverted who need such services.

(3) To concentrate public and private resources upon those youth determined to be at greatest risk of further penetration into the juvenile justice system.

b. Subgoals:

(1) To enable the juvenile justice system, as a result of diversion of less serious offenders, to concentrate more of its resources on the juvenile offender, whose offenses preclude consideration for diversion.

(2) To develop and strengthen community-based service models which provide meaningful and viable roles for youth.

(3) To achieve a more comprehensive and coordinated approach to the diversion process through re-direction of existing public and private community resources and provision of more cost-effective services.

c. Program target is youth who would otherwise be referred to juvenile court by the police or adjudicated by the juvenile court following an intake screening. While automatic exclusion of children alleged to have committed serious offenses is inconsistent with the aims of diversion, youth charged with such crimes as murder, rape or armed robbery are not generally considered appropriate for diversion unless substantial evidence supports their not being a further danger to the community. Youth charged with first, second or third minor offenses who would normally be warned and released by police or placed on informal probation by the court are generally not considered to require diversion services unless substantial evidence supports their need for specific services. Each community will define the target population by precise criteria, identify the critical points of penetration into its jurisdiction's juvenile justice system and develop action projects which reduce further penetration by this target population.

125. WORKING ASSUMPTIONS

The program is based on the following assumptions:

a. *When viewed as a process*, operating within a continuum from police warning and release to adjudication, diversion impacts the efficiency of the entire system at the various levels of official action. Thus, the juvenile justice system is likely to become more efficient and effective at each level as a result of increased diversion.

b. *While there are significant variations* among youthful offenders, many juveniles engage in episodic acts of lawbreaking interspersed with longer periods of

lawabiding conduct. More often than not, such lawbreaking is transitory and disappears as youth grow older, with or without juvenile justice system intervention or special services. Thus, a good number of youths can be diverted without referral for services or further system supervision.

c. *Variations in police reporting procedures,* organization of juvenile courts, child welfare and other components of the community juvenile justice system markedly influence the handling of lawbreaking youths in different jurisdictions. Thus, community toleration of contemporary youth behavior as well as organizational willingness and capacity to respond significantly impact diversion rates.

d. *Negative labeling,* with the consequence of stigmatization, suggests that there is a relationship between formalized court processing and future delinquency. While research findings have not been definitive, if community stigmatization has the likely effect of reinforcing or perpetuating delinquent behavior, diversion of youths from formal processing is an approach which merits further testing.

e. Maximize utilization of existing private youth serving agencies which have programs which youth join voluntarily.

126. EVALUATION DESIGN

The evaluation will seek:

a. To determine whether or not diversion can successfully occur at critical points in juvenile justice system processing.

b. To determine whether or not diversion has a beneficial impact on the target population.

c. To determine whether or not the target population benefits more from diversion with services than from diversion without services.

d. To assess the impact of a range of alternative diversion strategies on rates of recidivism.

e. To assess the impact of diversion programs on juvenile justice system processes and procedures.

f. To assess the capacity of the public and private agency, institution, or individual to provide services to youth.

127. PROGRAM STRATEGY

a. *Program impact.*—Applications are invited which propose action programs to divert increased numbers of juveniles at the most critical points of penetration into the juvenile justice system. While program design will vary according to the characteristics of jurisdictional needs and resources, the overall program thrust, in all instances, should:

(1) Identify and address already existing problems and procedures in the diversion process.

(2) Provide legal safeguards to protect the rights of youth participating in diversion.

(3) Provide solutions which reduce fragmentation in the youth services delivery system and focus resources upon those children at greatest risk of being further involved with the juvenile justice system.

(4) Strengthen existing service components to facilitate public and private coordinated service delivery.

(5) Include program approaches which test new concepts in service delivery, develop or refine service models suitable for replication in other areas, and include innovative media techniques for increasing public understanding of the program.

(6) Projects which strengthen alternative service delivery organization, such as national youth service organization, public and private agencies, etc., for these purposes.

b. *Proposal development.*—Project proposals will be developed in two phases. A preliminary application will be submitted and a limited number of applicants will be invited to prepare full program designs based upon the degree to which their preliminary design meets the stated selection criteria. The Office of Juvenile Justice and Delinquency Prevention will provide technical assistance, through use of consultants and staff, with program development to assure that, upon submission, the full application will meet all program specifications to the fullest extent.

c. *Range and duration of grants.*—Awards for this program will be for a three year period, funded in annual increments. LEAA's commitment to continue in the second and third years is contingent upon satisfactory grantee performance in achieving stated objectives in the previous program year(s) and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the third year. It is anticipated that grants will range up to $2.0 million for a three year period with grant size based upon the number of juveniles served, complexity of problems addressed, and the jurisdiction's capacity to absorb the program after this funding terminates. Funds for this program are allocated under the Omnibus Crime Control Act of 1968, as amended. Pursuant to Sections 306(a) and 455(a) of the Crime Control Act, funds awarded in response to this Manual require a 10% cash match.

d. Program eligibility

(1) All public or private not-for-profit organizations and agencies are eligible to apply. Programs must meet eligibility requirements for Part E discretionary funds as established in M 4500.1D, July 10, 1975, Chapter 1, paragraph 4(b). Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Act can be made only to state planning agencies, local units of government; or combinations of local units of government.

(2) Private-nonprofit organizations, if selected, must become subgrantees of one of the eligible groups listed in (1) above.

(3) Pursuant to Section 453(4) of the Omnibus Crime Control Act of 1968, as amended, programs are eligible which service those youth within the cognizance of the juvenile court system upon entry into the program. Youth referred by the police are eligible for Part E funded services where police departments are authorized by statute, court order or formal written agreements to make determinations and dispositions without formal court procedure.

e. *Applicant eligibility.*—Applications are invited from public and private not-for-profit organizations and agencies in: (1) cities of 250,000 or more; (2) counties of 500,000 or more; (3) contiguous multiple jurisdictions of 500,000 or more (This would include 1 or more counties or an entire state); and (4) Indian tribal groups on reservations.

f. *Applicant capability.*—While applications may reflect the participation of several public and private youth serving agencies and organizations, the official applicant must meet the following conditions of special capability:

(1) Be located outside the formal structure of the juvenile justice system while having the capacity to incorporate law enforcement agencies and courts in development and implementation of the overall program. Multiple-function agencies administering a variety of planning and human resource program components as well as juvenile justice system components (intake, corrections, aftercare) are considered to be outside the formal structure for purposes of this response. While law enforcement agencies, juvenile court, probation departments and private youth-serving agencies do not meet the capability requirements for applicants, in all instances they are expected to play a major role in planning and implementation of the project. Support for their functions should be reflected in coordination mechanisms, budget and program design.

(2) Have substantial responsibility for providing leadership in planning, standard setting, and coordination of youth services as evidenced by statutory authority or broadly based community sanction and support, in combination with a new created or already established budget for this responsibility.

(3) Have the demonstrated capability or experience to develop managment and fiscal systems essential to the coordination of a multi-dimensional program.

(4) Be able to provide access to data essential to the national evaluation of projects funded in response to this Manual.

128. PRELIMINARY APPLICATION REQUIREMENTS

This initial application will consist of a preliminary project design of 12 pages with supporting appendices. Where date is not available in time for submission of the Preliminary Application—indicate when it can be obtained and from what sources. This document should include:

a. Statement of Need.

(1) Briefly describe the jurisdiction in terms of socio-economic and demographic characteristics. Identify the area(s) of principal impact for this program. Provide statistical data in the appendices on the number of juveniles under 18 for the

entire jurisdiction as well as the impact area(s); population density; crime rates; school drop-out rates; adult and youth unemployment statistics.

(2) Describe fully the established diversion process in terms of ordinances or codes regulating juvenile behavior, administrative procedures of policies existing in courts, law enforcement agencies, schools and social agencies. Describe the projects or programs which are considered to be primarily "diversion services" and identify the clientele and types of services provided. Describe and prioritize problems within the existing diversion process and related services. Describe the major points of juvenile justice system penetration and identify the most critical points along with reasons for their designation. Identify those juveniles penetrating the system at each point of penetration and describe them in terms of socio-economic characteristics and official offense records. Provide data on diversion rates at each point of major penetration along with referrals for official juvenile justice system processing for 1974 and 1975. Data requested in (2) of this section is critical to selection of preliminary applications.

b. Project Goals and Objectives.

(1) Identify the target population and designate the critical points of penetration. Define program goals and objectives in terms of expected decreases in actual numbers of youth officially processed at each of the specific points of penetration and expected reduction of delinquency adjudications within the target jurisdiction. Identify the major problems to be addressed in the diversion process in terms of expected changes in official processing by juvenile justice system agencies; quality and focus of existing private and public youth services programs; community capability for planning and coordination; expected benefits to juveniles affected.

(2) Define objectives for each of the problems identified in measurable terms, e.g., specific activities in relation to expected results.

c. *Methodology.*—Develop a methodology in accordance with the specifications outlined in paragraph 128b above. Identify any significant problems which would need to be addressed in order to achieve the objectives of the program.

(2) Statistical documentation of juveniles entering the system at each point of penetration over the past 2 years along with their ages, offenses, socio-economic characteristics, and disposition by the processing agency.

(3) A system description and flow chart of official processing, including but not limited to juvenile justice system agencies (police, courts and correctional institutions). Agencies with authority to refer to court for official action should be included along with an explanation of the nature of their authority.

(4) A description of the statutory rules, codes, and ordinances governing juvenile behavior; a description of administrative procedures (including formal or informal policies) which regulate or prescribe methods for responding to juvenile behavior in juvenile justice system agencies and others capable of initiating court referral or other official action.

(5) An inventory of public and private youth serving agencies with known diversion services, described in terms of selection criteria, major foci, operating budget, geographic location in relation to the target population for this program, number of youth served, and commitment to participation in this program.

(6) Identification of gaps in services, anticipated need for modification in scope or thrust of existing services without any duplication of existing available service along with an explanation of anticipated problems in closing gaps or in achieving modifications considered necessary to support a more effective diversion process.

c. *Program methodology.*—Based upon the information provided in this paragraph, develop a project design which provides a clear description of the following:

(1) The target population and selection criteria for juveniles participating in the diversion process.

(2) The range of public and private services to be provided to the target population including a description of (a) new services justified by absence of such services, (b) existing services that will continue to be availalbe and (c) existing services which will be improved or expanded as part of this program. Indicate ways in which service components for diverted youth will maximize participatory activities, provide experiences which contribute to a sense of competency and usefulness, and develop skills which lead to greater independence.

(3) The safeguards that will be developed to protect the legal rights of juveniles at any stage in the diversion process where there is danger of abrogation of such rights. Minimally, such safeguards must provide right to legal counsel

during the period of intake, if it involves admission of guilt, and at termination hearings, if such hearings are conditions of diversion. Other desirable legal safeguards are suggested in the appendices. Pursuant to Section 524(a) and (c) of the Crime Control Act of 1968 as amended, confidentiality of program records used or gathered as part of a research or statistical project or project component must be provided along with assurance that no prosecutorial use may be made of them in pending or future juvenile proceedings. Additionally, assurances must be provided that program information gathered under funds from this program, identifiable to a specific private person is used only for the purpose for which obtained and may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his legal guardian or legal representative.

(4) The organizational structure for implementing the project with sufficient detail to make clear its official authority or public sanction for leadership; staff capability; potential for performing an effective advocacy role in the redirection of resources and standard setting; and ability to coordinate planning and provide leadership in setting goals.

(5) The administrative procedures and coordination mechanisms to be employed in implementing the project, including the role of law enforcement agencies, juvenile courts, and public and private youth service providers. This discussion should include the involvement of participating agencies in the planning, development and implementation of the project in addition to the methods for maintaining coordination, assuring accountability and establishing monitoring procedures for service delivery.

(6) The educational and public relations activities that are required to gain and maintain public understanding and support for the program.

d. *Workplan.*—Prepare a work schedule which describes specific program objectives in relation to milestones, activities and time-frames for accomplishing the objectives.

e. *Budget.*—Prepare a budget of the total costs to be incurred in carrying out the proposed project over 3 years with a breakout for each budget year. Indicate plans for supplementing LEAA funds with other Federal, state, local or private funds in excess of the required 10% cash match.

130. SELECTION CRITERIA

Applications will be rated and selected in relation to all the following selection criteria. Preference will be given to those projects presenting specific opportunities for intergovernmental and private/public coordination of resources. Other criteria being equal, consideration will be given to geographic spread in project selection. Preliminary applications will be rated and selected in relation to paragraphs 130 a, b, c, d, e, f, g, and k of this chapter:

a. *The extent to which the applicant's project over the 3 year period provides for a significant numerical decrease in youth formally processed at the most critical points* of penetration into the juvenile justice system; and the extent to which there is a decrease in delinquency adjudications at all other points of penetration into the system. Decreases in formal processing and delinquency adjudications will be established by reference to data indicating numbers and characteristics of youth handled during the two prior years. Performance at the end of each program year will be measured in part by achievement of projected increases.

b. *The extent to which the target population includes youth at greatest risk* of further juvenile justice system penetration as evidenced by socio-economic characteristics, high community rates of youth unemployment, school drop-out and delinquency.

c. *The extent to which the court, law enforcement agencies, schools* and service providers agree to participate in an expanded diversion process as evidenced by written agreements which describe how they will participate.

d. *The extent to which safeguards are developed* in connection with screening, referral and delivery of services which protect the legal rights of youths and avoid widening the network of control by the juvenile justice system. Evidence of this will be examined in connection with: (1) conditions associated with disposition; (2) conditions associated with voluntary or involuntary termination from service programs; and (3) assurances of confidentiality of records.

e. *The extent to which screening and referral mechanisms reflect the range of dispositional alternatives* from release without services or further system supervision to referral for intensive services with effective tracking outcomes.

f. The extent to which randomization is assured in assignment of youth to the range of dispositional alternatives outlined in the program. Among those youth determined to be eligible for diversion in this program, some will be referred for normal Juvenile Justice System processing, and tracked. Others will be diverted as program participants. Their dispositions will include: (1) diversion with services; and (2) diversion without services.

g. *The extent to which the program approaches:* (1) build public understanding and support for the new responses to juvenile behavior; and (2) provide overall support services to public and private youth serving agencies participating in the diversion effort, e.g., training, information systems, evaluation, accounting services.

h. *The extent to which there is re-direction of existing services* and more use of these services for youth at greatest risk of further juvenile justice system penetration.

i. *The extent to which services:* (1) develop social and vocational skills which develop a sense of competence and usefulness; (2) incorporate approaches for providing legitimate roles for youth in the planning and implementaion of programs; (3) are non-stigmatizing; and (4) are cost effective.

j. *The extent to which the diversion process expands* in scope and thrust as evidenced by projected: (1) changes in administrative procedures for official processing of juveniles; (2) modifications in ordinances, regulations or codes which define delinquent behavior, prescribe standards for delivery of youth services or outline new requirements for official processing.

k. *The extent to which there is use of new public or private* funds beyonds the required 10% cash match.

l. *The extent to which there is capability* of, and interest in, continuing the program after termination of this grant.

m. *The extent to which the program* increases the capacity of public and private agencies to provide services to diverted youth.

131 SPECIAL REQUIREMENTS

a. *The conditions of capability outlined in* paragraph 127 are critical to implementation of a successful diversion program. Therefore, concurrence by the cognizant SPA and LEAA Regional Offices that the applicant meets the conditions of capability will be required prior to an invitation to develop a full application.

b. *To support coordination and information exchange* among projects, funds will be budgeted in applications to cover the cost of nine meetings during the course of the three year projects. Meetings will be planned with the grantees by mutual agreement, with the exception of the first, which will be called shortly after grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.

c. *Sixty days following grant award,* grantees will submit a revised statement of work which reflects essential adjustments in tasks and milestones.

d. *Since the Law Enforcement Assistance Administration* will provide for an independent evaluation of all projects funded in this program, determination will be made during the application stage of costs to be incurred by grantees for evaluation. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design. Grantees must agree to an acceptable level of randomization.

132 SUBMISSION REQUIREMENTS

a. Preliminary application

(1) All applicants will submit the original preliminary application and two copies to the LEAA Central Office of Juenvile Justice and Deliquency Prevention. One copy should be sent to the appropriate A-95 clearinghouse.

(2) Upon receipt, the Office of Juvenile Justice and Delinquency Prevention will conduct an initial screeing to determine those preliminary applications meeting eligibility specifications and capability conditions as outlined in paragraph 127 of this Manual. Upon making this determination, notifications will be sent to applicants not meeting these conditions and copies of the remaining applications will be forwarded to the cognizant SPA and Regional Office for review. Review conducted at this point by all reviewers will consider the degree to which applicants meet the full range of initial selection criteria.

(3) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments and concurrence or nonconcurrence to the appropriate Regional Office and the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C. Statements of concurrence must address the specifics of paragraph 127 of this Manual.

(4) Regional Offices, following review will forward their comments and statements of concurrence or nonconcurrence to the Office of Juvenile Justice and Delinquency Prevention in Washington.

(5) Upon receipt of SPA and RO comments, the OJJDP will select those preliminary applications judged to best meet the conditions of capabilty and selection criteria. Prior to final selection, site visits will be made by LEAA Central and Regional staff. Applicants determined to have elements most essential to successful program development will be invited to develop full applications. Unsuccessful applicants will be notified and information copies forwarded to SPAs and ROs.

(6) Preliminary applications must be mailed or hand delivered to the OJJDP at the LEAA by May 21, 1976.

(a) Preliminary applications sent by mail will be considered to be received on time by OJJDP if sent by registered or certified mail not later than May 21, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

(b) Hand Delivered preliminary applications must be taken to the OJJDP of LEAA, Room 452 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m. except Saturdays, Sundays or Federal holidays, not later than May 21, 1976.

b. Applications

(1) The diversion program has been determined to be of national impact and applications should be submitted in accordance with the format outlined in paragraph 23, chapter 1 of Guideline Manual 4500.1D issued July 10, 1975.

(2) Guideline manual 4500.1D will be forwarded to those applicants invited to develop full applications.

133. DEFINITIONS

For the purposes of responding to the Program Guideline, the following working definitions are provided.

a. System

(1) *Diversion process*, for the purposes of this program initiative, is defined as a process designed to reduce the further penetration of youths into the juvenile justice system. Diversion can occur at any point following apprehension by the police for the alleged commission of a proscribed act and prior to adjudication. It focuses on specific alternatives to juvenile justice system processing which are outside the system, including both provision of services and complete release. The diversion process makes use of a range of community resources which support the normal maturation of children, and seeks to remedy specific adjustment problems depending on the individual needs of youth.

(2) *Juvenile justice system* refers to official structures, agencies and institutions with which juveniles may become involved, including, but not limited to, juvenile courts, law enforcement agencies, probation, aftercare, detention facilities, and correctional institutions.

(3) *Law enforcement agencies* means any police structure or agency with legal responsibility for enforcing a criminal code, including, by not limited to, police and sheriffs' departments.

(4) *Critical points of penetration* means the specific points in the juvenile justice system at which decisions are made whether or not to pursue a charge against a youth further along the formal procedural path leading to juvenile court adjudication. For example:

(a) After apprehension by the police and prior to official referral to court.

(b) After referral to court intake and prior to petitioning.

(c) After petitioning and prior to preliminary hearing.

(d) At preliminary hearing and prior to dispositional hearing.

(5) *Delinquent acts* refers to behavior of juveniles that is in violation of a statute or ordinance in the particular jurisdiction and which would constitute a crime if committed by adults or would lead to a finding of delinquency.

(6) *Dispositional alternatives* refers to the options available to juvenile justice system officials at the various points where a child is in contact with the system.

These might range from counsel and release by police to participation in a community-based public or private residential program by order of the juvenile court.

(7) *Administrative procedures* are those non-statutory, internal agency policies which organize, and define police, court and school behavior.

b. Programmatic

(1) *Jurisdiction* means a unit of general local government such as a city, county, township, town, borough, parish or village or a combination of such units.

(2) *Community* refers to an area within a designated jurisdiction which has a specific set of characteristics which demographically distinguish it from others within the same jurisdiction.

(3) *Program* refers to the national diversion effort supported by the Office of Juvenile Justice and Delinquency Prevention.

(4) *Project* means the set of activities designed to achieve the overall objectives of diversion in a particular jurisdiction.

(5) *Project components* refers to the particular diversion efforts taking place within a project.

(6) *Private Voluntary Youth Serving Agency* means any agency, organization or institution with experience in dealing with youth designated tax exempt by IRS under sec. 501(c) (3) of Federal Tax Code.

(7) *Public youth serving agency* means any agency, organization or institution which functions as part of a unit of government and is thereby supported by public revenue, for purposes of providing services to youth.

(8) *Agreements* refers to the assurances between and among juvenile justice system components and service providers which are necessary to ensure attainment of program goals.

(9) *Legal safeguards* refers to the assurance that a juvenile's constitutional, statutory, and civil rights are protected during his participation in the diversion process.

(10) *Legal advocacy* is the process of protecting and ensuring the rights of due process on behalf of youth in the juvenile justice system.

(11) *Youth advocacy* is a process of intervening on behalf of juveniles to ensure that community institutions respond to those needs of the youth.

(12) *Screening* is a process of determining whether a child's need can be met by a particular project or project component.

(13) *Referral* is the process of directing a program participant to those services or activities appropriate to his needs.

(14) *Tracking system* refers to the procedure used for the monitoring and follow-through of activities in which youth are involved in the diversion process for purposes of ensuring proper delivery of services.

(15) *Accountability* refers to planning, management, and evaluation procedures which:

(a) Cause precise use of resources, and precise design of activities, to attain approved objectives, and;

(b) Provide independently verifiable, reliable and valid empirical information to judge how well activities attain objectives and to correct the deficiencies of those activities. A measure of accountability is a grantee's ability, at any time, to demonstrate, using independently verifiable, reliable and valid empirical information that projects are attaining approved objectives; or in the absence of that demonstration, the ability to demonstrate that prompt and vigorous corrective action is being taken to re-plan, to re-program, or to obtain necessary information.

(16) *Contemporary youth behavior* is that behavior generally associated with adolescence, which is sometimes labelled as deviant, depending on the degree of tolerance in the community for such behavior.

(17) *Negative labeling* is a theory that some youth who are defined and described in a disparaging manner by significant others (parents, teachers, juvenile justice system officials) come to accept, and behave according to the negative definition.

(18) *Stigmatization* is the process whereby society views a youth unfavorably according to certain characteristics, such as those of his associations, environment, or his participation in services, all of which may be a result of, or a concomitant of, negative labeling.

(19) *Voluntary participation* is the act of involvement of youth in activities which the youth chooses.

(20) *Youth participation* is the ongoing active involvement of young people in activities and decisions which directly affect their lives.

(21) *Coordination* is the process by which the various agencies and systems responsible for carrying out program objectives work together to provide a comprehensive, non-duplicative service network.

(22) *Individualization of youth needs* is the process of determining the specific needs of a youth and designing an appropriate service plan to meet these needs.

(23) *Replicable findings* refers to those data gleaned from the projects which can be used by other jurisdictions in establishing projects of a similar nature with similar goals and objectives.

(24) *Research or statistical information* means any information which is collected during the conduct of a research or statistical project or derived from such information; and which is intended to be utilized for research or statistical purposes. The term includes information which is collected directly from the individual or obtained from any agency or individual having possession, knowledge or control thereof.

(25) *Program information* is Records files or written reports developed in conjunction with services provided to juveniles by agencies, organizations, institutions or others supported in whole or in part with funds provided pursuant to this program announcement.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANT ADMINISTRATION,
OFFICE OF THE DEPUTY ADMINISTRATOR,
Washington, D.C.

MR. CHRISTOPHER M. MOULD,
Director, National Board of YMCA's,
Washington, D.C.

DEAR MR. MOULD: Thank you for your comments in response to Guideline Change M 4500.1D, Change 1, on behalf of the National Collaboration for Youth. Your comments were helpful and we were able to respond with modifications in a number of instances. We have provided explanations where we were unable to make changes.

The following is our response to each area of concern:

1. CHAPTER 12 AND THE MANDATE TO PREVENT DELINQUENCY

Although Chapter 12 is not being cleared with Chapter 13, its inclusion is understandably confusing. It was cleared with the LEAA Discretionary Guideline Manual in the Summer of 1975 and its inclusion with Chapter 13 is a function of clearance procedures. While we are not able to make major changes at this time, we did insert in Paragraph 122 as a new item subparagraph (7) to cover prevention and used your wording. Its exclusion in the original printing was inadvertent as it is very much a part of our mandate.

2. LACK OF EMPHASIS ON INCLUSION OF PRIVATE AGENCIES

a. We can assure you that your concerns about lessening the role of private voluntary youth serving agencies in implementation of special emphasis programs is unwarranted. It is the continuing policy of the Office of Juvenile Justice and Delinquency Prevention to develop and implement programs which build the capacity of public and private youth serving agencies as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974. Any lack of emphasis in this Guideline was unintentional as we considered the inclusion of private youth serving agencies implicit in the goal statements in Paragraph 124a(3) and b(3), in Paragraphs 127a(3), 127a(4), 128(b)(1), 129a(5) and (6), 130c, g(2) and h. However, in response to your concerns we attempted to make this emphasis more explicit, and accordingly, modified Paragraphs and Sections in keeping with your suggestions for inclusion of "public and private youth serving agencies." We also modified Paragraph 127f(1) to include (c), which specifically references private youth serving agencies as applicants. We also re-ordered, to some extent, goals in response to your concerns.

b. We would like to note that public agencies commenting on this Guideline understood that services were to be non-duplicative and private agencies were to be involved in planning and implementing programs.

c. It is also worth noting that, while half of the "Deinstitutionalization of Status Offenders" awards were made to public agencies, 71 percent of the $11.8 million awarded was available to private agencies through subgrants, contracts and purchase orders for services to youth. We expect the same pattern to prevail in this initiative.

3. EVALUATION DESIGN

a. An overriding goal of the program is to expand and redirect services to youths diverted, and the evaluation design was modified to reflect this with addition of subparagraph c in Paragraph 126. This was not included originally because of a schedule problem with the evaluation planning grantee. We agree that a random design would be discriminatory if there were sufficient services to meet the needs of all youth diverted in this program. However, in most instances this will not be the case and random assignment of youth to services is therefor a reasonable and equitable procedure to follow in the allocation of limited resources. The use of randomization procedures will allow for greater confidence in answers sought to the questions outlined in Paragraph 126. We added this statement to Paragraph 130f.

b. While we recognize that considerable data is requested, we are required by statute to evaluate special emphasis programs. In order to permit effective evaluation, certain baseline data is essential. In addition, data requested about the target population is critical to identification of this population and to selection of preliminary applications which seek to include those youth at greatest risk. We indicated in Paragraph 128 that where data requested is not available when preliminary applications are submitted, they can be included in the full application.

4. TIME-FRAME FOR PRELIMINARY APPLICATION SUBMISSION

We regret the short time-frame for submission of the preliminary application, but in order to reduce the risk of losing funds allocated to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), we feel it is important to award these grants by September 30, 1976. We expect to provide assistance to those applicants asked to submit full applications in order to facilitate submission and development of quality applications.

5. USE OF PART E FUNDS

a. The OJJDP reecives funds under the Omnibus Crime Control Act of 1968, as amended, and the Juvenile Justice Act of 1974. In Fiscal Year 1976, $15 million was available in new funds for special emphasis programs from Crime Control funds and $10 million from Juvenile Justice funds. In allocation of funds for those program areas mandated by Section 224 of the Juvenile Justice Act, the Office expects to use Juvenile Justice funds in areas where Crime Control funds cannot be used, i.e., prevention programs. While all special emphasis programs are developed in accordance with the policy direction of the Juvenile Justice Office as required by Section 527 of the Juvenile Justice Act, when Crime Control funds are used, they are subject to all of its statutory requirements. Waiver by the administrative agency responsible for carrying out the statutory provision requires an express grant of authority. There is no express grant of authority to waive the requirement of cash match or other requirements for any grant of Part E or C funds, and the diversion program is to be funded under the statutory authority of the Crime Control Act.

b. While Part E requirements mandate that grants be awarded only to State Planning Agencies (SPAs), counties and units of local government, this does not restrict public and private youth serving agencies from submitting preliminary applications. It only means that if they are selected for funding they must become sub-grantees of one of the eligible groups. This is more a standard procedure for the OJJDP than deviation as SPAs have a fiscal monitoring capability which LEAA Central Office lacks.

c. Summarily, limited Juvenile Justice funds require their use for programs which cannot be funded with Crime Control funds. Diversion programs are eligible for Crime Control funds under Section 453(4) of that Act, and the decision to use Part E funds for these programs will permit funding of prevention programs, which could only be funded in a very constricted manner with Crime

Control dollars. When Crime Control funds are used, they are subject to all the statutory requirements of that Act and the Agency has no authority to waive these requirements.

6. GOAL AND PROGRAM STRATEGY FOR CAPACITY BUILDING

a. While there is no strategy which permits applications from national youth serving agencies for capacity building, this Guideline anticipates building the capacity of your local members through their participation as sub-grantees, service providers, and as members of local planning and coordinationg groups. Additionally, Paragraph 130g specifically requires that applicants provide support services which will improve the capacity of participating agencies and organizations to deliver services. The view taken by OJJDP in developing program designs is that the service delivery system for youth consists of a range of private and public youth serving agencies. Any program which aims to improve or expand this delivery system will of necessity involve these agencies. Their capacity to deliver services will be improved as a result of this participation.

b. Paragraphs 124(b)(2) and (3) relate specifically to provision of services to youth and implicity identify specific goals for strengthening the capacity of public and private youth serving agencies through redirection of existing services, provision of more effective services, concentration of resources, and provision of more cost effective services.

c. A continuing theme in this Guideline is the expectation that existing services be used through expansion and refocusing rather than development of new services which duplicate existing ones. We regret that this was not clear to you and hope that the modifications to add greater emphasis by inclusion of "public and private agencies" and re-ordering goals allays some of your concerns.

d. With respect to the expectation that there be a goal and strategy in each of OJJDP's special emphasis program initiatives to build the capacity of national youth serving agencies, we determined that more experience was needed with national capacity building approaches before expanding funding in this area. This does not imply that this cannot be an effective approach, but more experience and discussion with national youth serving organizations is needed in order to develop guidelines which have explicit potential for impacting specific program objectives. Milton Luger, Assistant Administrator, Office of Juvenile Justice and Delinqency Prevention, plans to be in contact with you within the next week for purposes of scheduling a meeting in May with representatives from national youth serving organizations to get your thinking on ways in which you can facilitate attainment of the specific objectives pursued by OJJDP.

7. JURISDICTIONAL SIZE

a. While we recognize that occurrence of delinquency is by no means confined to urban areas, statistics indicate that the greatest number of youth adjudicated as delinquent reside in high density urban areas. Surveys and studies of present diversion programs indicate that they predominantly serve male youth charged with minor offenses who present no risk to the community. Their clientele does generally include significant numbers of poor and minority youth. In contrast, national profiles of youth adjudicated indicate that they are predominantly economically disadvantaged, minority, and increasingly female. Our designation of these jurisdictional sizes is an attempt to identify and provide services to the greatest number of youth subject to adjudicatory procedures.

b. The jurisdictional sizes used in this Guideline are consistent with those designated by LEAA as target areas for the high crime impact program, a Presidential initiative. Available data indicates that, with few exceptions, juvenile crimes account for the major increase in crime statistics and that the greatest numerical occurrence of crime is in high density urban areas.

We appreciate the effort expended in review of this Guideline and except that concerns not satisfied in our response can be resolved in discussions Mr. Luger expects to have with you and members of other national youth serving agencies in the next month.

Sincerely,

HENRY F. MCQUADE,
Deputy Administrator, for Policy Development.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
OFFICE OF THE DEPUTY ADMINISTRATOR,
Washington, D.C.

MARK THENNES,
Deputy Director, Program Development, National Youth Alternatives Project, Washington, D.C.

DEAR MR. THENNES: Thank you for your comments in response to Guideline Change M 4500.1D, Change 1, on behalf of the National Youth Alternatives Project. Your comments were helpful and we were able to respond with modifications in a number of instances. We have provided explanations where we were unable to make changes. We agree with your general assumptions that the Juvenile Justice and Delinquency Prevention Act requires new modes of community and youth participation in policy formulation and programming in juvenile justice; and that the Guidelines of the Office of Juvenile Justice are directed toward a larger constituency than public agencies.

The following is our response to each area of your concerns:

1. *Chapter 12 and the mandate to prevent delinquency.*—Although Chapter 12 is now being cleared with Chapter 13, its inclusion is understandably confusing. It was cleared with the LEAA Discretionary Guideline Manual in the Summer of 1975 and its inclusion with Chapter 13 is a function of clearance procedures. While we are not able to make major changes at this time, we did insert in Paragraph 122, as a new item, subparagraph (7) to cover prevention. Its exclusion in the original printing was inadvertent as it is very much a part of our mandate.

2. *Major program subgoals.*—We agreed that the phrase "meaningful and viable roles for youth" was neither directive nor operational and modified it to make its intent more specific. Paragraph 124b(1), and all related references to roles and participation of youth, defines this to mean "to encourage youth employment and youth participation in decision making" as the standards for community based service models. This is reflected in the selection criteria, Paragraph 130i, and in Appendix III which gives examples of youth employment and participation.

3. *Program target.*—Paragraph 124c was modified to achieve greater clarity with respect to who was to be excluded from the target population. It was important in our view to leave to the discretion of local jurisdictions the designation of criteria for selecting this population between the two extremes provided in the Guideline. Local ordinances vary from jurisdiction to jurisdiction as do problems in the diversion process, and it is unlikely that a single set of criteria would be workable for the range of jursdictions that apply.

4. *Negative labeling.*—(a) To the degree to which projects are successful in expanding and improving the diversion process, fewer youths should be referred to juvenile court for disposition and fewer youth arrested by police. Thus, opportunities for negative labeling are reduced. (b) We considered at length the range of potential referral sources which might be included and understood the advantages of a mix of intake sources. We concluded that the most critical point of penetration was adjudication and that in order to measure the impact of reduction in penetration, police and court actions were key. This does not preclude the police or juvenile court designating some of its dispositional functions to schools and other agencies. We attempt to reduce the effect of negative labeling by requiring that services be non-stigmatizing, the definition of which has been added in Paragraph 133b(24). It is defined as "mixing justice system referrals and non-justice system referrals in the same service programs".

5. *Use of "part E" funds.*—(a) The Office of Juvenile Justice and Delinquency Prevention received funds under the Omnibus Crime Control Act of 1968, as amended, and the Juvenile Justice Act of 1974. In Fiscal Year 1976, $15 million was available from Crime Control funds and $10 million from Juvenile Justice funds. In allocation of funds for those program areas mandated by Section 224 of the Juvenile Justice Act, the Office expects to use Juvenile Justice funds in areas where Crime Control funds cannot be used, i.e., prevention programs. While all Special Emphasis programs are developed in accordance with the policy direction of the Juvenile Justice Office as required by Section 517 of the Juvenile Justice Act, when Crime Control funds are used, they are subject to all of its statutory requirements. Waiver by the administrative agency responsible for carrying out the statute of any statutory provision requires an express grant of authority. There is no express grant of authority to waive the requirement of cash match or any other statutory requirements for any grant of "Part E or C"

funds. (b) While "Part E" requirements mandate that grants only be awarded to SPAs, counties and units of local government, this does not restrict public and private youth serving agencies from submitting preliminary applications. It only means that if they are selected for funding, they must become subgrantees of one of the eligible groups. This is more standard procedure for the Office of Juvenile Justice than deviation, as SPAs have a fiscal monitoring capability which LEAA Central Office lacks.

6. *Program strategy.*—Special Emphasis funds are for demonstration programs in areas mandated by Section 224 of the Juvenile Justice Act. They are designed with the objective of having national impact on specific problems and target populations of juveniles. The overall design anticipates a number of components which if separated would constitute support for small community based services. State Planning Agencies in their expenditure of formula grant funds under this Act provide resources for the range of needs which jurisdictions in their states determine to be essential in meeting youth needs. Most state plans provide for support of small community based services as was intended by the legislation.

7. *Applicant eligibility—jurisdictional size.*—(a) While we recognize that occurrence of delinquency is by no means confined to urban areas, statistics indicate that the greatest number of youth adjudicated as delinquent reside in high density urban areas. Surveys and studies of present diversion programs indicate that they predominantly served male youth charged with minor offenses who present no risk to the community. Their clientele does not include significant numbers of poor and minority youth. National profiles of youth adjudicated indicate that they are predominantly poor and members of minority groups. Our designation of these jurisdictional sizes is an attempt to identify and provide services to the greatest number of youth subject to adjudicatory procedures. (b) The jurisdictional sizes used in this Guideline are consistent with those designated by LEAA as target areas for the high crime impact program, a Presidential initiative. Available data indicate that, with few exceptions, juveniles account for the major increase in crime statistics and that the occurrence of crime is predominantly in high density urban areas.

8. *Applicant capability.*—We are pleased that you concur with the requirement that services be outside the juvenile justice system. However, we could not strike the requirement that applicants have a clear responsibility for providing leadership in planning and implementing youth services programs. This is consistent with the provision in the Juvenile Justice Act that agencies receiving funds have experience in dealing with youth. The requirement that this be documented by statutory authority or broadly based public/community sanction is a way of confirming the nature of their experience and accountability.

9. *Statement of need.*—(a) Your suggestion that Paragraph 128a(2) be separated for greater clarity was excellent and we accordingly divided this subparagraph into three parts. (b) With respect to data, while we recognize that considerable data are requested, we are required to evaluate Special Emphasis programs. In order to permit effective evaluation, certain baseline data are essential.

In addition, data requested about the target population are critical to identification of this population and to selection of preliminary applications which seek to include those youth at greatest risk. We have indicated in Paragraph 123 that where data requested are not available when the preliminary application is submitted, they can be included in the full application.

10. *Application requirements.*—In response to your suggestion, we included an explanation in Paragraph 129 indicating that this information was not to be addressed in preliminary applications.

11. *Selection criteria.*—(a) In keeping with your suggestion, we provided ratings for each of the selection criteria. The ratings in Paragraph 130 give greater weight to selection criteria a, b, c, h, i and j, and less to the others. (b) The review procedures are outlined in Paragraph 132a and b. (c) In response to your suggestion, we modified Paragraph 131d to indicate that "acceptable level" will be determined by the national evaluator and project staff on sites prior to grant award. (d) Your point is well taken regarding the need to include "change agents" in project designs if there is real expectation that existing diversion procedures and community attitudes will change. We attempt to address this in Paragraph 129(4) by requiring that applicants describe their capability for assuming an advocacy role on behalf of youth. We will review this closely in preliminary applications and will require that this ability exist or that the program design include components which support advocacy.

12. *Special requirements.*—We made no change in submission requirements beyond placing greater emphasis upon the need for documentation of facts regarding statements of nonconcurrence. The SPAs become grantees of most Special Emphasis awards and, in turn, award subgrants to applicants selected by LEAA. OJJDP requires that SPA assessment of applicants be based upon objective criteria which deal primarily with fiscal and management capability. The documentation required in their capability statements supports objective appraisals. The SPAs, by virtue of their knowledge of agencies in their states, are in a much better position to assess this than LEAA. Moreover, SPAs in accepting a grant certify that they will assume responsibility for fiscal management of the grant and are liable for any fiscal deficiencies. Therefore, it is only reasonable that they share in assessment of an applicant's management capability.

We appreciate the time and careful thought that went into review of this Guideline and hope that our response has satisfied most of your concerns.

Sincerely,

HENRY F. MCQUADE,
Deputy Administrator for Policy Development.

NATIONAL YOUTH ALTERNATIVES PROJECT,
Washington, D.C., March 26, 1976.

JAMES GREGG,
Deputy to the Deputy Administrator for Administration, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. GREGG: I am writing you on behalf of National Youth Alternatives Project in response to your letter of February 24, 1976 requesting our comments on Guides for Discretionary Grant Programs M 4500.1D, Change 1.

Please be advised of an address correction for future requests for comments. The correct address to use is National Youth Alternatives Project, 1346 Connecticut Avenue, N.W., Suite 502, Washington, D.C., 20036.

The comments are based on the following broad assumptions. The mandates of the Juvenile Justice and Delinquency Prevention Act requires new modes of community and youth participation in policy formulation in the area of juvenile justice. The social, political, and economic processes initiated to meet the mandates of the Act require a broad base of support if they are to be successful. The Guidelines LEAA chooses to promulgate are therefore directed to a larger constituency than State Planning Agencies. If LEAA hopes to achieve the cooperative base of support necessary to achieve the Act's goals, those Guidelines must facilitate the participation of relative newcomers to the LEAA system.

A number of critical but hopefully constructive comments are offered here. The staff is to be commended for the thoughtful work that went into these Guidelines. These comments are offered in sequential order following the format of the Guidelines rather than listing the comments in order of their importance.

Thank you for the opportunity to offer this input. I look forward to working with you in the future on other Guidelines.

Celebrate life!

MARK THENNES,
Deputy Director, Program Development.

NATIONAL YOUTH ALTERNATIVES PROJECT—COMMENTS ON GUIDE FOR DISCRETIONARY GRANT PROGRAMS, M 4500.1D, CHANGE 1

THE SPECIAL EMPHASIS DIVERSION INITIATIVE

Chapter 12, Paragraph 122 a, b: Objectives of the Office of Juvenile Justice and Delinquency Prevention

The list of the Office's six objectives fails to make *any* reference to delinquency prevention. Part of Objective #4, "youth in danger of becoming delinquent" is at least incomplete, if not inconsistent, when compared to LEAA Guideline M 4100.1D Change 3, dated July 10, 1975, incorporated into LEAA Guidelines M 4100.1E, dated January 16, 1976 (Chapter 3, Par. 77, f, (4); p. 115). The objectives for the Office as carried over by the Crime Control Act would benefit greatly from further elaboration. I suggest you incorporate some of the criteria on delinquency prevention contained in the Office of the General Counsel Legal Opinion 75–12 (November 6, 1974).

Appearance alone dictates that the Objectives for the Office of Juvenile Justice and Delinquency Prevention contain some direct references to delinquency prevention.

Chapter 13, Paragraph 124, b (2): Major Program Subgoals

The goals listed are laudable. Subgoal #2, "To develop and strengthen community based service models which provide meaningful and viable roles for youth" is a redundant tautology when compared to the definition of community based services contained in the Juvenile Justice and Delinquency Prevention Act. The Act defines community based, in part, as "consumer (youth?) participation in planning operation and evaluation of their programs". No where is it apparent that LEAA has attempted to create criteria to measure this or require this of programs to which it gives its funds under the mandates of the JJDPA. The definition of "Youth Participation" offered in Chapter 13, Par. 133, b, (20) is woefully inadequate, given this subgoal and the Act's definition. Without any "aftercare" attention to this subgoal, it becomes meaningless and at worst a charade.

Paragraph 124, c: Program Target

You have made a good effort to avoid "saving the saved" as Mr. Nader says. Further explanation should be given here to include those areas where some percentage of youth may already be diverted, and they wish to expand the numbers of youth they are capable of diverting. Given the fact that over 500 youth service bureaus have been created by LEAA funds, it would seem important to make a clear statement as to how they might participate in expanding the program targets under this initiative.

Paragraph 125, d: Working Assumptions on Negative Labeling

This Diversion Initiative appears to do nothing to overcome potential negative labeling. It purports to build a parallel public juvenile justice system using the same institutions and same labeling. By serving youth *only* from police and courts, you have 100% controlled intake, which leads inevitably to 100% stigmitization. Thus the new system by design only mirrors the old system. It would be preferable to seek a mix of intake sources (eg: self-referred, parents, schools) into the same services.

Chapter 13, Paragraph 127, c, d: Program Strategy: Range and Duration of Grants Program Eligibility

The program strategy is based on JJDPA goals within the Safe Streets Act framework, and the result is insufficient flexibility. The Program Eligibility implies all funds for this initiative are coming from Part E (Corrections) of the Safe Streets Act. It appears that LEAA has the administrative discretion—which it is not choosing to exercise—to use funds from at least two other sources in combination with the Part E funds: LEAA could use Part C Discretionary Funds and some Special Emphasis Funds of the JJDPA. The initiative would thus have greater flexibility in not only who would be eligible to apply but also would allow for the possible waiver of "hard cash match" by the Administrator. The requirement that only State Planning Agencies or local units of government are eligible is thus a choice LEAA has made, without apparently considering the ability of private sector agencies to apply for Diversion Funds. As LEAA well knows from its funding of youth service bureaus, the private sector has time and again proven its ability to deliver effective diversion services.

The decision to severely restruct who is eligible to apply perpetuates the existing political structures of the youth service delivery systems which we know have already failed in many cases. The Subgoal of developing and strengthening community based models is not met by $2 million grants. A $2 million grant is rarely ever indicative of small community based services envisioned by the JJDPA. Thus, those programs which have proven to be cost effective might receive funds through subgrantees, and discover first hand what Governor Reagan was describing as "freight charges" for administering grants. Understandably it is easier for the Office of Juvenile Justice to make a smaller number of large grants and to monitor and evaluate those.

NYAP seriously suggests to LEAA that it reformulate entirely Paragraph 127.

Paragraph 127, 2: Applicant Eligibility

The exemption of Indian groups is an enlightened policy given the current treatment of Indian youth. However, there is no justification for limiting applica-

tions to cities of more than 250,000 and counties of more than 500,000. This obviously and intentionally eliminates rural areas from participation in the program. And that is how it will be seen in the field. LEAA funded research (eg: Institute for Juvenile Research, Chicago, study of Illinois youth) does not provide any rationalization for this policy. On the contrary, the research speaks to a lack of differences between rural and urban youth offenses.

Paragraph 127, f: Applicant Capability

The requirement that services be outside of the law enforcement and the courts is good. The requirement on having statutory authority to provide leadership is laudable, but is beyond the scope of this Diversion Initiative and should be stricken.

Chapter 13, Paragraph 128, a (2): Statement of Need

This is an excellent departure point. I am afraid the data collected in response to this will be lost in the application process. It would be more clear to break the points out one by one with letters, rather than have potential grantees address the whole paragraph in narrative form. One of the more serious drawbacks is that while this section is consistent with earlier parts of the Initiative (in its intentions of obtaining grants from local government), only agencies with complete planning capabilities might have the types of data you are seeking. Thus, if private sector agencies are to be part of the Diversion process, they need more time to collect this data and make the necessary arrangements with local government.

Paragraph 129: Application Requirements

It is not clear whether this information is to be addressed in the preapplication or not. Given the fact that over 300 of the 400 deinstitutionalization applications were dismissed for not following the format, it seems imperative that the exact content of the preapplication be spelled out more clearly.

Paragraph 130: Selection Criteria

(b)s listed as one of ten selection criteria, yet the extent to which target population includes youth at greatest risk is the heart of your Statement of Need in Paragraph 128 and the Project Goals and Objectives. It is thus not weighted in any form against the other 9 criteria. I suggest that LEAA adopt a system of weighting criteria for preapplications. It would be helpful to also explain how decisions are made on these grants, whether by an outside review panel, the Office of Juvenile Justice and Delinquency Prevention Assistant Administrator or the LEAA Administrator. Criteria (c) makes no references to participation of the private sector as a service provider participating in an expanded diversion process. Criteria (f) on random assigning of youth for disposition has a lack of clarity. This could be misconstrued to develop control groups in human experimentation without any further guidance from LEAA. Criteria (k) use of new monies beyond 10% cash match and criteria (l) capability to continue grants after three years, are inappropriate as selection criteria. They are noble ends but part of the purpose of the Initiative is to change the existing diversion procedures and attitudes of staff in selected communities. Agencies who can now meet criteria (k, l) seems to come dangerously close to "saving the saved" again, only its agencies this time. Anyone who can make these committments now is working within an already progressive juvenile justice system. The criteria should therefore be stricken.

Paragraph 131, a: Special Requirements

The requirement of concurrence on proposals from State Planning Agencies appears to be an overt political trade off between LEAA and the National Conference of SPA's, based on their San Antonio meeting last January. Granted SPA's need to be aware of proposals emanating within their jurisdictions, but there is no justification for requiring concurrence from the SPA. The normal clearinghouse channels should be sufficient for input. Submission requirement under Paragraph 132, a (3) seems to make this section unnecessary, and it should be stricken.

The timelines for submission of preliminary grant applications from the field should allow at least six weeks for the developments of these preapplications. If private agencies hope to be able to participate, it will take a considerable amount of time to collect data and formalize some working relationships with other agencies, public and private.

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : All Regional Administrators
All Juvenile Justice Specialists
THRU : Assistant Administrator/ORO
FROM : Assistant Administrator/OJJDP

DATE: JUN 21 1976

SUBJECT: Revised Checklist for Planning and Administrative Requirements Under the Juvenile Justice & Delinquency Prevention Act of 1974

Attached are copies of the revised checklist for Planning and Administrative Requirements Under the Juvenile Justice and Delinquency Prevention Act of 1974. This checklist should be used in reviewing the FY 1977 Planning Grant applications in place of the checklist contained on pages 13-15 of Appendix 11 of HB 4210.1C, Planning Grant Review and Processing Procedures.

The revised checklist does require narrative responses in some cases. If this information is contained in the technical specialist review or the overall analysis memorandum as required in HB 4210.1C, you need not duplicate it but may simply cross-reference it.

Milton Luger
Assistant Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosure

APPENDIX 11 (CON'T.)

IV. Planning and Administrative Requirements Under the Juvenile Justice and Delinquency Prevention Act of 1974 (Section 5, Paragraph 30)

Note: The assessment alternatives in this Section of the checklist include "satisfactory - needs improvement - unsatisfactory."

A. Juvenile Justice Requirements

1. Plan Supervision and Administration

a. Is the SPA the sole agency for the administration of the plan? (par 30b) Yes No

b. Does the plan indicate the name, professional background, functions and responsibilities of the individual or individuals responsible for the preparation of the juvenile justice component of the plan? Yes No

Provide a list of the names:

_____

_____

_____

2. Plan Implementation

a. Does the SPA indicate how it has or will have the authority to carry out the mandate of the JJDP Act, including the authority to coordinate the delivery of services to youth in the State? (par 30c) S NI U

If not, what steps are being taken in this regard?

_____

_____

_____

_____

_____

APPENDIX 11 (CON'T.)

b. Does the SPA indicate how it plans to coordinate the delivery of services to youths? S NI U

Briefly describe the plan and document:

_____

_____

_____

_____

_____

3. Advisory Group

a. Is the advisory group membership in compliance with the Act requirements? (par 30d) S NI U

b. Is the role of the Advisory group in relation to the development of this plan, future plans, project review, and the supervisory board indicated? S NI U

Comment: _____

_____

_____

_____

c. Supply date of Advisory group creation and first meeting.

_____

_____

_____

d. Provide a copy of the Advisory group members.

HB 4210.1C
June 21, 1976

APPENDIX 11 (CON'T.)

4. Consultation and Participation of Local Governments

a. Does the plan meet the application requirements for the consultation with and participation of local governments? S NI U

If not, why not and what steps will be taken to insure local participation and consultation.

_____

_____

_____

_____

5. Pass-Through Requirement

a. Are 66 2/3% of funds passed-through to local units of government? (par 30g) Yes No

If not, does the SPA have a waiver? Yes No

b. What is the requested percentage of funds to be passed through to local governments?

_____%

Briefly describe how this percentage was arrived at:

_____

_____

_____

_____

_____

HB 4210.1C
June 21, 1976

APPENDIX 11 (CON'T.)

6. Non-Supplantation of State, Local, and Other Non-Federal Funds

a. Does the plan provide satisfactory assurance that the SPA is not supplanting State, local and other non-Federal funds with JJDP Act money? (par 30h)	S	NI	U

7. Participation of Private Agencies

a. Does the plan indicate the frequency, quality and methods of the consultation with and participation of private agencies in the development and execution of the plan? (par 30i)	S	NI	U

If not, why not and what steps will be taken to insure participation.

_____

_____

_____

_____

b. Is this consultation process related to the Advisory group and the Supervisory Board?	Yes	No

Briefly describe the relationship:

_____

_____

_____

_____

_____

_____

APPENDIX 11 (CON'T.)

B. Summary

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

_____ High quality; responsive to the substance and intent of guideline requirements.

_____ Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.

_____ Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.

_____ Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the State's FY 1977 planning grant response to the guideline requirements reflected in this section is:

_____ Improved; reflects substantial efforts to upgrade capabilities/performance.

_____ Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.

_____ Weaker; represents a poorer effort than that reflected in the FY 1976 application.

Handbook

HB 4210.1C

PLANNING GRANT REVIEW AND PROCESSING PROCEDURES

May 17, 1976

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Distribution: All RO personnel and ORO Professional Personnel

Initiated By: Office of Regional Operations

FOREWORD

1. PURPOSE. This handbook prescribes the procedures for the receipt, processing, review, and approval of advance and full Part B planning grant applications. It also provides procedures for processing Section 203 waiver requests.

2. SCOPE. The provisions of this handbook apply to all persons involved in the receipt, processing, review, and approval of Part B advance and full planning grant applications for FY 1977, October 1, 1976, to September 30, 1977.

3. CANCELLATION. LEAA Handbook HB 4210.1B, Planning Grant Processing Procedures, dated May 15, 1975, is cancelled. Supplies of previous checklists used in review and processing should be discarded.

4. EXPLANATION OF CHANGES.

   a. The General Review Checklist, Appendix 11, has been simplified. Narrative responses no longer are required, since the issues the narratives addressed now will be covered in the Overall Analysis and Deficiency Resolution Memorandum. The four-level assessment alternatives for individual checklist items have been eliminated in favor of simpler "satisfactory-unsatisfactory" judgments. However, each major checklist section now contains several summary questions which require the reviewer to rate overall performance and compliance to the guideline requirements reflected in those checklist sections.

   b. The Deficiency Resolution Memorandum, Appendix 12, has been expanded to require an overall analysis and review of the major sections of the planning grant application in addition to the listing of specific application deficiencies and proposed resolutions.

   c. The revision and restructuring of the planning grant component of Guideline Manual M 4100.1E, State Planning Agency Grants, has been reflected in this handbook, especially in the General Review Checklist. Most noticeable are the consolidation of regional/local planning and administration requirements, the reordering of the required attachments to the planning grant application, and the absence of the certified checklist in the discussion of FY 1977 base year review and processing.

   d. Although processing of planning grant advances is discussed in this handbook, language has been added to reflect LEAA policy that advances will be required and awarded only in exceptional cases.

e. Requirements related to the operation by the SPA of a management information system (MIS), as spelled out in G 4310.1, have been incorporated into the review procedures. The Administrator has indicated that the operation of SPA management information systems is a high priority and a key factor in the LEAA review of individual SPA planning grant applications.

f. Post-award notification procedures have been revised to include use of the new SF-424, Application for Federal Assistance, for notification to states of block grant awards. This form eventually will be incorporated into the M 4100 series for use by SPAs in their applications for federal funds.

5. REVIEW REQUIREMENTS. Nothing in this handbook should be construed as prohibiting Regional Administrators from establishing additional review or processing procedures to be utilized by Regional Office staff in the review of planning grant applications.

J. ROBERT GRIMES
Assistant Administrator
Office of Regional Operations

TABLE OF CONTENTS

78-464 O - 77 - 60

CHAPTER 1. PLANNING GRANT ADVANCES

SECTION 1. RECEIPT AND INITIAL PROCESSING

1. APPLICATION FORM AND SUBMISSION. Three copies of the "Application for Planning Grant Advance Funds", LEAA Form 4201/1 (12-74), must be completed by the State Planning Agency (SPA) desiring an advance and submitted to the cognizant Law Enforcement Assistance Administration Regional Office. However, since full FY 1977 planning grants are due July 1, 1976, and approval and award are anticipated by the start of the fiscal year, planning grant advances will be necessary only in exceptional circumstances.

2. ACTION BY REGIONAL OFFICE APPLICATION CONTROL DESK. Upon receipt of the application, the Regional Office Application Control Desk will:

   a. Assign an application number as follows:

      (1) Fiscal Year: Enter the fiscal year of the funds requested;

      (2) State Code: Enter the GSA code of the state requesting funds;

      (3) Type Funds: Enter the letter "P" to indicate that the request is for planning funds;

      (4) Request Number: Enter the sequential number of the state's planning grant request, regardless of whether the request is for an advance or full award.

      For example: Alabama's first request for FY 1977 Planning Grant funds would be coded: 77-01-P-01; the second request, 77-01-P-02, and so on.

   b. Complete Items 1 through 6 of the Advanced Planning Grant Application Processing Checklist (Appendix 1). If the response to Item 3 is "No", the application must be returned to the SPA for proper signature and further processing should not take place. The 90-day time limit on processing begins with receipt of a properly executed application.

   c. Complete Items 1 through 4 of LEAA Form 1340/7, "Block Grant Application Data" (Appendix 2). Forward Copy #1, Notification of Application Receipt, to the Grants and Contracts Management Division (GCMD), Office of the Comptroller, for entry into the Grant Program File (PROFILE) data base.

d. Forward one copy of the application and the partially completed "Advance Planning Grant Processing Checklist" to the proper State Representative.

e. Prepare an application folder for the two remaining copies of the application and the remaining copy of Form 1340/7. File in a pending grant drawer by application number.

f. Each month a computer printout entitled, "Status of Planning Grant Applications" will be mailed to each Regional Office for verification of data base content. Notify GCMD of any discrepancies found on the printout or any changes required to the data.

3. RESERVED.

SECTION 2. REVIEW PROCEDURES

4. VARIATIONS IN REVIEW PROCEDURES. Processing assignments may vary due to differences in staffing levels among the Regional Offices. Because of this variation, the following review procedures may not be accomplished in every office by the staff member titled below.

5. REVIEW OF THE APPLICATION. The State Representative, the Director, Financial Management Division, and the Director, Operations Divisions, should each review the application in turn and recommend approval or nonacceptance of it. SPECIAL CONDITIONS TO THE PLANNING GRANT FOR THE PREVIOUS FISCAL YEAR MUST BE REVIEWED AND RESOLVED PRIOR TO APPROVAL OF AN ADVANCE.

6. RECOMMENDATION OF APPROVAL. If the State Representative feels the advance should be granted based on his review, the Advance Planning Grant Application Processing Checklist should be signed and it along with the application should be forwarded to the Fiscal Officer and Chief of Operations who likewise review the application seeing that all problems are resolved. It is then forwarded to the person assigned to handle the post review processing as noted in item 6 of Appendix 1.

7. RECOMMENDATION OF REJECTION. If the State Representative, Director, Financial Management Division, or Director, Operations Division, recommends rejection of the application, the reasons for rejection should be discussed with the Regional Administrator. If he concurs, the State Representative drafts a letter of rejection to be signed by the Regional Administrator. The application, Advance Planning Grant Application Processing Checklist, and letter are forwarded to the person assigned to handle post review processing as noted on the checklist.

8. RECOMMENDATION OF A PARTIAL AWARD. Should an exceptional case arise and a planning grant advance award is deemed necessary, the advance should cover the shortest period possible not to exceed three months. The amount of the advance is prorated based upon allocation figures published in M 4100.1E. However, NO advances are to be made to any state which has not submitted its full planning grant application to the cognizant regional office.

SECTION 3. POST REVIEW PROCEDURES

9. RECEIPT OF THE REVIEWED APPLICATION. The State Representative should forward the following documents to the staff member who is assigned responsibility for post review processing as noted on the Preliminary Grant Processing Checklist:

   a. The circulation copy of the application.

   b. The Advance Planning Grant Processing Checklist with Items 1 through 9 completed.

   c. A rejection letter to the SPA Director, if the application is not acceptable.

   d. A letter to the SPA Director notifying him of a lesser amount to be considered for award, if needed.

10. FURTHER PROCESSING OF APPLICATIONS RECOMMENDED FOR APPROVAL. The staff member responsible for post review processing shall pull the pending application folder and:

   a. Prepare the Advance Planning Grant Award Form (appendix 3) excluding the assignment of a grant number.

   b. Prepare an undated standard transmittal letter (see appendix 4) to the Governor of the State.

   c. Prepare an undated standard transmittal letter (see appendix 5) to the SPA Director.

   d. Submit a folder containing the following to the Regional Administrator for his signature of the Award Form and transmittal letters:

      (1) One copy of the application.

      (2) Advance Planning Grant Processing Checklist.

      (3) Copies #2 and #3 of LEAA Form 1340/7.

(4) Advance Planning Grant Award Form.

(5) Standard transmittal letter to Governor.

(6) Standard transmittal letter to SPA Director.

11. FURTHER PROCESSING OF APPLICATIONS RECOMMENDED FOR APPROVAL AT LESS THAN THE AMOUNT REQUESTED. The staff member responsible for post review processing shall pull the pending application folder and:

a. Follow and complete steps a, b, and c of paragraph 10 above.

b. Submit folder containing the following to the Regional Administrator for the signature of the Award Form and standard transmittal letters:

(1) One copy of application.

(2) Advance Planning Grant Processing Checklist.

(3) Copies #2 and #3 of LEAA Form 1340/7.

(4) Advance Planning Grant Award Form.

(5) Standard transmittal letter to Governor.

(6) Standard transmittal letter to SPA Director (modified as necessary to indicate reasons for approval of the advance at an amount less than requested).

12. FURTHER PROCESSING OF APPLICATIONS RECOMMENDED FOR REJECTION. The staff member responsible for post review processing shall pull the pending application folder and submit folder containing the following to the Regional Administrator for his signature of the letter of rejection:

a. One copy of the application.

b. Advance Planning Grant Processing Checklist.

c. Letter of rejection.

d. Copies #2 and #3 of LEAA Form 1340/7.

13. FINAL GRANT REVIEW AND APPROVAL OR REJECTION. The Regional Administrator should make a final review of the materials presented to him in accordance with paragraphs 10, 11, or 12 above. If no problems

are noted, he will sign the award and transmittal letters or the letter of rejection. FINAL APPROVAL CAN BE MADE ONLY BY THE REGIONAL ADMINISTRATOR in accordance with the delegation of authority contained in LEAA Instruction, I 1310.4E.

SECTION 4. POST AWARD OR REJECTION PROCEDURES

14. INITIAL PROCEDURE. The staff member responsible for post review processing receives the complete folder of materials back from the Regional Administrator with his signature on the appropriate document(s). The pending application folder should be pulled from the pending grant drawer. This folder should contain two additional copies of the application.

15. PROCESSING REJECTED APPLICATIONS. If the Regional Administrator has concurred in the unacceptability of the advance, he will have signed the letter of rejection. The staff member responsible for post review processing will:

a. Complete items 6 and 7 of LEAA Form 1340/7 and forward copy 2, Notification of Application Disposition, to GCMD for data base update.

b. Mail the rejection letter to the SPA Director.

c. Establish a file for the following documents:

(1) Copy of the application.

(2) Advance Planning Grant Processing Checklist.

(3) Copy of the rejection letter to the SPA Director.

(4) Copy 3 of LEAA Form 1340/7.

16. INITIAL POST AWARD PROCESSING. If the Regional Administrator has signed the Advance Planning Grant Award Form and standard transmittal letters, the staff member responsible for post review processing will complete Items 1 through 7 of the Post Award Checklist (appendix 6) as he does the following:

a. Check the award form for correct signature and award date. Award date will be SEVEN FULL WORKING DAYS after the grant is signed, not counting the date of signature or the award date.

b. Assign the grant number as follows:

(1) Fiscal Year: Enter the two digit fiscal year of funds;

(2) Fund Type: Enter the letters "PF" to indicate planning funds;

(3) Region: Enter the two digit regional code 01, 02, 03, etc.;

(4) Sequential Identifier: Enter the two digit number GSA state code preceded by two zeros; e.g., Alabama 0001, Indiana 0012.

c. Immediately make six copies of the completed grant award form and special conditions, if any.

d. Review the News Distribution Sheet to assure it is current and contains the following:

(1) SPA address.

(2) Regional Office address.

(3) AP and UPI Wire Service Bureaus in the State.

(4) Major daily newspapers with statewide distribution.

e. Immediately telecopy the Grant Award Form to CLO.

f. Complete items 6 through 8 of LEAA Form 1340/7.

g. After the Office of Congressional Liaison has been notified of the award, send to the Grants and Contracts Management Division, Office of the Comptroller the following items. GCMD will see that the information is properly coded and will forward it for computerization and obligation.

(1) Copy 2 (Notification of Application Disposition) of LEAA Form 1340/7.

(2) One copy of application.

(3) Three copies of the Planning Grant Award Form.

(4) A note to the effect that an obligation problem exists, if one does, so GCMD may expedite processing.

h. Retain copy 3 of LEAA Form 1340/7, two copies of the application, the two transmittal letters, the Planning Grant Processing Post Award Checklist, and the original and three xerox copies of the award form in the pending application folder with a suspense date as indicated in paragraph 17 below.

17. WAITING PERIOD. After paragraph 16 on Initial Post Award Processing has been complied with, no additional processing may take place until AFTER THE AWARD DATE. All public announcements concerning the grant award will be made by the LEAA Public Information Office and Congressional Liaison Office. Press inquiries should be referred to the Public Information Office and congressional inquiries to the Congressional Liaison Office.

18. ADDITIONAL POST AWARD PROCESSING PROCEDURES. Immediately following the award date, the pending application folder is pulled by the staff member responsible for post review processing and the following actions are taken as Items 8 through 14 of the Planning Grant Post Award Checklist are completed:

a. Notify the Governor of the State of the Advance Planning Grant Award. The signed standard transmittal letter accompanies a copy of the award form.

b. Notify the SPA Director of the award. The signed standard transmittal letter accompanies a copy of the award form.

c. Send one copy of the application and award to the Public Reading Room, LEAA Library.

d. Set up an official file containing the SIGNED application, the ORIGINAL of the award form, copy 3 of Form 1340/7 and the two checklists.

19. GRANT AWARD NOTIFICATION REQUIREMENTS.

a. Regional Office Responsibility. Each Regional Office is responsible for providing notification of planning grant awards to the appropriate State Central Information Reception Agency. See Instruction in I 4062 Series, Use of Standard Form 424 - Federal Assistance, April 1976, for the appropriate agency or agencies in each state.

b. Coverage. Notification to the State Central Information Reception Agency must be made within seven (7) working days of the following types of transactions:

(1) All grant awards. (Awards, rejections, deferrals, withdrawals, and grant applications returned for amendment.

(2) All grant dollar amount changes, except where adjustments are for less than $10,000 of the original award.

(3) All grant duration changes that increase or decrease a grant period by more than three (3) months.

c. Distribution. Sections I and III, SF-424 will be completed and disseminated as follows:

(1) Original placed in the official grant file.

(2) One copy is forwarded to the State Central Information Reception Agency.

(3) One copy is forwarded to the Grants and Contracts Management Division (GCMD), Office of the Comptroller.

20. CORRECTING AWARDS. If an error is discovered on a SF-424 after copies have been mailed, a corrected SF-424 must be prepared. Note in the remarks section that an error occurred on the previously submitted SF-424.

21-25. RESERVED.

CHAPTER 2. FULL PLANNING GRANTS

SECTION 1. RECEIPT AND INITIAL PROCESSING

26. APPLICATION FORM AND SUBMISSION. Two properly executed and four unexecuted copies of the Application for Full Planning Grant must be completed by the SPA seeking a planning grant and submitted to the cognizant LEAA Regional Office. A complete seven part application includes the following forms:

    a. Full Planning Grant Application [LEAA Form 4202/1 (9-74)].

    b. Attachment A--Budget Justification.

    c. Attachment B--Organization, Planning Process and Administrative Section.

    d. Attachment C--Certified Checklist (not applicable to FY 1977).

27. ACTION BY REGIONAL OFFICE APPLICATION CONTROL DESK. Upon receipt of the full grant application, the Application Control Desk will:

    a. Assign an application number, as follows:

        (1) Fiscal Year: Enter the fiscal year of the funds requested;

        (2) State Code: Enter the GSA state code of the state requesting funds;

        (3) Type Funds. Enter the letter "P" to indicate that the request is for planning funds;

        (4) Request Number. Enter the sequential number of the State's planning grant request, regardless of whether the request is for an advance or full award.

        For example: Alabama's first request for FY 1976 Planning Grant funds would be coded: 76-01-P-01; the second request, 76-01-P-02, and so on.

    b. Complete Items 1 through 10 of the Preliminary Planning Grant Application Checklist (appendix 9). If the response to Item 5 is "No" the application must be returned to the SPA for proper signature and further processing should not take place.

CONTINUED

10 OF 19

c. Assure compliance with OMB Circular A-95 and complete Item 7 on the Preliminary Checklist. The SPA's assurance is given on page 1 of the application and Attachment B of the application should indicate the date of compliance. Applications which do not carry evidence that the A-95 process has been completed will be returned to the applicant with instructions to fulfill the requirements of Part I of A-95.

d. Notify the SPA by memorandum that the request was received, the official receipt date, and that an answer will be forthcoming within 90 days as required by paragraph 34.

e. Complete Items 1 through 4 of LEAA Form 1340/7, "Block Grant Application Data" (appendix 2). Forward Copy #1, Notification of Application Receipt, to the Grants and Contracts Management Division (GCMD), Office of the Comptroller, for entry into the Grant Program File (PROFILE) data base.

f. Prepare a review file by inserting in a looseleaf notebook:

(1) Ink signed official copy of the application.

(2) Preliminary Planning Grant Application Checklist.

(3) Budget Analysis Checklist (appendix 10).

(4) General Review Checklist (appendix 11).

g. Add a routing slip to the notebook calling attention to the date on which the 90 DAY TIME LIMIT expires and forward the review notebook to the proper State Representative.

h. Prepare an application folder for the five remaining copies of the application and the remaining copies of Form 1340/7. File in a pending planning grant drawer by application number.

28. RESERVED.

SECTION 2. REVIEW PROCEDURES

29. VARIATIONS IN REVIEW PROCEDURES. Processing assignments and the specific sequence of reviews may vary among the Regional Offices. However, it is expected that all checklists and inquiries requiring reviewer assessments will be addressed. Additional review and processing procedures also may be established by a Regional Office.

30. REVIEW OF THE APPLICATION.

a. The State Representative, the Director of Financial Management, and the Director of Operations, each should review the application. The State Representative is considered the lead reviewer and is responsible for coordinating all other staff reviews and preparing the total review package for the Regional Administrator's consideration. The following paragraphs detail the basic reviews to be undertaken.

b. The Preliminary Planning Grant Application Checklist (Appendix 9) is completed upon receipt of the full planning grant application.

c. The Planning Grant Application Budget Analysis Checklist (Appendix 10) is completed by the Financial Management Division.

d. The Planning Grant Application General Review Checklist (Appendix 11) should be completed by the State Representative. ALL DATA ELEMENTS ON THIS CHECKLIST MUST BE COMPLETED IN FULL. (Note that this checklist must be forwarded to headquarters in accordance with paragraph 40).

e. Since FY 1977 is a "base year", no SPA Certified Checklists will be submitted or accepted for review.

f. Special conditions to the previous planning grant must be resolved prior to the approval of the application.

g. Procedures within the Regional Office should be established detailing review sequence, responsibilities, and format, especially as they differ from or add to the requirements of this handbook.

31. OVERALL ANALYSIS AND DEFICIENCY RESOLUTION MEMORANDUM. The State Representative should prepare and sign the Overall Analysis and Deficiency Resolution Memorandum (Appendix 12), and then insert it in the review file. The review notebook then is submitted to the Regional Administrator. This step may be combined with the packaging of material for Regional Administrator signature as described in paragraph 35 if the memorandum recommends approval of the application.

32. RESERVED.

33. FINAL REVIEW. The Regional Administrator should make a final review of the materials presented to him in the review notebook. He may need to work with his staff at this point and contact may be needed with the SPA involved. When all proposed actions meet with his approval and he concurs in any special conditions recommended, he signs the Overall Analysis and Deficiency Resolution Memorandum. FINAL APPROVAL CAN BE MADE ONLY BY THE REGIONAL ADMINISTRATOR in accordance with the delegation of authority contained in LEAA Instruction I 1310.4E. If he is unable to accept the application at all, the State Representative must prepare a letter to the SPA Director outlining specific objections.

34. NINETY DAY ACTION PERIOD. Decisions concerning approval or disapproval of all applications will be made WITHIN 90 CALENDAR DAYS of the receipt date. If the application is not acceptable, a statement covering the reasons for its unacceptability must accompany the application when returned to the SPA.

SECTION 3. POST REVIEW PROCEDURES

35. POST PROCESSING OF THE REVIEWED APPROVED APPLICATION. After receiving the review notebook from the Regional Administrator with his signature on the Overall Analysis and Deficiency Resolution Memorandum, the staff member responsible for post review processing shall pull the pending application folder, and:

a. Prepare a Planning Grant Award Form (Appendix 13) including the assignment of a grant number in accordance with paragraph 2a of this Handbook.

b. Prepare the Special Conditions sheet (Appendix 14) as noted in the Overall Analysis and Deficiency Resolution Memorandum.

c. Prepare an undated standard transmittal letter (Appendix 15) to the Governor of the State.

d. Prepare an undated standard transmittal letter (Appendix 16) to the SPA Director. This letter can be expanded as necessary to summarize application review findings and deficiencies to explain special conditions and required followup action, including technical assistance to be provided.

e. Submit the review notebook and a folder containing the following to the Regional Administrator for his signature of the Award Form and transmittal letters:

(1) Planning Grant Award Form.

(2) Special Conditions, if any.

(3) Standard transmittal letter to the Governor.

(4) Standard transmittal letter to the SPA Director.

(5) Copy 3 of LEAA Form 1340/7.

36. POST PROCESSING OF REVIEWED APPLICATIONS WHICH WERE REJECTED. After receiving the review notebook from the State Representative who has drafted a letter of rejection to the SPA Director and noted that the application is rejected, the staff member responsible for post review processing shall pull the pending application folder and:

a. Complete copies 2 and 3 of Form 1340/7 (Appendix 2) through Item 7 indicating a recommendation of rejection.

b. Submit the review notebook and folder containing the following to the Regional Administrator for his signature of the letter to the SPA Director:

(1) Letter of Rejection.

(2) Copies 2 and 3 of Form 1340/7.

37. FINAL GRANT APPROVAL OR REJECTION. The Regional Administrator should review the materials received as above. If no problems are noted, the award and transmittal letters or the letter of rejection will be signed by the Regional Administrator. FINAL APPROVAL CAN BE MADE ONLY BY THE REGIONAL ADMINISTRATOR.

SECTION 4. POST AWARD OR REJECTION PROCEDURES

38. INITIAL PROCEDURE. The staff member responsible for post review processing receives the complete set of materials back from the Regional Administrator with his signature on the appropriate document(s). The pending application folder should be pulled from the pending grant drawer. This folder should contain five additional copies of the application.

39. PROCESSING A REJECTED APPLICATION. If the Regional Administrator has signed the letter of rejection, the staff member responsible for post review processing will follow the procedures outlined in paragraph 15 of this Handbook.

40. INITIAL POST AWARD PROCESSING. If the Regional Administrator has signed the award form and the transmittal letters, the staff member responsible for post review processing will complete Items 1 through 7 of the Planning Grant Post Award Checklist (Appendix 6) as he does the following:

a. Follow the procedures outlined in paragraph 16 of this Handbook.

b. Check to see that a grant number has been assigned.

c. Immediately make seven copies of the completed grant award form and special conditions.

d. With the State Representative's concurrence prepare a News Distribution Sheet which will contain the following:

(1) SPA address.

(2) Regional Office address.

(3) AP and UPI Wire Service Bureau in the State.

(4) Major daily newspapers with statewide distribution.

e. On the same day telecopy the grant award form to the Congressional Liaison Office.

f. Complete Items 6 through 9 of Form 1340/7.

g. Send to the Grants and Contracts Management Division, Office of the Comptroller, the following items, GCMD will see that the Information is properly coded and forward it for computerization and obligation. GCMD also will forward one copy of (3) below to the Office of Regional Operations.

(1) Copy 2 (Notification of Application Disposition) of LEAA Form 1340/7.

(2) One signed copy of the application.

(3) Three copies of the award form and special conditions.

h. Send to the Office of Regional Operations the following:

(1) One copy of the Overall Analysis and Deficiency Resolution Memorandum.

(2) One copy of completed Planning Grant Application General Review Checklist.

i. Retain copy 3 of Form 1340/7, five copies (one signed) of the application, the two signed transmittal letters, the Preliminary, General Review, Budget Analysis and Post Award Checklists, Overall Analysis and Deficiency Resolution Memorandum and the original and four copies of the grant award form and special conditions, in the pending application folder with a suspense date as indicated in paragraph 17 of this handbook.

41. RESERVED.

42. WAITING PERIOD. Refer to procedures detailed in paragraph 17 of this Handbook.

43. ADDITIONAL POST AWARD PROCESSING PROCEDURES. Immediately following the award date the pending application folder is pulled by the staff member responsible for post review processing and the following actions are taken as Items 8 through 14 of the Post Award Checklist are completed:

a. Notify the State Governor of the Planning Grant Award. The signed standard transmittal letter accompanies a copy of the award form and special conditions.

b. Notify the SPA Director of the award. The signed standard transmittal letter accompanies two copies of the award form and special conditions.

c. Send one copy of the application, award form and special conditions to the Public Reading Room, LEAA Library.

d. Using the official file folder of the planning grant advance, if any, set up an official file containing previous materials and one SIGNED copy of the application, the ORIGINAL of the award form and special conditions, copy 3 of Form 1340/7, the four checklists completed in the course of the review and processing, and the signed Overall Analysis and Deficiency Resolution Memorandum.

e. Make a note to notify the State Representative if a copy of the grant award form is not returned signed by the grantee within two weeks.

f. Send to the Office of the Inspector General, LEAA, Washington, D.C., two copies of the SPA's response concerning the State's audit, as described in paragraph 45 of M 4100.1E.

g. Two additional copies of the application are available for use by the Regional Office for a monitoring file and library copy if they are desired.

78-464 O - 77 - 61

44. GRANT AWARD NOTIFICATION REQUIREMENTS. These procedures are the same as those outlined in paragraph 19 of this Handbook.

45. CORRECTING AWARDS. If an error is discovered on a SF-424 after copies have been mailed, a corrected SF-424 must be prepared. Note in the remarks section that an error occurred on the previously submitted SF-424.

46. RESERVED.

CHAPTER 3. STATUTORY WAIVER OF LOCAL SHARE REQUIREMENT

47. RECEIPT OF A WAIVER REQUEST. Applications for waivers under Section 203 of the Act must be made in writing in accordance with Guideline Manual M 4100.1E, paragraph 27h, by May 1 for the following fiscal year.

48. WAIVER PROVISIONS. It is anticipated that only a small number of States will qualify for waiver and that virtually all waivers issued will be partial. To be considered for a waiver the State must:

    a. Have a population of less than one million persons (see M 4100.1E, appendix 5 for "official" population figures); or

    b. Bear more than 50 percent of aggregate State/local law enforcement costs. (See "official" Variable-Pass Through date for State and local expenditure figures in LEAA Guideline G 4340.1A.)

49. WAIVER LIMITATIONS. Full or partial waivers will be valid for a single fiscal year.

50. OMB CIRCULAR A-95 REQUIREMENT. Prior to making its waiver request, the SPA must notify the State, Regional, and Metropolitan clearinghouse of its intention to seek a waiver, the basis of its justification and the extent of the waiver being sought. The Regional Office must verify that the waiver request was sent to the State clearinghouse and must review the responses from the clearinghouse along with the waiver application. Appropriate waiting periods must be observed [see M 4100.1E, paragraph 101b(4)].

51. REVIEW OF THE REQUEST. The State Representative, the Director, Operations Division, and Director, Financial Management Division, each should review the waiver request in light of Guideline Manual M 4100.1E requirements. The State Representative then should prepare a recommendation to the Regional Administrator.

52. APPROVAL OR REJECTION OF THE REQUEST. The Regional Administrator makes a final review of the waiver request and the recommendations of the clearinghouse and his staff. FINAL APPROVAL CAN BE MADE ONLY BY THE REGIONAL ADMINISTRATOR.

53. NOTIFICATION TO THE STATE.

    a. The State Representative prepares letters for the Regional Administrator's signature to the Governor of the State and SPA Director notifying them of the Regional Administrator's ruling. If a full or partial waiver is approved, the letter must state the statutory basis for the waiver (M 4100.1E, paragraph 27h(1)) and that the waiver is granted for only one fiscal year.

b. Notification must reach the State in order to facilitate the preparation of the planning grant application.

c. It is the SPA's responsibility to notify the State clearinghouse of the ruling on the waiver.

54. PROCESSING THE WAIVER.

a. Make two copies of the waiver request from the State and three copies of the notification letters to SPA Director and Governor of the State.

b. Mail originals of letters to the SPA Director and the Governor of the State.

c. Forward one copy of the waiver request and notification letters to the Public Reading Room of the LEAA Library.

d. Retain one complete set of the request, clearinghouse comments, if any, review materials and notification letters for the Regional Office official planning grant file.

55. RESERVED.

APPENDIX 1. ADVANCE PLANNING GRANT APPLICATION PROCESSING CHECKLIST

U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration

ADVANCE PLANNING GRANT APPLICATION PROCESSING CHECKLIST

1. STATE_____

2. Date received by Regional Office_____

	YES	NO
3. Proper (original) signature and date	☐	☐
4. Correct number of copies submitted (three)	☐	☐
5. Amount of request		
a. Amount of advance applied for $ _____		
b. Amount recommended $ _____		
6. Post review processing assigned to _____		
a. Copy 1 of Form 1340/7 completed and sent to GCMD	☐	☐
7. Are there any special conditions to the previous planning grant or problems pending that require resolution prior to award?	☐	☐
If yes, briefly describe problem and action to be taken: _____ _____ _____		
8. Has full planning grant application been submitted? (No advance awards will be made until full Part B applications is received).	☐	☐

Prepared and recommended by:

_____
State Representative

9. Concurrence to the above:

_____
Financial Management Specialist

10. Approval recommended:

_____
Director of Operations

HB 4210.1C
May 17, 1976

APPENDIX 2. BLOCK GRANT APPLICATION DATA FORM (LEAA FORM 1340/7)

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

BLOCK GRANT APPLICATION DATA

REGION _____

1. APPLICATION NUMBER (1-7)
__ __ _ __ __ _ __ __ _ __ __
FY STATE CODE TYPE REQUEST NUMBER

11-12 VB

2. APPLICATION RECEIPT DATE (13-18)
__/__/__
MO DA YR

3. TYPE REQUEST (19)
A ☐ ADVANCE
F ☐ FULL
S ☐ SUPPLEMENTAL

4. PLANNING FUNDS REQUESTED (20-27)
$__,___,___

5. ACTION FUNDS REQUESTED (28-42)
PART C $__,___,___
PART E $__,___,___

SMALL STATE SUPPLEMENT
$__,___,___

JUVENILE JUSTICE
$__,___,___

LEAA FORM 1340/7 (REV. 6-75)

11-12 VC

6. DISPOSITION DATE (13-18)
__/__/__
MO DA YR

7. DISPOSITION (19)
A ☐ AWARDED W ☐ WITHDRAWN
R ☐ REJECTED

8. PLANNING FUNDS AWARDED (20-27)
$__,___,___

9. ACTION FUNDS AWARDED (28-42)
PART C $__,___,___
PART E $__,___,___

10. SMALL STATE SUPPLEMENT (44-51)
$__,___,___

SMALL STATE SUPPLEMENT NUMBER (52-61)
__ __ - __ __ - __ __ - __ __ __ __

11. JUVENILE JUSTICE FUNDS AWARDED (62-69)
$__,___,___

JUVENILE JUSTICE AWARD NUMBER (70-79)
__ __ - __ __ - __ __ - __ __ __ __

HB 4210.1C
May 17, 1976

APPENDIX 3. ADVANCE PLANNING GRANT AWARD FORM

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20531

GRANT AWARD

FY 197_ Advance Planning Grant

Grantee: Grant Amount:

State: Grant Number:

Grant Period: Date of Award:
through

In accordance with the provisions of Part B of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351), as amended, and on the basis of the Grantee's Application, and the data and representations therein, the Law Enforcement Assistance Administration hereby awards to the foregoing Grantee an advance of Planning Funds for Fiscal Year 197_ in the amount shown above.

Regional Administrator

Cognizant Regional Office:

LEAA Appropriation: 15X0400

LEAA Accounting Classification Code:

Document Control Number:

HB 4210.1C
May 17, 1976

APPENDIX 4. ADVANCE PLANNING GRANT STANDARD TRANSMITTAL LETTER TO STATE GOVERNOR

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20531

Date:

Subject: Grant No. _____

Dear Governor (Name):

I am pleased to advise you formally that the Law Enforcement Assistance Administration has approved a Fiscal Year 197_ Advance Planning Grant Award for (Name of State), in the amount of $_____.
A copy of the award statement is attached. If you have any questions concerning this award, please feel free to contact the Administration. Award documents are being transmitted concurrently to the (Name of State Planning Agency).

Sincerely,

Regional Administrator

Attachment

HB 4210.1C
May 17, 1976

APPENDIX 5. ADVANCE PLANNING GRANT STANDARD TRANSMITTAL LETTER TO SPA DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20531

Date:

Subject: Grant No:_____ Amount: $_____

Dear Mr. (Name):

Formal notice of the award of your State's recent Advance Planning Grant was contained in a letter to (Name of State Governor). Official acceptance of the grant will take place at the time of award of the full allocation of Fiscal Year 197_ Planning funds. A copy of the award statement is attached.

Sincerely,

Regional Administrator

Attachment

HB 4210.1C
May 17, 1976

APPENDIX 6. ADVANCE OR FULL PLANNING GRANT POST AWARD CHECKLIST

U. S. DEPARTMENT OF JUSTICE Law Enforcement Assistance Administration	ADVANCE OR FULL PLANNING GRANT POST AWARD CHECKLIST

1. STATE_____

2. Date award was actually signed_____

	COMPLETED
3. Proper form, signature and award date (7 working days after date in Item 2, not counting the date of signature or the award date)	☐
4. Grant number assigned	☐
5. One clear legible copy of the signed Award Form telecopied to the Office of Congressional Liaison.	☐
6. Copy 2 of completed Form 1340/7 and other materials mailed to Grants and Contracts Management Division	☐
7. Award date passed	☐
8. Notification to Governor mailed	☐
9. Notification to SPA Director mailed	☐
10. Copy of application and Award Form sent to the Library	☐
11. "Official" file established	☐
12. Form SF 424, Sections I and III, prepared and sent to State Central Information Reception Agency(ies)	☐

13. Post award processing completed by:_____

14. Date post award processing is completed:_____

HB 4210.1C
May 17, 1976

APPENDIX 7. GRANT AWARD NOTIFICATION

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

1. TYPE OF ACTION (Work appropriate box)	☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (OpL) ☐ REPORT OF FEDERAL ACTION	2. APPLICANT'S APPLICATION	a. NUMBER b. DATE Year month day 19	3. STATE APPLICATION IDENTIFIER	a. NUMBER b. DATE ASSIGNED Year month day 19
		Leave Blank			

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name :
b. Organization Unit :
c. Street/P.O. Box :
d. City : e. County :
f. State : g. ZIP Code:
h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
a. NUMBER | | | . | | | |
b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A-State H-Community Action Agency
B-Interstate I-Higher Educational Institution
C-Substate District J-Indian Tribe
D-County K-Other (Specify):
C-City
F-School District
G-Special Purpose District
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A-Basic Grant D-Insurance
B-Supplemental Grant E-Other
C-Loan
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A-New C-Revision E-Augmentation
B-Renewal D-Continuation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

14. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT
b. PROJECT

15. TYPE OF CHANGE (For 12a or 12e)
A-Increase Dollars F-Other (Specify):
B-Decrease Dollars
C-Increase Duration
D-Decrease Duration
E-Cancellation
Enter appropriate letter(s) ☐☐

16. PROJECT START DATE Year month day 19
17. PROJECT DURATION Months
18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19
19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶
a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouse and all responses are attached: No response ☐ Response attached ☐
(1) ☐ ☐
(2) ☐ ☐
(3) ☐ ☐

23. CERTIFYING REPRESENTATIVE
a. TYPED NAME AND TITLE
b. SIGNATURE
c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME
25. APPLICATION RECEIVED Year month day 19
26. ORGANIZATIONAL UNIT
27. ADMINISTRATIVE OFFICE
28. FEDERAL APPLICATION IDENTIFICATION
29. ADDRESS
30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. DEFERRED
☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

33. ACTION DATE ▶ Year month day 19
34. STARTING DATE Year month day 19
35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)
36. ENDING DATE Year month day 19
37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION
a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part I, OMB Circular A-95, it has been or is being made.
b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

424-101

STANDARD FORM 424 PAGE 1 (10-75)
Prescribed by GSA, Federal Management Circular 74-7

HB 4210.1C
May 17, 1976

APPENDIX 7. (Con't.)

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as data in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

HB 4210.1C
May 17, 1976

APPENDIX 8. GRANT ADJUSTMENT NOTICE, LEAA FORM 4063/1

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION GRANT ADJUSTMENT NOTICE	1. GRANT NUMBER
2. GRANTEE	3. ACCOUNTING CLASSIFICATION CODE
	4. APPROPRIATION NUMBER 15X0400
5. TITLE OF PROJECT	6. ADJUSTMENT NO.
	7. DATE

8. TO GRANTEE: PURSUANT TO YOUR REQUEST OF_____
THE FOLLOWING CHANGE, AMENDMENT, OR ADJUSTMENT IN THE ABOVE GRANT PROJECT IS APPROVED, SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS MAY BE SET IN ITEM 10 BELOW.

9. NATURE OF CHANGE, AMENDMENT, OR ADJUSTMENT

10. CONDITIONS OR LIMITATIONS

11. TYPED NAME & TITLE OF RESPONSIBLE OFFICER	12. SIGNATURE OF RESPONSIBLE OFFICER	13. DATE

HB 4210.1C
May 17, 1976

APPENDIX 9. PRELIMINARY PLANNING GRANT APPLICATION CHECKLIST

U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration

PRELIMINARY PLANNING GRANT APPLICATION CHECKLIST

	YES	NO
1. STATE_____		
2. Date received by Regional Office_____		
3. Proper form (4202/1, revised 9/74) with seven pages and Attachments A, B, and C. (Latter not applicable FY 1977)	☐	☐
4. Correct number of applications submitted (six)	☐	☐
5. Dated and proper (original) signature on two copies	☐	☐
6. Amount of Planning Grant applied for:		
a. Amount requested (Page 1 of the application and Page 3, Item 5): $_____		
b. Maximum authorized by Guideline Manual M 4100.1E appendix 5 $_____		
c. Amount of planning grant (less advances, Page 3, Item 7): $_____		
7. Evidence that review by State Clearinghouse has been completed.	☐	☐
8. Notify SPA that application has been received and response will follow within 90 days	☐	☐
9. Copy 1 of Form 1340/7 sent to GCMD	☐	☐
10. Post review processing assigned to: _____		

HB 4210.1C
May 17, 1976

APPENDIX 10. PLANNING GRANT APPLICATION BUDGET ANALYSIS CHECKLIST

U. S. DEPARTMENT OF JUSTICE **Law Enforcement Assistance Administration**	PLANNING GRANT APPLICATION BUDGET ANALYSIS CHECKLIST

A. STATE_____

B. STATEMENT OF FUND STATUS (Application Page 3)

	YES	NO
1. Line 1 of the application page 3 agrees with item 6b of the Preliminary Planning Grant Application Checklist.	☐	☐
2. Lines 2a and 2b reflect the proper match required	☐	☐
3. Lines 1, 2, and 3 are totalled correctly in line 4	☐	☐
4. Line 5 agrees with Page 1 of the application	☐	☐
5. Amount of advance awarded as shown on Line 6 is correct	☐	☐
6. Line 7 is the subtraction of line 5 less line 6	☐	☐

7. COMMENTS on Statement of Fund Status:_____

_____

_____

_____

_____

HB 4210.1C
May 17, 1976

APPENDIX 10. (Cont'd)

C. STANDARD CATEGORY BUDGET (Application Page 4) AND ATTACHMENTS A AND B

1. Personnel:

	TOTAL CLAIMED	PERCENT OF TOTAL
a. Salaries and Fringe Benefits	$_____	_____%

b. Fringe Benefits are _____% of salaries.

c. Does the number of professional and clerical staff on which the projection is based agree with the staffing charts presented in the application? YES ☐ NO ☐

2. Consultant Services (Includes travel costs):

a. Are major consultant contracts listed? YES ☐ NO ☐
$_____
Basis for computation: _____

b. List areas where consultant contracts are provided:

NUMBER	TOTAL AMOUNT	SPA OR RPU LOCAL CLIENT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	

c. Is gross amount and number of smaller contracts shown?
YES ☐ NO ☐ $_____
Basis for computation: _____

d. Is the computation given for individual consultants?
YES ☐ NO ☐
Basis for computation: _____

e. Amount and percentage of funds for securing planning services from non-governmental agencies: $_____ _____%

Note: Without prior written approval, applicants may not budget more than 20% of their TOTAL Federal grant for securing planning services or assistance from non-governmental agencies or organizations.

HB 4210.1C
May 17, 1976

APPENDIX 10. (Cont'd)

	TOTAL CLAIMED	PERCENT OF TOTAL
f. Total consultant services	$_____	_____%

3. Travel (Excludes consultant travel costs):

a. Staff travel

(1) Transportation costs $_____
(2) Number of trips _____
(3) Average per trip $_____
(4) Per diem rate $_____
(5) Number of days _____
(6) Total per diem $_____
(7) Total staff travel costs $_____

b. Supervisory board and committee travel:

(1) Transportation costs $_____
(2) Number of trips _____
(3) Average per trip $_____
(4) Per diem rate $_____
(5) Number of days _____
(6) Total per diem $_____
(7) Total Supervisory Board travel costs $_____

c. Are amounts claimed for per diem in accord with standard State rate? YES ☐ NO ☐

d. Are the average transportation costs per trip reasonable and mileage rates in accord with standard State rates? YES ☐ NO ☐

e. Total travel costs $_____ _____%

4. Other Expenses:

Are they itemized adequately? YES ☐ NO ☐

b. Major components are:

_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____

78-464 O - 77 - 62

APPENDIX 10. (Cont'd.)

c. Are indirect costs or general administrative costs budgeted? YES ☐ NO ☐

If so, is a cost allocation plan included? YES ☐ NO ☐

Amount $_____

d. Are any unusual items budgeted? If so, identify:_____

e. Total of other expenses $_____ _____%

5. Amount to Units of Local Governments:

a. Total amount to local governments $_____ _____%

b. Does this section of page 4 agree with data presented in Attachment A? YES ☐ NO ☐

Note: See Item C 2 d of this checklist. It may be necessary to determine amount of Federal funds passed through to local governments to be used for securing planning services from non-governmental agencies.

6. Total SPA Obligations (Total, items 1 through 5) $_____ _____%

7. Matching Contributions by Local Governments $_____ _____%

HB 4210.1C
May 17, 1976

APPENDIX 10, (Cont'd.)

8. Total Gross Budget $_____ _____%

9. List and give amount of prior approval items per A-87, A-102 and the Guideline Manual, M 7100.1A: YES NO

_____
_____
_____
_____
_____

10. Are other fund sources' budget in combination with LEAA and matching funds? ☐ ☐

If so, are these funds clearly broken out to the extent that LEAA activity is clearly defined? ☐ ☐

11. COMMENTS on Standard Category Budget:_____
_____
_____
_____
_____

D. FUNCTIONAL CATEGORY BUDGET (page 4)

1. Do lines A through N of the functional category section of page 4 add to the total shown in line O? ☐ ☐

2. Does line O agree with line H of the standard category budget? ☐ ☐

3. Are any problems noted with the amount allocated to various functions? ☐ ☐

4. COMMENTS on the Functional Category Budget:_____
_____
_____
_____
_____
_____

E. THE SPA'S COMPUTATION HAS BEEN VERIFIED ☐ ☐

Budget review performed by:_____Date:_____

APPENDIX 11. PLANNING GRANT APPLICATION GENERAL REVIEW CHECKLIST

U. S. DEPARTMENT OF JUSTICE Law Enforcement Assistance Administration	PLANNING GRANT APPLICATION GENERAL REVIEW CHECKLIST STATE: _____

A. PRIOR PLANNING GRANT:

1. Are there any general or special conditions to the previous planning grant award or problems pending that require resolution prior to award?

   _____Yes _____No

2. If "yes," briefly describe the problems and action to be taken:

B. INSTRUCTIONS FOR THE FY 1977 PLANNING GRANT GENERAL REVIEW CHECKLIST:

1. Respond to all checklist items. "Satisfactory" indicates the state has responded with sufficient scope and quality to comply with a specific guideline requirement. "Unsatisfactory" means that the state has not responded to a requirement at an acceptable level. Circle the appropriate rating for each item.

2. Each major group and subgroup of checklist items includes a reference, in parentheses, to the appropriate section of M 4100.1E containing those guideline requirements.

3. One checklist for each state must be completed and forwarded as per paragraph 40 of this handbook.

HB 4210.1C
May 17, 1976

APPENDIX 11 (Cont'd.)

I. Designation, Functions and Organization of State Planning Agencies (Section 2)

A. SPA Creation or Designation (Paragraph 20) and Structure (Paragraph 22).

1. Documentation of creation or designation of an SPA by the Governor and subject to his jurisdiction. S U

2. Documentation of location and status within the state government of the SPA. S U

B. SPA Supervisory Board (Paragraph 23).

1. Documentation authorizing the SPA supervisory board to review, approve and maintain general oversight of the state plan and its implementation. S U

2. "Balanced representation" of supervisory board membership, including:

   a. State law enforcement/criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency. S U

   b. Elected officials of units of general local government. S U

   c. Law enforcement officials or administrators from local units of government. S U

   d. Representatives of each major law enforcement/criminal justice function (police, corrections, courts systems, juvenile justice systems, and where appropriate, representatives of special emphasis areas, such as organized crime, riots and civil disorders). S U

   e. Public (governmental) agencies maintaining programs to reduce and control crime. S U

   f. Representation that offers reasonable geographical and urban-rural balance and regard for the incidence of crime and the distribution and concentration of criminal justice services in the state. S U

   g. Balance between state and local criminal justice representation that approximates criminal justice activity at the two levels. S U

APPENDIX 11 (Cont'd.)

h.	Representation of citizens, professional and community organizations including organizations directly related to delinquency prevention.	S	U
3.	Description of the organization and functions of the SPA supervisory board including functional organization and staffing charts.	S	U
4.	Description of operating procedures including rules governing frequency of meetings, subcommittees, the conduct of business, the provisions for open meetings and public notice of meetings, the provisions for public access to records, the establishment of subcommittees, and the functions, composition and authority of any executive committees and/or standing committees of the supervisory board.	S	U
C.	State Planning Agency Organization and Staff (Paragraph 24).		
1.	Description of the structure and organization of the SPA staff including functional and organizational charts.	S	U
2.	Description of the qualifications, functions and responsibilities of key staff including documentation of the following:		
a.	Full time SPA administrator.	S	U
b.	Qualifications, functions and responsibilities of (at a minimum) the chief administrative officer, the fiscal officer, chief planner, chief evaluator/ monitor, and chief of each LE/CJ speciality.	S	U
c.	Full time staff complement of adequate size to perform all required SPA functions.	S	U
3.	Not more than 20% of the state's total planning grant is used for contracting with non-governmental agencies or organizations.	S	U
4.	A description of the state's existing personnel system within which the SPA staff is placed and a listing of any SPA positions not included under this system.	S	U

APPENDIX 11 (Cont'd.)

D. Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

___High quality; responsive to the substance and intent of guideline requirements.

___Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
___Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
___Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

___Improved; reflects substantial efforts to upgrade capabilities/ performance.
___Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
___Weaker; represents a poorer effort than that reflected in the FY 1976 application.

HB 4210.1C
May 17. 1976

APPENDIX 11 (Cont'd.)

II. The Planning Process at the State, Regional and Local Levels (Section 3)

A. SPA Comprehensive Planning (Paragraph 25).

1.	Description of the procedures to be used to develop an annual workplan for the SPA.	S	U
2.	Description of the planning process employed in the development of the comprehensive plan which indicates among other things:		
	a. How the elements of the plan are developed in relationship with one another.	S	U
	b. How plan elements relate to one another.	S	U
	c. How data are to be utilized in problem analysis.	S	U
	d. How the data analysis provides a base for the description of the problems the state faces and the programs that it develops to meet those problems.	S	U
3.	List and description of the intended roles of other agencies of state government or non-governmental agencies or contractors utilized to carry out planning functions.	S	U
4.	Description of the specific methods and procedures used to assure regional and local participation in the development of the comprehensive plan including:		
	a. The nature and level of participation in each of the steps of the planning process.	S	U
	b. The criteria used by the SPA in accepting or rejecting local input into the state plan.	S	U
	c. The level of local participation in key decision points in the planning process.	S	U
5.	Description in general terms of the plan implementation process and strategy including the use of grant award and administration procedures, performance measurement results and technical assistance.	S	U

APPENDIX 11 (Cont'd.)

B. Planning at the Regional Level (Paragraph 26).

1.	Documentary evidence of designation, structure, functions and organization of RPUs and other multi-jurisdictional planning units. (If full or partial waiver has been granted, indicate here _____ and continue as appropriate).	S U
2.	A presentation of a map or clear description of the jurisdictional coverage of each RPU including the extent to which RPU boundaries and authorities conform to or vary from existing general state, regional and metropolitan planning agencies and activities.	S U
3.	Description of the state's plan to make funds available to eligible RPUs including a list of RPUs and expected summary totals for each.	S U
4.	A description of the methods and procedures for participation in the formulation and revision of the comprehensive state plan, including:	
	a. Relationships among state, regional and local planning.	S U
	b. Steps and stages of the proposed annual timetable for accomplishments, activities, functions, and roles additionally assigned to the RPUs and how they will be accomplished.	S U
	c. Intended role of other agencies of local government or non-governmental agencies or contractors.	S U
5.	Written procedures for the submission and review of regional plans, including the method and standards for review, approval or disapproval in whole or in part of such regional plans.	S U
6.	Description of organization, functions and responsibilities of RPU supervisory boards including membership charts, rules governing frequency of meetings, establishment and operation of subcommittees, and the conduct of business.	S U
7.	Description of the functions of RPUs.	S U

HB 4210.1C
May 17, 1976

APPENDIX II (Cont'd.)

8.	Assurances provided that RPUs have staff adequate to carry out their functions including a description of the organization, structure and staffing patterns for each RPU as related to the functions of the RPU to be performed.	S	U
9.	Description of the qualifications and responsibilities of the key RPU staff including the amount of time devoted to criminal justice planning activities by each staff member.	S	U

C. Planning at the Local Level (Paragraph 27).

1.	Has the state received a complete waiver or a partial waiver ___? If yes, a statement explaining how it discharges local planning responsibilities is submitted. States with a partial waiver will provide similar information applicable to those areas for which planning is an SPA responsibility.	S	U
2.	Description of state's plan to make available appropriate Part B allocations to local planning units.	S	U
3.	Description of how a sufficient level of funding will be made available to large cities and counties including a list of these jurisdictions to be funded, the amount of planning funds to be made directly available to them, and the units of government within the city or county responsible for planning.	S	U
4.	A listing of combined counties/cities planning units receiving direct planning funds, the amount of planning made directly available to them, and the unit of government responsible for planning indicated.	S	U
5.	A listing of large cities, large counties or combined counties/cities waiving planning funds.	S	U
6.	A listing of units of local government or combinations thereof, other than "large cities/large counties," receiving planning funds directly, including summary totals.	S	U
7.	Listing of cities, counties, and combined cities/counties designated as RPUs.	S	U
8.	A description of the formula developed by the SPA for distribution of planning funds to local governments.	S	U

APPENDIX 11 (Cont'd.)

		S	U
9.	Designation of the percentage of local planning funds which will be passed through to agencies of local government including a specification of major cities and counties receiving planning funds through the pass-through method and the specification of the amount of funds to be allocated to them.		
10.	A description of the procedures for making eligible units of local government directly aware of their eligibility for planning funds including SPA timetable for announcement and award of local planning funds.		
11.	SPA procedures for development, receipt, review and approval for disapproval in whole or in part of local plans.		

D. Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

___High quality; responsive to the substance and intent of guideline requirements.
___Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
___Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
___Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

___Improved; reflects substantial efforts to upgrade capabilities/performance.
___Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
___Weaker; represents a poorer effort than that reflected in the FY 1976 application.

HB 4210.1C
May 17, 1976

APPENDIX 11.(Cont'd.)

E. SPA/Regional Supervisory Boards Composition (Recapitulation)

	SPA	REGIONS 1 2 3 4 5 Etc.
1. Membership		
a. Authorized	___	_ _ _ _ _
b. Filled	___	_ _ _ _ _
c. Vacant	___	_ _ _ _ _
Total		
2. Criminal Justice Representation		
a. Police	___	_ _ _ _ _
b. Courts	___	_ _ _ _ _
c. Corrections	___	_ _ _ _ _
d. Juvenile delinquency prevention and control		
(1) public agencies	___	_ _ _ _ _
(2) private agencies	___	_ _ _ _ _
e. Public agencies maintaining programs to reduce and control crime	___	_ _ _ _ _
3. Community Representation		
a. Citizens, professional, and community organizations	___	_ _ _ _ _
b. Citizens, professional, and community organizations directly to delinquency prevention	___	_ _ _ _ _
4. General Government		
a. Geography		
(1) Urban	___	_ _ _ _ _
(2) Rural	___	_ _ _ _ _

HB 4210.1C
May 17, 1976

APPENDIX 11 (Cont'd.)

	SPA	REGIONS					
		1	2	3	4	5	Etc.
b. Level of government.							
(1) State	___	_	_	_	_	_	
(2) Local	___	_	_	_	_	_	
c. Elected officials of general local government.							

Indicate nature of waiver, if one has been granted:

_____

_____

_____

HB 4210.1C
May 17, 1976

APPENDIX 11 (Cont'd.)

III. Receipt, Review, Award and Administration of Action Subgrants (Section 4)

A. Receipt, Review Of, and Decision on, Applications for Action Grants (Paragraph 28).

1. Description of SPA written procedures for the receipt, review and award of applications within not later than 90 days, including appendices such as grant guides, manuals, etc., which specify how grants are to be reviewed and decisions are to be made and communicated to applicants. S U

2. Description and procedures for regional and state clearinghouse review (A-95). S U

B. Award and Administration of Action Grants (Paragraph 29).

1. Description of written methods and procedures for sub-grant and contract administration including control and fund accounting procedures. Manuals, directives, etc., issued by the SPA for the definition and discharage of these functions are identified and attached as appendices. S U

2. Description of how state intends to meet the buy-in requirement. S U

3. Description of how the SPA intends to meet the hard match requirement at the state level and in general, at the local level. S U

4. Description of state procedures to comply with non-supplanting requirements including an explanation of how prior level of expenditures by the state will be maintained and a description of the certification, reporting or other procedures used to insure that local expenditures meet the non-supplanting requirements. S U

5. Description of state procedures and policies regarding the period of time and ratio of continuation support for specific classes of projects including:

   a. A description of procedures by which grantees will specify their assumption of cost plans. S U

b. Separate justification in cases where project support is provided for longer than three years indicating that percentage of continuation funding committed for each FY grant award. S U

C. Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

___High quality; responsive to the substance and intent of guideline requirements.
___Good; conscientious effort to meet guideline requirements, although some further effort is needed or full compliance.
___Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
___Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

___Improved; reflects substantial efforts to upgrade capabilities/performance.
___Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
___Weaker; represents a poorer effort than that reflected in the FY 1976 application.

APPENDIX II (Cont'd.)

IV. Planning and Administrative Requirements Under the Juvenile Justice and Delinquency Prevention Act of 1974 (Section 5, Paragraph 30).

A. Juvenile Justice Requirements.

1. Assurance provided that the SPA is the sole agency for administration of the plan.	S	U
2. Specification that the SPA has and will exercise its authority to carry out the mandate of the JJDP Act.	S	U
3. List of appointees to the JJDP advisory group including a statement of how this group meets the requirement for advisory group membership.	S	U
4. List of responsibilities, duties, functions, and frequency of meetings of the advisory group, including the role of the advisory group with reference to state plan development and project review.	S	U
5. Procedures to insure that the advisory group shall make recommendations to the SPA regarding the improvement and coordination of existing services, the identification of problems and needs, the development of new programs to meet the needs identified, and the establishment of priorities.	S	U
6. An explanation of the relationship of the advisory group to the SPA supervisory board and the SPA staff.	S	U
7. The establishment of procedural rules governing advisory group operations.	S	U
8. Procedures to assure that all meetings of the advisory group shall be public and that dates of such meetings shall be published well in advance.	S	U
9. Description of how local governments participate in the development of the state plan and how the state planning agency takes into account their needs and incorporates their requests, including an explanation of the nature, frequency and quality of the consultation process specified by the JJDP Act.	S	U

APPENDIX 11 (Cont'd.)

10.	A listing of the units or combinations of units of local government which have chosen to participate in state plan development including a description of how local chief executives are made aware of their roles.	S	U
11.	Designation of the name and title of the chief executive officer of each of the units, or combinations of units, of local government participating in plan development.	S	U
12.	Designation of a name of the agency within such units of government which the chief executive officer has designated including an explanation of the agency's function and relationship to the local government.	S	U
13.	Explanation in each case as to the reason why each local chief executive was determined to be able to most effectively carry out the purposes of section 223(a)(6) of the JJDP Act.	S	U
14.	Explanation of how the chief executive officer of each unit or combinations of units of local government shall provide for supervision of the programs funded by each local agency.	S	U
15.	Assurance that at least 66 2/3% of the funds received by the state under section 222 shall be expended through programs of local government.	S	U
16.	Assurances provided regarding non-supplantation requirement of section 223(a)(19) of the JJDP Act including an identification and description of procedures used to insure that this requirement is met.	S	U
17.	Indication of the frequency and quality of the consultation process for private agency participation in the development and execution of the state plan including a description of methods used to gain input from private agencies.	S	U
18.	Description of the relationship of this consultation process to the advisory group and the supervisory board.	S	U

78-464 O - 77 - 63

B. Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

____High quality; responsive to the substance and intent of guideline requirements.
____Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
____Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
____Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

____Improved; reflects substantial efforts to upgrade capabilities/performance.
____Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
____Weaker; represents a poorer effort than that reflected in the FY 1976 application.

APPENDIX 11 (Cont'd.)

V. Performance Measurements Plans (Section 6)

A. Plans for Monitoring and Evaluation (Paragraph 44)

1. Allocation of sufficient resources to adequately carry out monitoring and evaluation responsibilities including:

   a. The amount and source of funds allocated in the planning year for evaluation (Parts B, C, E, and JJDP funds) and grant monitoring and the administration of evaluation programs (Part B funds). S U

   b. The number and positions of those persons responsible for planning, administering and conducting evaluation and monitoring activities. S U

2. Organization of evaluation and monitoring functions and structure within SPA. S U

3. Description of a delegation of monitoring and evaluation functions to substate planning units, if any, along with a description of the method of furnishing monitoring and evaluation reports to affected local jurisdictions. S U

4. Description of procedures to insure that subgrant applications and the subgrant process provide the prerequisites for internal assessment of each project, including:

   a. The identification of the problem in measurable terms. S U

   b. Well defined objectives stated in measurable terms. S U

   c. Specific indicators and measures to be used to assess results. S U

   d. Means of collecting data and information to assess the project's performance. S U

5. Designation of staff responsible for reviewing applications to insure that internal assessment prerequisites exist for each subgrant and when this review takes place in the grant process. S U

APPENDIX 11 (Cont'd.)

6.	Requirements of subgrantees to conduct an internal assessment of their own project results to include:		
	a. An analysis of the results and impact of the project.	S	U
	b. A comparison of the problem before and after the project.	S	U
	c. A description of the implementation and operation of the project over time.	S	U
	d. Modification of program activities called for by the assessment findings.	S	U
7.	SPA monitoring of implementation, operations, and results of projects it supports.	S	U
8.	The description of the monitoring system includes:		
	a. A comparison of actual activities carried out and results achieved with the activities and the results originally specified in the grant application.	S	U
	b. Periodic site visits and interviews with project staff and clients.	S	U
	c. An examination of the results of the project.	S	U
	d. An assessment of the progress and the problems of the project to date.	S	U
	e. Effective reporting procedures documenting project performance.	S	U
9.	Description of SPA monitoring system includes:		
	a. What monitoring activities will be carried out.	S	U
	b. When monitoring activities will be carried out.	S	U
	c. Who will be responsible for monitoring activities.	S	U
	d. What type of data and information will be collected through the monitoring process.	S	U
	e. How and when monitoring information will be used to modify the operation of projects and affect the planning and funding decisions of the SPA.	S	U

APPENDIX 11 (Cont'd.)

10.	Establishment of criteria which will be used to select the project or programs to be intensively evaluated and the resources allocated to this level of evaluation.	S	U
11.	Description of the process by which intensive evaluations are planned and implemented, including the way in which contracted evaluators are selected, if they are used.	S	U
12.	Description of the relationship between intensive evaluation and planning including:		
	a. Procedures for reporting, corroborating and utilizing evaluation findings in the planning and funding decisions both of the SPA staff and the supervisory board.	S	U
	b. Measures taken to insure the independence of evaluators from the project, the objectivity and accuracy of the evaluation, and the timely submission of evaluation reports.	S	U
13.	Assurances that the SPA staff and supervisory board take into account the results of the national evaluation program and its own evaluations in planning future activities and that copies of all final reports of intensive evaluations are forwarded to the LEAA regional office and the National Insitute.	S	U
14.	Identification of SPA chief evaluation needs including:		
	a. The need for evaluation training.	S	U
	b. The need for qualified evaluation specialists.	S	U
	c. Funding for evaluation.	S	U
	d. Authority to conduct evaluation.	S	U
15.	Description of SPA plans for meeting its own evaluation needs.	S	U
16.	Description of any evaluation assistance the SPA plans to offer local criminal justice agencies, including training assistance, anticipated projects to develop future research and evaluation units within local agencies, technical assistance, and ways in which federal assistance is needed for these activities.	S	U

APPENDIX 11 (Cont'd.)

17. Description of SPA activities in response to the national evaluation program which include:

    a. Identifying candidate projects and programs for evaluation. S U

    b. Cooperating in developing and implementing the evaluation design. S U

    c. Serving as liaison between NILECJ, its contracted evaluator and the subgrantee. S U

    d. Providing the requested data. S U

    e. Monitoring the project and the evaluation. S U

18. Specification of those SPA evaluation efforts planned for the year which are expected to have significant new knowledge of interest to a national audience. S U

19. Description of SPA procedures for making the results of monitoring and evaluation available to affected agencies and units of governments, including assurances that subgrantees affected and the local planning office receive evaluation results for the purpose of reviewing and comment not less than 2 weeks prior to public dissemination of the results. S U

B. Audit Activities (Paragraph 45).

1. Description of specific arrangements for performing the audit of the SPA to include:

    a. Audit organization that will conduct the audit (if other than the state auditor to include a description of how the state auditor is involved). S U

    b. Approximate timing of when the audit will be performed. S U

    c. Minimum audit coverage to be provided and the reasons therefore. S U

    d. Assurance the audit will be conducted in accordance with audit standards published by GAO or, in the alternative, specifications of which standards will be ommitted and why. S U

APPENDIX 11 (Cont'd.)

e. Audit report resolution and clearance policies of the appropriate state audit agency. S U

2. Description of SPA arrangements for performing or arranging for audits of its subgrantees. S U

C. Technical Assistance (Paragraph 46).

1. Discussion of the capability of the SPA to develop a technical assistance delivery plan which provides or makes provisions for technical assistance or services. S U

2. Indication of how the results of monitoring, evaluation and audit will be utilized to develop technical assistance plans and make technical assistance available. S U

D. Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

___High quality; responsive to the substance and intent of guideline requirements.
___Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
___Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
___Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

___Improved; reflects substantial efforts to upgrade capabilities/performance.
___Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
___Weaker; represents a poorer effort than that reflected in the FY 1976 application.

APPENDIX 11 (Cont'd.)

VI. Other Statutory Requirements Affecting Receipt, Review, Award and Administration of Subgrants (Chapter 5, Paragraphs 101-107)

1.	Procedures for submitting planning grant application and the comprehensive plan to A-95 clearinghouse.	S	U
2.	Procedures for insuring A-95 clearinghouse review of all subgrant and discretionary grant applications.	S	U
3.	Procedures to insure consideration and incorporation of clearinghouse comments into grant applications.	S	U
4.	Procedures for obtaining either the Governor's concurrence or review and comment on the comprehensive plan.	S	U
5.	Description of the extent to which LE/CJ planning regions are consistent (or why they vary) from established state planning and development districts.	S	U
6.	SPA procedural arrangements described in summary fashion to assure maximum coordination with related planning under other programs, including citation of existing or planned memoranda of agreements and the RPUs and/or state agencies entering into them.	S	U
7.	Procedures to insure that environment policy (NEPA) requirements are met.	S	U
8.	Procedures for identifying projects causing relocation and for administering relocation assistance and payments. (SPA specifies whether it administers the program or contracts it out).	S	U
9.	Designation of civil rights compliance officer.	S	U
10.	Description of timetable for SPA staff training in civil rights responsibilities.	S	U
11.	Methods by which SPA informs subgrantees and contractors of their civil rights responsibilities.	S	U
12.	Procedures for obtaining assurances of compliance from subgrantees and contractors.	S	U
13.	Description of SPA's efforts to inform the public of its nondiscrimination policy.	S	U

APPENDIX 11 (Cont'd.)

Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

___High quality; responsive to the substance and intent of guideline requirements.
___Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
___Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
___Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

___Improved; reflects substantial efforts to upgrade capabilities/performance.
___Unchanged; substance of the response similar to last year's submission, or if changed, is of roughly similar scope and quality.
___Weaker; represents a poorer effort than that reflected in the FY 1976 application.

APPENDIX 11 (Cont'd.)

VII. Management Information System (MIS).

1. Does the SPA have a MIS which provides data to LEAA on subgrants (new subgrant data submitted monthly per G4310.1) which includes the following:

   a. Identification and descriptive data. S U

      (1) SPA subgrant identification number
      (2) Subgrantee agency name and address
      (3) Date of award
      (4) Project begin and end dates
      (5) Project title
      (6) SPA program code and LEAA program descriptor
      (7) Project summary

   b. Approved budget data. S U

      (1) Total project cost
      (2) Amount of LEAA funds by FY and type
      (3) Amount of matching funds
      (4) Source and amount of other project funds
      (5) Detailed itemization of equipment, personnel and contractor costs

2. SPA provides quarterly reports indicating current subgrant awards by SPA grant number, subgrant title, and subgrant award amount to LEAA to verify that all subgrant material has been received. S U

3. SPA reports errors, omissions, corrections and revisions to LEAA on appropriate subgrant data revision forms. S U

4. SPA completes "turnaround documents" on completed subgrants (or revises end dates within 90 days of receipt of LEAA form). S U

5. SPA analyzes discrepancies between its H-1 and Grant Program File (PROFILE) reporting as noted by LEAA and takes corrective action. S U

Summary.

1. Overall, the response to guideline requirements reflected in this section of the checklist has been:

   ___High quality; responsive to the substance and intent of guideline requirements.

APPENDIX 11 (Cont'd.)

____Good; conscientious effort to meet guideline requirements, although some further effort is needed for full compliance.
____Minimally acceptable; response of marginal quality and/or fails to address certain specific guideline requirements.
____Unacceptable; major deficiencies in the scope and/or quality of the submission.

2. Compared with last year's submission, the state's FY 1977 planning grant response to the guideline requirements reflected in this section is:

____Improved; reflects substantial efforts to upgrade capabilities/performance.
____Unchanged; substance of the response similar to last year's submission, of if changed, is of roughly similar scope and quality.
____Weaker; represents a poorer effort than that reflected in the FY 1976 application.

HB 4210.1C
May 17, 1976

APPENDIX 12. OVERALL ANALYSIS AND DEFICIENCY RESOLUTION MEMORANDUM

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

OVERALL ANALYSIS AND DEFICIENCY RESOLUTION MEMORANDUM

STATE_____

Instructions: In this memorandum, an overall analysis and review of the planning grant application will be provided for each major section of planning grant requirements as identified in the General Review Checklist and listed below. In addition, specific deficiencies in the planning grant application should be enumerated. Give the nature of the deficiency, what action was taken concerning it, the results of the action, and recommendations for further action, if any, including special conditions.

The following are the major sections for which an overall regional office review and analysis is required:

1. Designation, Functions, and Organization of the SPA.
2. The Planning Process at the State, Regional and Local Levels.
3. Receipt, Review, Award, and Administration of Action Subgrants.
4. Planning and Administrative Requirements Under the Juvenile Justice and Delinquency Prevention Act of 1974.
5. Performance Measurement Plans.
6. Other Statutory Requirements Affecting Receipt, Review, Award, and Administration of Subgrants.
7. SPA Management Information System.

_____
State Representative's Signature

_____
Date

The review has been completed in accordance with HB 4210.1C and remedial action (changes in the application or Special Conditions) is to be taken on all deficiencies.

_____
Regional Administrator's Signature

_____
Date

HB 4210.1C
May 17, 1976

APPENDIX 13. PLANNING GRANT AWARD FORM

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

GRANT AWARD
FY 197_ Planning Grant

Grantee:	Grant Amount:*
State	Date of Award:
Grant Period: _____through_____	Grant Number:

In accordance with the provisions of Part B of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, as amended), and on the basis of the grantee's application, the Law Enforcement Assistance Administration hereby awards to the foregoing grantee a planning grant in the amount shown above.

This grant is subject to the application representations and the General Grant Conditions set forth in the grantee's application. It is subject also, if indicated below, to the Special Conditions attached to this grant award. The grantee will abide by the letter of credit requirements.

The grant shall become effective, as of the date of award upon return to the Administration of a duplicative copy of this award, uponsignature of the grantee in the space provided below.

_____
Regional Administrator

Accepted for the Grantee:

_____ _____
Signature of Duly Authorized Official Typed Name & Title of Official

GRANT AWARD DATA

☐ THIS AWARD IS SUBJECT TO SPECIAL CONDITIONS (ATTACHED).

Cognizant Regional Office:_____
Date Application Received_____
LEAA Accounting Classification Code: _____

Document Control Number: _____
*Note: Amount of previous advance award(s):_____
Amount initial award:_____
Total planning grant award:_____

HB 4210.1C
May 17, 1976

APPENDIX 14. SPECIAL CONDITIONS FORM

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20531

S P E C I A L C O N D I T I O N S

• Grantee (Name of SPA):_____

Grant Number:_____

In addition to the General Conditions and Conditions Applicable to Fiscal Administration to which this grant is subject, it is also conditioned upon and subject to compliance with the following special condition(s):

1. This grant, or portion thereof, is conditional upon subsequent Congressional or Executive action which may result from Federal budget deferral or recision actions pursuant to the authority contained in Sections 1012 (A) and 1013 (A) of the Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301, P. L. 93-344, 88 Stat. 297 (July 12, 1974).

APPENDIX 15. PLANNING GRANT STANDARD TRANSMITTAL LETTER TO STATE GOVERNOR

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

Date:

Subject: Grant No. _____ Amount: $_____

Dear Governor (Name): _

I am pleased to formally advise you that the Law Enforcement Assistance Administration has approved a Fiscal Year 197_ Planning Grant Award for (Name of State), in the amount of $_____. A copy of the award statement is attached. This award does not include a prior 197_ advance award of $_____ made on _____. With this award (State _____, has now received the full 197_ planning allocation of $_____. If you have any questions concerning this award, please feel free to contact the Administration. Award documents are being transmitted concurrently to the (Name of State Planning Agency).

Sincerely,

Regional Administrator

Attachment

HB 4210.1C
May 17, 1976

APPENDIX 16. PLANNING GRANT STANDARD TRANSMITTAL LETTER TO SPA DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

Date:

Subject: Grant No. _____ Amount: $_____

Dear Mr. (Name):

Formal notice of the award of your State's recent Planning Grant Award was contained in a letter to (Name of State Governor). Official acceptance of the grant will take place upon return to the Regional Office of a duplicate countersigned copy of the award statement. Copies of the award statement are attached.

Sincerely,

Regional Administrator

Attachments

NOTE: As frequently is the practice, Regional Offices can expand upon this notification of award to the SPA to include a specific discussion of the results of application review, deficiencies noted, special conditions, and followup technical assistance to be provided.

ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES
5225 GRACE STREET • PITTSBURGH, PA. 15236 • 412/881-1191

JUN 3 1976

May 28, 1976

To: Senator Birch Bayh

From: Dorothy Crawford

I am mailing the enclosed to you to keep you updated on the ACLD grant application.

Sincerely,

Dorothy Crawford

Dorothy Crawford

ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES
5225 GRACE STREET • PITTSBURGH, PA. 15236 • 412/881-1191

May 26, 1976

Mr. Milton Luger, Assistant Administrator
Juvenile Justice and Delinquency Prevention
Task Force, LEAA
633 Indiana Avenue N.W.
Washington, D. C. 20530

Dear Milt:

In accordance with ACLD procedures, your letter of May 14, 1976, has been channeled through the Adolescent Affairs Committee (AAC) by President Eli Tash. Therefore, as the designated agent, the AAC has directed me to respond.

This past week-end the AAC met in Scottsdale, Arizona, to discuss your plan. Those in attendance, for all or a part of the meetings, included the following:

1. Al Katzman, Co-Chairman AAC, Member of the National ACLD Board of Directors, Detroit, Michigan.
2. Chet Poremba, Co-Chairman AAC, Denver, Colorado.
3. Nancy Ramos, Member of AAC and National ACLD Board of Directors, Palo Alto, California.
4. Dorothy Crawford, Member of AAC and National ACLD Board of Directors, Scottsdale, Arizona.
5. Pat Schwartz, Executive Secretary, Texas ACLD, Dallas, Texas.
6. Sharon Fruechtenicht, Indiana Lawyers Commission, Ft. Wayne, Indiana.
7. Lt. Jack Graydon, Los Angeles County Sheriff's Office, Delinquency Prevention Detail, Los Angeles, California.
8. Hon. Sam Steiger, U. S. Congressman, Arizona's Third District.

We had considerable discussion about the proposed project. There was a great deal of excitement and interest generated by the overall plan embodied in your letter.

The Committee agreed it vital your office and ACLD representatives, of your choice, meet within a month. Might we suggest, if compatible with your schedule, we meet in Chicago. In this manner, all parties concerned would be able to bring closure on ACLD's participation in the project.

Please advise.

Sincerely,

Dorothy Crawford
Adolescent Affairs Committee
ACLD

DC:rg
cc: Eli Tash
Al Katzman
Chet Poremba
Nancy Ramos
Pat Schwartz
Lt. Jack Graydon
Sharon Fruechtenicht
Sam Steiger

Home Phone: (602) 948-8876
Office Phone: (602) 248-7373

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

NATIONAL INSTITUTE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION

May 14, 1976

Mr. Eli Tash, President
NACLD
P. O. Box 3717
Milwaukee, Wisconsin 53217

Dear Mr. Tash:

The purpose of this letter is to set forth for your reactions this Office's tentative plans for a research and demonstration (R & D) effort in the learning disabilities (LD) area. Although many details remain to be worked out, I can outline the basic approach we plan to take. Your assistance is needed in thinking through the relationship of the conferences on LD proposed by the NACLD to our R & D effort, and other issues as well.

Our overall plan consists of two parts:

1. Special Emphasis Program Initiatives -- We are planning to launch early in FY 77, a special action program initiative focused on the remediation of learning disabilities. This program is based on the American Institute for Research (AIR) recommendations made in conjunction with their report on their assessment of the relationship between LD and delinquency (the Executive Summary and full report are attached). Specifically, we wish to incorporate two of AIR's recommendations into our program: (1) that we test specific populations for the incidence of LD, and (2) that we establish and evaluate a few carefully designed demonstration programs aimed at preventing or reducing delinquency through the remediation of LD. The program initiative will consist of three steps: (1) testing three populations (non-delinquents, probationers and institutionalized juveniles) in representative parts of the country for the incidence of LD; (2) establishing demonstration programs in geographical areas and for target populations where the incidence of LD appears to be significant, and (3) researching the effectiveness of the treatment programs for remediating LD and preventing or reducing delinquency.

2. Conferences -- We would consider supporting three regional conferences, provided that they can be structured so as to contribute to our objectives for the LD R & D program. We feel that these conferences might well enhance our objectives by (1) sharing current information on LD, thereby increasing understanding of the nature of the problem; (2) raising issues that need to be resolved in the R & D effort; and (3) making recommendations for the implementation of the R & D program. Therefore, we would want to place the following requirements on the proposed conferences:

a. That the award to administer the three conferences be made to the NACLD for the conduct of the conferences.

b. That we select the sites for the conferences, with your input.

c. That the basic materials for the conferences be the AIR report and the GAO's report on LD (which is expected to be released in September of this year). The latter is expected to complement rather nicely the AIR report. We want to utilize these materials because they will enhance understanding and accomplishment of our mutual objectives.

Now, let me add some detail to this plan as it has been developed since we discussed it during our recent meeting.

We would prefer that the conferences be administered by a steering committee of NACLD and closely involve state chapters of your organization. The committee might continue as an advisory group during the R & D period as well.

I would think it to be important that the chosen regions be ones in which there already is considerable interest in the LD program and resources for addressing it so that the conferences can move quickly to consideration of important issues that are to be addressed in the R & D program. We, thus, view the conferences as contributing directly to the development of the programmatic and research approaches taken in the R & D program.

Regarding the testing, we obviously must anticipate that a large number of youths must be tested in order to secure a sufficient sample among each of the three populations in all

three sites to be able to make the necessary statistical comparisons. It is our estimate that at least 300 youths must be tested in each of the three regions in order to obtain samples of 50 in each category for remediation programming. This means that a total of approximately 1,000 youths must be tested.

It is important that the testing procedures be consistent across all sites and populations. We would want to test for "specific" learning disabilities -- e.g., those types identified by AIR (dyslexia, aphasia, and hyperkinesis). The estimated cost of the testing is $100,000 (at $100 per child).

Regarding the remediation programming, we do not have a finalized sense of what approaches this might take as the potentially best ones for remediating the specific learning disabilities identified above. However, we would want to see similar approaches taken in each instance, in order that the measurement of results will be most meaningful. Our rough estimate is that remediation programming will cost $900,000 (at $2,000 per child for 450 youths).

We would anticipate awarding a single grant or contract to an organization that could subcontract for, and coordinate, the testing, remediation, and possibly the evaluation research.

A number of issues remain to be resolved. Among them are the following:

1. Do you foresee the conference as making the kind of direct contribution to our R & D effort that we envision?

2. Given the role of the conferences that we envision in our overall plan, we have estimated their cost to be approximately $25,000 each. Does this seem realistic?

3. What is the potential for securing the needed level of cooperation at the state and local level to carry out this effort?

4. We have estimated total testing costs to be approximately $100 per child. (This estimate is based on our plan to test only for the specific learning disabilities indicated above.) How realistic do you think this figure is?

5. What suggestions might you have regarding who might coordinate the testing, remediation, and possibly the research?

I look forward to your reactions.

Sincerely,

Milton Luger
Assistant Administrator
Office of Juvenile Justice
and Delinquency Prevention

cc: Congressman Sam Steiger
Mr. Albert Katzman
Ms. Dorothy Crawford
AACLD
Phoenix, Arizona

Enclosure:

THE CHILDREN'S HOSPITAL

April 5, 1976

Dr. Charles A. Murray
American Institutes for Research
3301 New Mexico Avenue
Washington, D. C. 20016

Dear Dr. Murray:

You were absolutely correct when you wrote in your cover letter of March 8 that I would probably disagree with the AIR report as reflected in the Draft copy which I received entitled THE LINK BETWEEN LEARNING DISABILITIES AND JUVENILE DELINQUENCY CURRENT THEORY AND KNOWLEDGE. I had real trouble thinking how I might respond to this Draft; not because I do disagree, but rather because I disagree so much that I will have difficulty keeping my response shorter than the report itself. I do promise that I will be as brief as I can.

First off, let me say that a number of chapters and/or sections are missing which may have altered my reaction somewhat. I do not know for sure whether this is true--but from the general outline of the report--I rather doubt it.

Let me mention that we do agree on the following:

1) There is very little literature in this particular area.
2) There are not many studies, and...of the few that exist...only a small number are terribly good.
3) There is not a universally accepted or functionally accurate definition of learning disabilities.
4) Most of the comments in the field are being made by "practitioners" (I suppose such as myself) who have not designed or directed studies themselves, but who have many years of dealing in the area.

While you have done a most commendable job in assaying the field, the information gained by your survey is nothing new. It corroborates most of the statements which we have been making for some time. These are exactly the statements that we have made to you or your staff; however, there are some other factors that have been mentioned to you that do not seem to be reflected in the text:

1) There is the same problem of lack of universal acceptance or functional definition of the term "delinquency." It differs (as practiced) from community to community, city to city, and state to state. Laws are different, courts are different, attitudes are different, legal language is different, etc. There is the same wide

divergence of opinion between general courts and juvenile courts, between the probation departments and the courts they serve, between the courts and institutions to which these people are committed (corrections) and between corrections and parole. Also not mentioned is the great gap that exists between the systems just mentioned and education itself. This, as you know, has been a long and historic conflict constantly marked by charges that the other is poorly defined and lacking in responsibility, etc. This lack of crisp definitive language is just as important to the overall problem as any other.

2) The educational system has a long history of studies, research, rhetoric and still seems to experience a drop-out rate of approximately 40%. The area of delinquency, likewise, has been studied, re-studied, defined and re-defined and continues with a recidivism rate of 85% or better and climbing! The many studies executed in both of these systems seem not to have had much impact.

While we do not know exactly what causes learning disabilities, neither do we know exactly what causes delinquency. Responsible practitioners do not say that L.D. causes delinquency. While you do mention this in the introduction of your report, the tenor of the remainder of the report seems to demand "proof" of the causative relationship. In this regard, you imply that practitioners, having "no proof," somehow are operating on purely an emotional base.

You go on to cite a number of studies with a degree of criticalness that I find rather astounding. As I view these sometimes feeble attempts, I see different professionals approaching their concerns from different points of view and often for reasons far removed from "proving" a causative relationship between L.D. and Delinquency--certainly not on the national level. As you have pointed out, L.D. is an umbrella of deficits and functionally not a diagnosis itself. One must define the L.D. label by specifying the individual deficits. Of the studies you have mentioned and critiqued, only one came from the tack of L.D. specifically; the others came from specific deficit areas: i.e. the Berman study was a psycho-neurological study; the Critchley study was from the point of view of dyslexia and reading retardation; The Duling study was, I thought, focused primarily on reading; the Walle study, which you did not include, does refer to an older population with many other problems. The significance of this study was that it was done by an audiologist-speech pathologist who was not coming from the point of view of L.D., but rather, that this population had gross numbers of clinically significant problems (which by inference ((mine)) also included deficits which we today would include as L.D.) which had never been either addressed or diagnosed. I did not see reference to either the Mulligan material (Sonoma County, Calif.) or the Farley material (Oklahoma City) as they relate to their respective juvenile court studies.

My point is that...exquisite studies or no...there are implications relating to the functioning abilities of the delinquents or pre-delinquents which have been studied by these people that seem to indicate that delinquents in some way do have these problems beyond reasonable expectations.

The Compton study that you cite has some other kinds of values to it. For one, it is the only study that I know of that is a total population study rather than a sample study. It also has a broader inclusion of deficits than the others. It includes not only specific learning disabilities but also broader learning problems, or blocks to learning. The prime intent of this study was to develop a management by objectives rehabilitation approach which would: a) serve as a means of help to the delinquent and b) provide a program against which validity could be measured or judged quantitatively and objectively. It was not so much a nose count as a program format. I think the Compton study is also significant for three specific reasons:

a) It laid out some specific areas in which modifiers (which exist universally) were included: i.e. mild, moderate, severe.
b) It was an attempt to make evaluation the basis for treatment objectives in as objective a manner as possible.
c) The large population size allowed demographic data to show themselves in a way seldom seen before in sampling studies. These data appear to reflect the demographics of the state quite closely and do suggest that heretofore-held concepts regarding economics, ethnicity, and geographic location as "causative" variables in delinquency may not be all that valid and become subject to further question.

I feel the level of your critique and the tenor of your comments are both unfair and unwarranted not only to the people themselves but also in terms of what they were trying to do. I suppose that our disagreement reflects the historic conflict between the "practitioner" and the "researcher" and that our differences in "jargon" do not help. We who touch the "warm bodies," I suppose have a different point of view than those who deal with "cold statistics." There is a certain arrogance that I find unsettling. I suppose in our stumbling, fumbling way, we are trying to find some meaning and some consensus, and through this, some direction in terms of trying to help these people. In twenty-some-odd years of practice in the field, I have reviewed many, many studies in the field of delinquency alone. I have seen many efforts such as those coming out of Ogden, Utah, the "I" level approach of Dr. Warren and many others. I must confess I am not happy and have never been happy with the laboratory model (experimental vs. control) in the study of human beings. To paraphrase you, once having controlled for all variables (impossible in the human in my opinion) you are never sure whether you are comparing "successful delinquents with those who are inept." This, by the way, speaks somewhat to the issue of the clarity with which delinquency is viewed. I believe that the only reasonable approach lies in total population studies; certainly not in 50 to 100 N groupings. Since you seem to have some idea of what a good research model is, I would appreciate your suggesting to me one "good" delinquency study which would bear up under the same level of criticality

that has been applied in this survey.

Not knowing what your full list of consultants represents, I do not know what disciplines or specialities or subspecialities are represented. The text, focusing primarily on educators, psychologists, and some people from research generally, leaves out many other interests. I am struck by the lack of representation of the thinking in the fields of medicine and its subspecialities, such as pediatrics, neurology, psychiatry, nutrition and biometabolism; or of the non-medical health sciences, such as audiology, speech pathology, physical therapy, occupational therapy and optometry. Likewise, there seems to be an absence of comments from justice, the courts, attorneys, both prosecution and defense, and from corrections, probation and parole people. Our experience to date would indicate that very many of these people are interested and the list is growing. I am sure that a number of these would heartily disagree with your judgements and interpretations.

When the findings and recommendations of this survey were presented recently at the 1976 International Conference of the Association for Children with Learning Disabilities, the reaction of the audience... largely from the fields of adolescence and delinquency...was rather agitatedly negative. The response was characterized by comments such as, "We ought to have a chance to review publicly this study of the studies." I'm afraid many people working in the field will share this reaction to your rather austere and severe criticism of what is going on in the field.

As a matter of fact, I have some other concerns. In reading this report, I find an aura that it is a unanimous report, and that the conclusions reached represent the feelings of all participants. When Dr. Scott Bass called me in early Fall of 1975 to ask if I would be a consultant, he described that the consultants would be interviewed by phone and in person and that, before any findings were finalized, there would be a meeting of the consultants to review and comment on the materials. To my knowledge, this has not been done. I also have been in touch with both Compton and Berman who stated that they are somewhat distressed and puzzled that their response to some of the criticisms contained in the report are not contained in the same report, even though these conversations were held in time to be included. There are indications, likewise, that the entire staff of the Institute was not in accord with the findings and/or the recommendations. I, therefore, ask if this is true. If so, I would suggest that any differences of feelings or reactions of staff, past and present, and consultants be reported--at least by way of a minority report.

I personally disagree with Options I and II of your recommendations. My objections to Option I are that nothing new will be added. The same fuzzy definitions of both delinquency and L.D. will prevail. The study samples will be too small be be of any consequence and probably done by people not very familiar with L.D. and more biased in the direction of philosophies and leanings already extant and which have not produced much change anyway. They will tend, I'm afraid, to be in-house, provincial attempts which will never reach the public light of day. Option II suggests that the Institute now take a leading role in defining terms against which it has already demonstrated its antipathy.

I do not believe the Institute has understood the message of the main people in the field of L.D. and delinquency. It has incorrectly charged that we have failed to "prove" causal relationships. We are not interested in proving causality, nor do we feel that that is any kind of solution. What we are after is a different tack--a different approach to the treatment and/or rehabilitation of the delinquent child. Special education (enhanced by L.D. adherents) has given us concepts of prescriptive education. We are interested in expanding those concepts to include prescriptive probation, prescriptive corrections and prescriptive parole. To wait, as you suggest, for final answers will take many years and in the meantime, what happens to the tens of thousands of delinquents caught up in the system? What you would suggest might have happened to the many L.D. kids who would have been made to wait while the field came up with a cozy definition that would have satisfied all those who sat back and did research. This has been going on since long before 1963, and we are not there yet.

Finally, I take great exception to your suggestion that the Institute act as an "honest broker" in the interest of L.D. and delinquency. Several respected colleagues, after reading your report, agree that there is an "anti" bias reflected in the report of your survey and wonder how anyone could expect the Institute to be an honest broker or to take a leading role in this area. As a matter of fact, your own recommendation of participation in further studies suggests unpleasantly a built-in question regarding the integrity of your own judgements as well as strong suspicion of conflict of interest, perhaps even bordering on questions of ethics.

I'm sorry to be so critical, but I feel your interpretations have totally missed the sense and the message of many of your consultants. I certainly felt your "anti" bias when I talked to you here in Denver in November. Your report knocks everything and everyone out of the way and leads to a most "logical" conclusion that only the Institute is left to lead the field. I do not think this is appropriate.

Sincerely,

Chester D. Poremba, Ph.D.
Co-Chairman, ACLD
Adolescent Affairs Committee

CDP:hw

AMERICAN INSTITUTES FOR RESEARCH
IN THE BEHAVIORAL SCIENCES
3301 New Mexico Avenue, NW, Washington, DC 20016 ● 202/686-6980

April 29, 1976

Dr. Chester Poremba
Chief Psychologist
The Children's Hospital
1056 East 19th Avenue
Denver, Colorado 80218

Dear Dr. Poremba:

I confess that I am not quite sure what to do with your letter. I read it carefully for material which ought to be incorporated into the final draft, and came away with the feeling that we are talking across a very wide gap indeed.

I guess what most bothers me about your response are its echoes of what used to be called "no-nothingism." If your argument is that studies are often useless, I agree. If your argument is that more studies are not a panacea, I agree. But you seem to argue that because we still have a growing delinquency problem, more efforts to learn about the problem are ipso facto wrong-headed. I emphatically disagree, especially on this particular topic. There is no way of reading the record so as to conclude that we know enough about the relationship of LD and delinquency to justify substantial expenditures of tax dollars. I also disagree with your view that I have subjected the studies to an "astounding" degree of criticality. Astounding claims are being made for the significance of these studies. If they were being treated as what they are--interesting but minor fragments of evidence--I would not have had to take them so seriously.

Similarly, I cannot understand your statement that causality is not of central importance to this topic, or that proponents of the LD/JD link are being held to a point that they have not tried to make. As a quick review of the literature will indicate, causality most certainly has been a central issue. On the other hand, you are correct in saying that remediation of learning disabilities in delinquents could be important even if it has not caused the delinquency. We make the same point in the report.

Let me address some of your darker suspicions on pages four and five of your letter.

You write that "there are indications...that the entire staff of the Institute was not in accord with the findings and/or recommendations,"

and ask that I reply.

Responsibility for the conclusions, recommendations, and analysis in the report is easily fixed. It is mine. But, for the record, there were no factions within the project's staff except on matters of emphasis. Some thought that the elaborate criticism of the quantitative studies was overkill--that the studies were so transparently inadequate that they could have been dismissed out of hand. Others saw this part of the report in a different perspective, and were upset about criticizing the quantitative work of the same people who impressed us as being very able, perceptive professionals in the delinquency field. I share this concern, and believe that I have seriously failed as a writer if I have not conveyed my genuine respect for the observations of these people.

Next, as a conclusion to your letter, you raise "a strong suspicion of conflict of interest, perhaps bordering on questions of ethics," because I recommend that the Institute take a leading role in defining and overseeing subsequent research on this topic. You seem to have confused two separate organizations, interpreting my reference to the "Institute" as meaning AIR. It did not. I work for AIR--the American Institutes for Research. I wrote the report for the NIJJDP--the National Institute for Juvenile Justice and Delinquency Prevention. I suggested no future role for AIR nor, speaking for myself, do I want one.

This does, however, raise a problem. You refer in your letter to conversations about the study with Compton, Berman, and "several respected colleagues." To how many people have you repeated this charge? And may I ask that you mention to these people that, however much you still dislike my conclusions, you were wrong on this particular point? Rumors are hard to catch up with, and I am afraid that you started a very damaging one.

Sincerely,

Charles A. Murray
Senior Research Scientist

AIR 54400-ES

The Link Between Learning Disabilities and Juvenile Delinquency

Executive Summary

by

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EXECUTIVE SUMMARY

Speculation about the causes of juvenile delinquency has recently centered on "learning disabilities" as one of the possibly significant factors. The notion has attracted the attention of a growing number of counselors to juvenile courts, staffs of juvenile corrections facilities, and clinical psychologists who work with disturbed youth. And there have been increasing calls for action at the Federal level, by the newly created Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The logical first step was a dispassionate assessment. The current interest in learning disabilities--already popularized as "LD"--might be indicative of the promise of the approach for combatting delinquency. Or LD might be a fad, to surge and eventually subside as so many other approaches before it. Both points of view have highly vocal proponents. The American Institutes for Research (AIR) was awarded a grant to sift the available evidence and distill its policy implications.

To carry out this task, AIR adopted a three-tiered approach. First, an extensive literature search was conducted in library collections, the reference files of the relevant Federal agencies, and the abstract services of professional associations. Second, we interviewed forty-six persons who are active and respected in related aspects of LD, delinquency, or both. These consultants included academicians, judges, juvenile corrections personnel, psychologists, and educators working with learning handicapped youth. Third, we reviewed the inventory of existing demonstration projects which seek to identify and treat learning disabilities among delinquents, obtaining information on their activities and, to the extent possible, their impact.

78-464 O - 77 - 65

A final report was submitted on 15 April 1976.[1] It suggests that a net assessment of the competing evidence on the LD/JD link can fairly be reduced to two major conclusions. The first is that

> The cumulation of observational data reported by professionals who work with delinquents warrants further, more systematic exploration of the *learning handicaps* of delinquents.

A variety of loosely connected but compatible data supports the conviction of these professionals that a disproportionate number of their client youth are unable to learn in a normal classroom setting, for reasons beyond their control.

The emphasis on learning *handicaps* rather than learning *disabilities* should be noted; so should the absence of any *causal* assumptions. For the second conclusion is that

> The existence of a causal relationship between learning disabilities and delinquency has not been established; *the evidence for a causal link is feeble.*

On the basis of the sketchy data so far produced, the notion that many delinquents have become so *because* of learning disabilities cannot be accepted. The notion that programs to diagnose and treat learning disabilities early will actually *prevent* delinquency is not supported by any data at all. Far from being "studied to death," as proponents of the LD/JD link sometimes claim, the link has scarcely been studied at all. The existing work that meets normal, minimal standards is fragmentary.

Put most simply, the assessment showed that delinquents do seem to have severe learning problems, which must be considered in the design of remedial programs. More needs to be known about these problems. But we found little to support the

[1] C.A. Murray et al., *The Link Between Learning Disabilities and Juvenile Delinquency: Current Theory and Knowledge.* Washington, D.C.: American Institutes for Research, 1976. Unless otherwise noted, all subsequent footnotes refer to the section of the full report which is being summarized.

much more ambitious claim that these learning problems are the result of learning *disabilities* which could have been diagnosed and treated early in the child's schooling, thereby preventing the delinquency. An OJJDP effort directed at the exploration of the role of learning handicaps in treatment strategies seems appropriate. The support of the large-scale preventive efforts that have been urged in speeches, at conferences, and by the media frankly does not.

The basis for these conclusions is discussed in detail in the full report. The report also contains extensive supplementary information in appendices, including an annotated bibliography of the existing literature on the LD/JD link and an inventory of related demonstration projects sponsored by the Law Enforcement Assistance Administration (LEAA).

This summary turns first to a definition of learning disabilities, then to the evidence linking LD with delinquency, and concludes with a review of the findings and recommendations in the full report. For readers who are unfamiliar with the terminology and issues surrounding LD, a brief overview is appended.

"LD": AN APPROACH TO DEFINITION[2]

For several decades, educators have called attention to learning problems which did not appear to be caused by low intelligence or poor motivation, or by any of the other usual explanations for poor school performance. Various labels have been attached to these disorders. Some were specific to a symptom--"word blindness," in the 1920's--while others denoted the apparently neurological foundations of the symptoms--"brain injury" and "minimal brain dysfunction." In the early 1960's, the label "learning disabilities" was introduced. It caught on quickly, perhaps because it pointed directly to the real source of concern: children who suffered from these disorders were failing to learn as well as they should. "LD" has become by far the most popular label among parents and teachers of these children. It has secured a firm if

[2] "The Definition for this Study," 20-22.

controversial place in the lexicons of academic fields which deal with the development of children.

The definition of LD which is in widest use--often called simply "the national definition"--is the one adopted by the National Advisory Committee on Handicapped Children. It reads as follows:

> Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due primarily to mental retardation, emotional disturbance, or to environmental disadvantage.[3]

This definition is the basis for allocating Federal funds for programs in learning disabilities; not surprisingly, the spirit of the definition is generally reflected in the formulations adopted by the forty-three states which have incorporated LD programs into their educational activities. Moreover, the national definition appears to have achieved a widely shared "understood meaning" among the consultants for this study, despite the ambiguities in its wording. The approach used in this study is modeled on it.

We apply one important modification, however, based on this study's focus on LD as a possible cause of delinquency. If a learning disability is to be important enough to cause delinquency, presumably it will not simply show up in subtle ways on test batteries. It will also affect actual learning--the child will in fact be learning *disabled*, achieving noticeably beneath expectations. So, whereas the national definition does not specify a threshold of severity, there is good reason to do so when examining LD in relationship to delinquency.

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[3]Quoted in J.M. Wepman et al. Learning disabilities. In N. Hobbs (Ed.), *Issues in the Classification of Children* (Vol. I). San Francisco: Jossey-Bass, 1975, pp. 301-302.

Conceptually, then, our review is based on a recent formulation reached collaboratively by several leading authorities in the LD field: a learning disability refers to "those children of any age who demonstrate *a substantial deficiency in a particular aspect of academic achievement because of perceptual or perceptual-motor handicaps, regardless of etiology or other contributing factors.*"[4]

Operationally, we include as learning disabilities the perceptual and perceptual-motor handicaps which are commonly labeled dyslexia, aphasia, or hyperkinesis, which meet these diagnostic criteria:[5]

(1) The diagnosis should be based on *evidence which cannot as easily be interpreted as primarily a manifestation of mental retardation, physical handicap, emotional disturbance, or socioeconomic disadvantage.* This does not mean that each separate indicator must be unambiguous, but that the diagnosis should be based on triangulated measures which permit a *pattern* that is inconsistent with the alternative explanations.

(2) The diagnosis should be accompanied by *evidence that a discrepancy exists between achievement and expectation.* For example, that a child may be demonstrated to occasionally reverse letters does not constitute a learning disability if the child is reading and writing at the level expected of that age and intelligence.

THE CAUSAL RATIONALE FOR THE LD/JD LINK

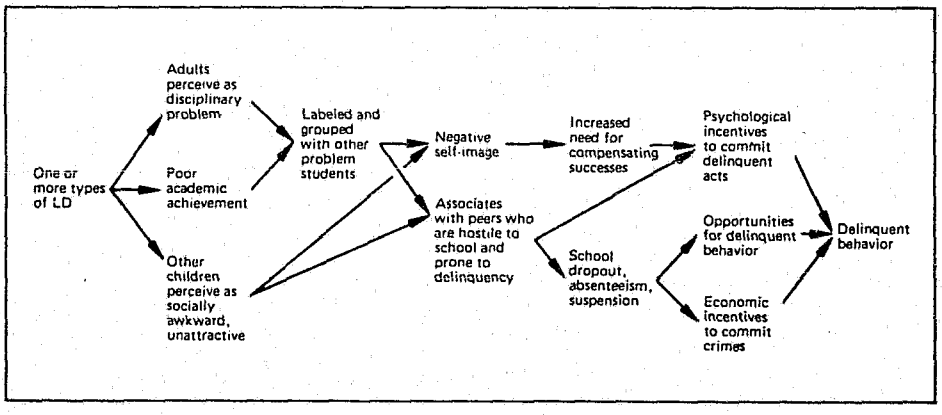
It is not intuitively obvious that a learning disability will cause delinquency. A causal chain is implied: the LD produces effects which produce second-order effects which ultimately produce delinquent behavior. Two possible routes have been proposed

[4] Wepman *et al.*, *op. cit.* p. 307. Emphasis added. In addition to Wepman, the article's authors were William M. Cruickshank, Cynthia P. Deutsch, Anne Morency, and Charles R. Strother.

[5] See the addendum to this summary for brief descriptions of these terms.

by advocates of the LD/JD link.

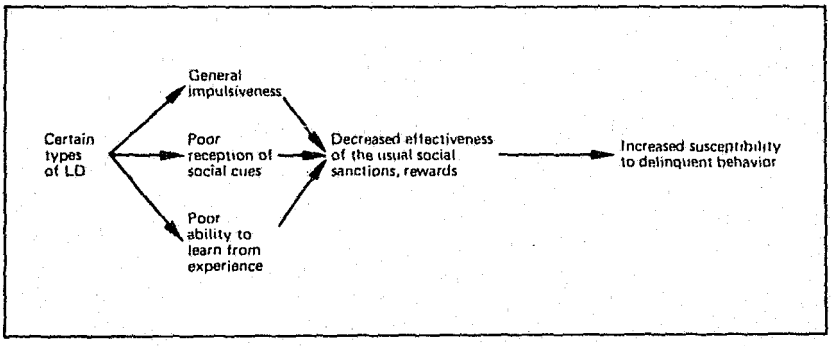
The first of these links LD to school failure leading to dropout, then to delinquency. The logic involves roughly four intervening sets of effects between LD and delinquency.[6] In the first set, the child gets a reputation--with adults, as a slow learner and perhaps as a disciplinary problem, and with other children, as a socially awkward, perhaps clumsy playmate. At a second stage, the child who has been labeled in these negative ways both develops a negative self-image and is thrown together (informally, or through class assignments) with other "problem students." The third stage entails outcomes such as increased felt needs to compensate for continued school failure, and increasing likelihood of absenteeism, suspension, or dropout from school. At the fourth stage, immediately preceding delinquent behavior, the child has the psychological incentives, the economic incentives, and increased opportunity (in the form of time on his hands) to commit delinquent acts. The chain of the events in this "school failure" rationale is shown in the figure below. It is obviously neither a complete set of links nor the only conceivable sequence, but it does summarize the essential events



[6] "The Hypothesized Causal Sequence," esp. 24-26.

of one common argument linking LD and delinquency.

The second line of argument linking LD and delinquency is much more direct in taking the chain to the point of increased *susceptibility* to delinquent behavior.[7] It argues that certain types and combinations of LD are associated with behavioral tendencies that facilitate delinquency. These deficits go beyond the physical and social awkwardness that accompanies many types of learning disability. General impulsiveness is one characteristic; a second is limited ability to learn from experience; a third is poor reception of social cues--the LD child can back himself into a confrontation without knowing how he got there. Together, characteristics like these point to a child who is not wholly responsive to the usual systems of sanctions and rewards. Messages do not get through to him in quite the way they were intended, with the result that some of the factors which might restrain a normal child from committing a delinquent act might not restrain the learning disabled child. In short, this type of child starts out with one strike against him when exposed to opportunities for committing delinquent acts. The basic steps of this "susceptibility" rationale are recapitulated below.



The two chains of reasoning summarized above capture the major arguments currently being used to link LD with delinquency. The bulk of the full

[7] "The Hypothesized Causal Sequence," esp. 26-27.

report is devoted to an examination of the evidence for and against. The principal findings are outlined below.

THE CASE FOR A LINK

The evidence which proponents offer in support of the LD/JD link takes two forms: the observational evidence of practitioners who work with delinquents, and some quantitative studies.

Of the two types, the observational data are at the same time less systematic and more persuasive.[8] In effect, the counselors, correctional staff members, and psychologists whom we consulted were reporting case studies of the sequences of events we have outlined. The children they see in the course of their work *are* in the process of being labeled as problem children; they *are* experiencing school failures and contemporaneously committing delinquent acts; they *are* showing up in juvenile courts just following dropout from school. Moreover, these practitioners report that their client youth give self-reports of "reasons why" which fit the rationales: children who say that their sets of friends have changed because they are isolated by academic and social failure; who say they are dropping out of school because of failures; and who convey their sense of getting even with their school failures by committing delinquent acts.

The difficulty with these accounts is their intractability to systematic examination. Many experienced, perceptive observers report that the phenomena supporting an LD/JD link characterize large groups of delinquents. But it is as easy to find other experienced and perceptive observers who report that these phenomena are rare. This is not a new observation; and in response to it several proponents of the causal role of LD have conducted quantitative studies which purport to demonstrate a statistical relationship between the learning disability and delinquent behavior. In the course of this study, an extensive effort was made to examine the text of each of these research reports. Every reference cited in other literature reviews

[8] "The Case for a Link," 28-32.

of the link was examined. Additional published and unpublished studies were obtained independently in the course of our own literature search. And the result of our appraisal is that, with few exceptions, *the quantitative work to date has been so poorly designed and presented that it cannot be used even for rough estimates of the strength of the link.*[9]

This is a harsh conclusion. Because of that, and because the quantitative studies are cited so frequently as proof that the relationship exists, the full report contains extremely detailed analyses of each study, the methods used, and the conclusions drawn. Without going into the technical basis for them, the following findings emerged.

First, as in so many areas of delinquency research, the classic longitudinal test of the LD/JD link is far in the future: no study has even been started which will compare the development of a set of LD children and a comparable set of non-LD children. The existing work is *ex post facto*, subject to all the barriers to interpretation which that situation entails.

Second, *no study has yet been conducted which even claims to demonstrate that the average delinquent is more likely to suffer from learning disabilities than his non-delinquent counterpart.* That is, no study has diagnosed LD among a non-delinquent population, diagnosed LD among a *general* delinquent population, then compared incidence between the two groups. Only two small-sample (N=15, N=46) studies have used a non-delinquent control group at all, and in both of these cases the delinquent sample was comprised of institutionalized youth--neither included the institutionalized delinquent's more numerous counterparts who are on probation or who have been diverted from adjudication.

Third, even if the comparison between delinquents and non-delinquents is ignored, *no estimate of the incidence of LD can be derived from the*

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[9] "The State of the Quantitative Evidence," 46-60, and Appendix C, "Technical Summaries of the LD/JD Studies." It should be noted that an ongoing study of LD among delinquents being conducted by the General Accounting Office was not available for review at this time.

existing studies. The problems are *definitional* (different studies using different definitions of LD), *diagnostic* (studies failing to employ tests which fit their definition of LD), *procedural* (subjective diagnoses being conducted by the same person who set out to prove that delinquents are learning disabled), *analytic* (inappropriate or simply inaccurate use of statistical tests) and *presentational* (failure to tell the reader enough to let him interpret the author's results). And with the exceptions noted below, the studies suffered from more than one of these problems. Some suffered from all of them. It should be emphasized that the technical issues are fundamental ones. The conclusion is not that the estimates of LD incidence may be off-base by a few percentage points, but that they are simply uninterpretable.

Nonetheless, there are some things to be learned from the set of existing studies, despite the overall weakness of the evidence. Two studies[10] demonstrated a statistically significant difference between samples of *institutionalized* delinquents and non-delinquents on some tests for perceptual and perceptual-motor disorders.[11] The test results are equivocal and sometimes conflicting, and institutionalized delinquents are a special case--generally, fewer than one apprehension in ten results in institutionalization.[12] But

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[10] I. Hurwitz, R.M.A. Bibace, P.H. Wolff, & B.M. Rowbotham. Neuropsychological function of normal boys, delinquent boys, and boys with learning problems. *Perceptual and Motor Skills*, 1972, *35*, 387-394; and Allan Berman. A neuropsychological approach to the etiology, prevention, and treatment of juvenile delinquency. Unpublished manuscript, 1975.

[11] "Statistically significant" as used here means that the difference in test scores of the delinquent and non-delinquent samples would be expected to occur by chance less than five times out of a hundred, if the true difference were zero. It does not imply a large difference, only a difference greater than zero.

[12] E.g., in the Philadelphia cohort study, the proportion of of institutionalizations was 6.4% of apprehensions (Marvin E. Wolfgang et al. *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press, 1972, p. 219).

a kernel of usable evidence is there. A third study[13] applied a screening test for LD on a sample of *non*-institutionalized, first-adjudication delinquents, and also estimated the proportion of this sample who were achieving below expectation in school. Twenty-two percent of the sample were *both* suspected LD and underachieving. No control sample was tested, nor can the possibility of overdiagnosis be ignored, but the twenty-two percent can plausibly be argued to exceed expectations for a normal population.

Adding up the fragments from these and other studies, it appears that *even though most of the quantitative studies can be criticized for not grappling with learning disabilities as such, they suggest patterns of learning handicaps.* The studies may not have proved what they set out to prove, but they suggest that something is out there which deserves systematic investigation.

THE CASE AGAINST A LINK

The case *for* the LD/JD link was made almost exclusively by practitioners who work with delinquent youth. The academic consultants who specialize in delinquency were unanimously skeptical that a significant causal relationship exists. Their skepticism was based on two types of objection: the general state of causal explanations for delinquency, and some more specific existing evidence which casts doubt on some of the causal links between LD and delinquency.

LD and Causal Explanations for Delinquency.[14] Put in very summary form, the specialists on delinquency objected to the notion that any one cause accounts for a significant portion of delinquent behavior. Regardless of their differences in approach--and the consultants virtually spanned the

[13] M.K. Stenger. Frequency of learning disabilities in adjudicated delinquents. Unpublished Master's thesis, University of Missouri at Kansas City, 1975.

[14] "LD and Causal Explanations in General," 34-35.

range of schools of thought--they were in agreement on one point: one of the few things known for sure about delinquency is that its causes are multivariate and complex.

Moreover, it was stressed that the importance of other causal factors has already been documented. Given what is already known about the importance of poverty, the broken home, social disadvantagement, cultural alienation, emotional disorders, socialization by delinquent peers, or any of a number of other variables, the argument that LD is a primary cause of a major part of the delinquency problem is extremely dubious on its face--we are accumulating more "primary causes" than the number of delinquents will bear.

To get around this objection, it was argued, the proponents of the LD/JD link are driven toward one of two alternatives. The first is to argue that LD can be a critical *catalyst* of delinquent behavior, interacting with other potential causes. The second alternative is to argue that the socioeconomic factors which are said to cause delinquency actually cause LD, which in turn causes the delinquency. Either alternative produces the same question: how much of the variance can be attributed to the causal influence of the learning disabilities? Or less formally, to what extent are LD and delinquency symptoms of the same disease? Even if it is assumed for the sake of argument that (for example) pre-school environmental disadvantages can cause genuine LD, and that LD can increase the likelihood of delinquency, it is also an odds-on bet that the same home is having many other deleterious effects on the child. So, it was asked, even if the child is treated for his learning disabilities, how much difference will it make? The rationales linking LD and delinquency comprise one very small segment of a very large causal map.

Specific Links in the Rationales.[15] At a few points, the logic of the rationales intersected with some reasonably concrete findings from other work on delinquency, which shed further light on the credibility of the link. They may be summarized as follows.

[15] "The Rationales and Existing Evidence," 35-42.

The association between school failure and delinquency. No argument. This relationship was one of the first to be documented in the study of delinquency. But among the consultants there was no consensus on the strength of the *causal* aspects of the relationship.

The effects of labeling. Consultant opinion diverged widely on the subject of effects of labeling children. Some argued that it is intrinsically wrongheaded and harmful; others argued that it is *inaccurate* labeling that produces harmful effects; still others emphasized that children are labeled in many ways simultaneously, with labels of mixed valence (e.g., the class brain who is clumsy at sports), and that socialization of the child is not governed by any one of them. The only point of even moderate consensus was that the literature on this topic leaves much to be resolved.

School dropout and delinquency. There is increasing doubt that dropout has the causal effect on delinquency which one of the LD/JD rationales assumes. A major longitudinal study has shown that dropouts do indeed have higher rates of official and self-reported delinquency than non-dropouts; but that the highest rates of delinquent behavior occur *prior* to dropout.[16]

Personality characteristics and delinquency. For many years, it has been common practice to administer a variety of intelligence and personality tests to adjudicated delinquents as part of the correctional process. Several classification and analytic groupings have been developed, and they typically include categories which correspond to the personality ascribed to the severely learning disabled child in what we have called the "susceptibility" rationale. The finding seems to be consistent across different classification systems that the configuration of personality characteristics which is said to make the LD child especially susceptible to delinquency is found in a minority of delinquents. The subset of that minority which is actually learning disabled is not known.

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[16]D.S. Elliott and H.L. Voss, *Delinquency and Dropout.* Lexington, Mass.: Lexington Books, 1974.

CONCLUSIONS AND RECOMMENDATIONS

The full report contains conclusions and recommendations grouped under three headings. The first of these, *the state of the evidence*, includes our summary reading of the state of knowledge about LD's role in causing delinquency. The second heading, *program recommendations*, deals with next steps which appear to be warranted by the evidence. The third heading, *procedural issues*, highlights some measures which the OJJDP might wish to consider when implementing a program of LD-related activities.

1. The State of the Evidence. As we have indicated, the case for the LD/JD causal relationship is weakly documented. It has been made, to the extent that it has been made at all, primarily through the observational evidence of professionals who work with delinquent youth. The academic authorities on delinquency who were consulted for this study were skeptical that LD is a decisive factor in any significant proportion of cases, and collateral data about the known causes of delinquency and about personality characteristics generally tend to support these doubts. But it is in no sense accurate to claim that the LD/JD link has been *dis*proved. No study has set out to compare LD among delinquents and non-delinquents and discovered that the incidence rates are equivalent. And there is a kernel of usable quantitative evidence that *does* support the existence of unusually high rates of perceptual disorders among delinquents. It is equivocal, limited to small samples, not nearly as ample in quantity or scope as its advocates often claim, but it exists nonetheless.

Beyond this evidence, there are indications in these and other studies that strange patterns of learning handicaps exist among institutionalized delinquents, even if they are not learning disabilities strictly defined. By "handicaps" we include problems such as hearing loss, ocular impairment, or motor dysfunction--problems that share with LD (strictly defined) a clinical meaning and a susceptibility to solutions, either through direct treatment or through classroom methods that work around the deficit. Thus, they are distinguishable from the all-embracing set of "learning problems" which undoubtedly characterize virtually all delinquents, but which call for the much more elusive

solutions of better teachers, better schools, and more supportive parents.

We urge the importance of the distinction. The child who grows up in a home without books may well be suffering from a barrier to learning which is just as disabling as the one facing a dyslexic child. But to put the two children under the same label obscures important questions about what to do for each of them, with what priorities. That large numbers of delinquents have severe learning problems is not news. That large numbers have learning disabilities and handicaps of the narrower type we have described *would* be news, and news with important policy implications for the OJJDP.

One option for the Office is to ignore the existing scattered evidence until it has been filled out and expanded. But this would probably mean a very long wait. The prospect is for more of the same: inconclusive studies which confirm the convictions of the faithful without persuading the skeptics. In this sense, for the OJJDP to adopt a wait-and-see attitude is probably tantamount to foregoing systematic exploration of the relationship of learning handicaps to delinquency.

2. *Program Recommendations.* An examination of LEAA spending over the past four years reveals that substantial sums have already been expended in support of LD-related programs.[17] They may have been usefully spent; they may have been wasted; but whatever their real effects, it is clear that the projects added very little to LEAA's understanding of LD's role in delinquency. The need for a coherent, carefully designed strategy is acute. And the first step is a simple one:

> *The OJJDP should not accept or reject LD-related grant applications on a case-by-case basis*, until a program strategy has been prepared and announced.

This moratorium should not apply to projects which have only a peripheral LD component. But it should be applied across the board to applications which have the diagnosis or treatment of LD as their

[17] Appendix D, "An Inventory of Demonstration Projects Linking LD and Delinquency."

main purposes. Definitions, designs, and implementation features for this type of project will have to be decided by the Office, not by choosing among random grant applications.

This points to the second basic guideline: for the immediate future,

> The OJJDP's interest in learning disabilities should fall in the research and evaluation sector, *not* in program applications.

LD and related learning handicaps are phenomena of potential importance to the Office, and every effort should be made to ensure that money is directed toward *learning* about them. This does not exclude demonstration projects; on the contrary, evaluation of a few carefully designed demonstrations could help answer some basic questions. But the appropriate time for broad applications is still in the future.

If research is warranted, what research? If demonstration projects are warranted, what demonstration projects?

Answers to these questions depend heavily on the OJJDP's policy priorities and resources. To the extent that the Office has a full docket of promising, fundable projects, LD-related efforts should take a relatively low priority. But as one proponent of the LD/JD link pointed out, the competition is not that impressive--there are no panaceas nor even very many new ideas for preventing delinquency and rehabilitating delinquents. The OJJDP has very few sure things on which to put its money. Below are outlined four efforts which we believe merit serious consideration. Two of them could be funded independently; the other two are appropriate for inter-agency collaboration.

The first of these efforts, a minimal response which could be fit within almost any ordering of the OJJDP's priorities, is *research to determine the incidence of learning handicaps, including LD strictly defined, among a few basic populations: the chronic juvenile offender, the first-time (or perhaps status) offender, and the non-delinquent.*

The expense and sample size for this effort would depend on the precision with which incidence needs to be measured, and the degree of generalizability which is desired. The essential point is that the research be designed and executed in such a way as to provide statements of comparative incidence which can stand up to scrutiny. This effort could appropriately be financed solely by the OJJDP.

The second effort which is suitable as an independent project of the Office is *a demonstration project to test the value of diagnosing and treating LD, as an aid to rehabilitation of serious juvenile offenders.* Available data on this issue are sparse but provocative. Informal reports of the experiences of the Lathrop Park program, Project New Pride, and the Colorado Youth Services indicate that they have achieved higher success rates than usual, and that special attention to LD-like learning problems has played an important role in this success.[18] And independently of the data, it seems inarguable that if a delinquent is seriously learning disabled, knowing that fact and acting on it is important if a sensible treatment approach is to be developed. Perhaps the existence of the disability means that special educational programs are needed; perhaps it means that some kinds of vocational training are appropriate and others are not; perhaps it simply means that the staff of the facility can better understand and respond to the youth's behavior. A broad range of remedial approaches might be proposed; ideally, the demonstration project would investigate several of them.

Note that this project could have high value even if it is found that LD is *not* a major cause of delinquency. Regardless of LD's causal role, the populations of the nation's juvenile facilities can be presumed to include at least as many seriously learning disabled youth as the population at large. If the studies to date are even pointing in the right general direction, the proportion is probably higher, if only for correlational reasons. Given that, and given that LD is a genuine handicap, diagnosis and treatment should be part of a sound rehabilitation program.

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[18] Abstracts of these programs are given in Appendix D.

78-464 O - 77 - 66

In terms of projects to be sponsored by the OJJDP independently, we believe that the two efforts just described--carefully designed, adequately financed, competently executed--should comprise the extent of the initial program. In terms of the OJJDP's overall interest in LD, two more projects deserve attention as potential collaborative efforts with other agencies.

The first of these is *a national inventory of learning handicaps among youth* which would permit profiles of critical populations and age groupings. The OJJDP's interests in learning handicaps are not limited to a comparison of adjudicated delinquents versus non-delinquents; the Office's responsibilities for prevention programs require information on a wide variety of vulnerable youth populations. And there are complementary needs from the educator's standpoint. The consultants on LD for this study repeatedly emphasized the many ways in which their work is hampered by lack of adequate epidemiological data. These considerations argue for a collaborative effort among the OJJDP and the appropriate agencies of the Department of Health, Education and Welfare. The advantages of uniform instrumentation, combined sampling designs, and shared financing are obvious. We stress, however, the need to focus on clinical phenomena on which there is reasonable consensus among the professionals, and avoid yet another catch-all survey of "learning problems."

A second high-priority prospect for collaboration would be *a demonstration project to identify and treat learning disabilities in an inner-city elementary or pre-school, with thorough followup research.* Several consultants, including some who were generally dubious about the causal effects of LD on delinquency, did see a strong possibility that LD could have much more potent effects when it occurs in an inner-city environment with parents who perhaps have never heard of LD, than when it occurs in a suburb with parents who are not only aware of LD but are eager to use it as an explanation for their child's problems. Findings about what happens when LD is found and treated early in the high-risk inner-city environment could have high utility for shaping delinquency prevention strategies. But because it

would also have high intrinsic educational value, a shared sponsorship would seem appropriate.

The two collaborative efforts described above by no means exhaust the number of useful possibilities. As a general injunction, we suggest that

> Because prevention of delinquency overlaps so many areas of education, employment, and physical and mental health, *the OJJDP should identify and follow ongoing Federal projects related to LD among the youth populations which are most vulnerable to delinquency.*

Preferably, the OJJDP should become aware of these projects during their planning phases. In some cases, the OJJDP may simply wish to know what is being done; in others, to make the sponsoring agency aware of the delinquency implications of the project; in still others, to collaborate fully. In the case of the two projects we have suggested, it appears appropriate for the OJJDP to make the initial overtures.

Before leaving program recommendations, one final point: The causal issues raised by the LD/JD topic represent yet another instance of the need for a thorough, multi-year longitudinal study of the development of children in relation to their ultimate delinquent behavior or lack of it. The LD questions alone do not justify such a study, but they cannot genuinely be resolved without one. The same point is true, of course, of most of the other unanswered questions about the sources of delinquency.

3. Procedural Issues. The fields of LD and delinquency both deal with children in trouble. They tend to attract people who care about children and who measure their success in terms of children helped, not just children studied. This is an extremely desirable state of affairs for staffing treatment programs; it is not so desirable for staffing dispassionate research and evaluation.

The problem is compounded by the growing public and political interest in LD and delinquency. Pressure on the OJJDP is building--not to conduct

baseline research, not to conduct carefully structured demonstration tests, but to get something done, now, to apply diagnosis and treatment of LD to delinquents.

These two factors--the nature of the people who are most interested in LD and delinquency, and the nature of the pressure on program choices--have important implications for executing the kinds of limited, targeted, detached efforts which we have recommended. The principal implication, and one which we emphasize, is that

> *The ordinary RFP or grant application process will not produce the kind of product that is required*, if lessons are to be learned about the relationship of LD to delinquency.

If, for example, the OJJDP decides to sponsor a survey of LD incidence among delinquents and issues a general statement of the problem in an RFP, we predict that the end result will be to perpetuate the confusion. The contractor will use its definition of LD, its diagnostic battery, its experimental design, all of which will be critiqued after the fact and lead to calls for still another survey. Part of the reason is likely to be substantive: the highly charged nature of the LD and delinquency issues inherently increases the chances of tendentious research, or research that is extremely vulnerable to charges of bias. A second reason will arise from the OJJDP's own lack of identification with the results. Insofar as the research deals with Professor X's approach to LD, and that approach is not congenial to certain critics, the OJJDP will tend to keep the books open indefinitely.

So for substantive reasons, we would argue that

> In the planning of research and evaluation projects relating to LD, *the OJJDP has a central role as honest broker*; one which cannot be passed on to a grantee or contractor.

This is not to say that the OJJDP has a natural image of being above the battle. But it is in a position to provide funds for thorough, carefully

designed investigations and to act as a guarantor of the integrity and competence of the research. Perhaps even more importantly, the OJJDP is in a position to act as an arbiter of what facts are really at issue.

And for ensuring that the OJJDP is ready to use the results of the LD-related efforts it sponsors, we emphasize that

> The OJJDP should first reach internal decisions about the precise nature of the objectives of the research, the definitions of terms, and acceptable standards of design. *A good statement of the research problem is not enough,*

nor is the usual degree of guidance which is provided to contractors. The program of applied research and evaluation we have proposed is one instance when a substantial degree of central control is not only appropriate but essential.

There are several potential mechanisms for reaching these decisions. Common to all of them should be a way for the OJJDP to tap the services of persons who are leaders in research on LD and research on delinquency. As the consultants were identified for this study, it was apparent that the dialogue about the LD/JD link has been conducted largely without their involvement. If any program is to be undertaken, it will be appropriate to move away from general policy-oriented appraisals (including ones like this), and from the clamor of partisans of each side of the issue, and obtain technical advice on some exceedingly technical points which must be resolved. The objective is to develop procedures whereby the OJJDP can contribute to the *accumulation* of practical knowledge, on a topic that has thus far generated more heat than light.

ADDENDUM

"LD": AN OVERVIEW

The full report includes a "primer" on learning disabilities for the reader to whom "dyslexia" and "strephosymbolia" are not everyday words.[1] The primer is summarized here--in effect, a summary of an already simplified presentation. The summary is intended to give the naive reader an introduction to some basic vocabulary, and to provide a quick look at some of the issues which have made LD one of the livelier topics of debate among educators and psychologists. "LD" is an extremely elastic term, and some acquaintance with the nature of the elasticity is important in making sense of the discussion of the LD/JD relationship.

SYMPTOMS AND TYPES

There are many ways to define the boundaries of the LD domain and few elements of complete agreement. But three diagnostic terms have gained wide usage: dyslexia, aphasia, and hyperkinesis. A very brief review of each is a useful baseline for understanding the general nature of the disabilities in question.

Dyslexia. The most widely publicized form of LD is probably dyslexia. It usually refers to reading problems: the child confuses the written symbols "d" and "b", for example, or mixes letters (e.g., reads "shop" for "hops"). But dyslexia can embrace a variety of problems in the visual processing of language. In its extreme forms, it can produce nearly total inability to absorb meaning from written symbols, even though the victim of it may be able to understand *spoken* information with normal or even above normal intelligence. Overlapping terminology includes specific reading disability, primary reading retardation, strephosymbolia, and dysembolia.

Aphasia. Aphasia is a broader term than dyslexia, and encompasses language processing difficulties which can also be called dyslexic. But the basic distinction

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[1] "A Primer," 11-18.

is that aphasia deals with auditory and speech deficits in addition to some visual ones. In milder forms, the child may be unable to vocalize a word he knows, until someone has said it for him. When spoken to, the child may be unable to process spoken language at a normal speed. He may lose track of spoken instructions after the first few words, and thereby do part of a task precisely as told and then completely ignore (or misconstrue) the rest of it. In a severe case, the child may be unable to use language comprehensibly. Overlapping terms for aphasia are congenital auditory imperception, congenital aphasia, and developmental language disability.

Hyperkinesis. The core meaning of hyperkinesis is abnormally excessive muscular movement. Hyperkinesis is *not* synonymous with "hyperactivity." The problem of the hyperactive child can be wholly emotional and psychological in origin; the hyperkinetic child is thought to have problems which will eventually be traceable to neurological origins. The distinction can be a fine one, as in so many of the etiological issues surrounding LD. Obviously, too, mild cases of hyperkinesis blend easily into the normally frenetic behaviors of children. But genuine hyperkinesis can seriously impair learning and warrants inclusion as a learning disability. When it is literally impossible for a child to remain attentive for more than, say, a minute at a time, he is going to experience extreme difficulty in absorbing information in the ordinary classroom setting. In addition to a short attention span, hyperkinesis can be characterized by symptoms of impulsiveness, irritability, social awkwardness, and clumsiness.

The descriptions above are intended as a nontechnical introduction to LD symptoms. But it should be emphasized that these syndromes seldom appear in isolation. A common characteristic of the learning disabled child is that he exhibits more than one type of disorder. He reverses letters *and* is clumsy *and* has a short attention span. Or the disorder may be interactive, involving more than one of the senses--the child can read in a quiet room, but not in one with even minor background noises. The multiple-disorder, multi-modality characteristic is one reason that an umbrella term like "LD" is useful. But when the ambiguities about *type* of LD are combined with confusion about whether mild symptoms can legitimately

be tagged as LD, the question arises: is it possible to diagnose LD reliably, even under the best of conditions?

Among the consultants interviewed for this study, there was a broad consensus that reliable diagnosis is possible, if a skilled diagnostician is in charge. By determining patterns of behavior, combining the results of a variety of tests, and running these data through the mind of an experienced observer of LD children, a learning disability can be distinguished from general retardation, emotional disturbance, and (in nonclinical language) ordinary contrariness or lack of motivation.

But it was as strongly and widely agreed that reliable diagnosis cannot yet be conducted by nonspecialists using standardized instruments. There is as yet no set of tests for learning disabilities which can be administered with the ease and routinization of an IQ test or a College Board examination. Or to put it another way: no test battery which has learning disabilities as its construct has achieved wide acceptance among professionals in the field. Very few have even been attempted.

This state-of-the-art of LD diagnosis raises two important implications which figure throughout the discussion of the LD/JD link. The first of these derives from the subjectivity of the diagnostic process. *Symptoms of LD can be found in nearly anyone, given an expectation that they will be found.* LD poses yet another instance of the problem which scientists forced to make subjective judgments have always faced, of tending to find what one is looking for. The second implication derives from the unavailability of adequate standardized procedures for diagnosing LD. As it happens, a great many people and institutions are currently conducting diagnosis of LD. In many states, entire school populations are supposedly being screened. To put it very simply, the amount of diagnosis which is being attempted is far out of proportion to the number of competent diagnosticians. Several consultants were emphatic about the dangers associated with this; if nothing else, it argues for some skepticism when reading published estimates of LD incidence among a large population of children.

More generally, the consultants on LD expressed in one form or another the opinion that, as one put it,

"there is not one iota of adequate epidemiological data" on the incidence of LD: no one knows what proportion of U.S. school children suffer from learning disabilities, at what levels of severity. There are estimates--the median range estimated by the consultants was five to ten percent of elementary school children, with about 80 percent of those being male--but they are only estimates.

SOME DISSENTING VIEWPOINTS

The preceding introduction to learning disabilities has assumed that the term is a meaningful one. It is an assumption which many would dispute. LD has become an exceedingly hot issue in the past decade, characterized by debates which appeal as often to ideology as to data. Any appraisal of the arguments linking LD with delinquency should be conducted with some of the basic points of controversy in mind.[2]

Objections to popular usage. "Learning disabilities" as a term has become encrusted with several connotations which have very little to do with the original concept or its utility.

The first of these is the generality of the term, leading to what could best be described as intellectual affront at having to use it at all. "It is a kitchen sink term," was one consultant's response; another called it "a garbage can concept." All of the dissenters made the general point in one way or another: LD is only a label; its increasing use as a diagnostic term is illegitimate.

Some attacked LD as an essentially political creation, attached to children in numbers that maximize local school subsidies for special education programs. In California, for example, a school is said to receive an additional $620 per year for each child diagnosed as EMR (educable mentally retarded), and $1,800 for each child diagnosed as learning disabled. "Labeling kids as LDs has become a lucrative business," was one consultant's comment.

Others pointed to its use as a social euphemism--now middle class parents have a non-pejorative

[2] "An Approach to Definition for This Study," 18-20.

alternative to calling their children retarded, or emotionally disturbed, or slow learners. "LD" makes parents feel better, some consultants argued, without usefully describing the needs of their children.

Still another group pointed to misuses with racist implications. In states which have an 80-point IQ cutoff to distinguish retardation from LD, it happens suspiciously often that EMR classes end up being all-black while the LD classes are all-white.

Issues of conceptual validity. The above criticisms are not of what LD was originally intended to mean, but of how it has been used. There were also real differences about the conceptual validity of the term.

The first major controversy about LD is the extent to which it exists independently of diagnoses and definitions. For all practical purposes (to take one common example), dyslexia does not exist until society creates the conditions which make it necessary to read. And if the word "school" is substituted for "society", it was argued, a variety of other symptoms of LD should be seen not as disabilities but as behaviors which do not match school norms. Insofar as these norms have weak external validity, they arbitrarily impose the negative connotations of disability.

A second major issue was the extent to which learning disabilities are developmental phenomena. It was commonly agreed by the consultants that LD symptoms tend to disappear or moderate in adolescence. The implications of this, some consultants argued, are too often ignored. If in fact there is nothing "wrong" with the child except that his developmental timing is out of synchronization with some members of his age group, the learning disabled label is unfair to the child and an obstacle to clear thinking on how to deal with his problems.

A third source of conceptual argument is the etiological vagueness of LD. A conservative definition of LD rejects phenomena which are caused by environmental disadvantage and restricts itself to phenomena which have the outward characteristics of a neurological disorder. But very little progress has been made in tracking the symptoms back to the

hypothesized neurological bases. Thus, when a definition of LD tries to employ etiological characteristics as a means of distinguishing "LD" from "not-LD", it leaves itself open to a number of theoretical objections. A principal one is the charge that the assumption of an organic cause triggers further assumptions that we should be looking for ways to "treat" and "cure" LD with medication and new instructional techniques. This quasi-medical model, the critics charge, is an unrealistically antiseptic approach. It ignores the many ways in which LD phenomena do interact with the environment and with institutional norms.

The several conceptual objections to the LD label are grounded in a common concern for the children who are labeled with it. For while "learning disability" may be a non-pejorative term in parents' eyes (or at least socially more acceptable than the alternatives), it is not neutral to or for the child. "It is used against socially failing kids," was one comment, and it typifies the concern expressed by other consultants that children are bearing the consequences of institutional failures to view LD symptoms in the proper social and developmental frameworks.

Against this is what might be termed the mainstream viewpoint of LD, argued on these terms: there exist perceptual and integrative disorders in children which differ in kind from the many other ways in which a child may be handicapped by his background, his general intelligence, his physique, or his personality. They are not artifacts of tests; they have an objective reality. They cannot safely be left to developmental catch-up; early treatment is indicated. They cripple the child's ability to succeed in the academic setting and, "artificial" or not, that setting is a crucial one in preparing the child to succeed as an adult.

CONTINUED

11 OF 19

Part 2—Materials Relative to the Juvenile Justice and Delinquency Prevention Act

[From the Los Angeles Times, Mar. 18, 1975]

ADMINISTRATION REFUSES TO FINANCE DELINQUENCY FIGHT

DELAY IN NAMING ADMINISTRATOR ALSO SEEN AS MOVE COUNTER TO CONGRESSIONAL DIRECTIVE

(By Ronald J. Ostrow)

Washington.—Despite a congressional mandate to accelerate the fight against juvenile delinquency, the Ford Administration is refusing to fund an expanded effort and may even forego naming a director of the program.

Richard W. Velde, administrator of the Law Enforcement Assistance Administration—the Department of Justice agency charged with combating juvenile delinquency disclosed Monday that "uncertainty over dimensions of the program" had raised questions about appointing an assistant administrator to manage it.

"We have a policy decision to make as to whether the magnitude of the (juvenile delinquency) effort within LEAA would justify filling the vacancy," Velde said.

A delay in filling the post would be the latest in a series of Administration moves that seem to run counter to the urgency Congress sounded when it passed the Juvenile Justice and Delinquency Prevention Act of 1974.

Other such moves include:

President Ford's failure to appoint a 21-member advisory committee to recommend policy, priorities and operations for all federal juvenile delinquency programs. The law required that the members be named by last Dec. 5.

A rejection by the Office of Management and Budget of a proposal by the Law Enforcement Assistance Administration to spend $10 million of its left-over funds on the juvenile delinquency program, Justice Department officials said Monday that they were seeking clarification of the reasons for turning down the funding which would not have increased the budget because the money already had been appropriated.

Calling no meeting of the Coordinating Council on Juvenile Justice, which was created by the act and whose members include the attorney general and the secretaries of health, education and welfare, labor and housing and urban development. Velde said the primary reason for the lack of a meeting was "transition at the Justice Department"—the turnover among attorneys general and deputy attorneys general.

Making no provision for the program in the 1976 budget.

Velde and other Administration officials, in explaining the lack of action, cite Mr. Ford's statement in September that he would not seek appropriations for the new programs "until the general need for restricting federal spending has abated."

But the refusal of the Office of Management and Budget to approve the use of the available $10 million and the failure to appoint personnel to shape and manage programs go beyond holding down federal spending, critics of the Administration's position contend.

Sen. Birch Bayh (D–Ind.), chairman of the Senate subcommittee on juvenile delinquency and a force behind enactment of the law, said that Mr. Ford "has not considered either the gravity of the problem nor the terrible cost it is inflicting on our society."

Serious crime is climbing at a 16 percent pace and experts are estimating that persons under 18 account for 45 percent of those crimes and those under 25 for 75 percent.

The Law Enforcement Assistance Administration budget was cut to $769.8 million for fiscal 1976—well below the $1.957 billion that the agency had sought.

[From the Gary (Ind.) Post-Tribune, Apr. 22, 1975]

BAYH ASKS FORD BACK CRIME FIGHT

Washington—Buoyed by a General Accounting Office report which confirms his view, Sen. Birch Bayh, D-Ind., called on the Ford administration to seek funds for combating juvenile delinquency.

The GAO said the government has not asked Congress to appropriate new funds to finance programs under the Juvenile Justice and Delinquency Prevention Act.

"Since juveniles account for almost half the arrests for serious crimes in the nation, adequate funding of the Juvenile Justice act would appear to be essential in any strategy to reduce the nation's crime," the GAO report said.

Bayh, who authored the legislation, said he has become "increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime."

Bayh said the administration's failure to implement the legislation is "outrageously irresponsible."

The legislation, he added, is designed to prevent young people from entering "our failing juvenile justice system" and to assist communities to develop "more sensible and economic approaches for youngsters already in the juvenile justice system."

[From the Jasper (Ind.) Herald, May 9, 1975]

BAYH LINES

(By Senator Birch Bayh)

Washington—All of us know that crime is one of four most serious problems. And it is a problem that continues to grow. Last year, overall crime increased nationwide by 17 percent.

What many Americans don't realize is that in proportion to their numbers young people are the largest contributors to the crime problem. According to the most recent statistics available, in 1973 youths under 18 accounted for 51 per cent of the total arrests for property crime, such as burglary and car theft. They also accounted for 45 per cent of arrests for rape, robbery and other serious crimes.

Toal arrests of juvenile offenders rose 144 per cent between 1960 and 1973, and violent crimes committed by young people increased 247 per cent. The estimated cost of all this violence has increased about 300 per cent since 1968 to an estimated $15 billion a year.

Hoosiers and all Americans are double losers from youthful crime. Not only do we suffer a huge monetary loss totaling billions of dollars each year, but thousands of young lives are also wasted every year as young offenders enter a juvenile justice system that has failed and continues to fail them and society.

Last year, the Juvenile Justice and Delinquency Prevention Act was passed overwhelmingly by Congress and signed into law by President Ford. This act, which I authored focused on preventing youngsters from beginning lives of crime.

It creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to coordinate all federal juvenile justice programs which are now scattered throughout the governmental bureaucracy. It also establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise the LEAA on federal juvenile delinquency programs.

The act will also provide block grants to state and local governments and grants to public and private agencies to develop juvenile justice programs with special emphasis on the prevention of delinquency. In addition, the act sets up a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and to conduct training research demonstrations and evaluations of juvenile justice programs.

Unfortunately, despite the waste of billions of dollars and untold young lives, the Ford Administration continues to refuse to request any fund to

implement the act. This refusal persists in the face of a recent report by the General Accounting Office which concluded that "adequate funding of the Juvenile Justice and Delinquency Prevention Act would appear to be essential in any strategy to reduce the nation's crime."

Congress has shown its commitment to cutting juvenile crime by directing the Law Enforcement Assistance Administration to reprogram $20 million of its funds to begin to fund the act. The administration, however, has blocked the investing of these funds to prevent crime by young people.

I agree with President Ford when he says we must draw the line on unnecessary governmental spending. But we must not turn our backs on a program that could turn a relatively small investment into a savings of potentially billions of dollars and thousands of lives.

By requesting adequate funds, the President can join with Congress in helping to reduce the crime rate by reducing juvenile crime.

[From the Boston Christian Science Monitor, May 30, 1975]

CONGRESS SET TO FIGHT JUVENILE CRIME

(By Robert P. Hey)

WASHINGTON.—A new law designed to cut skyrocketing juvenile crime is about to get its first money from Congress, this newspaper has learned.

In action not yet announced, Senate and House conferees have agreed to provide $25 million to finance the Juvenile Justice and Delinquency Prevention Act of 1974.

Aim of the law is to turn downward the rate of juvenile crime by providing for the first time, a coordinated fderal attack on the problem, and by providing block grants to states and municipalities for developing better ways of coping with juveniles' problems—including crime prevention.

The financing for this effort comes against a background of:

Crime by juveniles accounts for nearly half the serious crime in the United States—and most of the 17 percent nationwide increase in serious crime last year.

Annual cost of juvenile crime now is $12 billion, according to Sen. Birch Bayh (D) of Indiana, chairman of the Senate's juvenile delinquency subcommittee and a prime sponsor of the new law. This cost is rising steadily every year.

The $25 million to get the new approach started is contained in a major supplemental appropriations bill covering several government agencies. Congress expects to complete work on the measure shortly after its early June return from vacation.

Supporters of the measure do not expect the President to veto it, contending that he supports most of the other elements of the bill.

Since the juvenile justice bill passed last year, President Ford has said he supported the concept, but that at this time he opposed providing additional money to finance it in order to keep the federal deficit under $600 billion.

In testimony last month before the Senate Subcommittee To Investigate Juvenile Delinquency, Paul O'Neill—deputy director of the White House's Office of Management and Budget (OMB)—confirmed that it was the President himself who decided not to seek money from Congress through regular approriations channels to finance the new law. By this decision he overruled the OMB staff, which had supported funding.

Now Congress has run an end run around the President and provided the money he did not want in a bill it thinks he cannot refuse.

The new juvenile crime law is being administered by the Law Enforcement Assistance Administration (LEAA). Administrator Richard Velde told last month's congressional hearing that his organization is doing what it can without additional funds—beginning the job of coordinating federal efforts in the juvenile field, and planning for the time when it has additional funds to give states and localities for innovative programs, or to reform juvenile offenders.

The law is predicated on the assumption that current programs of deterring crime by juveniles hav been dismal failures. In his testimony, Mr. Velde noted that between 1960 and 1973, serious crime by juveniles—persons under 18—had increased 144 percent. By comparison, serious crime by adults had increased only 17 percent, as measured by arrest records.

Programs which the federal government could provide money for under this law include alternatives to traditional imprisonment and research into juvenile justice problems.

Early in June the President is expected to send a major message on crime to Congress. Supporters of the youth law, which passed the Senate 88 to 1, are hopeful he will include a belated request for funds for the new fiscal year, which begins July 1.

[From the Sun Herald (Biloxi-Gulfport-Pascagoula, Miss.) Feb. 1, 1975]

FORD PRIORITY FOR YOUTH LAWS CRITICIZED

(By Jan Garrick)

A U.S. Senate consultant on juvenile justice legislation criticized the Ford administration in Biloxi Friday for giving juvenile justice and delinquency prevention a "low priority" among national problems.

John M. Rector, staff director and chief counsel for the Senate subcommittee on Juvenile Delinquency, charged that although statistics show the rate of juvenile delinquency is "skyrocketing," the Ford administration has failed to seek funding for needed juvenile correction programs.

The President signed the Juvenile Justice and Delinquency Prevention Act last September, a measure which emphasizes alternatives to juvenile incarceration. But Rector said the President has indicated he will not seek funding this year for the laws' prevention programs.

"This indicates that the President has given juvenile justice a low priority," he said.

Rector, one of the 1974 law's authors, was speaking to a Joint Governor's Conference on Juvenile Justice at the Sheraton-Biloxi.

The Senate subcommittee counsel said that President Ford has also lagged behind in appointing a 21-member National Advisory Committee which would present annual recommendations to the President on the federal juvenile delinquency corrections programs.

According to law, Rector said the appointments should have been made by the President in early December.

"On the one hand you have people in the White House saying that this act is not important because it doesn't affect a whole lot of people and then on the other hand you have the skyrocketing rate of juvenile delinquency," he said.

The Senate counsel said that youth arrests account for nearly half of arrests made for serious crimes in the nation.

"If President Ford just one time would say we have to provide our judges with some alternatives to incarceration it would be helpful," Rector said, adding that the President did not mention the juvenile delinquency problem in his state of the union message and that reformers have not been able to get the White House to "focus" on the juvenile problem.

Rector, however, indicated that the law's supporters may have found an advocate for their programs in Attorney General designate Edward Levi.

"Sen. Birch Bayh has talked with Mr. Levi and he has indicated that he gives the delinquency problem a high priority and may be the champion we are looking for," he said.

The Biloxi conference, sponsored by Alabama and Mississippi, concludes Saturday with a discussion of juvenile court volunteers.

[From the St. Louis-Dispatch, Feb. 6, 1975]

FORD SLIGHTS JUVENILE DELINQENCY PLAN

(By Ted Gest)

Washington—President Gerald R. Ford, despite a White House declaration Monday that "reduction of crime is a high federal priority," has recommended that no money be allocated to a new program set up by Congress to fight juvenile delinquency.

Congress concluded that "juveniles account for almost half the arrests for serious crimes in the United States today" in approving the antidelinquency

effort last summer. It authorized $125,000,000 in financing for fiscal year 1976.

Mr. Ford made no mention of the program in his austerity budget announced this week, even though the program was intended to save tax money by reducing the need to put juvenile offenders in institutions.

In addition, the White House has disregarded the law setting up the program by not appointing a national advisory committee to review all federal antidelinquency efforts. The panel was supposed to have been appointed by last Dec. 5.

Seven of the 21 committee members must be under 26 years of age at the time of their appointment. Ironically, two of the young persons on the tentative list for the group have turned 26 since the Dec. 5 deadline, thus causing a further delay to find more young candidates.

"There is no federal leadership in the juvenile delinquency field," John M. Rector, chief counsel to the Senate Subcommittee To Investigate Juvenile Delinquency, said in an interview.

"The White House had a tremendous opportunity to capitalize on its 'law and order' effort, but has blown it politically" by not setting the new program in motion, Rector said.

The gap between rhetoric and reality in the Ford Administration became obvious in one instance late last week.

As the national budget was being readied for distribution, Clarence M. Kelley, director of the Federal Bureau of Investigation, was speaking out in favor of more federal antidelinquency efforts.

"From 1960 to 1973, the number of juveniles arrested for criminal offenses in this country increased 144 per cent," Kelley told a Kansas City audience. "Last year, youngsters under the age of 18 committed 45 per cent of this nation's serious crimes.

"Can we do nothing for these young people? I believe we can. We must."

Kelley then pointed out that "Congress recently enacted legislation providing $380,000,000 to combat juvenile crime in the next three years." Kelley did not say that Mr. Ford in fact was not planning to recommend any financing.

A White House source familiar with plans for the National Advisory Committee for Juvenile Justice and Delinquency Prevention, as the panel is to be called, insisted that Mr. Ford's staff had "made a good faith effort" to meet the Dec. 5 deadline.

"We've had tremendous interest in this committee—pressures from all over," said the source, who asked not to be identified. He blamed some members of Congress for part of the delay, saying that they had suggested members for the panel after Dec. 5.

The new delinquency program is not entirely without money, because Department of Justice officials have been able to designate $20,000,000 for it from other programs. But that amount is not much to both administer the program nationally and provide funds for state programs.

Under the law, states would have to make major changes in the way juveniles are held in institutions either before or after they are judged to be delinquent.

To obtain funds provided for in the act, states would have to draft plans to increase the number of community-based treatment programs for delinquent youths and to "discourage the use of secure incarceration and detention."

In addition, states would have to "provide that juveniles alleged to be or found to be delinquent . . . not be detained or confined in any institution in which they have regular contact with adult (prisoners) . . ."

Finally, within two years, states would have to assure that no youth who was charged with committing an offense that would not be criminal if committed by an adult would be put in a detention or correction facility.

That last provision is significant, Rector says, because up to 40 per cent of youths now held in such institutions are there because of offenses such as running away from home or school or violating a curfew which are not adult crimes.

If there is little or no money in the program, states will have little incentive to make those improvements, Rector said.

The law does provide for a few changes that will go into effect even if the program is not fully financed.

The major one that will affect the states is a requirement that the boards that give out federal anticrime funds to representative of youth and experts in the delinquency field.

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[From the National Association of Counties News, May 12, 1975]

JUVENILE ACT NEEDS MONEY, SENATE TOLD

Commissioner Mary E. Dumas of Wayne County (Mich.) testified to Sen. Birch Bayh's Subcommittee to Investigate Juvenile Deliquency April 29 that NACo supports the Juvenile Justice and Delinquency Prevention Act of 1974—that counties want to see the act fully funded and energetically administered.

President Ford signed the act into law last September, but asked that no funds be appropriated to activate it. The act authorizes the Law Enforcement Assistance Administration (LEAA) to spend $75 million in fiscal '75, $125 million in fiscal '76, and $150 million in fiscal '77 to help states, local governments, and community groups plan better delivery systems for their youthful community.

The act emphasizes separation of youthful criminals from youthful truants, runaways and others under the jurisdiction of juvenile courts who have committed no crimes; and innovative approaches to keeping children in school, at home, in alternative residences, and out of trouble.

Dumas detailed the responsibilities of county government for juvenile justice. Most juvenile courts are operated on the county level, and the second-highest percentage of youth in custody are held in county detention centers. She indicated that other county responsibilities to provide for the community health and well-being, social services, manpower, job-training and education, amount to a structure that can be used to respond to the needs of youth before resorting to detention.

But county funds are thinly dispersed over this skeleton, Dumas warned, and cannot easily bear new burdens without assistance. Many local governments face losses in revenue this fiscal year, and cannot generate significant new revenue from property and other traditional tax-sources.

She indicated passage of the act had raised the hopes of counties who thought help was on the way, and lack of an appropriation had dashed them. This statement was echoed by the testimony of Thomas C. Maloney, mayor of Wilmington, Del., (for the National League of Cities and U.S. Conference of Mayors); Walter Smart, National Collaboration for Youth; Flora Rothman for the National Council of Jewish Women; Edward V. Healey, Jr., president of the national Council of Juvenile Court Judges, and Richard C. Wertz, chairman of the National Conference of State Criminal Justice Planning Administrators.

The subcommittee questioned the General Accounting Office and Office of Budget and Management. Elmer B. Staats, comptroller general of the United States, criticized previous efforts of the federal government to coordinate juvenile delinquency programs, quoting from a recently released GAO report, "How Federal Efforts to Coordinate Programs to Mitigate Juvenile Delinquency Proved Ineffective."

Assistant Director Paul O'Neill expressed OMB's reluctance to add any dollars to the federal deficit in fiscal '76, as well as the agency's hesitation to back prevention efforts. He indicated that LEAA had asked for permission to reprogram $20 million for purposes of the new act that state planning agencies had not spent.

Congress agreed, but OMB turned the request down. After a meeting between Attorney General Edward H. Levi and OMB Director James Lynn, OMB agreed to reconsider. A final decision is still pending. Last month the House passed a $15 million appropriation for the act that the Senate Appropriations Committee is now considering.

Dumas indicated her county is debating whether to build a new jail that will cost the taxpayers $35 million, and expressed the disappointment of counties across the nation that the Administration would balk at the sums so badly needed for the new initiatives of the Juvenile Justice and Delinquency Prevention Act of 1974.

[From the Evansville (Ind.) Courier, Apr. 30, 1975]

JUVENILE PROGRAM FUNDING DENIED

Washington (AP)—Sen. Burch Bayh, D-Ind., Tuesday defended a federal juvenile delinquency program that is a victim of the administration's plan to hold the line on new spending.

But he could not convince Paul O'Neill, deputy director of the Office of Management and Budget, that the programs outlined in juvenile delinquency legislation enacted last September warrant new funding this year.

When President Ford signed the Juvenile Justice and Delinquency Prevention Act of 1974, he said he would not seek new appropriations to implement the law until the national economic situation stabilized.

O'Neill admitted that the new law probably is better than earlier federal attempts at juvenile delinquency prevention. But he said he would endorse new funding for it only "if we can figure a way to do it without telling the taxpayer to spend more money or running the risk of a bigger deficit that would hurt all of us with more inflation."

The law consolidates federal antidelinquency efforts under the supervision of an office of Juvenile Justice and Delinquency Prevention in the Department of Justice's Law Enforcement Assistance Administration. It also sets up new programs for delinquency prevention and authorizes block grants to states that submit comprehensive juvenile justice plans.

[From the Evansville (Ind.) Press, May 3, 1975]

NEW LAW AIDS CENTERS FOR RUNAWAYS

(By Ann McFeatters)

Washington—Two years after the grisly Houston murders of 27 runaway boys, the federal government is implementing a new law to protect runaways, learn more about them and counsel them and their families.

The runaway youth act, sponsored by Sen. Birch Bayh, D-Ind., was passed last fall by a Congress haunted by the Houston horrors and troubled by the estimate that more than 1 million runaway children are hitchhiking and roaming the streets around the country.

Since the bill was signed into law last September, bureaucrats at the Department of Health, Education, and Welfare have been writing proposed regulations, and sending them to superiors for review. Final regulations are expected to take effect May 22.

The key provision of the bill is to establish or strengthen existing runaway centers where children who have left home can go for shelter, food and counseling.

The HEW office of youth development this week sent out application forms to private groups that want money for runaway houses.

Although most runaways do not commit crime and return home after a night or two at a friend's house, the FBI reports the number of runaways arrested has jumped 60 percent in recent years. Also runaway youths without food or shelter, roaming the streets in large cities, are more likely to turn to prostitution, drugs or shoplifting.

There are an estimated 60 privately operated runaway houses around the country but most of them have been in danger of closing for lack of money.

HEW estimates the $5 million Congress authorized for the bill for fiscal 1975 (and a like amount for 1976) will help finance 50 programs. The highest grant will be about $75,000 to big-city centers.

[From the New York Post, Apr. 29, 1975]

RAP FORD ON YOUTH CRIME

(By John S. Lang)

Washington—Federal and state officials complained today that the White House fails to understand the significance of juvenile crime—though it now accounts for half of all arrests.

Their complaints were aired in testimony prepared for a Senate hearing into why the Nixon and Ford Administrations had refused to fund the Juvenile Justice Act.

The officials agreed the act was vital to curbing juvenile crime, which has increased over 144 per cent since 1960 and costs the nation more than $12 billion yearly.

Comptroller General Elmer B. Staats said in prepared testimony that two years ago the administrator of the Law Enforcement Assistance Administration sought White House guidance on policy toward juvenile crime and on drafting of major legislation in this area.

"DID NOT ACT"

"The White House did not act on this request," Staats said.

"ESSENTIAL STEP"

The Controller General concluded, "since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the [act] would be an essential step in any strategy to reduce crime in the nation."

The act, designed to prevent young people from entering a juvenile system which experts believe actually stimulates crime, envisions spending $500 million over the next three years.

President Ford had refused to budget any of his money as part of his austerity plan of no new spending except for energy and national defense.

Richard W. Velde, administrator of the LEAA, said it was vital that steps be taken to counsel and rehabilitate youthful offenders, as proposed in the act.

". . . Youthful offenders today face a substantial possibility in many jurisdictions of losing, either in law or in fact, the favored legal status which they have enjoyed since the early years of this century," Velde said.

Richard Wertz, head of the National Conference of State Criminal Justice Planning Administrators, noted that when President Ford signed the act last September he implied strong support for the need to reduce juvenile crime.

"Simply put, the dilemma is this: the public and the Congress want runaway juvenile delinquency rates stemmed. Yet the Administration refuses to provide additional new funds to help do the job and furthermore seeks to cut what programs already exist," Wertz said.

"The situation, we feel, is intolerable."

[From the Atlanta Journal, Mar. 23, 1975]

STILL DELINQUENT

The Nation has a new juvenile delinquency law. But the Ford administration is doing little to implement it.

Adequate juvenile justice reforms, experts have repeatedly insisted, must lie at the foundation of any successful, long-term effort to combat crime.

Tomorrow's criminal is today's juvenile in trouble with the law—unless an enlightened and resourceful juvenile justice system is ready to step in to turn that would-be criminal around at a crucial point in life.

Ironically the Ford administration's lack of enthusiasm for implementing the Juvenile Justice and Delinquency Prevention Act of 1974 comes at a time when serious crime is climbing at 16 per cent; and experts are estimating that persons under 18 account for almost half of those crimes.

The President is insisting that he'll not act on new appropriations until the general need for restricting federal spending has abated.

That is all well and good. But it does not explain why other actions that are available have not been taken. The Office of Management and Budget has refused to approve the use of an available $10 million. The President has failed to appoint a 21-member advisory committee that would recommend policy, priorities and operations of all federal juvenile delinquency programs—although the law required that members be named by Dec. 5, 1974. And no meeting of the coordinating council on juvenile justice, created by the act, has yet been called.

This is short-sighted cost efficiency and shallow administration which flouts the will of Congress. Surely the most useful program in terms of saving public monies in criminal justice is a well-funded and coordinated juvenile justice program, capable of producing the best long-term results.

[From the Indianapolis News, Apr. 5, 1975]

YOUTH JUSTICE SHUNNED: BAYH

(By John Chadwick)

Washington (AP)—Sen. Birch Bayh, D-Ind., said today President Ford "has responded with indifference" to legislation to curb juvenile crime.

Bayh, a chief sponsor of the Juvenile Justice and Delinquency Prevention Act, said this was in the face of FBI statistics showing a 17 percent increase in serious crime last year.

"While youths between the ages of 10 and 17 make up 16 percent of our population, they account for fully 45 percent of all persons arrested for serious crime," he said.

Referring to the legislation passed last year, Bayh said "the President has not yet bothered to appoint an administrator to coordinate our efforts in this area."

"Nor did he appoint the Advisory Board mandated by the act until almost six months after the effective date of the act," Bayh said.

"Moreover," he added, "although crime by young people costs Americans almost $12 billion annually, the President has expressed unwavering opposition to the expenditure of any funds under this act to reduce that loss."

The legislation authorizes appropriations of $75 million in the current fiscal year ending June 30, $125 million the next year, and $150 million the third year.

A spokesman for the Senate juvenile delinquency subcommittee, which is chaired by Bayh, said Ford has not requested any of these funds nor has Congress appropriated any.

The authorized appropriations were in addition to $140 million annually that the Justice Department's Law Enforcement Assistance Administration estimated it would spend on juvenile crime programs.

Bayh said in a statement that 51 percent of those arrested for property crimes and 23 percent for violent crimes have not yet reached their 18th birthday.

"Obviously we are confronting a serious situation," he said. "And I for one am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime."

Bayh said the legislation passed last year was "designed specifically to prevent young people from entering our failing juvenile justice system."

PENNSYLVANIA JUVENILE JUSTICE DAY

Harrisburg, Pa., August 5.—Senator Birch Bayh told a group of Pennsylvania juvenile justice officials here today that the nation's present system of criminal and juvenile justice "represents a failure that can no longer be tolerated."

Speaking at the first Pennsylvania Juvenile Justice Day, Bayh, Chairman of the Senate Juvenile Delinquency Subcommittee, said that "federal efforts in the past have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it."

"The Juvenile Justice and Delinquency Prevention Act of 1974, which Congress passed overwhelmingly and President Ford signed into law, is designed to prevent young people from entering our failing juvenile justice system," said Bayh, author of the Act. "It is designed to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system."

The purpose of the act, Bayh said, "is not to provide a federal solution to juvenile justice problems, but rather to encourage local initiatives and provide some of the resources necessary for local leaders to do the job."

Noting that young people are responsible for an estimated $12 billion in crime annually, Bayh said, "It is important to understand that the costs involved in the broad attack on crime and delinquency, which this program provides, are far less than the cost to society of continued inaction."

The full text of the Senator's prepared speech is attached.

Everyone here today has in an important way given time, energy, talent and dedication to the fight to reduce crime and delinquency. As soldiers in that fight, you recognize more clearly than most, that the battle cannot be won without an

effective plan. And when the plan fails to give us the victories desired it is necessary to change our strategies.

The theme of this first Pennsylvania Juvenile Justice Day is "Which Way The Commonwealth." We know a few things about crime and delinquency which hold serious implications for the future.

We know that recent polls reveal that half of our citizens are afraid to walk alone at night in their neighborhoods and nearly 20 percent do not feel safe in their own homes.

We know that a child born in 1974 is more likely to be murdered than a World War II American soldier was likely to die in combat.

We know that in 1973 someone in America was the victim of a violent crime every 36 seconds.

We know that last year serious crime in the United States rose 17 percent.

We know that the number of juveniles arrested for serious and violent crimes increased 1,600 percent between 1952 and 1972.

We know that young people under the age of 22 account for 61 percent of the total arrests for serious crimes, while those 25 and under account for a staggering 75 percent of the total number of peop.e arrested annually for serious offenses.

We know that the cost of crime throughout our country has climbed to an estimated $15 billion per year.

The seriousness of the present situation was dramatically underscored in recent testimony submitted at our Subcommittee to Investigate Juvenile Delinquency's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $600 million per year. Moreover, a survey of 757 school districts across the country conducted by the Subcommittee staff found that teachers and students are being murdered, assaulted and robbed in the hallways, playgrounds and classrooms of American schools at an ever-escalating rate.

These figures are indeed alarming, but what is perhaps more frightening is that the system of juvenile justice which we have devised to meet this problem has not only failed, but has in many instances succeeded only in making first offenders into hardened criminals. Recidivism among youthful offenders under 20 is the highest among all age groups and has been estimated, in testimony before our Subcommittee at between 75 and 85 percent.

Yet, you and I are familiar with these miserable statistics. They represent a true picture of our failure to come to grips with crime and delinquency. They represent a failure that can no longer be tolerated.

It is one thing to lament and criticize the failure of our systems of criminal and juvenile justice. But, it is altogether another thing to use the knowledge we have to correct these failures.

I have had the pleasure of working with many of you to find some solutions to the frequency of delinquency and criminal conduct and recidivism. And one fact is very clear.

Traditional, time worn, antiquated and unimaginative approaches to the problem of crime and delinquency must be rigorously re-examined and restructured! We don't have to throw out the baby with the bath water while we're cleaning it up. We should build on the past as we look to our future, but, I firmly believe that it's about time that we decide what to hold on to and what to throw away.

While theoreticians, practitioners, correctional authorities, law enforcement officials, rehabilitation specialists, politicians, and others argue about solutions, the intensity of the problems grows, in some community to epidemic proportions. But, the arguments continue, the beat goes on and the lives and potential of millions of Americans fall between the cracks of our justice system.

Four years of hearings in Washington and throughout the country by my Subcommittee on Juvenile Delinquency have led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

You are all too aware of the limited alternatives available to juvenile court judges when confronted with the decision of what to do with a case involving an initial, relatively minor offense. In many instances the judge has but two

choices—send the juvenile back to the environment which created these problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious, multiple offenders where the youth will invariably emerge only to escalate the level of law violations into more serious criminal behavior.

In addition to the dilemma now faced as to what to do with the young troublemaker, we are also confronted with thousands of children who have committed no criminal act in adult terms. These youths, known as status offenders, include truants and runaways. In fact, almost 40 percent of all children involved in the juvenile justice system today have not done anything which would be a violation of criminal law. Yet these nearly one-half million children often end up in institutions with hardened juvenile offenders and adult criminals. Instead of receiving counseling and rehabilitation outside the depersonalized environment of a jail, these youngsters are comingled with youthful and adult offenders. There should be little wonder that three of every four youthful offenders commit subsequent crimes.

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

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

To assist state and local governments, private and public organizations in an effort to fill these critical gaps by providing adequate alternatives, the Congress last year overwhelmingly approved and President Ford signed into law the "Juvenile Justice and Delinquency Prevention Act of 1974." This legislation, which I authored with the help of many of you and which we have fought for over the past four years, is designed to prevent appropriate young people from entering our failing juvenile justice system. It is designed to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system.

Federal efforts in the past have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. This legislation is based on the age-old conviction that an ounce of prevention is worth more than a pound of cure. The Act represents a federal commitment to provide leadership, coordination and a framework for using the nation's resources to deal with all aspects of the delinquency problem.

To do this:

The Act created an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration (LEAA) of the Department of Justice to provide leadership and to coordinate all federal juvenile justice programs which are now scattered throughout the federal government. This will be the one place in the federal government where citizens or representatives of states, localities or public or private agencies can go to find answers and solutions to delinquency problems.

It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise the LEAA on federal juvenile delinquency programs and broad as the representation on State and regional LEAA boards. This vehicle will help to assure vital input from knowledgeable and experienced persons regarding delinquency prevention and control policy, including representatives of private agencies.

It provides for block grants to state and local governments and grants to public and private agencies, including courts, of course, to develop juvenile justice programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system and community-based alternatives to traditional incarceration, all of which are fashioned to stem the high incidence of juvenile crime and recidivism. Similarly, it provides that status offenders shall not be placed in detention or correctional facilities and that juveniles shall not be detained or confined with adults. The purpose is not to provide a federal solution to juvenile justice problems, but rather to encourage local initiatives and provide some of the resources necessary for local leaders to do the job.

The Act assures that fair and equitable arrangements must be made to protect the interests of employees affected by assistance under its provisions.

It creates a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations and evaluations of juvenile justice programs. Its clearinghouse will help to proliferate information on successful prevention techniques and programs.

It incorporates the Runaway Youth Act, a proposal of mine, introduced in 1971 and passed by the Senate in 1972 and 1973, which permits local communities to establish temporary shelter care facilities for the estimated one million youngsters who run away each year. It is likely that the availability of these alternatives will help to reduce detention facilities population problems.

The Juvenile Justice Act is designed to make delinquency prevention a top federal priority. I feel that with its implementation we will have a clear opportunity to reduce the size of the next generation of hardened criminals. There will be, however, no immediate impact in this regard. Thus, we must deal now with the legitimate concerns about youth and others who have shown by their conduct that they are beyond any reasonable expectation of rehabilitation. We must prefer prevention to rehabilitation, but with some we will have little choice. If we want to make the new law work we must also address the reign of terror created by the serious multiple offender. This Act coupled with my "Violent Crime and Repeat Offender Control Act of 1975," S. 1880, provides the tools necessary to put the federal government in an effective leadership position in the fight against crime.

The key provisions of my Violent Crime bill have received Senate approval in past years and include:

1. The requirement that felonies involving the use of firearms be given priority on court dockets;
2. The prohibition of the commercial sale of easily concealable nonsporting handguns;
3. Strict sentencing for those convicted of using firearms in the commission of a felony;
4. Stiff mandatory prison sentences for adult non-addicted persons convicted of high-level pushing of heroin or morphine;
5. Federal penalties for those who rob to obtain dangerous drugs from pharmacies; and
6. Stricter sentencing provisions for repeat violent criminal offenders—murder, rape, armed robbery and aggravated assault.

Many of our citizens are captives in their own homes. Criminals are their jailers and fear of violent crime the deterrent to their freedom of action. I believe that these measures will help to turn this situation around so that our citizens, free from the terror of violent crime, can more readily pursue the lives of liberty and happiness we all desire.

We must not deceive ourselves, however, into believing that harsh penalties alone will solve our problems. Even with those who can be deterred from criminal conduct, the enforcement of the law—the certainty of capture and of punishment—is more important than the length of punishment.

My program vigorously pursues alternatives that will enable local communities to deal effectively with the problems of young people in trouble at a point when it is still possible to prevent problems of the home, school and the community from escalating to the point that they result in serious criminal activity.

As we emphasize prevention and rehabilitation, however, we must also realize that rehabilitation is not always possible. For hardened criminals and those who repeatedly engage in violent criminal activity this approach provides a means of effectively removing them from society. It means an end to "turnstile" justice that enables these criminals to repeat their assaults on society again and again.

We have a great opportunity to make significant inroads against juvenile crime and thus adult crime. But, all is not well.

Unfortunately, the President has chosen to totally eliminate the authorized funding for the Office of Juvenile Justice and Delinquency Prevention from his 1976 budget. Despite continued double digit escalation of crime, the President does not recommend one dollar to implement this crime fighting program. In spite of this opposition, we were able to secure $25 million for the Act in last year's budget and are optimistic regarding funding for fiscal year 1976, in the range of $40 to $75 million.

To date, although signed into law last September, the President has failed to appoint an Administrator to manage the new Office.

The Administration, however, has not totally ignored the Act. In fact, the Ford "Crime Control Act of 1976" would repeal important provisions requiring LEAA to continue current juvenile crime program funding!

When we stop to consider that almost 75 percent of the cost of crime in America is generated by young people under 25 years of age...

When we stop to consider that these categories of crime cost Americans more dollars than the entire budget outlay of the federal government just 34 years ago, and more than the current budgets of 20 states . . .

A total lack of commitment to juvenile programs is unbelievable and patently unacceptable!

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

During hearings on April 29 by my Subcommittee regarding the implementation or more accurately the Administration's failure to implement the Act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the nation."

It is important to understand that the costs involved in the broad attack on crime and delinquency, which this program provides, are far less than the cost to society of continued inaction.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, of fear for the lack of personal security and the tremendous waste in human resources.

Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all out effort to lessen juvenile delinquency.

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no federal solution—no magic wand or panacea—to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches, $15 billion last year while we witnessed a record 17 percent increase in crime, must stop.

I know that those of you here today are committed to helping children in trouble, while at the same time protecting our communities.

I join you in that commitment and in the acknowledgement of our collective duty to protect the right of our young people to develop physically, mentally and spiritually to their maximum potential.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks that most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble; whether we are vindictive or considerate will not only measure the depth of our conscience, but will determine the type of society we convey to future generations.

Juvenile Justice as a Federal Priority

(By Senator Birch Bayh)

Chairperson and members of the Platform Committee, I am pleased to be able to present to you my views on "Juvenile Justice as a Federal Priority."

Five years of hearings in Washington and throughout the country by my Subcommittee to Investigate Juvenile Delinquency have led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Secondly, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

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

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16% of our population, they, likewise, account for fully 45% of all persons arrested for serious crimes. More than 60% of all criminal arrests are of people 22-years of age or younger.

The seriousness of the present situation was dramatically underscored in recent testimony submitted at my Subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $600 million per year. Moreover, a survey of 757 school districts across the country conducted by the Subcommittee staff found that teachers and students are being murdered, assaulted and robbed in the hallways, playgrounds and classrooms of American schools at an ever-escalating rate. Between 1970 and 1973, for instance, 362 teachers were assaulted in Dayton, Ohio schools. In the Kansas City school system over 250 teachers were attacked in that same period. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country, ranging from the shooting death of an elementary school principal in Chicago by one of his pupils to the beating of a high school math teacher in Omaha recently.

We can trace at least part of this unequal distribution of crime to the idleness of so many of our children.

The rate of unemployment among teenagers is at a record high and among minority teenagers it is an incredible 50%. Teenagers are at the bottom rung of the employment ladder, in hard times they are the most expendable.

We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom. This is not a city problem or a regional problem. Teenage crime in rural areas has reached scandalous levels. It takes an unusual boy or girl to resist the temptations of getting into trouble when there is no constructive alternative.

But it is not just the unemployment of teenagers that has contributed to social turmoil. The unemployment of parents deprives a family not only of income but contributes to serious instability in American households which, in turn, has serious implications for the juvenile justice system. Defiance of parental authority, truancy, and the problem of runaways are made materially worse by national economic problems. And it is here that we confront the dismal fact that almost 40% of all the children caught up in the juvenile justice system today fall into the category known as the "status offender"—young people who have not violated the criminal law.

Yet these children—70% of them young women—often end up in institutions with both juvenile offenders and hardened adult criminals.

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

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

To assist state and local governments, private and public organizations in an effort to fill these critical gaps by providing adequate alternatives, the Congress overwhelmingly approved and President Ford signed into law the "Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415." This legislation, which I authored, is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88-1) and House

(329–20) to specifically address this nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups* will help assure that we avoid the wasteful duplication inherent in past federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) of the Department of Justice, must, assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have committed no criminal act (status offenders, such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

Federal efforts in the past have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. This legislation is based on the age-old conviction that an ounce of prevention is worth more than a pound of cure. The Act represents a federal commitment to provide leadership, coordination and a framework for using the nation's resources to deal with all aspects of the delinquency problem.

To do this:

The Act created an Office of Juvenile Justice and Delinquency Prevention in the LEAA to provide leadership and to coordinate all federal juvenile justice programs which are now scattered throughout the federal government. This will be the one place in the federal government where citizens or representatives of states, localities or public and private agencies can go to find answers and solutions to delinquency problems.

It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise the LEAA on federal juvenile delinquency programs and broadens the representation on State and regional LEAA Boards. This vehicle will help to assure vital input from knowledgeable and experienced persons regarding delinquency prevention and control policy, including representatives of private agencies.

It provides for block grants to state and local governments and grants to public and private agencies, including courts, of course, to develop juvenile justice programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system and community-based alternatives to traditional incarceration, all of which are fashioned to stem the high incidence of juvenile crime and recidivism. Similarly, it provides that status offenders shall not be placed in detention or correctional facilities and that juveniles shall not be detained or confined with adults. The purpose is not to provide a federal solution to juvenile justice problems, but rather to encourage local initiatives and provide some of the resources necessary for local leaders to do the job.

The Act assures that fair and equitable arrangements must be made to protect the interests of employees affected by assistance under its provisions.

It creates a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations and evaluations of juvenile justice programs. Its clearinghouse will help to proliferate information on successful prevention techniques and programs.

It incorporates the Runaway Youth Act, a proposal of mine, introduced in 1971 and passed by the Senate in 1972 and 1973, which permits local communities to establish temporary shelter care facilities for the estimated one million youngsters who run away each year. It is likely that the availability of these alternatives will help to reduce detention facilities' population problems.

To fund these programs the Act authorizes $75, $125, and $150 million for fiscal years 1975, 1976, and 1977 respectively and requires that LEAA maintain its present commitment of $112 million a year to juvenile programs (maintenance of effort). And Congress gave taxpayers a bonus by endorsing the proposal to redirect $20 million in unused LEAA funds to begin the Federal effort to reduce juvenile crime and curb juvenile delinquency.

The Juvenile Justice Act is designed to make delinquency prevention a top federal priority. I feel that with its implementation we will have a clear opportunity to reduce the size of the next generation of hardened criminals. There will

be, however, no immediate impact in this regard. Thus, we must deal now with the legitimate concerns about youth and others who have shown by their conduct that they are beyond any reasonable expectation of rehabilitation. We must prefer prevention to rehabilitation, but with some we will have little choice.

My program vigorously pursues alternatives that will enable local communities to deal effectively with the problems of young people in trouble at a point when it is still possible to prevent problems of the home, school and the community from escalating to the point that they result in serious criminal activity.

As we emphasize prevention and rehabilitation, however, we must also realize that rehabilitation is not always possible. Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those youths who cannot be handled by other alternatives.

We have a great opportunity to make significant inroads against juvenile crime and thus adult crime. But, all is not well.

Ignoring continued double-digit escalation of crime, this fiscal year the President recommended against spending even one dollar to implement this Congressional crime prevention program.

Despite stiff Ford Administration opposition $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the Chairman of the State, Justice, Commerce and Judiciary Appropriation Subcommittee.

The Administration, however, has not totally ignored the Act. In fact, the Ford "Crime Control Act of 1976, S. 2212," would repeal (sections 26(b) and 28) important provisions requiring LEAA to continue current juvenile crime program funding!!

The essential aspect of the 1974 Act is the "maintenance of effort" provision (section 261(b)). It requires LEAA to continue at least the fiscal year 1972 ($112 million) of support for a wide range of juvenile programs. This provision assured that the 1974 Act aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditional juvenile programs to the new Act and thus guarantees that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and accurate data were available. Witnesses for LEAA represented to the Subcommittee in June, 1973, that nearly $140 million had been awarded by the Agency during that year to a wide range of *traditional* juvenile delinquency problems. Unfortunately the actual expenditure as revealed in testimony before the Subcommittee last year $111,851,054. It was these provisions, when coupled with the *new* prevention thrust of the substantive program authorized by the 1974 Act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but *the* national crime fighting priority.

The Subcommittee had worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12%; in fiscal year 1971, 14% and in fiscal year 1972, 20% of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30% of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Thus, the passage of the 1974 Act, which was opposed by the Nixon Administration (LEAA, HEW and OMB), was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

It is interesting to note that the primary basis for the Administration's opposition to funding of the 1974 Act was ostensibly the availability of the very "maintenance of effort" provision which the Administration seeks to repeal in S. 2212!!

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

While I am unable to support the bill which has been reported to the Senate, I am by no means opposed entirely to the LEAA program. The LEEP program for example, has been very effective and necessary in assuring the availability of well trained law enforcement personnel. Coincidentally, however, the Ford Administration also opposes this aspect of the LEAA program. Additional programs have likewise had a positive impact. But the compromise provisions in the report measure, S. 2212, (the measure was defeated by a vote of 7–5; voting "Yea": Senators Bayh, Hart, Kennedy, Abourezk and Mathias, and voting "Nay": Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond and Scott of Virginia) represent a clear erosion of a Congressional priority for juvenile crime prevention and at best propose that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

The Ford Administrative has responded at best with marked indifference to the 1974 Act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the Subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program." I find this and similar approaches unacceptable and will endeavor to persuade a majority of our colleagues to reject these provisions of S. 2212 and to retain the priority placed on juvenile crime prevention in the 1974 Act which has been accepted by the House Judiciary Committee.

The failure of this President, like his predecessor, to deal with juvenile crime and his insistent stifling of an Act designed to curb this escalated phenomenon is the Achilles' heel of the Administration's approach to crime.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, or fear for the lack of personal security and the tremendous waste in human resources.

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

During hearings on April 29, 1975, by my Subcommittee regarding the implementation, or more accurately the Administration's failure to implement the Act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution, no magic wand or panacea, to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches—$15 billion last year, while we witnessed a record 17% increase in crime—must stop.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile justice system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble; whether we are vindictive or considerate will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in the Ford crime bill, is clearly not compatible with these objectives. But, a strong commitment to children in trouble, as contained in P.L. 93–415, the Juvenile Justice and Delinquency Prevention Act, is clearly compatible with these objectives.

I respectfully solicit the Committee's commitment to this priority and urge that it become an integral aspect of our Party's Platform.

DEMOCRATIC PLATFORM JUVENILE DELINQUENCY TEXT AS REPRINTED IN THE CONGRESSIONAL RECORD, JULY 2, 1976

A Democratic Congress in 1974 passed the Juvenile Justice and Delinquency Prevention Act to come to grips with the fact that juveniles account for almost half of the serious crimes in the United States, and to remedy the fact that federal programs thus far have not met the crisis of juvenile delinquency. We pledge funding and implementation of this Act, which has been ignored by the Republican Administration.

NATIONAL YOUTH ALTERNATIVES PROJECT—1974–76

(By Mark Thennes)

NYAP WORKING TOWARDS YOUTH AGENCY PARTICIPATION IN "LEAA" STATE PLANS

National Youth Alternatives Project (NYAP) is working to insure that alternative youth projects are consulted and participate in the development and execution of State plans under the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415). At the present time, NYAP is trying to get youth projects represented on the State law enforcement planning agencies' supervisory boards, on the boards of regional planning units within the States and on the newly created State advisory committees.

At present, all State planning agencies and regional planning units have supervisory boards, the members of which are appointed by the Governors of the States. However, many of these boards consist primarily of the adult law enforcement community. Under the new Act, supervisory boards would be required to include "citizen representatives and representatives from professional and community organizations directly related to delinquency prevention."

Under the new Act, Governors also are mandated to appoint State advisory committees to advise the State planning agencies and supervisory boards. The committees are to include representatives of private organizations. They are to consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of justice. Full-time employees of Federal, State or local governments must not be in the majority on the committee, and at least one-third of the committee must be under the age of twenty-six at the time of appointment. (See LEAA, page 2.)

NYAP is beginning its organizing efforts in the following 12 States: Oregon, Colorado, Texas, Minnesota, Illinois, Michigan, Massachusetts, Connecticut, Ohio, Maryland, Virginia, and Florida. An information packet, including one page of current information, is available from the NYAP office. Mark Thennes, formerly Administrator, Youth Network Council, Chicago, is the primary NYAP staff person working on this project. Inquiries should be addressed to him.

LIMITED FUNDS MAY BE AVAILABLE FOR JUVENILE JUSTICE PROGRAMS

Although President Ford will not request new appropriations to implement the Juvenile Justice and Delinquency Prevention Act, the Law Enforcement Assistance Administration (LEAA) is planning to reprogram some existing funds in order to implement partially the purposes of the Act.

Since the funds that would be reprogrammed were appropriated under the Omnibus Crime Control and Safe Streets Act, they would have to be used to accomplish its purposes. Although there is a great deal of overlap between the purposes of the existing Act and the new Act, the restriction means that LEAA would not put a significant amount of funds into prevention programs at this time.

The reprogrammed funds include up to $20 million of reverted or unspent funds from LEAA's 1971 and 1972 budgets. Probably only half or less than half of this amount would be available for juvenile justice programs, according to sources at LEAA. The redistribution of funds has been approved by the Office of Management and Budget and must now be approved by two Congressional committees.

There are also between $16 and $18 million in LEAA's 1975 budget for juvenile justice programs.

Whatever funds become available, they will be distributed through LEAA's National Office for Juvenile Justice and Delinquency Prevention, on the basis

of National Office priorities. These priorities have not yet been announced.

In addition to the funding possibilities mentioned above, LEAA soon will be submitting its fiscal '76 budget request which may be for a substantially larger amount of funds.

Also incorporated into the Juvenile Justice Act is a title pertaining to runaway youth services which is to be administered by the Department of Health, Education and Welfare (HEW). Congress has appropriated $5 million to implement this title of the Act.

Pennsylvania Judge Leads Candidates for New Juvenile Justice Office

Judge Maurice B. Cohill, Jr., a juvenile court judge in Allegheny County, Pennsylvania, is the leading contender for the nomination of Administrator of the National Office of Juvenile Justice and Delinquency Prevention, *Youth Alternatives* has learned.

Judge Cohill is one of the main advocates of Allegheny County's new juvenile detention facility which opened December 2, according to Harry Swanger, an attorney representing seven citizen groups which oppose the project.

Thus, the front-runner for the job as Administrator in the office which is supposed to set up nation-wide community based prevention, diversion, and treatment programs is a person on record as favoring detention.

According to Swanger, "the juvenile court in Allegheny County already detains too many youths." At present, Allegheny County has the highest rate of detention of juveniles in the State and one of the highest rates in the country. Fifty-five percent of juveniles who come into contact with the juvenile court intake unit are detained and 85% continue to be detained even after a detention hearing. The opening of the new 120-bed facility which Judge Cohill favors "will increase the Court's use of detention despite the fact that many young people could be served better in community based settings, such as foster homes," Swanger said.

In addition, the detention home is a maximum security facility. TV cameras are used to monitor the activities of youth inside the building and two-way speakers are placed in each of the rooms so that the conversations can be overheard. Centrally-controlled electronic doors separate the wings of the building and a twenty-foot high fence surrounds the facility.

Judge Cohill's nomination, if it materializes, raises the specter of similar facilities in many more communities.

The citizen groups also object to the treatment concept to be used in the detention home. "There is a presumption that the young person is sick and needs intensive psychiatric counseling," Swanger said.

Should President Ford nominate Judge Cohill, the Senate would be required to confirm the nomination.

LEAA Discretionary Grants Update

The Juvenile Justice Division, Office of National Priority Programs, Law Enforcement Assistance Administration (LEAA), has awarded the following discretionary grants during the last six-month period:

$284,880 to the Committee on Criminal Justice, Boston, Massachusetts, for three Boston-based programs: the Youth Activities Commission School Involvement Program, the City-Wide Education Coalition, and the Legal Intervention Program. The funds were intended to provide "additionally needed resources to prepare for and respond to the increased level of tension and potential for outbreaks of violence that were expected to occur because of the court ordered desegregation that was implemented at the beginning of the school year." Date of Award: August 27, 1974.

$168,454 to the Rock Island, Illinois, Board of Education to set up a delinquency prevention and treatment program for the City's five secondary schools. The purpose of the program is "to create positive peer groups in the schools. The peer groups are to meet daily to help youth resolve problems which lead to physical violence, delinquency, and dropping out of school." Date of Award: August 28, 1974.

$26,520 to the Connecticut Planning Committee on Criminal Administration. The funds will allow the National Association of the State Juveile Delinquency Program Administrators to bring together leaders and managers of all State juvenile delinquency prevention programs for a 2½-day seminar involving an information exchange and problem solving session. The seminar will be held in Denver. Date of Award: September 24, 1974.

$199,135 to the Pennsylvania Governors Crime Commission for second year

funding of the National Center for Juvenile Justice. The purpose of the Center is to collect information, statistics, and knowledge concerning juvenile justice and youth problems; to analyze and coordinate this information; to conduct and disseminate research in the juvenile justice field; and to offer technical assistance to juvenile justice programs. Date of Award: September 27, 1974.

$181,104 to the Division of Criminal Justice Services, State of New York, for a work program for adolescents who have entered the juvenile court system. The purpose is to "show how work programs integrated with counseling, education, recreation and other services and activities, can reduce the incidence of antisocial and delinquent behavior." The program is administered by the Henry Street Settlement—Urban Life Center. Date of Award: September 30, 1974.

$285,840 to the American Public Welfare Association "to collect data on the juvenile justice system and to coordinate forums to examine the data and to develop better mechanisms of coordination between the juvenile justice system and other human service agencies. The goal would be to provide more comprehensive service to youth and to reduce the likelihood of criminal justice involvement. Date of Award: October 17, 1974.

Youth Agencies Organize; Will LEAA Respond?

Substantial progress has been made in several states to insure that alternative youth projects participate in the development and execution of State plans under the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415). During the past month, NYAP representatives have met with groups in six States—Michigan, Illinois, Ohio, Minnesota, Florida and Massachusetts.

The meetings have been held to inform alternative youth projects of the provisions of the Act and to encourage them to submit nominations for the various boards and committees on which they are entitled to have representation. (See *Youth Alternatives*, December issue, page 1)

In Michigan, a fifteen person task force is now in operation. The Task Force is soliciting names and establishing criteria for the selection of nominees to State advisory committees. Once the nominees are selected, the Task Force will be responsible for informing the Governor and for getting as many youth serving organizations as possible to endorse the nominees. Task forces with similar functions are in operation in Florida and Massachusetts.

In Illinois at least four organizations submitted nominations to the Governor. Illinois Crisis Network, Illinois Association of Youth Service Bureaus, Youth Network Council of Chicago, and the Alternative Schools Network solicited names of young people through their membership and submitted them to the Governor's office.

Youth service agencies in Minnesota and Ohio also have been meeting and have contacted their state LEAA staffs.

The major stumbling block to getting the committees and boards in operation is that LEAA state staff are not pushing for their establishment. The attitude seems to be: "At present, there is no money, so there can be no action; so don't organize yourselves. Write Washington and ask for money from Congress."

But alternative youth groups do not share this attitude. To them, it is important to organize now so that the committees will be as thoroughly prepared as possible to influence LEAA decisions when funds do become available.

LEAA To Award Grants on "State of Knowledge" of Juvenile Justice Programs

The Law Enforcement Assistance Administration (LEAA) has done it again—four more research projects, the purpose of which is to summarize preceding research projects in four different kinds of juvenile justice programs. They are: (1) delinquency prevention, (2) community-based alternatives to detention, (3) youth service bureaus, and (4) other alternatives to juvenile justice processing and incarceration.

One grant totalling $245,535 already has been awarded to Metropolitan College of Boston University to assess the state of knowledge of youth service bureaus. Grants for other programs are being negotiated and an announcement of the recipients is expected around February 15.

According to sources at LEAA, each grant recipient will produce the following: (a) a review of literature in the program area, (b) a review of all data

regarding the effectiveness of specific projects, (c) an assessment through on-site visits of the activities specific projects actually carry out, (d) a model research design for evaluating programs, and (e) recommendations for future studies.

The assessments are to provide the information necessary to determine what kinds of additional evaluation studies are needed, the designs required and their relative costs.

All this sounds pretty good at first reading. After all, assessing the state of knowledge about juvenile justice programs can be very valuable.

But what concerns us is the lack of carefully thought out criteria by which the materials gathered will be assessed. It seems to us that they ought to be assessed in terms of what they tell us about the effect of the programs on youth. But nowhere in LEAA's guidelines is this criterion or any other criterion stated as the basis by which grantees will assess the state of knowledge of juvenile justice programs.

What may result, as a consequence, is the compilation of a lot of studies, data, comments, papers, about many different aspects of various juvenile justice programs with little critical assessment of the value of this information in terms of telling us the "state of knowledge" about the effectiveness of these programs.

APPOINTMENT OF JJ&DP BOARD STALLED

The appointment by the President of a 21-member National Advisory Committee for Juvenile Justice and Delinquency Prevention—mandated by the Juvenile Justice and Delinquency Prevention Act of 1974—was to have been completed within 90 days of the enactment of the new law, or by December 7, 1974. At the end of January, the board still has not been appointed.

The committee is to be composed of persons "who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice," such as judges, probation and correction officers, and representatives of private organizations and programs. At least seven of the members must be 25 years old or younger.

Reportedly, several of the young people under consideration have turned 26 during the nearly two-month delay. Further inaction can only slow down the implementation of the entire act.

LEAA LOOKING FOR EXEMPLARY PROJECTS

The second round of screenings by the National Institute of Law Enforcement and Criminal Justice are underway for selection of outstanding criminal justice programs across the country "which are worthy of imitation by other communities." The National Institute, the research center of the Law Enforcement Assistance Administration (LEAA), expects to select ten to twelve programs a year under its Exemplary Projects Program; choosing projects which exhibit significant achievement in the reduction of crime or measurable improvement in the operations and quality of the criminal justice system.

Each program selected is to be widely publicized through detailed manuals, brochures and audio-visuals distributed through LEAA's National Criminal Justice Reference Service for the purpose of providing comprehensive guidelines for establishing, operating and evaluating a similar program.

Eligible programs may operate at either state or local levels and need not involve LEAA funding. They can be recommended for consideration by LEAA Regional Offices, State and Regional Planning Agencies, local units of government, operating criminal justice agencies, or other persons involved in criminal justice. Programs funded by LEAA must have a letter of endorsement from both the State Planning Agency and LEAA Regional Office.

Present Exemplary Projects include an out-of-court mediation program for resolving citizen disputes (Columbus, Ohio); an intensive remedial education and counseling project for adjudicated delinquents (St. Louis); a short-term family crisis counseling project in lieu of juvenile court processing (Sacramento, Cal.); and a youth resources center providing comprehensive services to young people (Philadelphia).

Applications should be in by April 1. The necessary forms and information can be obtained from the Office of Technology Transfer, NILE & CJ, LEAA, Department of Justice, Washington, D.C., 20530.

Bayh Attacks Delays in Juvenile Justice Program

Senator Birch Bayh (D.-Ind.), Chairman of the Subcommittee to Investigate Juvenile Delinquency, has attacked the Ford Administration's inaction and lack of commitment in implementing the terms of the Juvenile Justice and Delinquency Prevention Act of 1974 as "unbelievable and patently unacceptable."

In a speech delivered before the Southern Conference on Corrections in Tallahasee, Fla., on February 27, Bayh said he understood the President's concern that new federal spending programs be curtailed during a time of economic troubles, "but it is important to understand that the costs in the broad attack on juvenile delinquency which this legislation provides are far less than the cost to society of juvenile crime."

The Juvenile Justice Act authorized expenditures of $75, $125 and $150 million for fiscal years 1975 through 1977 to fund the programs of a new Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration (LEAA). However, the President said when he signed the act into law last September that he would appropriate no money for it, and the authorized funding was totally eliminated from the Administration's 1976 Budget request. The juvenile justice program has subsequently received $20 million in unused block grants from LEAA.

Bayh said the President "has not considered the gravity of the problem to our society," and cited these points:

the National Advisory Committee on Juvenile Justice—mandated by the act to have been formed within 90 days of its enactment in September—has not been appointed,

the nomination of an Assistant Administrator of LEAA to head the juvenile justice office has not been made,

the issue of juvenile delinquency and its prevention was not mentioned once in the President's 25,000-word State of the Union message.

LEAA Budget Trimmed

JUVENILE JUSTICE OFFICE GETS $20 MILLION

In his 1976 Budget request, President Ford asked for an appropriation of $769.8 million for the Law Enforcement Assistance Administration (LEAA)—an amount $111 million less than the amount appropriated for FY 75 (which ends June 30) and about $95 million less than the amount LEAA actually intends to spend by the end of this fiscal year.

LEAA's trimmed funds means that state and local governments will find it more difficult to get federal funds for regional anti-crime and anti-delinquency programs. However, LEAA Deputy Administrator Charles R. Work said that money already committed to state and local programs will continue to flow through the pipeline during FY 76—producing, he said, an actual increase of $25 million in federal aid for anti-crime efforts during the year.

"It won't mean that any existing programs will have to be cut off," Work said, "but it will cause an effort to look more closely at what ought to be carried on." Deputy Attorney General Laurence Silberman said the cut was proposed because administration officials believe LEAA operations have grown too quickly to allow time for evaluating which programs and approaches are most effective.

Meanwhile, the federal Office of Management and Budget (OMB) has approved a transfer of $20 million from unspent FY 71–72 block grants from LEAA to help finance the Juvenile Justice and Delinquency Prevention Act of 1974. LEAA Administrator Richard Velde requested the transfer.

The act authorized $360 million in grants to states and localities over a three-year period, but when he signed the act into law, President Ford said he would not seek any of the $75 million authorized for FY 75 because of the economic crisis. The act gave the new Office of Juvenile Justice and Delinquency Prevention policy control over the $155 million already appropriated by Congress and LEAA and the Department of Health, Education and Welfare for financing juvenile delinquency prevention programs.

HEAD OF LEAA ADVISORY BOARD PICKED

Youth Alternatives has learned that J. D. Anderson, President of the Guarantee Mutual Life Insurance Co., of Omaha, Nebraska, and a board member of the U.S. Chamber of Commerce, is in line to become Chairperson of the National Advisory

Committee on Juvenile Justice and Delinquency Prevention. As yet, there has been no formal announcement by the White House of any appointments to the 21-member committee.

Anderson has served as director of a number of Omaha area youth projects, including the YMCA, Boy Scouts, Junior Achievement, Salvation Army, Boy's Town and Girl's Town.

The advisory committee is responsible for making recommendations to the Administrator of the Law Enforcement Assistance Administration (LEAA) regarding planning, policy priorities, operation and management of all federal juvenile delinquency prevention programs.

LEAA Offers $8.5 Million for Status Offenders Programs

The Law Enforcement Assistance Administration (LEAA) has set aside $8.5 million for public and private agencies that formulate innovative programs to keep juvenile status offenders (which include truants, runaways and incorrigibles) out of detention and correctional facilities. The money comes from unspent FY 75 funds marked for delinquency prevention programs.

The program's goal, said LEAA Administrator Richard Velde, is to halt the incarceration of juvenile status offenders within two years. Community-based resources should be developed to replace correctional institutions used for juveniles, he said. "In passing the Juvenile Justice and Delinquency Prevention Act last year, Congress directed LEAA to focus immediately its attention on this area," Velde said. "We believe this approach will give us the best (results) from public and private agencies status offenders."

Interested groups must submit a preliminary application, no longer than 12 pages, by May 16. After a preliminary screening, LEAA will ask for expanded proposals. Tentative plans call for grant awards to be made by late summer.

An LEAA survey of juvenile detention and correctional facilities in 1971 revealed that about one-third of all youths in institutions, including community-based facilities, were status offenders—persons whose offenses would not be considered criminal if committed by an adult.

"Status offenders should not be classified as delinquents if we are to achieve justice for juveniles," Velde said. "By removing these young people from correctional institutions we can provide them with the most appropriate and effective assistance."

The new Juvenile Justice Act places a high priority on removing status offenders from correctional facilities and requires all states receiving formula grants under the act to make sure that within two year no status offenders are placed in detention or committed to such institutions.

Applicants can secure program guidelines from their criminal justice state planning agency or from the Juvenile Justice and Delinquency Prevention Operations Task Group, LEAA, Department of Justice, 633 Indiana Ave. N.W., Washington D.C. 20531.

Juvenile Justice Advisory Board Named

The President has announced his appointments to the 21-member National Advisory Committee on Juvenile Justice and Delinquency Prevention. Under the terms of the Juvenile Justice and Delinquency Prevention Act of 1974, the appointments were to have been announced by December 5; however, the President's announcement came more than three months later, on March 19.

The advisory committee is responsible for making recommendations to the Administrator of the Law Enforcement Assistance Administration (LEAA) regarding planning, policy priorities, operation and management of all federal juvenile delinquency prevention programs.

As reported in last month's issue of *Youth Alternatives*, the President picked J. D. Anderson, President of the Guarantee Mutual Life Insurance Co., of Omaha, Nebraska, as chairperson of the committee. Anderson is a board member of the U.S. Chamber of Commerce and has served as director of a number of Omaha-area youth projects such as the Boy Scouts, Junior Achievement, YMCA, and Boy's Town.

The other appointees are as follows.

Three-year terms:

Allen F. Breed, Lodi, Ca., Director of the Department of Youth Authority, Sacramento, Ca.

John Florez, Salt Lake City, Utah, Director, Office of Equal Opportunity, University of Utah, Salt Lake City.

Albert Reiss, Jr., Woodbridge, Conn., Chairman, Department of Sociology, Yale University, Woodbridge, Conn.

Cindy Ritter, Mound City, S.D., Youth Program Assistant, Extension Office, State Department of South Dakota, Mound City.

Flora Rothman, Bayside, N.Y., Chairmwoman, Task Force on Justice for Children of the National Council of Jewish Women, Bayside.

Bruce Stokes, Newark, Del., Teacher Coordination of Distributive Education, Thomas McKean High School, Wilmington, Del.

Two-year terms:

William R. Bricker, Scarsdale, N.Y., National Director, Boys Club of America, New York, N.Y.

Richard C. Clement, Toms River, N.J., Chief of Police, Dover Township Police Department, Toms River.

Wilmer S. Cody, Birmingham, Ala., Superintendent of Schools, Birmingham.

Robert B. Martin, Memphis, Tenn., State Representative, Tennessee General Assembly, Memphis.

Edwin Meese, III, San Diego, Ca., Vice President for Administration, Rohr Industries, Inc., San Diego.

George H. Mills, Hauula, Hawaii, Medical Director, The Kamehameha Schools, Kapalama Heights, Hawaii.

Wilfred W. Nuernberger, Lincoln, Neb., Judge of the Separate Juvenile Court of Lancaster County, Neb.

One-year terms:

C. Joseph Anderson, Terre Haute, Ind., Judge of the Vigo County Circuit Court, Terre Haute.

Augustine Chris Baca, Albuquerque, N.M., Executive Director of the Southwest Valley Youth Development Project, Albuquerque.

Alyce C. Gullattee, District of Columbia, Assistant Professor of Psychiatry and Family Planning, Howard University College of Medicine, Washington, D.C.

William P. Hogoboom, Pasadena, Ca., Assistant Presiding Judge, Los Angeles County Superior Court, Pasadena.

A. V. Eric McFadden, Boston, Ma., Special Assistant to Mayor Kevin White of Boston, Boston.

Joan Myklebust, Longview, Wash., recently resigned Group Life Counselor, Maple Lane School for Girls, Olympia, Wash.

Michael W. Olson, Pittsburgh, Pa., 16-year old youth representative, Pittsburgh.

Juvenile Justice Advisory Board Holds First Meeting

The 21-member National Advisory Committee for Juvenile Justice and Delinquency Prevention—to date just about the only part of the Juvenile Justice and Delinquency Prevention Act of 1974 that has been implemented—met for the first time April 24–25 in Arlington, Va., to be sworn in and to receive briefings on what their responsibilities are and what the prospects are for further implementation of the Act.

The Committee, itself appointed more than three months after the date called for in the Act, is charged with making recommendations to the Administrator of the Law Enforcement Assistance Administration (LEAA) concerning planning policy, priorities, operation and management of all federal juvenile delinquency prevention programs.

The appointees brought with them a wide variety of backgrounds and experience; ranging from the 61-year old chairman, J. D. Anderson, the head of an Omaha, Nb., insurance company and a board member of the U.S. Chamber of Commerce, who buttered over the occasional disagreements and doubts with a folksy repertoire of after-dinner stories, to 16-year old Michael Olson, a Pittsburgh youth who has been in institutions and foster homes since he was nine and has been in and out of juvenile courts for drug use, auto theft and running away.

In between them, the members include the president-elect of the National Association of Chiefs of Police, a 20-year old former member of the National Teen-Age Republican Society, a professor of Sociology at Yale, a director of equal opportunity at the University of Utah, the director of the California Youth Authority, two juvenile court judges, and a 23-year old Republican member of the Tennessee legislature.

The organizational meeting lasted one full day, barely enough time to get through the briefings. They were told by Fred Nader, Acting Assistant Administrator of LEAA's Juvenile Justice Operations Task Force, that the House of Representatives had voted a supplemental appropriation of $15 million the week before to fund the new Juvenile Justice Office: a response to the Office of Management and Budget's earlier decision not to let the office have $10 million in reprogrammed LEAA funds. The Senate must still act on the appropriation.

Nader warned that the office cannot become operational until it gets some money from one source or another, and, pending that, no Assistant Administrator to head the office or any Deputy Administrators can be appointed.

Nader also said that if the office only gets $15 million, the grants to the states will be the minimum allowed under the Act—$200,000—and he questioned whether it would be worth it to the states to apply for it, particularly since accepting the money would make the states responsible for meeting a number of potentially-costly federal standards for juvenile justice, such as providing separate detention facilities for juveniles and adults.

The Commitee's discussions were, for the most part, dominated by several of its older members, with the seven members under 26 remaining—with one exception—silent throughout. Members seemed often confused about the role of the Committee and questioned what they could do without funds to adequately staff the new Juvenile Justice Office and to implement the remaining provisions of the Act.

Chairman Anderson's first major task will be to designate by the next meeting the members of several committees, among them five members to serve on an Advisory Committee for the National Institute for Juvenile Justice and five members to sit on an Advisory Committee to the Administrator of LEAA on Juvenile Justice Standards.

The Commitee set its next meeting for July 17–18 in Washington.

OMB Criticized—Hearing Asks "Where Is Money for Delinquency Prevention?"

The Senate Subcommittee to Investigate Juvenile Delinquency, chaired by Sen. Birch Bayh (D-Ind.), held a hearing on April 29 to examine the funding, or, more precisely, the non-funding of the Juvenile Justice and Delinquency Prevention Act of 1974.

Elmer B. Staats, Comptroller General of the General Accounting Office, appeared as the first witness and called the Act "a needed, very important step in the right direction" in the federal effort against delinquency prevention and reduction. But, he said, nothing could be accomplished until it is funded.

"The Act will not be implemented unless the Executive Branch can be persuaded this is necessary," Staats said, referring to President Ford's failure to request any funds for the Act in his FY76 Budget message. "Without the funding," Staats warned, "LEAA on its own will not be able to do the job."

Staats also criticized the Office of Management and Budget (OMB) for refusing to let LEAA reprogram $10 million of its funds to the new Juvenile Justice Office created under the Act. The Act is not a new program, Staats argued, but a reformulation of part of the whole federal effort against crime. As such, he said, LEAA should have the right to reprogram funds not spent on other anticrime efforts.

LEAA Administrator Richard W. Velde announced that the Juvenile Justice Office had been created within the Department of Justice four days earlier, but that it will not begin operations until an Assistant Administrator for Juvenile Justice is named—a condition which itself depends upon some amount of funding coming through.

Velde also said that LEAA will have $14 million coming back to it in unspent funds which could be used for delinquency prevention programs—if OMB approves. But, Velde said, the Justice Department already has about $7 million of that earmarked for other programs.

OMB, which along with the President gathered the major share of criticism during the day, was represented by its Deputy Director Paul H. O'Neill, who was filling in for Director James Lynn.

Bayh's questioning of O'Neill was often harsh and angry as he sought the reasons for the Act not being funded under the proposed FY76 Budget and why

OMB has disapproved the transfer of the $10 million in unspent funds. But for all the loud questioning, O'Neill reiterated over and over that neither OMB nor the President wanted to increase the federal deficit by spending money on what, O'Neill said, was seen by the Administration as a relatively low priority program.

Juvenile Justice Planning: With or Without You

Work on juvenile justice planning is underway at the Law Enforcement Assistance Administration (LEAA) and some juvenile justice planning is now being done in the states; so if you are waiting for funding for the Juvenile Justice Act to come through before you do something, you are only four months behind.

When funds are eventually appropriated for the Juvenile Justice Act (see the related story on page two), planning money will become available to those states choosing to participate in the Act. LEAA has published guidelines which, *if* approved, will require states to create Advisory Groups involving local government youth services before they receive any planning money.

These Advisory Groups, appointed by the governor, would assist the State Planning Agencies (SPA's) in putting together a comprehensive, coordinated approach to delinquency prevention and treatment. This plan would detail program priorities (including how deinstitutionalization will be done), how the state will coordinate and maximally utilize public and private services, and how private agencies were involved in planning.

The first drafts of the Act's guidelines have failed to include the Congressional definition of community-based services, which specifies "consumer participation in planning and operation and evaluation" of services. This deletion perpetuates the systematic exclusion of young people from decision-making in programs that purport to serve them. Final Juvenile Justice Act guidelines are expected in July, at which time states could apply for planning money.

Under the guidelines for the Safe Streets Act (of which the Juvenile Justice Act is a part), significant juvenile justice planning is already underway. Last month, SPA's were required to identify who is representing juvenile justice, and how, on their Supervisory Board and Regional Planning Units. This public information is contained in the Safe Streets Planning Grant Application, available from the SPA. Youth services should make an independent assessment of the representative character of the boards.

The Safe Streets Comprehensive Plan is to be submitted by September 30 and must contain the following items on juvenile justice:

an explanation of the state priorities in its goals, standards and programs;
an integrated analysis of the problems faced by the juvenile justice system;
a description of that system and the resources available to it;
a Multi-Year Plan (at least three years) detailing the State Plans and priorities for a "coordinated attack on delinquency and deficiencies in the juvenile justice system."

This plan may also address the requirements of the Juvenile Justice Act if the states wish to include them. It is to contain a summary page of pertinent juvenile justice text and data. Much of this information *may* already be contained in the FY 75 Plan the SPA is using now, which is also available at its offices.

Youth services are becoming a new part of the expanded LEAA "constituency". Your early involvement in and awareness of juvenile justice planning assures your meaningful participation. Otherwise, you will be planned, prioritized, coordinated and maximally utilized without your input. And when your experiences in service delivery are not in the priorities, they are not in the funding either.

To assist youth services, NYAP is revising and expanding its publication "Juvenile Justice and Delinquency Prevention Act: Some Guides to Impacting Its Implementation Locally". If you have *written* NYAP requesting the original, you will automatically receive the revised edition in July. Copies can be obtained by writing:

Mark Thennes, NYAP, 1346 Connecticut Ave. N.W., Room 413, Washington, D.C. 20036; or call (202) 785-0764.

At Last! Administration Funds Juvenile Justice Act

$25 MILLION TO BE SPENT BY END OF 1975

The Juvenile Justice and Delinquency Prevention Act of 1974 has finally received minimal funding after going almost completely unimplemented in the

ten months since it became law because the Administration refused to approve any money for it.

The House and Senate agreed in June on an appropriation of $25 million (the act itself authorizes $75 million for the first year) and the President approved it as part of a $15 billion supplemental appropriations bill for FY 75.

The money for the act is in two parts: $15 million in new funds directly appropriated under the act (which must be obligated no later than August 31, 1975); and $10 million in Law Enforcement Assistance Administration (LEAA) reversionary funds unused by the states they were given to and reappropriated by Congress (which must be spent by December 31, 1975). LEAA is implementing the act through its new Office of Juvenile Justice and Delinquency Prevention, though the President has yet to appoint an LEAA assistant administrator to head it.

The bulk of the $15 million—approximately $10.6 million—will be distributed as first formula grants to those states submitting a comprehensive state plan meeting with LEAA's approval. The amount available to each state (and to the District of Columbia and Puerto Rico) will be $200,000; with $50,000 available to the four other U.S. territories.

An LEAA spokesman told *Youth Alternatives* that states choosing not to participate under the act for the time being will be given no future opportunity to receive FY 75 funds. They may, of course, seek whatever funds are available during FY 76. At least a few states are known to be questioning whether a grant of $200,000 makes it worthwhile to go through the planning process necessary to compile a state plan. States accepting the money will also have to meet a number of potentially expensive requirements specified under the act, such as placing status offenders in shelter facilities and confining juveniles out of "regular contact" with incarcerated adults.

The remainder of the $15 million will be distributed as follows: $3.7 million for special emphasis, prevention and treatment programs; and $650,000 for research and evaluation by LEAA's National Institute of Juvenile Justice and Delinquency Prevention, an information and training clearinghouse within the Juvenile Justice Office.

The $10 million in reversionary funds has been exempted by Congress from being spent according to the formulas of the Juvenile Justice Act. Of that, $5 million will be used for special emphasis, prevention and treatment grants; $.5 million for research and evaluation; $2 million will go to the states as a special planning and administrative supplement; and $500,000 will be used for federal administrative costs. The $2 million supplement will be awarded to each state according to the size of its juvenile population; ranging from a minimum of $15,000 to $168,000 for California.

The LEAA spokesman said special emphasis programs and grants will be aimed at status offenders, diversion from the juvenile justice system, crime prevention and serious offenses committed by juveniles.

LEAA has already earmarked $8.5 million for innovative programs working with status offenders (see accompanying story).

LEAA GETS 420 RESPONSES FOR STATUS OFFENDER GRANTS

The Law Enforcement Assistance Administration (LEAA) has asked 24 organizations for expanded proposals for $8.5 million in grants available to public and private agencies formulating innovative programs to keep juvenile status offenders (including truants, runaways and incorrigibles) out of detention and correctional facilities.

LEAA had received 420 preliminary applications by the deadline of May 16. Between 8–12 awards are expected to be made by the end of the summer.

LEAA Administrator Richard Velde said the program's goal is to halt the incarceration of status offenders (a priority of the new Juvenile Justice Act) within two years. States receiving formula grants under the Juvenile Justice Act must pledge that no status offenders will be committed to correctional facilities.

LUGER NOMINATED TO HEAD JUVENILE JUSTICE OFFICE

Milton Luger, former Director of the Division for Youth in New York State, has been nominated by President Ford to become the head of LEAA's Office of Juvenile Justice and Delinquency Prevention.

The nomination has gone to the Senate Judiciary Committee for confirmation and action will be taken in the latter half of October, according to John Rector of the Subcommittee to Investigate Juvenile Delinquency. Rector said the nomination will be considered by either the full committee or by the subcommittee. The Chairman of the subcommittee, Sen. Birch Bayh (D-Ind.), was the main author of last year's Juvenile Justice Act, which created the Juvenile Justice Office.

Luger's nomination, coming more than a year after the Juvenile Justice Act was signed into law, is considered "a pretty good one" by Marshall Bykofsky, Coordinator of the Coalition of New York State Alternative Youth Services, which has worked with Luger on a number of occasions.

"Luger has a commitment to alternatives to juvenile detention," Bykofsky told *Y.A.* "He favors deinstitutionalization and is not afraid to experiment with new treatment models. He has done a very good job in New York; is very open with people and permits easy access to himself. It's okay to disagree with him, he'll still talk with you."

Luger headed the New York State Narcotics Abuse Commission when he was offered the job as head of the Division for Youth nearly five years ago. Soon after, the state training schools were placed under his responsibility and he established an innovative ombudsmen system in those facilities to give the children incarcerated there a recourse for alleged abuses.

Flora Rothman, Chairwoman of the Task Force on Justice for Children of the National Council of Jewish Women in New York City and a member of LEAA's National Advisory Committee, also views Luger favorably. "We've had our disagreements," she said, "but all in all, his head's in the right place. He's concerned about the rights of children."

Juvenile Justice Act Becomes a Reality

At least 30 states wil commit themselves to participating in the Juvenile Justice and Delinquency Prevention Act and its required deinstitutionalization of status offenders and youth participation in policy formulation. Thirteen states are undecided and six have indicated they will not participate at this time. These are the results of a survey of some of the State Planning Agency (SPA) Directors at their annual conference last month.

Those states[1] choosing to participate submitted to LEAA a Plan Supplement Application by August 1, in order to receive an initial $200,000 block grant. This application briefly outlines, among other things, the state's stategy to cause the coordination of services to youth in danger of becoming delinquent and its plans to create and involve the SPA's Advisory Board. It also contains a strategy and timetable for developing a detailed strategy for the consultation and participation of private agencies in planning decisions. Lastly, it will explain the programmatic relationship of juvenile justice funding under the Crime Control Act to plans for programs under the JJDPA.

This Plan Supplement Application is the first public document outlining state plans on compliance with the Juvenile Justice Act, and under the Freedom of Information Act should be available from the SPA office to those requesting a copy. Request it!

States participating must submit a Comprehensive Plan to LEAA by December 31, 1975. This plan must be reviewed by the Advisory Group outlined in the Act and approved by the SPA Supervisory Board. Given the tight deadlines and the required "active consultation and participation" of private agencies, youth services should expect the Advisory Groups to be appointed within the next 90 days. The JJDPA Guidelines give the Advisory Group the power of project review over JJDPA funds, and potentially over the current Crime Control Act juvenile justice funds.

After months of waiting for the Act to materialize as a reality locally, states are now to begin including youth and youth services in creating juvenile justice policies. The next four months of planning will set the stage for the spending of

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[1] Those states choosing not to participate at this time are: Arizona, Colorado, Idaho, Rhode Island, Utah and West Virginia. Undecided states are: Alabama, Alaska, Georgia, Hawaii, Illinois, Kansas, Louisiana, Michigan, Missouri, New Hampshire, Oklahoma, Oregon and Vermont. States not represented in this survey were California, Delaware, Kentucky, Minnesota, Virgin Islands, and Puerto Rico.

over $100 million in the next 14 months by the National Office of Juvenile Justice, plus at least $136 million of Crime Control funds on juvenile justice. Funding priorities are to be reassessed with or without your input.

An analysis of how to use the JJDPA Guidelines and the Freedom of Information Act is available in a NYAP publication, "JJDPA: Some Guides to Impacting Its Implementation Locally."

APPOINTMENT OF HEAD OF JUVENILE JUSTICE OFFICE FACES NEW DELAY

The appointment by the President of an Assistant Administrator of LEAA to head up that agency's new Juvenile Justice Office has not been made in the ten months since the Juvenile Justice and Delinquency Prevention Act of 1974 created the office; and now the frontrunner for that post has asked that his name be withdrawn from consideration.

Maurice Cohill, Jr., a judge in the Family Division of the Court of Common Pleas in Pittsburgh, Pa., notified Pennsylvania Senator Hugh Scott by letter that "after a great deal of thought" he and his family decided that he "should not leave the bench at this time."

Cohill, Chairman of the Board of Fellows of the National Center for Juvenile Justice, appeared to be close to the appointment as early as last December. He said in his letter that his family wanted to remain in Pittsburgh and that by taking the position he would have to take a $4,000 annual cut in salary from what he is earning as a judge.

The leading contender for the post now appears to be Milton Luger, the former director of the Division for Youth in the state of New York. Unlike Cohill, who advocated a maximum-security juvenile detention facility in Allegheny County (Pittsburgh), Luger has a reputation of being. * * *

NATIONAL ADVISORY COMMITTEE HOLDS SECOND MEETING

Nearly all of the members of LEAA's National Advisory Committee on Juvenile Justice and Delinquency Prevention met in Chicago July 17–18 to review the progress of the new Juvenile Justice Office and the Institute of Juvenile Justice, and to plan for some of their oversight functions.

A full audience of youth workers and others found a number of Committee members well-prepared for the Committee's second meeting. Members asked questions of substance and generally received direct answers from Fred Nader, Acting Assistant Administrator of the Juvenile Justice Office, and his staff.

The office received 420 applications from 49 states for its $8.5 million deinstitutionalization program, of which 310 were disqualified for not responding to the guidelines by offering assurances of removing status offenders from institutions. Twenty-four projects, including two small non-profit agencies requesting less than $100,000 each, were asked to submit full grant applications for the $8.5 million. The Committee discussed the difficulty in the ability of private agencies and the State Planning Agencies to respond to deinstitutionalization where state legislation is required to implement it.

Ms. Emily Martin, in charge of Special Emphasis Programs for the office, explained their plans. Four initiatives are being undertaken: (1) Deinstitutionalization, (2) Diversion, (3) Reduction of Serious Crime by Juveniles, and (4) Prevention. The first has already been announced. Guidelines on Diversion will be avaliable in late September, with grants to be made in April, 1976. Awards totaling between $5–10 million will go to 5–10 diversion projects. The Reduction of Serious Crime initiative will spend $5 million on 4–8 projects, with guidelines to be released in January and grants made in October, 1976. Guidelines on the Prevention initiative will also be released in January with grants likewise being made in October. Five to ten projects will be given a total of $5 million in this area.

The Committee immediately questioned the role it was to play in decision-making since the priorities have already been set. They were informed that Attorney General Levi was interested in their reviewing the grants before they were awarded.

In the opinion of NYAP, the planned initiatives effectively exclude the small locally controlled private youth services who have proved the effectiveness of the Juvenile Justice Act's "advanced techniques". For the small youth service not willing or able to receive a $750,000 grant, these initiatives force them to negotiate for the 20% of funds that must go to private nonprofit agencies with

state and local institutions of government as the only method of participating in Special Emphasis funding.

The Advisory Committee was divided into three subcommittees, charged with creating numerous reports due in the next few months. The subcommittees are: (1) Liaison to the Federal Interdepartmental Coordinating Council, on which members of the subcommittee will sit; (2) Advisory to the National Institute of Juvenile Justice; and (3) Juvenile Justice Standards and Goals. Subcommittee chairpersons were not chosen at this time, as members discussed potential tasks to be done. The National Advisory Committee will meet again October 30–31 at a site yet to be chosen.

Senate Committees up Funds for Juvenile Justice, Runaway Programs

Acting just before the August Congressional recess, two Senate committees voted to increase FY 76 funding for the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act over what the House had previously authorized.

The Senate Appropriations Committee recommended that LEAA's new Juvenile Justice Office be given $75 million for the coming year, an increase of $30 million over what the House had recently voted. The Appropriation Committees' $75 million would be new money, while the House decided to give the office $40 million out of LEAA's budget of $769 million for FY 76. If approved by the full Senate, the money authorization would have to go before a joint House-Senate conference committee to work out an acceptable figure. The Juvenile Justice Act itself calls for $125 million in FY 76.

The Senate's Labor-HEW Appropriations Subcommittee voted to give the Office of Youth Development, HEW, the full $10 million for FY 76 called for in the Runaway Youth Act. The House had earlier voted $5 million for OYD (the agency administering the act), the same figure that the Administration had asked for. This must still go before the Appropriations Committee and the full Senate, and then to a joint conference committee.

States Begin Planning Under Juvenile Justice Act

Forty-three states have begun or will shortly begin making plans for their compliance with the Juvenile Justice and Delinquency Prevention Act. Many states are moving ahead quickly with the implementation; Maryland, Illinois, Virginia and Oregon hope to have the required Advisory Groups created by the end of this month.

The 43 State Planning Agencies submitteed Plan Supplement Documents to LEAA August 1 outlining their intentions in implementing the Act (see Y.A., August, 1975). NYAP staff examined the Supplement Documents of ten states and identified two problem areas of concern to youth services.

Seven states—Alabama, Colorado, Oklahoma, Rhode Island, Utah, West Virginia, and Wyoming—chose not to participate in the Act. Due to a change in staff, Rhode Island was unable to respond to the LEAA deadline, although they intend to participate within six months. The Governor of Utah objected to the leniency in the LEAA Guidelines' designation of offenses for which a youth can be incarcerated and refused to have Utah participate.

First, it appears that many SPAs are attempting a "business as usual" approach to the participation of private agencies and local government youth services in planning. Some SPAs are claiming their Regional Planning Units already perform this task adequately. The Act mandates the "active consultation with and participation of private agencies in the development and execution of the State Plan." If youth services are not satisfied with their current involvement in the identification of needs and priorities of the juvenile justice system, now is the time to make your input.

Second, some SPAs appear to have specific programs in mind to be funded now. In response to a question on types of programs to be funded under the Act, some Supplement Documents described projects in specified programmatic and budgetary detail. Each SPA has $170,000 of program funds it could spend. It appears that these funds could be spent without being reviewed by an Advisory Group and without a Comprehensive Juvenile Justice Plan and priorities being formulated.

Youth services should seek to insure that no funds under the Act are expended until the Advisory Group can review the projects. Both of these issues should be raised in writing with the SPA and the Governor.

Completion of Federal Juvenile Justice Standards Delayed

The Advisory Committee on Standards for Juvenile Justice, a five-member subcommittee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, met at the Justice Dept. on August 25 faced with what most of its members considered the impossible mandate of developing "standards for the administration of juvenile justice at the federal, state and local levels" by September 6.

The Juvenile Justice Act, signed last September 7, calls for LEAA's National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards, to "review existing reports, data and standards relating to the juvenile justice system" in the U.S.; and to submit a report to Congress and the President "not later than one year" after the signing of the Act which would:

(1) recommend federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the country, and

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

Implementation of the Juvenile Justice Act had, of course, been seriously stalled by the President's refusal to grant any funds for programs mandated by the Act. However, in June he finally signed a supplemental appropriations bill which allowed LEAA's new Juvenile Justice Office to provide staffing for the Advisory Committee. But, as the Standards Committee pointed out in a recent progress report, its staffing (consisting of one permanent and two summer employees) wasn't formed until mid-July and, seeing the September deadline quickly approaching, the committee said "seven weeks is hardly sufficient to accomplish the tasks set forth in the (Juvenile Justice Act) in the thorough, thoughtful manner required."

The four committee members present at the session heard John Grecean, of LEAA's National Institute for Juvenile Justice, tell them that LEAA Administrator Richard Velde wanted the standards to be developed by the September deadline; a position that was opposed by three of the committee members and by Grecean himself.

Alyce Gullattee, an assistant professor of psychiatry at Howard University in Washington, said "it's not as if we've squandered our time. I don't think it's the wisest thing to do to just pull something out at this time."

Her remark was directed to the suggestion of Wilfred Nuernberger, a juvenile court judge in Lincoln, Neb., that the committee could meet the deadline by "developing standards taken directly from the Juvenile Justice Act itself." That way, Nuernberger argued, the committee wouldn't be coming up with something that was "new or innovative" since the standards would be built upon the language and intent of the Act; and in that way would hopefully not meet with criticism from the states.

The committee considered Nuernberger's suggestion off and on for several hours until Administrator Velde, as previously scheduled, arrived. Velde told the group that while he takes a strict line on interpreting the law, in this particular case the standards could not be developed in time. And, anyway, he said, a "second reading" of the Act persuaded him that the standards need not actually be completed by September 6.

"But," he continued, "we at least owe Congress and the Administration a report on the efforts that are going on" which would be delivered by the September date. "You are charged to come up with a structured set of standards. I don't know how long this will take, but you must do your best."

Velde suggested the committee take an additional 30 to 60 days to develop the standards; but considering that the committee will not meet again until October 30 in Denver, the delay will apparently be greater than that.

And, in its progress report, the committee said it is looking to base much of its work on two efforts that will not be completed until at least the middle of next year; those being the report of the Institute for Judicial Administration/American Bar Association Joint Commission on Standards (which has been in progress

since 1971), and the final draft by LEAA's National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention.

LEAA INVITES 24 TO APPLY FOR STATUS OFFENDER GRANTS

The Law Enforcement Assistance Administration (LEAA) has released the names of 24 organizations it has invited to submit expanded proposals for the $8.5 million in grants available to public and private agencies formulating innovative programs to keep juvenile status offenders out of detention and correctional facilities.

The 24 were selected from 420 preliminary applications. The only alternative youth program among those named is The Awakening Peace, a multi-services group in South Lake Tahoe, Ca., providing outclient counseling, activities for youth, drug information, and a variety of runaway services. The awards are expected to be made in the near future. The applicants are:

Division of Rehabilitative Services, Dept. of Social & Rehabilitation Services (Little Rock, Arkansas); Pima County Juvenile Court Center (Tucson, Arizona); Juvenile Probation Dept. (San Jose, Ca.); County Human Resources Agency (San Diego, Ca.); The Awakening Peace (South Lake Tahoe, Ca.); San Joaquin County Probation Dept. (Stockton, Ca.); Office of Criminal Justice Planning (Oakland, Ca.); City and County of Denver, Denver Dept. of Welfare (Denver, Co.);

Council on Human Services (Hartford, Conn.); Dept. of Health & Social Services, Division of Services to Children & Youth (New Castle, Del.); Youth Services Section, Georgia Dept. of Human Resources (Atlanta, Ga.); Dept. of Children and Family Services, State of Illinois (Chicago, Il.); Office of Children and Youth Services, Dept. of Social Services (Lansing, Mich.); Dept. of Community Corrections (St. Paul, Minn);

Citizens Conference on State Legislatures (Kansas City, Mo.); Human Services Agency (Omaha, Nb.); National Assembly of National Voluntary Health & Social Welfare Organizations (New York, N.Y.); The Citizens' Committee on Youth (Cincinnati, Ohio); Neighborhood Youth Shelter (Newark, Ohio); Dept. of Youth Services, State of South Dakota (Pierre, S.D.); Harris County Juvenile Probation (Houston, Texas); Delinquency Prevention Services, Office of Juvenile Rehabilitation, Dept. of Social & Health Services (Olympia, Wash.); Wisconsin Council on Criminal Justice (Madison, Wisc.).

JUVENILE JUSTICE . . .

Two national conferences of interest to persons concerned with juvenile justice will be held next month: the First National Conference on Delinquency Prevention, to be held October 14–17 in Niagara Falls, New York; and the Fifth National Forum of Volunteers in Criminal Justice, to be held October 12–15 in San Diego, Ca.

The National Federation of State Youth Service Bureau Associations is the main sponsor of the Niagara Falls conference; which will feature Senator Birch Bayh (D-Ind.), chairman of the Senate Subcommittee on Juvenile Delinquency; New York Governor Hugh Carey; and James Hart, Commissioner of the Office of Youth Development, HEW, as speakers.

A series of panel discussions, workshops and mini-workshops will be held focusing on the conference theme: "youth development as delinquency prevention." NYAP will coordinate workshops concerning runaway youth programming, innovative models for service delivery, role of the church in prevention, and hot lines. NYAP will also lead a major panel discussion on the Juvenile Justice Act and LEAA. (For more information, see the brochure attached to this issue of Y.A.).

The San Diego conference will also feature Senator Bayh as keynote speaker. It was originally conceived to promote the use of volunteers in the field of criminal justice and to upgrade existing programs, but has now been expanded to include information for and participation of any national, state or local group which uses unpaid staff members to realize its aims.

A variety of workshops will be held on different aspects of volunteerism, including new frontiers for volunteers in delinquency prevention. Additional information is available from Edmund Carver, Executive Vice President, National Council on Crime and Delinquency, 411 Hackensack Ave. Hackensack, N.J. 07601.

LUGER VOWS A "NEW PHILOSOPHY WITH YOUNGSTERS"

IN SENATE CONFIRMATION HEARING

Milton L. Luger, former Director of the New York State Division for Youth and the nominee to head LEAA's Office of Juvenile Justice and Delinquency Prevention, testified before the Senate Subcommittee to Investigate Juvenile Delinquency on October 30 and vowed to be "aggressive in pursuing a new philosophy with youngsters; not just locking them up and forgetting them."

Prefacing the hearing, Sen. Birch Bayh (D-Ind.), the Chairman of the Subcommittee and the main author of the legislation that created the Juvenile Justice Office, reviewed President Ford's opposition to implementing the Juvenile Justice Act and happily added that "once it became clear that his efforts to stifle its implementation were not successful, he finally acted sensibly and nominated a person of the caliber and experience of Milton L. Luger."

The hearing was brief and no opposition to Luger's nomination was apparent. The questioning, by Bayh and the Subcommittee's Chief Counsel John Rector, was basically friendly. Luger's most lengthy response was to a question by Rector concerning the Juvenile Justice Act's emphasis upon removing juvenile status offenders from correctional institutions.

"That should be strenuously supported," Luger said, "but let's face the fact that there's a lot of naivete in the field on this issue. Status offenders should be removed from correctional facilities where they are in contact with delinquents. In principle that is fine—youths who are simply incorrigible or who cannot get along with their parents should not be there. But on the other side of the coin, let's realize that all status offenders are not simply incorrigibles or truant from school."

Luger described a situation he had discovered in which officials were labelling all white youths status offenders and all blacks youth delinquents regardless of the acts they had committed. "Let's make sure these kinds of games are not being played," Luger said. "We have to look at each youth individually and be responsive to his needs."

Rector asked Luger's views on the fact that 43 states have elected to participate under the Juvenile Justice Act, but only a handful of them have created the required citizens advisory committees to advise the State Planning Agencies (SPA's).

"It is obligatory on us to be quite crisp and forceful that the requirement is met in good faith," Luger said. "I will try to learn what the problem is if that is taking place. Citizen participation is vital." Luger also said he favored the SPA's conducting their work in the open. "Crime control meetings in New York were always open to the public," he said. "I think that is necessary. There must be no secret slicing up of the pie."

Bayh told Luger one of the issues that has arisen under the Act concerns employees in institutions which would be affected by the Act's requirements, such as a loss of jobs caused by removing status offenders from an institution.

Luger replied he was "certainly sympathetic" with such employees. "In New York we worked very hard with Civil Service to make certain that people weren't hurt" because of deinstitutionalization, Luger said. He promised he would do what he could to "put them in new positions that would utilize their skills."

Asked how the work of the Juvenile Justice Office could be evaluated a year or two from now, Luger said he would ask if youngsters were really being diverted from the juvenile justice system "or are we just casting a wider net?" He would also ask what has been done to reduce the number of juveniles in institutions and to separate them from adult offenders if they remained in such facilities. Luger said the office would be conducting research on these questions and would present the results to Congress so it could judge whether the intent of the law was being met.

Luger, 51, became the Deputy Director of the New York State Division for Youth until his appointment as Director in 1966, serving until 1970. During 1970–71 he was Chairman of the New York State Narcotic Control Commission: Narcotic Control, Prevention and Treatment, before returning to the New York State Division for Youth: State Delinquency Prevention and Treatment Administration as Director until his resignation in August. He is a recipient of the "Roscoe Pound Award", the National Council on Crime and Delinquency's highest award for work in delinquency treatment.

LEAA Diversion Program Delayed

LEAA's Juvenile Justice Office has blamed the backlog resulting from the first stage of its Special Emphasis Programs for a delay in undertaking the second stage—diverting youthful offenders from the juvenile justice system.

Emily Martin, head of the Special Emphasis Program, told *Y.A.* that "we didn't have enough staff to finish up the deinstitutionalization program and take on the diversion one as well." The Juvenile Justice Office—created in September, 1974, with the enactment of the Juvenile Justice Act—did not really come into being until the end of this summer when the Administration finally agreed to give it minimal funding, and has since been hampered by inadequate staffing in several of its operations.

The deinstitutionalization program is offering $8.5 million in grants to public and private agencies formulating innovative programs to keep juvenile status offenders out of detention and correctional facilities. Twenty-four of the 420 preliminary applicants have been invited to submit formal applications for the funds.

The diversion program is the second of the four special initiatives which will eventually also include reduction of serious crime by juveniles and delinquency prevention. The diversion program guidelines were to have been released in September but will now be available in December, according to Ms. Martin.

Awards totalling between $5–10 million will go to 5–10 diversion programs, Ms. Martin said, with the final figure depending upon how much LEAA has available to spend. These awards will be announced sometimes in the late Spring of 1976.

The release of the guidelines for the other two programs are still scheduled for January, 1976, Ms. Martin said. The awards will be announced next October.

Juvenile Justice Office Funded for FY 76

President Ford has signed the fiscal 1976 appropriations bill for the Department of Justice authorizing a total of $809.638,000 for LEAA, of which $39.300.000 will go towards implementing the Juvenile Justice and Delinquency Prevention Act.

The Juvenile Justice Act requires that state planning agencies and LEAA maintain 1972 levels of spending on delinquency prevention over and above those funds designated for the terms of the Act; meaning LEAA must use a minimum of $18–20 million of its discretionary funds on delinquency prevention and the states must designate an even greater minimum amount for prevention.

In a time of decreasing budget authorities due to tight money. this requirement is meeting with some opposition across the country and the Administration is backing a bill (S. 2212) which seeks to repeal this minimum maintenance of effort. And, since for the first time LEAA's budget has been cut for the coming fiscal year, it will be spending a relatively larger percentage of its funds on juvenile justice and delinquency prevention.

Milton Luger Talks About His Plans for the Juvenile Justice Office

AN INTERVIEW

(On November 21, Milton L. Luger, the former Director of the New York State Division for Youth, was sworn in by Attorney General Edward Levi as an Assistant Administrator of LEAA in charge of the Office of Juvenile Justice and Delinquency Prevention. *Youth Alternatives* interviewed Mr. Luger that same day in a session which was briefly interrupted by the swearing-in ceremony itself.)

Q. What are your views on the role of the State Advisory Committees and youth participation in the planning process under the Juvenile Justice Act?

A. I'm a strong believer that you can't impose anything upon people who don't want their lives tampered with. You've got to get them actively involved in their own fate and their own future, even if they have to make a lot of mistakes along the way. And so this business of infantilizing kids in the system by doing things to them and running a kind of system in which you imply to them either "you're sick" or "you're inadequate" or "you're inferior" and "I'm the person with all the strength and the smarts and if you're grateful enough and quiet enough and complain enough I'll do something to straighten you out" is nonsense. And it's

the way the whole system of counseling and juvenile justice programming has gone, too often. So I'd be a strong advocate of having young people whose lives are affected by the system be heavy participants in both decisionmaking and in the whole idea of organizing themselves and having the power to do something about their own lives. Now, I think the Act was wise when it called for one-third youth representation in our own National Advisory Committee and in the local planning groups. I've been told that compliance has been going along pretty well, that there have been a number of advisory groups organized already. I have been starting to go around visiting the various regions, the regional offices, and meeting with State Planning Agency people. I've been to Philadelphia and Chicago and Boston, so far, and these are the questions we're raising with them, to make sure that this does take place, because we're very serious about it.

Q. The Juvenile Justice Office is working on a standardized definition of "diversion". I understand some questions concerning due process have been raised concerning diversion and that you see a danger in removing juveniles from the juvenile justice system and putting them in the hands of private agencies. Would you elaborate on that.

A. I think there are real dangers about—in a very simplistic way—characterizing some programs as being simply voluntary and non-coercive when in essence they aren't that at all. And a lot of ways people intervene in the lives of kids—they make all kinds of demands upon them when they have no legal right to do so. They hold a sword over their head: "We're going to refer you to that terrible institution" or "we're going to reinstitute the charges". Double jeopardy questions really arise in my mind, too. And so, what I'm saying, my fear is that everybody sort of thinks that diversion is great. You know, it's motherhood and apple pie and all the rest of the business. But there are some safeguards I would like to see in it, that the thing doesn't become coercive without the kid being protected. The point I'm trying to make is that I'd like to see a kid institutionalized as a last resort. I'd like him not to go to Juvenile Court if he could be gotten away from it. But my feeling is, at least, if he is in the court I know he probably has a public defender, he probably has legal aid. At least somebody is participating on his side in an adversary kind of role. I think that in too many of these diversion programs—which are good and should be supported—in too many instances we have no checks and balances; simply program staff dictating to a kid what he should and should not do, and the kid's powerless with nobody really speaking up for him. That's the danger I see in simply saying "divert out" and everybody puts the weight on the kid and nobody's checking whether they have a right to do that.

Q. The Juvenile Justice Act calls for between 25–50% of its funds to go to Special Emphasis programs, with 20% of this going to private agencies. Presently the figure is around 25%. Do you see that percentage rising in the future?

A. I think generally that's what it should remain at; certainly no less than that. We want to make sure that the impact and imprint of the legislative mandate is carefully noted around the United States. And this is the way we see of making sure that those clear initiatives and those clear messages which are written into the law are spelled out to the localities. I really feel that simply taking more and more money for the special initiatives and in a sense putting out the message that we're not going to be plugging into the major part of the SPA operations or the local operations would be a mistake. Don't forget there is about $112 million out there in regular juvenile justice. regular Crime Control money, in addition to ours. So we've got to make sure that we mesh as best as possible with them instead of putting out the notion "you sit back and we're going to bypass you and deal directly with all localities through Special Emphasis dollars."

Q. The intent of Congress in the Act was for small, community-based programs to be funded. What are your plans for carrying out this mandate?

A. Well, you know, our first initiative was deinstitutionalization (of status offenders), and the alternatives to that kind of institutions have been one of the basic thrusts of this whole business of small, community-based kinds of programming, to get the kids out of the larger places. And so we've encouraged that and we're going to be funding a lot of those approaches, hopefully to get more and more communities to try that even through the regular Omnibus Crime Control Act. The Advisory Committees hopefully will be encouraged to pressure towards that initiative as well. But I would just like to reiterate one of the things I've been saying, to the extent that people might be tired of hearing it, and that is, although I am a very strong advocate of community-

based programs and group homes—if the kid has to be removed from his home, I don't believe every kid can be treated in a community-based program. In other words, do away with all the other out-of-community resources and force all the kids onto the community. I think that approach in the long run discredits—will descredit—community-based programming, because we'll put some inappropriate kids in there and they're going to mess up and the people who never wanted to have the kids in the community are going to have the ammunition to get the pendulum swinging back again. I'm very much concerned about that. So I think what a system really needs is a diversified set of options and a balanced set of options. I'm not recommending or advocating large, impersonal training schools, but what I am advocating is not to view community-based programming as some sort of panacea for all kids. You do that kid a disservice, you do the community a disservice if you put an inappropriate kid into a place.

Q. One of the problems with community-based programming is in the response of the community. Too often you hear of communities saying that's a good idea, but do it somewhere else.

A. Do it in somebody else's backyard.

Q. What's the mechanism by which states can implement community-based programming?

A. We had some very specific procedures which we worked out in New York State to achieve that. You've got to recognize that when you go in, let's say such as a state agency, to create such a resource, you're going to have opposition. But if you're careful and you work at it, you can create support as well. For example, we reached a point in New York State where a locality had to pay 50% of the cost of care of institutionalizing a kid anywhere. We were able to show that sending him out of the community to a training school costs much than it did for a community-based approach. We were able to say, "Look, first of all, on the cost benefit basis it will be less for you as a taxpayer." That doesn't win them all over at all. To a lot of people that's okay, but it's not the turning point. But then what we do is very consciously try to get in contact with those people who are supporters of this movement—and there are some very vocal groups out there, the National Council of Jewish Women, the Junior League, a lot of family court judges who would love to have those as alternate options to the one training school they might have been able to send a kid, some very good Kiwanis Clubs and so on who might take this on as a project. So you find those who are the leaders in the community and say, "Look, according to our records you have 40 kids out of this county who came to the Division for Youth in the past and it costs you this amount of money. Why don't you work with us on creating some options for selected kids—we won't put all of them in there because some kids can't function in a community." And we would ask this group to justify for us the need for this alternative.

Q. Do you see your office as playing a role in this?

A. Right. The technical assistance to be able to do this. And we'll be glad to pay for it, we have monies to do that. We'll be glad to detail people who have gone through this experience and work right along with them. Materials, floor designs, staffing patterns, whatever they want we could make available to them.

Status Offender Awards Go to Five States, One County

The Office of Juvenile Justice and Delinquency Prevention, LEAA, has awarded grants totaling $6.6 million to five states and a county under its deinstitutionalization initiative to remove juvenile status offenders from detention and correctional facilities and place them in alternate treatment programs.

The grants were less than the $8.5 million the Office said it had earmarked for the deinstitutionalization initiative. The only alternative youth program (The Awakening Peace, South Lake Tahoe, Calif.) among the 24 public and private agencies the original 450 applicants had been narrowed to was not selected; and, in fact, only one private program was picked.

This apparent trend away from small, private agencies will hopefully be reversed in future special initiative programs. In a recent interview with Y.A., Milton L. Luger, the new head of the Juvenile Justice Office, said his Office has encouraged small, community-based programming and is "going to be funding a lot of those approaches" (see page 8). Luger also said the recipients of these grants had been selected before he took office.

In announcing the grants, LEAA Administrator Richard Velde said that more than 15,000 youths will be removed from detention and correctional facilities because of the grants. "These juveniles have not committed a crime and are ill-served when jailed with those who have committed serious offenses," Velde said.

The awards are as follows: Arkansas Department of Social and Rehabilitative Services ($1,108,579); Connecticut Council on Human Services ($1,405,641); Delaware Department of Health and Social Services ($987,083); Illinois Department of Children and Family Services ($1,493,300); South Carolina Department of Youth Services ($1,500,000); The Neighborhood Youth Shelter, Inc. (Licking County), Newark, Ohio ($114,000).

After the first year of operation, the projects will be evaluated to determine their progress. If successful, they may serve as models that can be transferred to other state and local jurisdictions. These grants are one phase of a four-part program which will also include diversion of offenders from the juvenile justice system, reduction of serious crime committed by juveniles, and prevention of delinquency.

LEAA To Require 10 Percent Cash Match for Juvenile Act Funds

DECISION MEANS PROBLEMS FOR YOUTH SERVICES

(The following article was written by Mark Thennes, coordinator of NYAP's Juvenile Justice Project)

Word has finally filtered down to the private sector that LEAA Administrator Richard Velde—with the concurrence of the Office of Juvenile Justice—has interpreted the Juvenile Justice and Delinquency Prevention Act as allowing LEAA to require at least 10% cash matching funds. All units of local government and, with rare exceptions, all private agencies will be required to secure a 10% cash (or hard) match rather than a 10% in kind (or soft) match for Juvenile Justice Act funds.

The probable effect of this administrative decision will be to make it more difficult for youth services—public and private alike—to participate in the Act. In tight fiscal times, youth services will be required to spend even more time acquiring the cash match; and there is the possibility that some states will not participate in the Act because of legislatures not providnig the matching funds. This decision, then, may potentially sabotage the purposes of the Act.

Fiscal Guidelines M7100.1A Change 3, dated October 29, 1975, outline a difficult and bureaucratic process by which private agencies might obtain exceptions—though the rule will be exceptions will not be granted lightly. The appropriate LEAA Regional Office may grant exceptions if:

(1) A project meets the Act's requirements, is consistent with the State Plan, and is meritorious.

(2) A demonstrated and determined good faith effort has been made to find a cash match.

(3) No other reasonable alternative exists except to allow an in kind match.

Taking its line of argument from the Act itself, LEAA quotes Sec. 222(d), "the nonfederal share shall be made in cash or kind," and Sec. 228(c), "(the Administrator) may require the recipient of any grant or contract to contribute money, facilities, or services." With capricious reasoning, LEAA maintains that its intention is to all private agencies to participate in the program and to fulfill the intent of Congress to integrate the Juvenile Justice Act with the Safe Streets Act (which *Congress* required a 10% hard cash match for).

A persistent argument for cash rather than in kind is that cash is easier for LEAA accountants to count. However, the purposes of the Juvenile Justice Act do not list making the jobs of accountants easier.

In previous Senate debate, both Sens. Hruska (R-Neb) and Bayh (D-Ind) made references to *changing* LEAA policy to in kind match for the Juvenile Justice Act. In his speech of August 19, 1974, Hruska noted:

"The conferees agreed upon a compromise match provision for formula grants. Federal financial assistance is not to exceed 90% of approved costs with the nonfederal share to be in cash or kind, a so-called soft match. This means that private agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon

match provision is in lieu of the provision of the Senate for no match and the House provision for a 10% cash, or hard match."

Two other references were made during the debate to a *compromise* between the House and the Senate. In the opinion of NYAP, the LEAA Fiscal Guidelines contradict the intent of that compromise, and as such clearly exceed the administrative authority of LEAA.

The Vermont Commission on the Administration of Justice (the LEAA State Planning Agency) has challenged the interpretations LEAA has made. They are considering seeking relief through administrative procedures or legal action. They have questioned whether LEAA has acted in "good faith", labeling this decision as "one of the best kept secrets of the century." The preliminary decision to require cash match was formulated last Spring, with most State Planning Agencies not being notified until late November—after already agreeing to participate in the Act.

LEAA failed to consult *any* national private youth organization on these Guidelines. Previously, LEAA had invited their comments on the juvenile Justice Act Program Guidelines and received valuable input from the private sector. Additionally, it failed to heed input from national public organizations which strongly encouraged LEAA to drop the hard cash requirements.

It appears that Mr. Velde is unaware of the hardships this decision will cause for community based youth services. Both he and the Senate Subcommittee to Investigate Juvenile Delinquency could benefit from hearing from youth workers about the potential implications of this administrative decision. (Remember that feedback on guidelines in not lobbying.) You can write:

Richard Velde, LEAA Administrator, 633 Indiana Ave. N.W., Washington D.C. 20531;

U.S Senate Subcommittee to Investigate Juvenile Delinquency, Washington DC. 20510.

LEAA Presses Juvenile Justice Representation

Since Spring, LEAA has been pressing its State Planning Agencies (SPA's) and their Regional Planning Units (RPU's) to comply with the juvenile justice representation required by the Juvenile Justice and Delinquency Prevention Act. Both SPA Supervisory Boards and RPU Boards review and approve comprehensive plans and funding related to the juvenile justice and other law enforcement programs.

As of December, 47 of 50 Supervisory Boards of SPA's met the required representation of "citizen, professional, or community organization directly related to delinquency prevention." The three that do not meet the requirements are Maryland, Connecticut and Virginia.

The same representation is required of the Boards of the RPU's. Compliance at this local level is not yet complete. The following is a partial listing of RPU compliance: New York (6 of 13 comply), Pennsylvania (5 of 8), Virginia (17 of 22), Maryland (0 of 5), Michigan (12 of 14), Illinois (6 of 19), Colorado (8 of 10), Missouri (10 of 19), Nebraska (6 of 19), and Florida (14 of 15). These assessments were made by LEAA Regional Office staff.

In most cases of noncompliance, LEAA Regional Offices have placed "special conditions" on the state's planning funds. These conditions usually require compliance by a specified date or penalties are imposed. New York, for example, was placed under special conditions to prohibit funding of local planning units beyond December 31, 1975, if they are not in compliance.

While LEAA presses for quantitative compliance, community youth services need to press for quality in these boards. Information on who represents juvenile justice, and vacant seats causing noncompliance, is available from your State Planning Agency. Where vacancies on these policy boards exist now, and when they occur in the future, youth services can advocate for persons who have demonstrated their interest in youth development. People who currently serve on these boards can also benefit greatly by hearing from youth workers about current needs of young people. For further information, contact Mark Thennes at NYAP, (202) 785-0764.

Recission of Juvenile Justice Act Funds Rumored

High government sources have confirmed a rumor is circulating to the effect that the White House is considering requesting a recission of the $40 million FY 76 funding for the Juvenile Justice and Delinquency Prevention Act. Whether there is any truth to the rumor is yet to be determined.

Recission, you will remember, is a Congressional response to former President Nixon's habit of impounding funds. It works like this: Congress creates a Bill and the President decides whether he approves of it or not. If he does approve, he signs it and it becomes an Act. Then Congress votes funds for the Act. If the President thinks it is too much, he can veto the funding; but if he approves he will sign it.

Later, if the President changes his mind—or worse, if he never intended to spend the money in the first place—he can order a recission, which, in effect, gives him a budget item veto. The catch, of course, is that he must go back to Congress where it can disapprove of this change of mind. The onus for acting to prevent a recission rests with Congress. If it does nothing, the appropriation is rescinded. Given the past Congressional support of the Juvenile Justice Act, however, it seems highly unlikely that a recission would be allowed.

JUVENILE JUSTICE REPRESENTATION NEARS COMPLETION

Only twenty of the approximately 450 Regional Planning Units (RPU's) of the LEAA State Planning Agencies (SPA's) in the country do not comply with the required representation of persons involved with juvenile justice, according to the most recent LEAA memorandum on the subject. These twenty RPU's are scattered among nine states and are expected to be in compliance by March 1, 1976.

An amendment to the Safe Streets Act which created LEAA was added to the Juvenile Justice Act requiring representation of citizen, professional or community organizations directly related to delinquency prevention. (See January, 1976, *Y.A.*)

We reported last month that Maryland was one of three states whose SPA did not meet the required representation. We also said that none of Maryland's five RPU's were in compliance. This information, based on LEAA assessments, was the most current information available as we went to press last month.

We received a letter in January from Richard C. Wertz, Executive Director of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, saying this report was wrong and that Maryland's SPA and RPU's are in compliance. At press time this month, LEAA reports that Maryland is in compliance in terms of its requirements.

The other two state SPA's which were in question were those of Virginia and Connecticut. Virginia's will come into compliance in June, according to the LEAA memorandum. Approval for Connecticut is still pending in the LEAA Regional Office.

LEAA Hard Match Decision Draws Congressional Fire

The two authors of the Juvenile Justice and Delinquency Prevention Act of 1974, Sen. Birch Bayh (D-Ind) and Rep. Augustus Hawkins (D-Ca), have notified LEAA that its recent guidelines on matching requirements for grants under the Act to public and private agencies are a violation of congressional intent.

LEAA Administrator Richard Velde, with the concurrence of Milton Luger, head of the Office of Juvenile Justice, had interpreted the Act as allowing LEAA to require at least 10% matching funds from recipients which, with rare exceptions, were to be in cash (or hard) rather than in kind (or soft). This decision would obviously create difficulties for financially squeezed youth services—public and private alike—which wanted to participate in the Act. (See January, 1976, *Y. A.*) In addition, LEAA failed to consult any national private youth organizations in formulating these guidelines.

In a letter to Attorney General Edward Levi, Sen. Bayh wrote, "The Administrator has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation." Bayh included copies of an exchange of correspondence between himself and Rep. James Jeffords concerning an LEAA directive to Jefford's home state of Vermont that its share of programs under the Act be in cash. "If the matching cash is not available, Vermont stands to lose this vital program," Jeffords had written to Bayh.

Bayh responded to Jeffords that "our near half-decade review of LEAA policy made abundantly clear the need to facilitate the receipt of assistance by public and private entities, especially in the area of delinquency prevention. A primary obstacle to such progress was the 10% hard match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement . . .

"As you know," Bayh continued, "the House bill incorporated the cash or hard match in its bill and a compromise was reached by the Conferees which was designed to allow in-kind or soft match rather than the absolutist approach of the two original bills. Thus, the legislative intent is clear that in-kind match should be the general rule, but that in exceptional circumstances the Administrator . . . could provide for a waiver scheme and require hard match."

Similarly, Hawkins wrote to Velde at LEAA that "nowhere in the legislative history of this bill is there justification for requiring a hard match from either state and local agencies or private nonprofit agencies."

LEAA's Public Information Office reports this issue is now being reviewed by the Administrator and that revisions of the LEAA guidelines "will be issued in the near future". These revisions, the office said, will allow state and local government agencies to substitute in-kind matches for cash "under appropriate circumstances." What these circumstances are has not been released.

LEAA's decision to require cash instead of in kind matches (in which the value of good and services donated to the agency are credited towards its matching share) was brought to the attention of private agencies last month by NYAP staff member Mark Thennes, who has been monitoring LEAA's activities and alerting youth service programs about its actions.

Milton Luger wrote to the National Council of Organizations for Children and Youth (NCOCY) in January to apologize that NCOCY had not been given the opportunity to review and comment on the guidelines. NCOCY is a coalition of about 200 national, state and local organizations concerned with children.

"I regret that oversight on our part," Luger wrote, "and can only assure you that it was not intentional and that it is our desire to involve you in these processes." He also wrote that the guidelines have already been cleared by LEAA and distributed, but that they will be periodically reviewed and, "if necessary", revised. He asked that comments on the guidelines be sent to him for use "when the guidelines are revised".

Luger added that questions have been raised concerning a waiver of the hard match for private non-profit youth-serving agencies and that he had been "assured by the Administrator that sufficient guideline flexibility will be encouraged to involve the private sector in this important work by recognizing their unique problems."

LEAA's National Advisory Committee on Juvenile Justice met in San Francisco at the end of January and heard LEAA Administrator Richard Velde say the agency would soon ask Congress to completely eliminate provisions for in kind (soft) matches under the Juvenile Justice Act.

Velde told the committee LEAA was required to submit its ideas for changes in the Act to Congress by May 15. He said the requested changes would probably include the removal of the soft match provisions.

"Soft match has had some interesting side effects," Velde said. Until 1971, he said, LEAA allowed 25% soft matches in its grants and it began "making liars out of criminal justice agencies" who were squeezed for funds. LEAA discovered that some agencies were using the same volunteered services and equipment as in kind contributions on different LEAA grants, Velde said, and added that "we can expect this same problem with private agencies" because they are inexperienced with handling federal monies, bookkeeping procedures and complicated audit problems.

Velde also said LEAA would request extending the life of the Juvenile Justice Act until September, 1981, to allow it to expire at the same time as the Crime Control Act of 1975. The Juvenile Justice Act is now set to expire in September, 1977.

President Asks Deferral of JJDPA Funds, Cut in LEAA Budget

President Ford has asked Congress to defer spending $15 million of the $40 million it appropriated for the Juvenile Justice and Delinquency Prevention Act for this fiscal year (FY76). The President, who had earlier approved the spending of the money, is now requesting that the $15 million be spent next fiscal year (FY77) He is also asking Congress to appropriate an additional $10 million for the Act in FY77, thus hoping to get approval of funding the Act at the $25 million level for each of its three years (1975–1977).

The deferral becomes effective immediately. Either the House or the Senate can act to end the deferral by a majority vote, as it requires only an affirmative

vote by one body to overturn the President's action. Such a move must originate in either of the Appropriations Committees of Congress.

The immediate effect of the deferral is on the planning functions of the LEAA system. With most State Planning Agencies having been granted a 60-day delay in the submission of their Juvenile Justice Plans, they are now forced to make plans and priorities for juvenile justice without an accurate picture of the funding resources.

Rep. Augustus Hawkins (D-Ca), co-author of the Juvenile Justice Act, sent a letter at the end of January to the House Committee on Appropriations' Subcommittee on State, Justice, Commerce and Judiciary asking for an immediate resolution disapproving the deferral.

"The Juvenile Justice Act is currently funded at the level of $40 million for FY76," Hawkins wrote, "although the law authorizes $125,000,000 for this fiscal year. The deferral will severely jeopardize the juvenile delinquency prevention program during a period when states are committing substantial resources to comply with the requirements of the law, particularly the development of diversionary programs and community based alternatives to traditional forms of institutionalization of youth. It is anticipated that a number of states will simply choose not to participate in the Federal program without the assurance of adequate Federal funds."

Youth services can express their opinions of the effect of this decision by writing their Congressional representatives, who will be asked to vote on this issue within the next month.

In the same budget message that asked Congressional concurrence with his deferral of JJDPA funds, the President asked Congress to cut the FY77 funding level for LEAA by $101.7 million. Last year the President requested and received the first major cut in LEAA funds—bringing its FY75 total of $887 million down to $809.6 million (including $40 million for the JJDPA) in FY76. The President is now asking further cuts to $707.9 million for FY77.

The effects of this year's cuts in LEAA funding are now being seen in the juvenile justice area. Richard Wertz, Director of the Maryland Commission on Law Enforcement and Criminal Justice, announced to its Juvenile Justice Advisory Board his intentiton to recommend that the reduction of LEAA funds in Maryland by $500,000 be supplanted by the $500,000 incoming JJDPA funds. Similar types of replacement of "lost" funds with new juvenile justice money may be occurring in other states and might be furthered by new cuts in the LEAA budget.

Such trade-offs, whether or not they comply with the spirit of the Juvenile Justice Act and the intent of Congress, need not occur. LEAA funds received by State Planning Agencies are rarely spent in the year for which they were earmarked.

For example, say an SPA received a block grant for FY75. According to the SPA's national average rate for spending funds they receive, this particular SPA would spend 7–10% of this FY75 money in FY75; 50–60% of it in FY76; and 30–40% of it in FY77. SPA's have a choice as to how much money they will spend in any of the three years. After three years, any unspent funds must be returned to the federal government.

LEAA does not expect that SPA's will spend all of their FY76 funds in FY76, but it does expect them to spend more than they were before, about 30–40% as compared to 7–10%. Thus, while an SPA's budget may be cut, it has the choice of actually increasing its spending, thereby balancing or surpassing any cuts.

Reductions in the amounts of funds received by LEAA will, in some cases, affect the resources available for juvenile justice. For the first few years at least, there exists some measure of choice to mitigate the effects of fewer dollars. This choice has not been generally made clear to people interested in juvenile justice.

LEAA Changes Guidelines, But Hard Match Still Rule

LEAA has revised its fiscal guidelines which had required a "hard" (cash) match from public agencies receiving Juvenile Justice and Delinquency Prevention Act funds. Previously, only private agencies were to be eligible for possible exceptions to the cash match requirement. (See January, February *Y.A.'s.*)

LEAA Administrator Richard Velde is still insisting that in-kind ("soft") match is to be an exception to the rule requiring cash match. In an undated change that takes effect immediately, Velde will now permit in-kind match to be substituted for cash in any project—public or private—upon the request of

a State Planning Agency (SPA) to an LEAA Regional Office. The SPA must first make a formal determination that two specified criteria have been met:

(1) a demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) no other reasonable alternative exists except to allow in-kind match.

The SPA is required to review any exception granted each year to determine whether the criteria still apply. Velde has also reserved the right to make similar exceptions of match for Special Emphasis grants from LEAA's Office of Juvenile Justice, which is headed by Milton Luger.

Luger, responding for Velde to questions from Roger Biraben, of Second Mile runaway center in Hyattsville, Md., wrote "it is not our intention that private nonprofit agencies be denied funding consideratiton on the basis of inability to generate cash match", nor is it "LEAA's intent to place unreasonable administrative burdens on potential applicants."

Velde's new guideline passes decisions on the Congressionally intended in-kind match to the SPA's. Serious questions are raised by giving this discretionary power to the SPA's in light of the increased burden in auditing an in-kind match and in view of their obvious biases against the Act. On January 31, the Legislative Advisory Committee to the National Conference of State Criminal Justice Planning Administrators (the national body of SPA's) recommended:

(1) opposing the reauthorization of the Juvenile Justice Act.

(2) abolishing both LEAA's Office and Institute of Juvenile Justice.

(3) ending the Juvenile Justice Act's maintenance of effort provision which requires that LEAA maintain its 1972 level of delinquency prevention spending (about $112 million a year) over and above those funds distributed by the Juvenile Justice Office.

(4) supporting only hard cash match, noting that the "deletion of in-kind match eliminates a problem-producing administrative process and enhances greater grantee commitment to projects."

Most of the SPA staff personnel *Y.A.* has talked with are opposed to the in-kind match provisions, citing auditing headaches and questions about the grantee's commitment. Regardless of what it intends, LEAA has passed decisions on hard match to an obviously unsympathetic branch of state government, the SPA's, whose best interests are not compatible with in-kind match.

Attorney General Edward H. Levi has responded to a letter sent him in January by Sen. Birch Bayh (D-Ind), co-author of the Juvenile Justice and Delinquency Prevention Act, in which Bayh charged that LEAA Administrator Richard Velde had "clearly misconstrued" the intent of the Act by requiring a hard (cash) match from public agencies receiving funds under the Act.

Levi's letter to Bayh states that LEAA has revised its guidelines to establish parallel match provisions for both public and private agencies which would permit in-kind (soft) match under certain circumstances. (See main story.)

But Levi's letter also makes clear LEAA's preference for hard match and lists four reasons for this:

(1) State and local legislative oversight is insured, thus guaranteeing some State and local governmental control over Federally assisted programs,

(2) State and local fiscal controls would be brought into play to minimize the chances of waste,

(3) the responsibility on the part of the State and local governments to advance the purpose of the program is underscored,

(4) continuation of programs after Federal funding terminates is encouraged by requiring a local financial commitment.

"It was for the above-cited reasons," Levi's letter continues, "that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match."

But John Rector, chief counsel of the Senate Juvenile Delinquency Subcommittee, told *Y.A.* that whatever the intent of Congress was in that amendment has no bearing on what the intent was in passing the Juvenile Justice Act. "The intent was clearly for in-kind match," Rector said, "and Mr. Levi's letter ignores that."

House Rejects Deferral of Juvenile Justice Funds

President Ford's request for a deferral of $15 million of the $40 million already appropriated for the Juvenile Justice and Delinquency Prevention Act was

rejected by a voice vote in the House on March 4. A deferral is terminated if either body of Congress rejects it.

LEAA's Office of Juvenile Justice now has the full $40 million FY76 appropriation. Over the next sixty days, $23.3 million will be given to State Planning Agencies as their Comprehensive Juvenile Justice Plans are approved. Earlier in FY76, the Office had distributed $17.4 million to the states for juvenile justice programs, including $10.8 million of the $25 million FY75 Juvenile Justice Act funds.

Of the $40 million FY76 funds, $10 million must be spent on Special Emphasis programs. The Juvenile Justice Office has committed an additional $15 million of Safe Streets Act funds for Special Emphasis uses. Most of these monies are expected to finance the next three Special Emphasis initiatives: Diversion (see following story), Prevention and Reduction of Serious Juvenile Crime.

Also, $2.5 million has been earmarked for the Office's Technical Assistance responsibilities; and $6.4 million will be used by the National Institute of Juvenile Justice in fulfillment of its mandates for research, training and an information clearinghouse.

In addition to the $40 million, the Office will receive $10 million for the "Transition Quarter" (July 1–September 30) between FY76 and FY77. No decisions have been made on allocating these funds.

Congress is currently considering the appropriation level for the Juvenile Justice Act for FY77. The President is requesting $10 million, but a few youth services have begun to urge the Congressional appropriations committees to provide at least $75 million for the Juvenile Justice Act in FY77 in order to mount effective juvenile justice programs in the states and territories.

DIVERSION PROPOSALS SOUGHT

LEAA's Office of Juvenile Justice is to announce a major funding effort for Diversion programs in mid-April. Last July, the Office was tentatively estimating that between $5–10 million would be made available for the funding of a limited number of Diversion programs around the country (see Y.A., August, 1975).

The Diversion announcement is to be the second of four Special Emphasis Initiatives of the Office of Juvenile Justice. The first Initiative on Deinstitutionalization of Status Offenders distributed $11.8 million to 13 programs. Two other initiatives, one on Delinquency Prevention and the other on Reduction of Serious Juvenile Crime, are expected to be announced later this year.

Previously, the National Advisory Committee on Juvenile Justice and Delinquency Prevention expressed an interest in reviewing these grants before they are awarded—a position supported by Attorney General Edward Levi. The Advisory Committee's exercise of this power of project review is similar to the project review that LEAA Guidelines require for State Juvenile Justice Advisory Boards.

Information on how to apply for the Diversion grants will be available in mid-April from the 10 LEAA Regional Offices, or by writing to: Special Emphasis, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Ave., N.W., Washington, D.C. 20231.

STATES LACKING ADVISORY BOARDS WILL LOSE LEAA FUNDS

LEAA announced it intends to relocate the FY 76 Juvenile Justice and Delinquency Prevention Act state formula grants of those states not having Juvenile Justice Advisory Boards in place and operating by June 30. Citing powers given it by the Act (Sec. 222b, 223d), LEAA said it will reallocate these unobligated funds for special emphasis prevention and treatment programs around the country.

The following states have indicated they will not be participating under the Act, and are therefore not creating Advisory Boards: Alabama, Kansas, Nebraska, Wyoming, Oklahoma, West Virginia, Guam and American Somoa. Nearly $2 million in formula grants set aside for them will be committed to special emphasis programs by LEAA's Office of Juvenile Justice and Delinquency Prevention.

An informal poll conducted by Youth Alternatives in April indicates the following states do not have Advisory Boards and would lose the designated amounts of money should they not appoint them: Connecticut ($434,000), Vermont ($200,000), Texas ($1,402,000) South Dakota ($200,000), Utah

($200,000), Iowa ($334,000), Michigan ($1,104,000), California ($2,280,000), Hawaii ($200,000), Oregon ($240,000), District of Columbia ($200,000), Puerto Rico ($200,000), Virgin Islands ($200,000), and the Trust Territories ($200,000). Maine has appointed an Advisory Board that is not in compliance with LEAA guidelines and the state is reconsidering its participation under the Act.

LEAA has granted numerous extensions to states for submission of their Comprehensive Juvenile Justice Plans which must be reviewed by the Advisory Boards. A December 31, 1975, deadline was extended sixty days. President Ford's requested deferral of Juvenile Justice Act funds, overturned by the House in March, caused other delays. LEAA has just granted another forty-five day extension, until May 12 for submission of the Plans.

Part of the difficulty in creating the Advisory Boards appears to stem from staff in the Governors' offices attempting to gain political mileage from the appointments. This not only endangers the funds, but fails to recognize the need to orient these Advisory Boards to their functions of plan and project review. Additionally, it makes effective planning by State Planning Agency staff more difficult.

Interested youth advocates should contact their LEAA State Planning Agency and Governor's Office for further information on the status of the Advisory Boards and possible loss of funds.

71 PERCENT OF LEAA STATUS OFFENDER FUNDS AVAILABLE TO PRIVATE NON-PROFIT GROUPS

LEAA estimates that 71% of the more than $11.8 million recently awarded to 13 projects for the deinstitutionalization of status offenders is available to private non-profit groups. Six of the 13 projects are themselves private non-profit groups.

This figure is based upon a recent analysis of the project budgets done by LEAA's Office of Juvenile Justice and Delinquency Prevention. The analysis counted the amounts in the budgets for "purchase of services" or under the budget heading "contractual". How these funds will be awarded is at the discretion of the grantees.

The goal of the program is to halt the incarceration of juvenile offenders within two years and to develop community-based resources to replace correctional institutions used by juveniles. The 13 projects were chosen from more than 400 preliminary applications submitted to LEAA.

LEAA's second special emphasis program will concentrate on diversion of juveniles from the traditional juvenile justice system. The program announcement requesting applications was issued on April 15.

OVERLAP BETWEEN YSB'S, JUVENILE JUSTICE SYSTEM A CONCERN OF LEAA REPORT

A new assessment of Youth Service Bureaus claims that "the informal and formal conditions attached to Youth Service Bureau referrals apparently tend to reinforce the operational connections between YSB's and juvenile courts, and cause them to function as a form of probation agency." The LEAA-funded study was headed up by university researchers Arnold Schuchter and Ken Polk. NYAP obtained a draft copy of the assessment under the Freedom of Information Act.

The $245,000 study notes that "YSB's are one of the few existing helping services for youth in trouble with the law and fill a large gap in such services in communities of all sizes. On the face of it, therefore, their existence seems justifiable even if reliable research evidence is not available to prove their effectiveness.

"However," the report continues, "since many YSB's actually function or end up functioning as extensions of the juvenile justice system, one must seriously question and further research the specific operational processes whereby the connection with the justice system occurs, its impact on the youth handled, and its policy implication for development of alternative diversion strategies and mechanisms."

The study also examines the issue of YSB's and due process. "Evaluation of court intake processes are necessary across a range of types of court intake units to determine the potential disadvantages for the youth involved in such quasi-legal informal adjudicative and dispositional processes and the impact on the youth involved of the de facto transfer of dispositional authority to YSB's."

Dr. James Howell, acting director of the National Institute of Juvenile Justice and Delinquency Prevention, said this study "was designed to conduct an assessment of what is known about YSB's and their effectiveness", but "was not intended to constitute an evaluation of YSB's." Rather, he said, its purpose was to determine the current state of the art in that area. The report is currently being revised and edited and is scheduled for publication in June.

The question of YSB's and advocacy was also addressed in the study. The role and effectiveness of YSB's in initiating, catalyzing and coordinating efforts to change local justice system and no system agencies remains a matter of speculation, the authors note. "The findings suggest that advocacy (nonlegal) aimed at changing institutional practices of schools and youth-serving agencies is going on extensively among YSB's (primarily non-juvenile justice system based) but is inadequately documented, in part for obvious political and practical reasons."

The study also maintains that most YSB's "spend a considerable portion of their limited time, energy and staff resources to obtain the financial means for survival while, at the same time, dealing with diverse pressures that operate to diminish their credibiltiy and effectiveness as an agency serving youth in trouble."

Copies of the study will be available from the National Institute of Juvenile Justice and Delinquency Prevention, 633 Indiana Ave., N.W., Washington, D.C. 20531.

ADMINISTRATION'S HANDLING OF JUVENILE JUSTICE ACT HIT IN SENATE HEARING

The Senate Subcommittee on Juvenile Delinquency held an oversight hearing on May 20 to question LEAA officials about the implementation of the Juvenile Justice Act to date and to learn what amendments the Administration has proposed in extending the Act beyond its current expiration at the end of FY 77.

LEAA Administrator Richard Velde presented the 49 amendments to the Subcommittee, promising its Chairman, Sen. Birch Bayh (D-Ind), to say that instead of calling them amendments to extend the Act, the Administration would do better to call them "an act to repeal" the Juvenile Justice Act. Velde, however, termed the amendments "basically an extension of the program as it now exists." (For a more detailed examination of the amendments, see story on p. 2.)

Bayh, as in the past, was critical of the Administration's handling of the Act; at one point saying that since the White House was unsuccessful in preventing funding for the Act and later in deferring what funding there was, it was now intent upon "emasculating" the Act through the proposed amendments.

However, Bayh excluded Velde and LEAA from much of his fire, saying it was apparent to him that LEAA was being thwarted by the Administration in fully implementing the Act. Velde, who was once a Subcommittee staff member, did not deny this, and in his responses offered two examples of how the Administration turned down LEAA requests in regard to the Act.

One, Velde said, was when LEAA requested $80 million in FY 77 funding for the Act, only to have the Administration's Office of Management and Budget (OMB) slice that down to $10 million. And, Velde said, while LEAA wanted a four-year extension of the Act, the Administration proposed only a one-year extension. Bayh commented on this point, saying "this dangling from year to year will guarantee that a good program will not be as good as it could be."

Velde, however, defended the Administration's proposal to delete the "maintenance of effort" provision from theAct, which requires LEAA to spend a constant amount of money each year on juvenile justice programs. "This has been a time of declining overall resources for LEAA," Velde said. "Since FY 75, which was the highwater mark in terms of appropriations for LEAA, our resources have declined 40%. There are many, many priorities to be served in the face of declining resources."

The Subcommittee also heard from Michael Krell and Marion Cummings, of the Vermont Governor's Commission on the Administration of Justice (the state planning agency), who recounted their battle with LEAA over the recent hard versus soft match issue. The state had lost its share of funds under the Act when LEAA said it could not use a soft, or in kind, match instead of a cash match.

Cummings told Y.A., however, that the Commission had an "oral" agreement from LEAA that Vermont could substitute a soft match. During Velde's testimony, he said LEAA was prepared to waive the hard match provision if a state could show "good cause".

LEAA Seeks Flexibility in Deinstitutionalization Rule

Submits 49 Amendments to Juvenile Justice Act

LEAA has asked Congress to allow flexibility in the required deinstitutionalization of status offenders called for under the Juvenile Justice and Delinquency Prevention Act. Sen. Birch Bayh (D-Ind), the author of the Act which requires participating states to achieve this goal within two years, agreed with LEAA Administrator Richard Velde that this requirement needed more flexibility, but he said he did not want to create a loophole for noncompliance.

LEAA submitted to Congress a list of 49 amendments to the Juvenile Justice Act. Under the Budget Reform Act of 1974, the Administration is required to submit to Congress its recommendations for changes in existing legislation 18 months before that legislation expires. Most of the 49 recommendations are of a technical nature, and others come as a surprise to those following LEAA's implementation of the Act.

As expected, LEAA called for eliminanting the soft, or in-kind match, in favor of a 10% hard, or cash, match for Juvenile Justice Act funds. Consistent with Administration policy, LEAA is also recommending the deletion of the provision requiring LEAA to spend $112 million of Crime Control Act funds on juvenile justice programs. This provision is known as the "Maintenance of Effort".

The most significant change recommended, however, involves, the mandatory deinstitutionalization of status offenders. Under Section 223(a)12 of the Act, participating states must accomplish this within two years. LEAA is asking for the flexibility to grant exemptions to those states unable to comply within two years. Exemptions would be granted if the LEAA Administrator determines that "substantial compliance" has been achieved, and the state has made an "unequivocal commitment to achieveing full compliance within a reasonable time."

During an oversight hearing on LEAA's implementation of the Juvenile Justice Act held May 20, Sen. Bayh agreed with the need for more flexibility. He cautioned, however, against creating a loophole, and spoke of establishing a benchmark of what "substantial compliance" might mean. Off the top of his head, he suggested that a state having deinstitutionalized 75% of its status offenders could be in substantial compliance.

It seems certain that some flexibility will be given to states in their compliance when the new Juvenile Justice Act takes effect October 1, 1977.

Citing inability to meet the two-year requirement and lack of adequate support, three states (Kentucky, Utah, and Nebraska) have withdrawn from participating in the Juvenile Justice Act in the past few weeks. Five other states (Texas, Tennessee, Mississippi, North Dakota, and Missouri) are apparently reconsidering their partcipation.

There are 41 states which have agreed to accomplish the deinstitutionalization of status offenders from secure facilities by August 1, 1977, 60 days before the revised Juvenile Justice Act would go into effect.

In a separate development, LEAA is granting up to an additional $100,000 to those states participating in the Juvenile Justice Act, effective this month. Youth advocates would do well to re-examine with their LEAA State Planning Agencies the arguments for non-participation in the Act in light of these new developments.

In other amendments to the Juvenile Justice Act, LEAA is asking for authority under its Special Emphasis program to "develop and support programs stressing advocacy aimed at improving services impacted by the juvenile justice system", which is to say youth advocacy. LEAA is also now suggesting that drug and alcohol abuse education and prevention programs be deleted from "advanced techniques".

Last, and least, LEAA has asked for only a one-year extension of the Juvenile Justice Act, with a maximum funding level of $50 million. This, you might note, could potentially require LEAA to submit to Congress its recommendations for the second revision of the Juvenile Justice Act six months before the revised Act goes into effect on October 1, 1977. The absurdity of LEAA's program people attempting to work with the Administration's Office of Management and Budget has its lighter moments.

LEAA Reauthorization and Appropriation Bills Considered

LEAA reauthorization: House and Senate bills:

The House version of the Crime Control Act of 1976 extends the Law Enforcement Assistance Administration for one year with an authorized maximum

appropriation of $880 million. The bill retains the "maintenance of effort" provision which requires LEAA to spend $112 million per year of Crime Control funds on juvenile justice.

The Senate bill extends LEAA for five years at $1.1 billion per year. It eliminates the fixed dollar amount "maintenance of effort" and replaces it with a formula which requires 19.15% of Crime Control funds in Part C. (State Formula Block Grants) and Part E (Corrections) to be spent on juvenile justice. This formula applied to the Administration's request of $667 million would allow about $104 million for juvenile justice.

On May 12, Sen. Birch Bayh lost a vote in subcommittee (7–5) which would have retained the "maintenance of effort" provision. He is considering offering this provision as an amendment on the Senate floor.

Both reauthorization bills are expected to be out of their respective Judiciary Committees and on the floor by mid-June.

LEAA appropriations: House and Senate bills:

The Ford Administration's latest request for LEAA funding during FY 77 is $667 million. This is $40 million less than first requested by the Administration and about $140 million less than LEAA's current FY 76 appropriation. The House Appropriations Subcommittee on State, Justice, Commerce and the Judiciary has cut this request to about $600 million and added an extra $40 million to that amount for the Juvenile Justice and Delinquency Prevention Act. The bill goes to the full House Appropriations Committee at press time and to the floor in mid-June.

The Senate appropriations Subcommittee is expected to follow the Administration's $667 million figure which includes $10 million earmarked for the Juvenile Justice Act. The Subcommittee will mark up the bill during July, after the House passes its appropriation bill.

In April, Sen. Bayh attempted to obtain stronger funding for the Juvenile Justice Act. He offered an amendment to allow the funding of the Juvenile Justice Act in FY 77 at $100 million, and gave an impassioned plea on the floor for its acceptance. At the time, however, the Senate was debating a ceiling on the budget and Sen. Edmund Muskie (D-Me.) spoke in favor of following the Senate Budget Committee's recommendation.

While the Bayh amendment failed (46–39), it was the closest any amendment came to passing, indicating strong support in the Senate for an appropriation larger than $10 million.

Congress Sets $75 Million for Juvenile Justice Act

Meeting on June 28, a joint House-Senate Conference Committee voted to appropriate $75 million for the Juvenile Justice and Delinquency Prevention Act in FY 77, which begins this coming October 1. The Committee also agreed to fund the Runaway Youth Act (Title III of the Juveile Justice Act) at $10 million for FY 77.

While the Juvenile Justice Act itself authorizes as much as $150 million for the coming fiscal year, the Administration continued its minimal level of support for the Act by asking for only $10 million earlier this year. The House ignored this request and voted to continue the Act's current funding level of $40 million. However, at the insistent prodding of Sen. Birch Bayh (D-Ind.), the author of the Act, the Senate voted to appropriate $100 million for it.

The funding bill for the Juvenile Justice Act now goes to the President along with the rest of the appropriation for the Justice Department. The President's approval is seen as likely. But the Runaway Youth Act, which is administered by HEW, will be included within the total appropriation for HEW and faces an almost certain Presidential veto in the Fall.

LEAA has announced how it intends to use the $75 million once it is approved by the President. Generally, there will be about double the amount of money in each area LEAA earmarked for FY 76.

$47.6 million will go the states in formula grants, up from $23 million in FY 76. States can expect to receive approximately twice what they received in FY 76.

Approximately $15.9 million will be used for Special Emphasis programs. LEAA has tentatively identified five priorities for special funding in FY 77: juvenile gangs, restitution to victims of juvenile crime, violent offenders, learning disabilities, and delinquency prevention.

$3 million will go for technical assistance, more than double the amount for FY 76.

$7.5 million will go to LEAA's National Institute of Juvenile Justice and Delinquency Prevention to be used for training, information dissemination, research and evalaution, and implementation of juvenile justice standards.

$1 million will be used in concentration of the federal effort towards delinquency prevention. The Federal Coordinating Council on Juvenile Delinquency, which was established by the Act, is reported to be considering joint programming between federal departments, such as HEW and the Labor Department.

Six More States Drop Out of Juvenile Justice Act

Despite a near doubling in its funding and a new flexibility in its mandatory removal of status offenders from prisons, six more states have decided not to participate in the Juvenile Justice and Delinquency Prevention Act, making a total of thirteen.

For these states, millions of dollars for critically needed youth services are lost. For most, the prospect of their participation in FY 1977 looks bleak. The six, Hawaii, Kentucky, Mississippi, Nebraska, North Carolina, and Tennessee, have added their names to those of Alabama, Kansas, Nevada, Oklahoma, Utah, West Virginia, and Wyoming. LEAA rejected Hawaii's effort to participate after the state was unable to commit itself to removing 75% of its status offenders from its prisons.

Milton Luger, head of LEAA's Office of Juvenile Justice and Delinquency Prevention, told *Y.A.* that many of the new states withdrawing endorse the principles of the Juvenile Justice Act but feel the cost to them is too much. He also noted that others were unable to promise in good faith to remove 75% of their status offenders from secure detention.

Senator Birch Bayh (D-Ind), the author of the Act, and LEAA reached agreement on a 75% compliance figure for the required removal of status offenders from secure detention within two years (see June, 1976, *Y.A.*). Provisions for extensions in reaching 100% compliance will be debated in Congress next Spring when the question of renewal of the Juvenile Justice Act comes up. Lugar said the agreement of 75% compliance probably kept several states from ending their participation in the Act.

States unwilling to comply with the Juvenile Justice Act have already lost substantial sums of money for youth services (see chart, page 7). LEAA Administrator Richard Velde has warned that a state's nonparticipation would have a "chilling effect" on the state's ability to garner special emphasis grants for youth work from LEAA. The block grants that would have gone to nonparticipating states under the Act are returned to LEAA's Special Emphasis kitty for distribution based on national competition.

But when queried on this by *Y.A.*, Luger stated that the recommendations he makes to Velde will be based on "the important issue of where the needs of kids are, and I would not penalize a nonparticipating state that submits a well-written application for Special Emphasis funds."

In a letter explaining his decision not to participate, Governor Calvin Rampton of Utah noted, "while I am not prepared to state at this time that the federal guidelines are not reasonable, and would not lead to an improved program, the fact is that the guidelines are so detailed and inflexible that it would interfere with our ability to do our own planning."

He also noted that the Advisory Board might be duplicative and that Utah might have to raise $300,000 to match $200,000 in federal funds for the program. Thus, Utah rejected more than $800,000 (see chart) in youth service funds because an advisory board already exists, because $800,000 is not sufficient funding, and because the guidelines for $800,000 limits the state's right to do its own planning.

The Utah Board of Juvenile Court Judges, lobbying the Governor, issued a position statement that simultaneously praises the "laudable" purposes of the Juvenile Justice Act while duly noting, as juvenile judges have elsewhere, the burdensome duty they have to demand the right to incarcerate an unknown and unquantified number of status offenders for their own good.

While it is the consensus of the judges that "extended incarceration of such children" is "frequently not an appropriate disposition and may often cause harm to the child", they refer to an unnamed group of youths—a multitude, one must assume—who are chronically truant and who chronically run away from home to justify incarceration that "often causes harm".

North Carolina withdrew from participation after estimating its costs of removing 2,600 youths from its prisons at $7 million. The state doubted its ability to comply with the 75% floor even with adequate funds, and questioned the legality of the 75% figure. In anticipation of the Juvenile Justice Act, the state legislature in 1975 passed a law requiring the removal of status offenders from state training schools by July 1, 1977. At a recent meeting, juvenile judges in the state voted unanimously to work on repealing this legislation. The Advisory Board is now in limbo and will probably be dissolved.

Mississippi cited its inability to guarantee segregation of juveniles from adults as a prime reason for not participating. Noting it had removed 22% of the status offenders in training schools last year, officials there pointed out that no single agency has responsibility for issuing guidelines to local sheriffs. Jimmy Russell, Director of the Division of Youth Services, told Y.A. that "it is disheartening that a few local sheriffs could kill a statewide program."

Kentucky estimated its costs in removing status offenders at $1.2 million, much more than they would receive. With the Act's increased funding, the state is renegotiating its participation. "If we don't receive a dime, at least they raised our consciousness and got the powers that be thinking about treatment of status offenders," said Dave Richart, juvenile justice planner with the Kentucky Crime Commission. "And that's what this Act is about," he said.

Youth advocates in nonparticipating states would be well advised to continue asking their Governor about eventual participation.

State Juvenile Justice Advisory Boards: To Review or Not To Review?

STATE PLANS EXAMINED

(The Juvenile Justice and Delinquency Prevention Act requires states participating in it to create Advisory Boards. *Y. A.* has been surveying these Boards and this issue we report on their powers and functions. Future issues will address the training needs and other concerns of these Boards.)

Y. A. reviewed the FY 1976 Juvenile Justice Plans of 21 states to compare powers, roles, and functions these states were giving their Advisories. A few of the Plans were obtained under the Freedom of Information Act, and all were in draft form as none had received final LEAA approval.)

"The advisory group shall make recommendations to the SPA (State Planning Agency) Director and the supervisory board regarding the improvement and coordination of existing services, the identification of problems and needs, the development of new programs to meet the needs identified, and the establishment of priorities. The advisory group shall be included in the planning process and shall be consulted about the State Plan prior to its approval."

Thus spake LEAA Guideline M4100.1E, Chapter 2, Paragraph 30, d, 2(c)(d), to the State Planning Agencies on what the newly created Advisory Boards were to be about.

Virtually all of the 21 State Plans *Y.A.* reviewed assigned these roles to their Advisory Boards, using the same or similar language. With the delays in having many of the Boards appointed and, in some states, unsupportive SPA directors, it is unclear whether these functions were performed during the submission of FY 1976 Plans. The Maryland Advisory Board, for example, had to insist on its right to review the entire juvenile justice plan. With the deadline of August 31, 1976, for submission of FY 1977 Comprehensive Juvenile Justice Plans, many Advisories will undoubtedly be hard pressed to satisfactorily fulfill these functions.

As expected, *Y.A.* found the widest discrepancies in the Plans over the power of the Advisories to perform "project review". The LEAA Guidelines, with no further clarification, simply stated that "the role of the advisory group in reference to state plan development and project review must be explicated." The plans of Arizona, Arkansas, California, Florida, Rhode Island, and South Dakota creatively circumvented the power of project review by either ignoring it, or alluding to it in the vaguest of terms.

On the positive side, a number of states—South Carolina, Missouri, New York, Massachusetts, and possibly Louisiana—gave their Advisories not only the power of reviewing and recommending projects to be funded with Juvenile Justice Act funds, but also gave them the same review of juvenile projects to be funded with Crime Control Act monies.

Other states followed this guideline explicitly, granting the power to review grant applications for Juvenile Justice Act funds. These are New Mexico, Maine,

Colorado, New Hampshire, Minnesota, and possibly Georgia. In light of increasing funding levels for the Juvenile Justice Act and the likely continuation of support for projects receiving money first, it becomes even more important for youth advocates on these Advisories to obtain and exercise the power of Project Review. Amendments to Plans can be submitted for 90 days following the August 31 deadline.

The Colorado Plan required its Advisory to collaborate with the state legislature around needed reforms in juvenile justice legislation. The Missouri Plan established by-laws which, among other things, allow for the appointment of non-Advisory members to Advisory Subcommittees. The New York Advisory is to assist in the involvement of local private and public youth serviecs in planning. The California, New Mexico, and New York Adivsories are also to be involved in reviewing Juvenile Justice Standards and Goals as they are developed. New Hampshire, Arkansas, and Louisiana Advisories are to meet monthly.

Y.A. is interested in hearing from Advisory Board members on their experiences, accomplishments, and failures, which will be shared with other Advisories around the country.

HOW THE JUVENILE JUSTICE OFFICE DISTRIBUTED ITS FUNDS

	Fiscal year 1975		Fiscal year 1976, JJDPA block grant	Transition quarter, July 1 to Sept. 30 1976	June 1976		Fiscal year 1977, JJDPA block grant	Total
	Special emphasis "planning"	JJDPA block grant			Pt. E supplement grant	Pt. C supplement grant		
Alabama	31	200	366	91	100	79	813	1,680
Alaska	15	200	200	50	100	7	200	772
Arizona	16	200	200	50	100	47	425	1,038
Arkansas	17	200	200	50	100	45	432	1,044
California	168	680	1,966	491	100	460	4,373	8,238
Colorado	20	200	229	57	100	55	510	1,171
Connecticut	26	200	300	76	100	68	673	1,443
Delaware	15	200	200	50	100	13	200	778
Florida	54	216	625	156	100	178	1,390	2,719
Georgia	42	200	487	122	100	107	1,083	2,101
Hawaii [1]	15	200	200	50	100	19	200	784
Idaho	15	200	200	50	100	17	200	782
Illinois	96	389	1,125	281	100	246	2,501	4,738
Indiana	47	200	545	138	100	117	1,213	2,360
Iowa	25	200	289	72	100	63	643	812
Kansas [1]	19	200	221	54	100	50	492	1,136
Kentucky [1]	28	200	330	82	100	74	734	1,481
Louisiana	35	200	411	103	100	83	915	1,847
Maine	15	200	200	50	100	23	227	815
Maryland	35	200	409	102	100	90	910	1,846
Massachusetts	38	200	556	139	100	128	1,236	2,397
Michigan	83	333	963	241	100	201	2,142	4,063
Minnesota	35	200	409	102	100	86	910	1,842
Mississippi [1]	21	200	250	62	100	51	556	1,240
Missouri	29	200	460	115	100	105	1,024	1,633
Montana	15	200	200	50	100	16	200	781
Nebraska [1]	15	200	200	50	100	34	335	934
Nevada [1]	15	200	200	50	100	13	200	778
New Hampshire	15	200	200	50	100	18	200	783
New Jersey	61	248	707	177	100	161	1,571	3,025
New Mexico	15	200	200	50	100	25	268	858
New York	148	599	1,731	433	100	399	3,850	7,260
North Carolina [2]	45	200	521	130	100	118	1,159	2,273
North Dakota	15	200	200	50	100	14	200	779
Ohio	95	383	1,108	277	100	237	2,463	4,663
Oklahoma [1]	21	200	248	62	100	59	551	1,241
Oregon	18	200	207	52	100	50	460	1,087
Pennsylvania	98	395	1,140	280	100	261	2,536	4,810
Rhode Island	15	200	200	50	100	21	200	786
South Carolina	24	200	283	71	100	61	629	1,368
South Dakota	15	200	200	50	100	15	200	780
Tennessee [1]	34	200	393	98	100	91	874	1,790
Texas	102	410	1,185	296	100	265	2,635	4,993
Utah [1]	15	200	200	50	100	26	279	870
Vermont	15	200	200	50	100	10	200	775
Virginia	40	200	471	118	100	108	1,047	2,084
Washington	29	200	344	88	100	77	764	1,602
West Virginia [1]	15	200	200	50	100	39	382	986
Wisconsin	40	200	469	117	100	100	1,044	2,030
Wyoming [1]	15	200	200	50	100	8	200	773
Washington, D.C.	15	200	200	50	100	16	200	781
Puerto Rico	30	200	349	87	100	65	776	1,607

[1] Nonparticipating States, losing all or most of these funds.

(ABOUT THE TABLE)

During the fifteen month period of July, 1975, to October, 1976, LEAA's Office of Juvenile Justice and Delinquency Prevention will have distributed about $93.7 million to the states for juvenile justice programs. These funds are distributed based on each state's population under 18 years of age.

The first column lists how $2 million worth of Special Emphasis Planning Grants was made in July, 1975, to assist State Planning Agencies in gearing up for submission of their Juvenile Justice Plans and the creation of Juvenile Justice Advisory Boards.

The second column lists $10.6 million in FY 1975 block grants, made in August, 1975.

The third column lists $19.8 million in FY 1976 block grants, whose distribution began in February, 1976.

The fourth column lists $4.9 million worth of funds, one-fourth the FY 1976 figure, for the Transitional Quarter (July 1 to September 30, 1976). The federal government changed its Fiscal Years beginning this year, in effect making FY 1976 a fifteen month year.

The fifth column covers a special grant of $100,000 made to each state participating in the JJDPA in June, 1976.

The sixth column covers a special grant of $4.7 million made to every state for juvenile programs.

The seventh column lists $47.6 million in FY 1977 block grants, which states will receive upon acceptance of their State Plans.

None of these figures include any money granted to the states under the Special Emphasis Initiatives program, which distributed about $13 million for Deinstitutionalization and is about to distribute $10 million for Diversion.

Advisory Board Members See Need for Training

Virtually all members of state Juvenile Justice Advisory Boards recently questioned believe training sessions focusing on process skills and information on the juvenile justice system would be useful to them, and a majority believe such training is a priority. These are part of the results of a survey *Y.A.* conducted earlier this year of ten state Advisory Board created under the Juvenile Justice and Delinquency Prevention Act. Of the nearly 250 questionnaires circulated, 113 were returned.

Advisory Board members were asked if training in information on the juvenile justice system and on process skills would be useful for members under the age of 26—by law, one third of the Board's members must be under this age—and if the same training would be useful for members over 26. Nearly 98% felt training on the juvenile justice system would be useful to those under 26, and 86% thought training in process skills would be useful. For those over 26, 93% believed the same types of training would be useful.

Respondents rated training on the state criminal justice system and on the public and private youth service systems highest (82%). Training on roles and responsibilities of Board members scored the same rating as training on LEAA and the Juvenile Justice Act, at 79%. The fourth priority for training on information on the juvenile justice system was current juvenile justice issues, with a 61% rating.

Board members surveyed also suggested other areas of training, including conflicting philosophies of handling juveniles, making legislative recommendations, and on how other states are responding to current issues.

In answer to a question on priorities of process skills training, very few differences appeared. Problem solving techniques squeezed out planning process for first priority, 78% and 76% respectively. Formal and informal decision making was rated third over communication skills, 74% and 72%.

On the whole, 53% of the Board members felt training was a priority, while 44% felt that training is necessary but not a priority. Only 2% felt training was not necessary.

The respondents were composed of 59% males and 41% females. They were surprisingly well educated, with only 4% having no college education, while 42% have at least a Bachelor's Degree and 54% have a higher degree. This would indicate, at least in part, that the intent of the Juvenile Justice Act to involve youth on Advisory Boards has not been realized, as most members would be

over 23 years of age. Of those responding, 54% were over 26, 36% were under 26, and 10% were juvenile justice planners staffing these Advisory Boards. The inclusion of the planners, while it alters the findings slightly, was thought important in light of the policy direction they provide the Advisories.

Surprisingly, 77% of those responding had some experience in youth work, varying from operating group homes to being court volunteers. Approximately 25% had no previous experience as board members of any organization.

Many states have already conducted some basic introductory training sessions for their Advisories. For those Advisory Board members who are interested in further training, funds are usually available from the State Planning Agency itself. The regional LEAA offices also have some discretionary funds for training purposes. The Boston regional office has already funded numerous Advisory Board training sessions, and this approach is now being considered in the Philadelphia regional office. Inquiries should be made to the state juvenile justice planners.

Bayh To Seek Renewal of Justice, Runaway Acts

Sen. Birch Bayh (D-Ind.), the author of both the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act, will introduce two bills this month to extend both pieces of legislation.

In the summer of 1974, Bayh, in concert with Rep. Augustus Hawkins (D-Ca.), successfully steered both Acts through Congress as one law (P.L. 93-415). With HEW lobbying against the Juvenile Justice Act and LEAA pointing out how nicely it would fit into their current program, the Congress, in a compromise forced by Republicans, voted to place the Runaway Youth Act in HEW and the Juvenile Justice Act in LEAA.

The current legislation is due to expire September 30, 1977. The Budget Reform Act of 1974 required the Administration to notify Congress by last May 15 of its intention to request a renewal of these Acts. The Administration has asked for a one year extention of the Juvenile Justice Act (see June *Y.A.*) but it will apparently not seek any extension of the Runaway Youth Act.

The present Congress, the 94th, is expected to adjourn the first week of October. When the 95th Congress convenes in January, 1977, Bayh will reintroduce the bills to extend both Acts. Hearings on the bills would then be conducted in February and March of next year.

Bayh's introduction of the proposed legislation at this time allows youth advocates and others participating in the implementation of both Acts to comment on the drafts before January.

Interested persons are encouraged to make comments regarding the positive aspects and the shortcomings of the current implementation of these two Acts to Senator Bayh. Copies of the proposed legislation may be obtained from him, c/o the Senate Subcommittee to Investigate Juvenile Delinquency, A504, Washington, D.C. 20510, (202) 224-2951.

Six Appointed to Terms on National Advisory Board

The President has announced the appointments of six persons to four year terms on the National Advisory Committee on Juvenile Justice and Delinquency Prevention. They replace seven persons appointed last year to one year terms, though one of these seven, Michael Olson, is among the new appointees. One vacancy is still to be filled.

The 21-member committee is responsible for making recommendations to the Administrator of LEAA regarding planning, policy priorities, operation and management of all federal juvenile delinquency prevention programs.

The new appointees are:

Sam Gonzales, Coordinator, Vocational Training Education, Lansing School District, Lansing, Michigan;

Lawrence Semski, Judge, Harrison County Family Court, Gulfport, Mississippi;

George W. Smith, San Diego School Board, San Diego, California;

Glen Bawer, Attorney, Essingham, Illinois;

Bernadette Chavira, law student, Albuquerque, New Mexico;

Michael Olson, Pittsburgh, Pennsylvania.

The outgoing members of the committee are: Judge C. Joseph Anderson, Augustine Chris Baca, Professor Alyce Gullattee, Judge William P. Hogoboom, Eric McFadden, and Joan Myklebust.

PREVENTION PROGRAM TO BE ANNOUNCED

The Office of Juvenile Justice and Delinquency Prevention, LEAA, is to announce its major effort in funding Prevention programs by the middle of October, according to Emily Martin, head of the Office's Special Emphasis Section. The program, the third in a series of Special Emphasis Initiatives, is expected to distribute $8.5 million, with a possibility the figure may reach $10 million.

The program is being designed primarily to prevent delinquency in communities which have certain statistical characteristics corresponding to the problem of delinquency, such as unemployment, median income, and crime rates.

Prevention is being defined as "the sum total of activities which create a constructive environment designed to promote positive patterns of youth development and growth. The process includes direct services to youth and indirect activities which address community and institutional conditions that hinder positive youth development and lead to youth involvement with juvenile justice systems."

The Prevention Initiative will probably address private nonprofit organizations as primary applicants. Information on the program can be obtained by writing the Special Emphasis Section, OJJDP/LEAA, 633 Indiana Ave., N.W., Washington, D.C. 20531.

(See the "Grants, Contracts, & Negotiations" section of this newsletter for a list of finalists in the Special Emphasis Initiative on Diversion.)

[From Soundings—NCCD, Jan.-Feb. 1974]

THE FEDERAL ROLE IN DELINQUENCY PREVENTION

(By Senator Birch Bayh)

The tragic failure of the Federal government to address effectively the growing menace of juvenile delinquency has created a problem of crisis proportions. We cannot ignore today's young delinquent, for all too often he is tomorrow's adult criminal. The Federal government must recognize its past failure to combat juvenile delinquency. The hard facts indicate that existing Federal programs have had virtually no impact on juvenile crime. Juveniles under 18 constitute almost half the arrests for serious crime.[1] The cost of juvenile related crime is estimated at over $16 billion annually.[2] Our failure to deal with this crisis is tragically clear. The recidivism rate for persons under 20 is the highest of any group, almost 75 percent within four years.[3] Each year we send nearly one million youth through our juvenile courts,[4] and admit 85,000 to correctional institutions for stays averaging almost eight months.[5] Yet, our overcrowded, understaffed juvenile courts, probation services and training schools rarely have the time, energy, or resources to offer the individualized treatment which the juvenile justice system was intended to provide.

This situation demands new approaches to the problems of juvenile delinquency. The present Federal effort is inadequate and does not recognize that the best way to combat delinquency is to prevent it. The Federal government must commit itself to bringing about a restructuring of the nation's juvenile justice system. It must provide leadership, coordination, and a framework for using the nation's resources to deal with all aspects of the delinquency problem. Although the Administration argues that over $12 billion are spent on youth development, more than 90 percent of these expenditures are at best only tangentially related to delinquency and the programs they support are not coordinated or directed to assure a contribution to the prevention of delinquency.

As Chairman of the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, I have carefully reviewed the diverse, uncoordinated Federal programs which are supposed to be dealing with juvenile delinquency. No Federal department or agency has accepted responsibility for a leadership role in combatting juvenile delinquency. There is no major unit within the Department of

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[1] Federal Bureau of Investigation, *Uniform Crime Reports*, 1972, p. 126.
[2] The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, Fiscal Year 1972, p. 30.
[3] Federal Bureau of Investigation, *Uniform Crime Reports*, 1970, p. 39.
[4] U.S. Department of Health, Education and Welfare, *Juvenile Court Statistics*, 1971, p. 2.
[5] Law Enforcement Assistance Administration, *Juvenile Detention and Correctional Facility Census*, 1971.

Health, Education and Welfare whose primary responsibility is delinquency prevention Administration, a low-profile division of the Social and Rehabilitation Act, and formerly administered by the Youth Development and Delinquency Prevention Administration, a low-profile division of the Social and Rehabilitation Service, continue to be submerged in the HEW bureaucracy through supervision by the Division of Youth Services Systems, Office of Youth Development, Office of Human Development. For Fiscal 1972 1973, and 1974, HEW requested only $10 million of the $75 million authorized for these programs, an amount insufficient to mobilize any national effort. The record of this program is so dismal that in 1972 Congress limited it to the support of youth services systems. Even in this role, HEW has limited the scope of the program to the administration and coordination of pre-existing community services.

The Law Enforcement Assistance Administration, the Federal government's principal crime-fighting program, spends less than a quarter of its funds on juvenile delinquency, despite youth's responsibility for almost half of serious crime. Only three percent were expended on delinquency prevention in fiscal 1972. Moreover, LEAA interprets its prevention role as largely limited to youth who have had prior formal contact with the juvenile justice system, and must therefore be prevented from re-entering the system. Once a youth has moved into the juvenile justice system, however, it is often too late to interrupt a pattern of delinquency. This focus of LEAA on the prevention of recidivism leaves states with little Federal assistance to develop programs aimed at turning children with a high probability of delinquent involvement away from behavior leading into the criminal justice process.

Moreover, Federal coordination and leadership in the expenditure of LEAA funds is almost entirely absent. Federal review of state plans is minimal, and there is no mechanism requiring states to carry out their plans. In fact, the Law Enforcement Assistance Administration is unable or unwilling to even assemble data on the percentage of each state's block grant funds that are expended on delinquency programs.

In response to these deficiencies, I have introduced legislation that would provide the necessary Federal leadership, and would authorize substantial appropriations so that resources will be available at the State and local level for developing and implementing delinquency prevention and treatment programs. S. 821, the Juvenile Justice and Delinquency Prevention Act, has five major features which I believe should characterize the Federal role in combatting juvenile delinquency.

First, Federal juvenile delinquency programs must be coordinated if funds are not to be wasted through duplicative and often contradictory services and projects. The present Inter-departmental Council to Coordinate All Federal Juvenile Delinquency Programs has failed because it lacks the authority and the staff necessary for coordination. Its only product has been a compendium of Federal juvenile delinquency programs. A successful Federal coordinating effort must include comprehensive planning by a single designated coordinated agency with the power and staff to analyze and evaluate all existing Federal juvenile delinquency programs. An inter-departmental council could provide conceptual guidance to the coordinating agency, but it must share this role with a national advisory council to provide input from the private sector.

Second, since the problems of juvenile delinquency can only be attacked through efforts at the State and local levels, the Federal role must provide for State control with community input. States should develop plans for the expenditure of funds, through boards which include representation of all segments of the community concerned with delinquency prevention and treatment.

Third, the Federal government must take full advantage of the experience and expertise that resides in private organizations. An effective Federal delinquency prevention and treatment program must utilize private organizations, at the National Level and their networks of local and regional offices. National private organizations may often prove the most efficient vehicles for programs of nationwide scope and impact, while local groups may often have the community organization that is necessary for the support and operation of smaller projects.

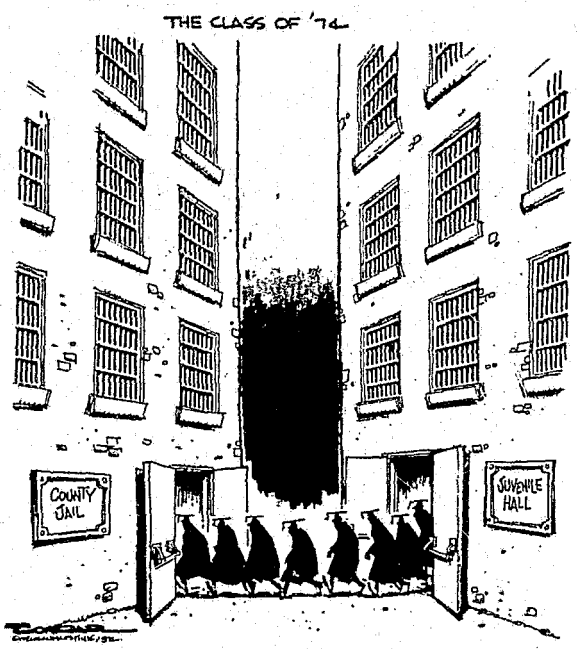
Fourth, the Federal government must emphasize prevention, diversion, and community-based treatment. It must help states, localities and private agencies create alternatives to traditional forms of institutionalization. I have too often seen the frightening results of the institutionalization of youth. The practice becomes all the more questionable as current studies begin to demonstrate that youth who remain in their own community are less likely to again become

involved in criminal activity. Clearly, all our current knowledge, and the values of our culture, dictate that the preferable way to deal with delinquency is in the earliest, and least restrictive, manner possible.

Finally, an effective research, training, and evaluation component is a necessary element in any comprehensive program to combat juvenile delinquency. The dearth of hard data on the effectiveness of various delinquency programs is appalling. Equally unfortunate is the fact that adequate training programs do not exist for professional, paraprofessional and volunteer personnel who work with juveniles and juvenile offenders. To be effective, any Federal effort in the field of research, training and evaluation must encourage and utilize the expertise and resources of private sector organizations.

The Federal government must clearly play a critical role in delinquency prevention, but it cannot develop that role in isolation. Private groups such as the National Council on Crime and Delinquency must continue to make a major contribution to the shaping of that role. No Federal bureaucracy, no matter how great an improvement over the present chaotic situation, can ever hope to operate without the utilization of the expertise developed by private agencies with experience in the delinquency problem. Whether they work with youth in the streets, investigate the causes of delinquency, or examine the present status of our laws and programs, private organizations are independent and have sources of knowledge that the Federal government cannot tap alone.

Symposium: Juvenile Justice



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THE EDITORS OF THIS SYMPOSIUM ISSUE are Martin Stein and Anthony Mohr. Mr. Stein is a graduate of UCLA, having received his B.A. degree in 1962 and his J.D. degree in 1965. After admission to the Bar, Mr. Stein was commissioned as a Captain in the United States Army, Judge Advocate General's Corps in 1966. His last assignment with the Army included two years at the United States Army Judiciary in Washington, D.C., where he was involved in the appellate review of general and special courts-martial convictions on an Army-wide basis. After termination of his active duty in 1970, he became a Deputy Public Defender with the County of Los Angeles. Following an initial assignment in the adult courts, Mr. Stein spent several months with the Juvenile Division of the Public Defender's Office and it was at this time that he became actively concerned about the juvenile court system. Mr. Stein is presently assigned to the Public Defender's appellate staff and has been engaged principally in criminal appellate practice since 1972.

Mr. Mohr, who has written for the *Bulletin* in the past, received his J.D. degree from Columbia University in 1972 and his B.A. degree from Wesleyan University in 1969. Prior to practicing law with the Century City firm of Schwartz, Alschuler & Grossman, he clerked for a federal judge in the Central District of California. Mr. Mohr was a delegate to the White House Conference on Youth in 1971.

A SEPARATE JUVENILE JUSTICE SYSTEM was conceived about seventy-five years ago. However, the system appears to be one which has broken down and is failing the best interests of the children who come within its aegis, and thus is failing society as well. To discuss this topic in a dispassionate manner is virtually impossible, but an attempt is necessary. The contributors to this Symposium issue were guided by the decision to be scholarly and not to broadside juvenile hall. The goal of their articles is to ferret out the technical pressure points where change is not only possible, but where its effect would be of maximum consequence.

CHAIRMAN JAMES A. HAYES of the Los Angeles County Board of Supervisors, in an introductory piece, describes some very recent changes in the handling of juvenile cases, such as separating the minor offenders (and even victims and other witnesses) from major offenders in the juvenile court process, and the beginning of a move to decentralize the juvenile court.

THE FITNESS HEARING is critical in juvenile court cases — because in that hearing the juvenile court decides whether the alleged offender should be tried as an adult, that is, whether he or she is unamenable to treatment by the juvenile court. Kenneth I. Clayman discusses the fitness hearing from the practitioner's point of view. First discussing the standards to be used by the juvenile court, the author proceeds to discuss some of the constitutional arguments that can be raised with respect to the fitness hearing, focusing particularly on the peculiar problems of double jeopardy which seem to arise frequently.

SHOULD JUVENILES BE DENIED the right to a jury trial? They are now denied that right, but Laurance S. Smith believes that this is only the result of the California courts blindly following a 19th century California Supreme Court decision which he states was "the baldest type of judicial legislation." In a provocative article, the author tests the theories espoused by the courts in denying the applicability of the jury trial provisions of the State and Federal Constitutions to the juvenile courts. Mr. Smith also describes why he believes that jury trials would improve the quality of justice in the juvenile court system.

FEDERAL EFFORTS to improve our juvenile justice system are exemplified by the Juvenile Justice and Delinquency Prevention Act of 1974. This important new law is outlined by John Rector. The Act provides for formula grants to states that submit satisfactory plans for improving juvenile delinquency problems. Other special grants are to be made available to private non-profit organizations for the development and implementation of programs designed primarily to prevent juvenile delinquency.

OUR BOOK REVIEW this month was contributed by Carol Wendelin Pollack, a member of the *Bulletin* Editorial Board. She describes a recent publication which could be an important addition to a trial lawyer's library.

WARREN CHRISTOPHER, in this month's President's Page, describes a proposal involving the utilization of currently unemployed teachers to free other experienced teachers to work on a personal basis with students needing special attention.

OUR COVER this month was furnished through the courtesy of the Los Angeles *Times*. Conrad's cartoon, better than any editor's summary, shows the unpleasant conclusion which many people reach after inspecting the juvenile justice system as it currently operates.

* * *

The *Bulletin* is accepting expressions of interest from those desirous of serving on the *Bulletin*'s Editorial Board for the year 1975-76. Interested persons should contact Jim Watson (277-4222).

CONTENTS:

the president's page

WARREN CHRISTOPHER

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IN THE DREARY CATALOGUE of criminal behavior, juvenile crime evokes an extreme set of adjectives. It is . . . .

- — devastating because the case histories teach that environment (neglect, abuse, broken homes, poverty, discrimination) dominates the lives of those involved and overshadows the rest of the analysis;
- — frightening because of the wanton violence and deep hostility which characterizes much of the conduct involved;
- — demanding because of the terrible price exacted from all members of society by a life of lawlessness begun in youth;
- — heartbreaking because of the family anguish resulting from a child in trouble;
- — bewildering because those involved seem so often beyond reach of rehabilitation.

Juvenile crime and the attendant problem of juvenile justice, like most serious problems, are unlikely to be corrected by any single initiative. Only a concerted, persistent, multifaceted effort will produce the kinds of solutions the problem so sorely needs. It is our hope that this issue of the *Bulletin* will move us closer to solutions, although in many respects, this issue testifies only to the complexity of the problem.

A New Initiative

One of the promising new approaches is a proposal advanced by the able and tough-minded Superintendent of the Los Angeles City Schools, William J. Johnston.

Simply stated, the proposal is that 250 additional teachers be placed in the most troubled schools in the Los Angeles area, thus freeing 250 of the most experienced and expert teachers to work personally with those students with the greatest personal and educational need.

The premise of Superintendent Johnston's proposal is that there is a high correlation between academic failure and antisocial behavior, between suspension or truancy and juvenile crime. This correlation has been verified by those involved with school administration and by law enforcement officials.

The proposal was developed in response to a request from the informal criminal justice group, which meets for a half day each month under the chairmanship of Chief of Police Ed Davis. As Association President, I attend the meetings of this group along with the District Attorney, the City Attorney, the Sheriff, the Presiding Judges, and other senior legal officials. Andrea Ordin, the Executive Director of our Bar Association, was also deeply involved in the development of the proposal as a member of the

juvenile justice subcommittee of the criminal justice group.

The proposal reflects a recognition that violence is increasing at a terrifying rate not only in the community at large but on the campuses of our high schools and junior high schools. In the last year, for example, incidents involving guns on campus rose more than 159 percent over the prior year. Campus vandalism, burglary, and drug abuse have also sharply increased in the last year.

Yet, removing the "troublemaker" from campus is not the simple solution it appears to be, because no other agency is currently prepared to take responsibility for those the schools might remove.

250 New Teachers

In the nation as a whole, an estimated 250,000 trained teachers are currently out of work or working in second-choice jobs. Superintendent Johnston's proposal is designed to use this available pool of trained teachers, one of our greatest national resources, in response to the problem of juvenile crime.

Under the proposal, 250 teachers would be assigned to Los Angeles schools in areas experiencing the highest rates of juvenile crimes on and off the campus. Problem youths would be taken out of their regular classes and given individualized attention to meet their educational and personal needs with a major emphasis on the development of a positive self image.

The new approach would involve special "referral rooms" in both elementary and secondary schools where diagnostic and educational programs would be available for those with potentially serious problems. In addition to special counselors and tutors, secondary school students would have access to "Rap" rooms to enable them to talk out their frustrations under professional guidance.

An important by-product of this approach would be the enhancement of the learning atmosphere in the regular classrooms free from special behavioral problems.

According to school district estimates, the 250 teachers needed for the pilot program could be drawn from the available pool of teachers at a cost of approximately $3,000,000 annually. As recession deepens, it seems plain that federal funds will become available for public service employment, and determined efforts will be made to persuade federal officials to channel these funds into this effort to combat juvenile delinquency. It is difficult to imagine a better use for federal funds or a more pressing national problem.

Conclusion

Superintendent Johnston's approach merits earnest consideration and, in my opinion, the support of the public. It offers a realistic opportunity to prevent potentially deviant youth from falling into the life cycle of crime. I hope you will study the proposal and decide to give it your support. « «

JUVENILE JUSTICE IN LOS ANGELES COUNTY TODAY

by James A. Hayes

Mr. Hayes is Chairman of the Los Angeles County Board of Supervisors. He has earmarked as his major goal for 1975 the complete overhaul and drafts improvement of the juvenile justice system. Mr. Hayes is Board of Supervisors' departmental Chairman of the Superior, Municipal and Justice Courts and also chairs the County's Community Services, Probation, Public Social Services and Superintendent of Schools Departments – all of which are directly related to improvement of the quality of juvenile justice. Mr. Hayes is an attorney and a graduate of Hastings College of Law. From 1966 to 1972, he served as Assemblyman for the 39th District and is a former Chairman of the Assembly Judicial Committee.

>> >> IN DINGY DETENTION AREAS and overcrowded courtrooms, 40,000 juveniles in Los Angeles County face a fight for survival this year. These are the unlucky ones (out of the 100,000 arrested) who draw the short straws and must go through our "juvenile justice system."

Is there justice for them or is it just a bunch of adult folderol they have to endure because they were caught?

To even a casual observer, the way we handle juveniles is a mess. In this latter quarter of the 20th century, juveniles who can regain their self-esteem are doing it in spite of the system and not because of it.

What is wrong? A whole series of things ranging from a lack of concern by those in government to put the properly trained and motivated people in positions to work with the young people to an openly hostile and unforgiving public attitude toward a youngster who gets in trouble.

Up until a few weeks ago, children who were victims of abuse, neglect, or abandonment by their parents (cases under Section 600 of the Welfare and Institutions Code), and children who had committed some minor offense such as truancy, incorrigibility — acts usually caused by lack of supervision (cases arising under Section 601 of the Welfare and Institutions Code) were mixed together in our county facilities at Central Juvenile Hall with tough, young juveniles who had committed offenses which would amount to crimes if they were adults (cases under Section 602 of the Welfare and Institutions Code).

Up until a few weeks ago, all juveniles scheduled for hearings in Central Juvenile Court on a given day were herded into a small detention corridor where many of them waited all day long and sometimes repeated this process for four or five days before their cases were heard. With a caseload of 125 to 150 per day, this treatment amounted to a human snake pit condition, especially where the only seats were a few wooden benches and the floor. Outside in the corridors and the hallways, the crowding was even worse with the victims and witnesses all subpoenaed to appear at 8:30 in the morning, regardless of the time when the cases were to be heard.

Up until a few weeks ago, probation officers and social workers, as required

by law, prepared and filed all the papers to initiate the juvenile hearing process, without legal guidance or direction. These nonlawyers also prepared subpoenas they deemed necessary and caused them to be served. There was no review of the papers or of the witness list by the district attorney or by the county counsel in those cases under their respective jurisdictions. As a result, a mass of cases flooded the juvenile court which ultimately were dismissed because they had been improperly filed or the wrong witnesses had been subpoenaed or the witnesses had not been subpoenaed at all or the subpoenaed witnesses had failed to appear. This lack of review by an attorney meant there was no initial legal determination made as to whether there was any case against the juvenile — many of whom were swept up by the police on suspicion because they had prior arrest records. Compounding the problem has been the unfortunate fact that those working with juveniles have been assigned to do so because it is either at the lowest end of the totem pole of work assignments or is a "Siberia" where they must serve because of something they have done or failed to do elsewhere or because they cannot demand to be assigned elsewhere. This blanket statement does not apply to many of the dedicated and sincere personnel working in the juvenile justice system, but it does apply to altogether too many.

This word picture I have printed is harsh, but it is not overstated. The way we have treated juveniles is nothing less than a disgrace — a disgrace because the system does not give real justice to juveniles.

Nearly every lawyer at least once, and sometimes often, has gotten an urgent call from friends or relatives or clients whose sons or daughters are in some sort of trouble with the juvenile authorities. Some lawyers may have worked out a way in which the youngsters are diverted from Juvenile Hall and our juvenile camps. Unfortunately, there are thousands of young people who cannot find this route to safety. They do not come from the right part of town; they do not have parents who can afford private lawyers. For them, getting in trouble is not just an arrest and release to angry parents but confinement in a juvenile detention facility that is, in its operation and appearance, nothing more than a jail. Imagine, if you will, what a terrifying experience it must be for an 8, 10, or 12-year-old to be locked up in a cell at night.

In my recent tour of Central Juvenile Hall, I talked with a pathetic 9-year-old arrestee, scarcely 3 feet tall, who told me he was there for "GTA" (Grand Theft Auto). When I questioned him, I found that he and an 8-year-old buddy had found a car with the keys in it, and the two had managed to move the car a short distance before they were caught. If his mother and father had been able to afford a lawyer, the lawyer would probably have been able to convince the authorities that this was nothing more than a childhood prank. Indeed in many countries of the world, it would have been classified as typical childhood behavior. Yet what is called prank on one side of our county is called a crime on the other. As lawyers, you know this and so do I.

These unfortunate youngsters are the ones who need help before they get entangled in our so-called justice and correction system. The judges, public defenders, conflict attorneys, and probation personnel try to do their best once the child is embroiled in the system, but the very label impressed upon the child by being detained at Juvenile Hall and by having to go through the court process imprints a permanent scar or label on that child that oftentimes is never removed.

A start has been made by bringing about nearly 40 changes so far. One of the

basic changes is to eliminate the mixing of all classes of juveniles — victims, minor offenders, and major delinquents — in one big melting pot. This will help to eliminate the labeling of all as "bad" persons and will give those victims and minor offenders a chance at straightening out their lives. Also, major diversion programs are underway and others are planned. Minor offenders will not even be brought by the police to Juvenile Hall or juvenile court, but, instead, will be placed in available facilities where the young people can be helped to overcome the problem that caused them to commit the minor offense. My staff is preparing a comprehensive and descriptive list of these diversion programs in catalog form so that trained and experienced police officers, judges, commissioners, referees, probation officers, and social workers can determine where these young people can be placed to best help them overcome their problems.

The review by the district attorney of petitions prepared by the probation officers for legal sufficiency also has been initiated, as well as the recent assignment of the county counsel of all cases filed by the Department of Public Social Services under Section 600 of the Welfare and Institutions Code. Additionally, in the subpoenaing of witnesses, I have worked with the judges to develop an on-call program for those witnesses who are business people or who have businesses where they can be reached to be available upon the receipt of the telephone call. The greatest number of complaints I have received has been from people who have been inconvenienced by having to sit around day after day, away from their businesses or places of employment while they wait to be called as witnesses in a juvenile proceeding. One man, the father of a victim, told me he had to close his small printing business on five separate days and was going broke as a result. This new change to an on-call appearance should no longer cause that hardship.

Starting last June, I have held a series of hearings as Chairman of the County Court system, to gather all information on just how our juvenile justice system is functioning. Five full-day hearings have been completed and others are scheduled. Testimony was received from the presiding judge of the juvenile court, many police agencies, representatives of the public defender's office and district attorney's office, private attorneys who practice in the juvenile court, the Los Angeles County Bar Association, Probation Department employees, juvenile delinquents, parents of juveniles, and the public at large. No one, as yet, defended the present system, and I am convinced that a sweeping restructuring is needed.

As the result of information developed at those hearings, I directed the County Counsel to draft possible changes in state law to take the Section 600 and Section 601 cases out of the juvenile court system. A study is underway to upgrade the qualifications and skills of social workers and probation workers so that they can intelligently work toward changing juvenile behavior for the better. The next objective is to work with our education system to see that children who are having difficulty in learning are immediately identified and are provided some means of learning that they currently are not getting from our education system. One of the most alarming things I have found is that the young people who are confined at Juvenile Hall and in our juvenile camps and at the California Youth Authority are educationally, as much as four to eight years, behind their age level. These young people who have been interviewed basically are not ignorant or stupid; they are just not being taught in such a way that they can learn by the standard techniques that are used.

Since last summer, a program to identify and place our mentally disturbed youngsters in appropriate institutions or

settings where care and treatment can be adequately provided has been in operation. This correction came after I learned that 34 mentally disturbed youngsters were simply languishing in our juvenile facilities without having appropriate mental treatment and care. Now, almost all are placed in appropriate facilities so that treatment can begin as soon as possible. For those with severely disturbed mental conditions, the Board of Supervisors recently approved my plan to contract with private psychiatric hospitals for intensive care. These contracts probably will be in effect by the time this article appears.

In line with these structural reforms, I believe there has to be a greater decentralization of juvenile court. There are juvenile court branches in eight locations throughout the county, but the great bulk of the cases still are handled at the Eastlake Juvenile Court Facility. Some judges and new courtrooms have been added at the Criminal Courts Building, but each court or hearing room is still expected to accommodate a thousand or more cases this year. The big problem is that we have not made the necessary changes in the law since *In re Gault*,* which afforded juveniles the same rights as adults in cases that would limit their freedom of movement or cause their confinement.

In Los Angeles County, more than 50 per cent of the criminal arrests are juvenile arrests. It is even higher in the Compton Judicial District where the figure is 67 per cent. For this reason, I took action to get a juvenile court set up in Compton that would be convenient for the witnesses who, for economic reasons, simply could not leave their businesses and travel downtown to Eastlake for even one day, let alone a possible series of five days of delays. By the time this article appears, the Compton Juvenile Court should be in operation.

*387 U.S. 1 (1967).

There is a strong need for decentralization of juvenile cases even through it may mean some problems in transportation of probation personnel and security for the arrestee. But that, in my mind, is a small price to pay to meet our responsibility to deliver juvenile justice.

I am going to continue to fight on the Board of Supervisors to provide money, trained, skilled, and motivated personnel, and everything else to implement badly needed reforms.

I am also convinced we need to change the existing hostile attitude of the public toward the juvenile who has been in trouble. There is this hostile attitude in the business community because of their reticence to hire a juvenile who has been through the system. I had a survey made by members of my staff of various businesses in Los Angeles County and, almost uniformly, there was an expression of hostility toward hiring a juvenile in any responsible position where that juvenile had committed some kind of criminal offense — this despite the fact that the juvenile had undergone appropriate treatment to straighten out his or her life. This attitude must change. An open hand must be extended to help the young person once he or she has seen the light and genuinely wants to restore his or her self-esteem.

This is a challenge to all lawyers who read this: Involve yourself in helping a juvenile out of trouble not only with your legal skills, but also, by showing that young person that you really care. Not only will you help reduce the juvenile crime rate, but you may save that young boy's or girl's life or at least make it a meaningful one.

You can help them in court, but there are many of them who need more than that. They need your continued friendship and guidance as they come back into the community. The law is a service profession, and helping a juvenile is the highest service you can give.

FITNESS — THE CRITICAL HEARING OF THE JUVENILE COURT

by Kenneth I. Clayman

Mr. Clayman received his A.B. degree from San Diego State College in 1963 and his J.D. from U.C.L.A. School of Law in 1966. He has been a trial lawyer in the Office of the Public Defender since 1967, where he is currently assigned to the Juvenile-Mental Health Division as Head of the Juvenile Branch. Mr. Clayman was a lecturer on juvenile law for the Los Angeles County Bar-Public Defender Legal Specialization Course and has also lectured on this subject to other legal and education groups.

IN CALIFORNIA, THE juvenile court has exclusive jurisdiction over all minors under the age of 18 unless it divests itself of jurisdiction by making an order directing that a minor be prosecuted in the adult court.[1] The making of such an order (which has been variously described as transfer, referral, remand, waiver, waiver of jurisdiction, order for prosecution, and binding over) occurs during what is referred to in Los Angeles County as the "fitness hearing."[2] By whatever name, the landmark decision of *Kent v. United States,*[3] aptly characterizes the significance of this process: "It is clear beyond dispute that the waiver of jurisdiction is a 'critically important' action determining vitally important . . . rights of the juvenile . . . "[4] In this writer's opinion, it is certainly the single most important hearing the attorney must deal with in the juvenile court.

The purpose of this article is to alert the practitioner to the problem areas he may encounter with respect to the fitness issue and present some background concerning constitutional problems, statutory interpretation, utilitization of standards, and local policies and procedures where they may be of some benefit.

WELFARE AND INSTITUTIONS CODE SECTION 707 AND ITS EFFECT

The California statute governing fitness hearings is Welfare and Institutions Code Section 707. Section 707 reads as follows:

"At any time during a hearing upon a petition alleging that a minor is, by reason of violation of any criminal statute or ordinance, a person described in Section 602, when substantial evidence has been adduced to support a finding that the minor was 16

[1]Welf. & Inst'ns Code § 603.

[2]*See* Los Angeles County Superior Court Memorandum No. 7.a. (Nov. 26, 1973), from the Hon. William P. Hogoboom, Presiding Judge of the Juvenile Court entitled "Section 707, Welfare and Institutions Code — Prosecution Under the General Law. Policies and Procedures of the Juvenile Court Regarding Fitness."

[3]383 U.S. 541 (1966).

[4]*Id.* at 556.

years of age or older at the time of the alleged commission of such offense and that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, or if, at any time after such hearing, a minor who was 16 years of age or older at the time of the commission of an offense and who was committed therefor by the court to the Youth Authority, is returned to the court by the Youth Authority pursuant to Section 780 or 1737.1, the court may make a finding noted in the minutes of the court that the minor is not a fit and proper subject to be dealt with under this chapter, and the court shall direct the district attorney or other appropriate prosecuting officer to prosecute the person under the applicable criminal statute or ordinance and thereafter dismiss the petition or, if a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are held, shall dismiss the petition and issue its order directing that the other court proceedings resume.

"In determining whether the minor is a fit and proper subject to be dealt with under this chapter, the offense, in itself, shall not be sufficient to support a finding that such minor is not a fit and proper subject to be dealt with under the provisions of the Juvenile Court Law.

"A denial by the person on whose behalf the petition is brought of any or all of the facts or conclusions set forth therein or of any inference to be drawn therefrom is not, of itself, sufficient to support a finding that such person is not a fit and proper subject to be dealt with under the provisions of the Juvenile Court Law.

"The court shall cause the probation officer to investigate and submit a report on the behavioral patterns of the person being considered for unfitness."

The result of a finding of unfitness under Section 707 can be significant.

"Although sanctions may be imposed in the ordinary juvenile hearing, the effect of a waiver decision is to send the youth to jail for adults to await criminal prosecution, and if convicted, to possibly receive the maximum penalty of the state . . . . Regardless of the outcome of later criminal prosecution, certification subjects the youth to incarceration, interrogation, indictment, and often victimization by inmates . . . . When the juvenile court certifies a youth, he acquires a stigma which he carries with him to the subsequent criminal trial, i.e., that he is too incorrigible to handle within the juvenile system. And if convicted, the stigma which attaches is, of course, identical to that of the adult offender . . . ."[5]

These liabilities of adult treatment are in contrast to the many special rights afforded in California by juvenile treatment which include, among others, protection from publicity,[6] separate confinement from adult offenders,[7] a limitation on the duration of possible confinement,[8] the preference for preserving family ties and against removing the minor from the home,[9] and the ability

[5]Note, "Separating the Criminal from the Delinquent: Due Process in Certification Procedures," 40 So. Cal. L. Rev. 158, 162-63 (1967).

[6]Welf. & Inst'ns Code §§ 675, 676; T.N.G. v. Superior Court, 4 Cal. 3d 767 (1971).

[7]Welf. & Inst'ns Code § 507.

[8]Welfare and Institutions Code Section 607 limits juvenile court jurisdiction for treatment to age 21. However, it is possible a minor could be treated beyond that date if he were shown to be physically dangerous to the public due to mental deficiency, disorder or abnormality. Welf. & Inst'ns Code §§ 1800 *et seq.*

[9]*See* Welf. & Inst'ns Code § 502. *See also* In re William M., 3 Cal. 3d 16 (1970).

78-464 O - 77 - 71

to completely seal one's juvenile record.[10]

CONSTITUTIONALITY OF SECTION 707

Although Section 707 is silent as to what standards should be utilized in making the determination of fitness, it has nonetheless been upheld against a challenge that it is unconstitutionally vague. In *Donald L. v. Superior Court*,[11] the Supreme Court was able to uphold the statute by finding that:

> "Proper operation of the juvenile court law is predicated on treating each minor as an individual [*In re William M.* (1970), 3 Cal.3d 16, 31 (89 Cal. Rptr. 33, 473 P.2d 737)] [and] any attempt to explicate the standards with greater particularity appears not merely unnecessary but undesirable as likely to set up mechanical categories which the spirit of the law forbids."[12]

GUIDELINES AND STANDARDS

Despite the Court's reluctance to "explicate," several guidelines and standards instructive in fostering understanding of Section 707 have emerged. One such example flows from *Kent v. United States*,[13] the first of several United States Supreme Court decisions applying due process guarantees to the juvenile court,[14] wherein it was ruled with respect to waiver that:

> "There is no place in our system of law for reaching a result of such tremendous consequences without ceremony — without hearing, without effective assistance of counsel, without a statement of reasons . . . . We do hold that the hearing must measure up to the essentials of due process and fair treatment . . . ."[15]

While this holding did not clearly articulate a concomitant right to notice, the California Supreme Court in *Donald L. v. Superior Court*[16] speaks clearly to the issue:

> "Although Section 707 does not additionally provide for a separate, noticed hearing, the statute must be read in the context of constitutional principles relating to due process (citation omitted) so as to require a hearing with adequate notice to the minor and his counsel on the issue of the minor's fitness for care and treatment under the juvenile court law."[17]

In Los Angeles County, the notice requirement of *Donald L.* is embodied in a policy memorandum[18] of the Superior Court which directs that at the time of the detention or arraignment hearing,

> "The district attorney or the probation officer may make a motion that the minor is not a fit and proper subject to be dealt with under the Juvenile Court Law. A copy of the motion must be served on the minor,

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[10]*See* Welf. & Inst'ns Code § 781. *See also* T.N.G. v. Superior Court, 4 Cal. 3d 767 (1971).

[11]7 Cal. 3d 592 (1972).

[12]*Id.* at 601. Only the Michigan Supreme Court has had the temerity to strike down a similarly worded statute as void for vagueness. People v. Fields, 199 N.W. 2d 217 (Mich. 1972).

[13]383 U.S. 541 (1966).

[14]*See also* In re Gault, 397 U.S. 1 (1967) (notice, the rights to confrontation and counsel, and the privilege against self-incrimination held applicable to juvenile court delinquency proceedings); In re Winship, 397 U.S. 358 (1970) (constitutional safeguard of proof beyond a reasonable doubt also held applicable to delinquence proceedings.)

[15]383 U.S. at 592. Incredibly, some States have refused to follow the *Kent* decision on the ground that it was merely a construction of the District of Columbia statute involved in that case. "To discount *Kent* because it dealt with a narrow issue of statutory interpretation . . . reaches a new apogee of judicial sophistry." Schoenhorst, "The Waiver of Juvenile Court Jurisdiction: Kent Revisited," 43 Ind. L.J. 523, 588 (1968).

[16]7 Cal. 3d 592 (1972).

[17]*Id.* at 597.

[18]Los Angeles County Superior Court Memorandum No. 7.a., *supra* note 2.

or his attorney, and his parents or guardian or their attorney."[19]

THE FITNESS HEARING MUST BE SEPARATE

While our courts had no difficulty recognizing a need for notice, though not required in Section 707, they struggled tortuously before formulating the requirement of a separate hearing. The chief stumbling block arose from the mandate of Section 707 that the fitness determination be made "during the hearing." Initial judicial reaction to this phraseology was that it meant "during" the jurisdictional hearing[20] required to determine the truth or falsity of the petition.[21]

However, further consideration of this problem by the California Supreme Court resulted in disapproval of this interpretation and it was held that the issue should be decided either before or after the jurisdictional hearing, with an expressed preference that it be determined "at the very outset, *before* the jurisdictional hearing."[22] In any event, the Court concluded that the Legislature did not mean by "during the hearing" that the required behavior study be reviewed "in the midst of a hearing on the issue of jurisdiction."[23]

REQUIREMENTS OF THE STATUTE

Section 707 makes clear that neither the nature of the offense nor the fact of a denial provides sufficient reason for a finding of unfitness. It is also helpful to know that a *combination* of both a serious offense *and* a denial are also insufficient to support a finding of unfitness.[24] Further, we are assured that when Section 707 says the probation department "shall" prepare a report concerning the minor's behavioral patterns, this choice of language expresses a legislative intent that such report is mandatory, and it is error to declare a minor unfit in the absence of the requisite report.[25] This interpretation requiring the behavioral report was

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[19]All requests for fitness hearings during the last year at the Eastlake headquarters of the Los Angeles County Juvenile Court have been made by the District Attorney, whose compliance with the notice requirement has been to file a "boilerplate" motion wherein blanks are filled in with the name of the minor and the offense charged.

Since the role of the District Attorney in the Juvenile court is limited to assisting in ascertaining and presenting of the evidence (Welf. & Inst'ns Code § 681), it is questionable whether *initiating* requests for fitness hearings falls within the purview of *ascertaining and presenting* the evidence.

[20]Welfare and Institutions Code Section 701 explains what occurs at the jurisdictional hearing:

"At the hearing, the court shall first consider only the question whether the minor is a person described by Sections 600, 601, or 602, and for this purpose, any matter or information relevant and material to the circumstances or acts which are alleged to bring him within the jurisdiction of the juvenile court is admissible and may be received in evidence; however, proof beyond a reasonable doubt supported by evidence, legally admissible in the trial of criminal cases, must be adduced to support a finding that the minor is a person described by Section 602, and a preponderance of evidence, legally admissible in the trial of civil cases must be adduced to support a finding that the minor is a person described by Section 600 or 601. When it appears that the minor has made an extrajudicial admission or confession and denies the same at the hearing, the court may continue the hearing for not to exceed seven days to enable the probation officer to subpoena witnesses to attend the hearing to prove the allegations of the petition. If the minor is not represented by counsel at the hearing, it shall be deemed that objections that could have been made to the evidence were made."

[21]*See* People v. Brown, 13 Cal. App. 3d 876 (1970); People v. McFarland, 17 Cal. App. 3d 807 (1971).

[22]Donald L. v. Superior Court, 7 Cal. 3d 592, 598 (1972).

[23]*Id.* at 597. Further ramifications of the subject will be discussed below when the question of jeopardy is considered.

[24]Bruce M. v. Superior Court, 270 Cal. App. 2d 566, 572 (1969).

[25]*Id.* at 572-573.

found necessary because the determination of this issue must be reached by utilization of "sound discretion" which cannot be exercised "in the absence of a report... on the behavioral pattern of the petitioner . . . ."[26]

Reviewing the report, however, does not solve the problem. Discretion must be exercised. In *Richerson v. Superior Court*,[27] wherein the report showed immaturity, susceptibility, nonviciousness, moral uprightness and remorse as the worst of the minor's attributes, it was found not only that an unfitness finding was an abuse of discretion, but that no discretion was exercised at all. The court therefore concluded that the unfitness determination obviously had been impermissibly based on the offense itself (burglary) and remanded the matter for redetermination of the issue.

As indicated earlier, while the California Supreme Court has rejected the necessity for statutory guidelines, several standards have nonetheless emerged to aid the hearing officer in this exercise of discretion. They are as follows:

1. The minor's behavior pattern, including any delinquency.[28]
2. The length of treatment required. "There must be substantial evidence in the record that successful treatment may require the extra time" if the minor is to be found unfit on the basis of insufficient time for treatment in the Juvenile Court.[29]
3. Nature of the crime allegedly committed.[30]
4. The circumstances and details surrounding its commission.[31]
5. The minor's degree of sophistication, particularly as relating to criminal activities.[32]
6. Expert testimony. While the testimony of experts is entitled to great weight in the determination of amenability, the admissibility of such testimony is discretionary in that the only evidence required by Section 707 is the behavioral report.[33]
7. Candor and contrition.[34]

LOS ANGELES COUNTY EXPERIENCE WITH FITNESS HEARINGS

In the light of these standards, it is interesting to study a sample of 38 fitness hearings conducted at Eastlake headquarters of the Los Angeles County Juvenile Court in 1973. A statistical breakdown prepared by Allen Goldberg, deputy probation officer who prepares behavioral reports for the probation department, reveals the following:

1. Though the statute allows for a finding of unfitness by reason of violation of "any criminal statute or ordinance," 37 of the 38 requests concerned charges which would have been a felony if charged in the adult court (ranging from grand theft to murder).
2. Eighteen of these minors were found unamenable, the remainder amenable, to treatment by the Juvenile Court.
3. Of those found unfit, the average *at*

[26]*Id.* at 573.

[27]264 Cal. App. 2d 729, 734 (1968).

[28]Jimmy H. v. Superior Court, 3 Cal. 3d 709, 714 (1970); People v. Renteria, 60 Cal. App. 2d 463 (1941).

[29]Jimmy H. v. Superior Court, 3 Cal. 3d 709, 715 (1970).

[30]Jimmy H. v. Superior Court, 3 Cal. 3d 709, 716 (1970).

[31]*Id.*

[32]*Id.*

[33]Donald L. v. Superior Court, 7 Cal. 3d 592, 597 (1972). However, the court's failure to appoint a psychiatrist in this context to make a present analysis of Donald was not in error because two experts with three months of daily contact were called and testified favorably to him, and further psychiatric testimony would have been cumulative. It can be inferred that absent such favorable testimony, failure to appoint a psychiatrist might have constituted an abuse of discretion.

[34]Bryan v. Superior Court, 7 Cal. 3d 575, 583 (1972), *cert. denied*, 410 U.S. 944 (1973).

the time of the fitness hearing ranged from 17 years of age to 20 years, 7 months of age.

4. Only 4 of the 38 requests involved female minors.
5. Although 2 minors found unfit had no prior police contacts (any contact of any nature with the police), the "prior record" of the other unfit minors ranged from 3 to 28 prior contacts.

THE APPLICABILITY OF DOUBLE JEOPARDY TO THE FITNESS HEARING

The issue of jeopardy and its relationship to the fitness hearing has traveled a twisting path in the Juvenile Court. The first references to the subject viewed the concept of double jeopardy as inapplicable to juvenile proceedings on the theory that they were "civil" as opposed to "criminal" in nature.[35]

These cases were disapproved, however, in a later decision which held that regardless of label, juveniles were entitled to protection against being placed twice in jeopardy for the same offense. It was also concluded that the protection is not merely against being put in jeopardy, but applies whether the accused is convicted or acquitted, and that once a witness has been sworn and the juvenile is "exposed" to a finding that he be made a ward of the juvenile court, "he should not be exposed a second time."[36]

Having recognized the applicability of double jeopardy to the juvenile court, the courts were forced to grapple with the problem of whether that principle prevented prosecution of a minor in the adult court as the result of a fitness hearing held after the minor had already been so "exposed" to a jurisdictional finding in the juvenile court.[37]

The first stab at this problem resulted in the articulation of a "downstream fork" theory, in which the court likened the referral of the minor to adult court to stand trial to a process of diversion. By such reasoning it found that the minor in question had not "already suffered deprivation of liberty as a result of determination of wardship," and that the finding of unfitness at this juncture merely "served to divert the unfit minor into a procedural stream which may result in criminal punishment but not in renewed detention as a juvenile."[38]

The *Brown* court also found support for its view in *In re Gary J.*[39] which advanced a "bouncing ball" theory to effectively deny this Fifth Amendment

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[35]People v. Silverstein, 121 Cal. App. 2d 140, 142-43 (1953); In re Bradley, 258 Cal. App. 2d 253 (1968).

[36]Richard M. v. Superior Court, 4 Cal. 3d 370, 375-78 (1971).

[37]*See* Welf. & Inst'ns Code § 701, set out in full note 20 *supra*; *see also* § 702, which reads as follows:

"After hearing such evidence, the court shall make a finding, noted in the minutes of the court, whether or not the minor is a person described by Section 600, 601, or 602. If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged for any detention or restriction theretofore ordered. If the court finds that the minor is such a person, it shall make and enter its findings and order accordingly and shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, it may continue the hearing, if necessary, to receive the social study of the probation officer or to receive other evidence on its own motion or the motion of a parent or guardian for not to exceed 10 judicial days if the minor is detained during such continuance, and if the minor is not detained, it may continue the hearing to a date not later than 30 days after the date of filing of the petition. The court may, for good cause shown continue the hearing for an additional 15 days, if the minor is not detained. The court may make such order for detention of the minor or his release from detention, during the period of the continuance, as is appropriate."

[38]People v. Brown, 31 Cal. App. 3d 876 (1970).

[39]17 Cal. App. 3d 704 (1971).

protection to juveniles.[40] While it was recognized that jeopardy attached with the testimony of the first witness at the jurisdictional hearing, "no new jeopardy has attached by the proceedings sending the case to the criminal court. A minor may go from one court to another, but . . . until one court or another reaches a final disposition of the case, only a single jeopardy is involved."[41]

Finally, these interpretations were buttressed by a "preliminary proceeding" concept propounded in *People v. McFarland*,[42] which reasoned that:

> "*People v. Brown*, like the instant case, merely involved one juvenile proceeding, limited and preliminary in disposition, wherein the court made the necessary initial finding that appellant, as a minor, was subject to the jurisdiction of the Juvenile Court and the subsequent finding that he was not amenable to the programs of the Juvenile Court, and then the transfer to the Superior Court."[43]

Whatever the metaphor, the California review of jeopardy and fitness coalesced and firmed in *Bryan v. Superior Court*.[44] Bryan, after admitting the truth of the juvenile petition, was sent forthwith to the California Youth Authority, which returned him forthwith to the juvenile court.[45]

The judge, abiding by the language of Section 707 which provides for an unfitness finding for a minor returned by the Youth Authority, certified the minor to the adult court. In denying a double jeopardy claim, the Supreme Court adopted the reasoning of the foregoing decisions, adding that:

> "We agree with the *In re Gary J.* application of the concept of continuing jeopardy and reject the view that once legal jeopardy has attached at the jurisdictional stage of the Juvenile Court proceedings, a transfer of the minor for criminal prosecution is constitutionally forbidden."[46]

The Court further reasoned that even though this matter had gone so far as to find the minor committed to CYA, such commitment was merely "tentative in nature under our statutory scheme, since the Youth Authority is expressly empowered to refuse such a commitment."[47]

As a protection to the minor, however, the Court allowed that any confessions or admissions made to a probation officer or judge in the juvenile court could not be used in the adult proceeding.[48] The culmination of the jeopardy-and-fitness question resulted in a Ninth Circuit Court of Appeals decision entitled *Jones v. Breed*.[49] In this opinion, the Court rejected the continuing jeopardy approach, finding itself unable to justify certification after trial in the juvenile court for retrial in adult court as an exception to the rule prohibiting double jeopardy.

> "Basic constitutional guarantees such as that against double jeopardy are so fundamental to our notions of fairness that our refusal to find them

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[40]The Fifth Amendment bar to double jeopardy is applied to state proceedings through the Due Process Clause of the Fourteenth Amendment. Benton v. Maryland, 395 U.S. 784, 795-96 (1969).

[41]In re Gary J., 17 Cal. App. 3d 704, 710 (1971).

[42]17 Cal. App. 3d 807 (1971).

[43]*Id.* at 815.

[44]7 Cal. 3d 575 (1972), *cert. denied*, 410 U.S. 944 (1973).

[45]*See* Welf. & Inst'ns Code §§ 780, 1731.7, which allow for such a return.

[46]Bryan v. Superior Court, 7 Cal. 3d 575, 583 (1972). However, the Supreme Court took pains to point out it did not suggest approval of the possibility of prosecution in the adult court "if the Authority, *after a period of treatment*, decided to return him to the Juvenile Court." *Id.* at 584 n. 9.

[47]*Id.* at 584.

[48]*Id.* at 589.

[49]Jones v. Breed, 497 F.2d 1150 (9th Cir. 1974), *cert. granted sub. nom.* Breed v. Jones, 95 S.Ct. 172 (Oct. 21, 1974).

applicable to the youth may do irreparable harm to or destroy their confidence in our judicial system. . . . Rather than supporting California's approach, the principles of continuing jeopardy dictate that once jeopardy has attached to a minor in the juvenile court hearing, he may not be placed in peril of conviction in an adult court for charges based on any occurrence, criminal episode or transaction used as the basis for the petition in the juvenile court."[50]

With reference to the California rule that the denial of application of double jeopardy to this situation does not harm minors since their confessions and admissions cannot be used in the adult retrial, the Court of Appeals observed that:

"Nowhere in the criminal system do we allow the prosecution to review in advance the accused's defense and as here, hear him testify about the crime charged. The most heinous and despicable criminal is saved from such an invasion of his fundamental rights. Yet, if we adopt California's position, we approve having such a procedure applied to those of tender years. This offends our concept of basic, even-handed fairness . . . . We cannot allow this fundamental constitutional right to be wrenched from the minor under the guise of providing a system for his protection."[51]

Whether such a "wrenching" will be constitutionally permitted will be resolved by the United States Supreme Court when it decides *Breed v. Jones*[52] this spring. But despite the uncertain status of the Ninth Circuit opinion, the policy of the Los Angeles County Juvenile Court remains that "the question of fitness must be decided before the first witness has been sworn."[53] The granting of certiorari in the *Jones* case has not altered this local policy.

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[50]*Id.* at 1168-69.

[51]*Id.* at 1168.

[52]Breed v. Jones, Oct. Term 1974, No. 73-1995.

[53]Los Angeles County Superior Court Memorandum dated June 27, 1974, from the Hon. William P. Hogoboom, Presiding Judge of the Juvenile Court, Subject: Double Jeopardy in Juvenile Court Proceedings: Welfare and Institutions Code Sections 559 and 707; Penal Code Section 1578.5.

ERRATA

The typo gremlins scrambled two sentences in William J. Bogaard's article on the *Strumsky* case which appeared in the December 1974 issue. The last sentence on page 65 should have read:

> In extending the "independent judgment" test to decisions of local administrative agencies, the Court reversed "an unbroken line of authority extending back more than one hundred years"[6] and overruled a broad front of contrary opinion by legal scholars.[7]

The second full paragraph on page 70 should have read:

> Except for the facts to which it applies, *Strumsky* offers little new guidance in defining fundamental vested rights for counsel attempting to advise clients whether to undertake the expensive administrative mandamus procedure. In light of the overriding importance of this concept upon judicial review, it can be expected to receive intense scrutiny in future appellate decisions.

Jury Trials, The Juvenile Court, And The California Constitution: From Specious Acorns Grow Trees Of Injustice

by Laurance S. Smith

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IT IS OFTEN ASSUMED that the controversy over whether juveniles should be allowed jury trials is of recent invention, being one of the many tremors generated by the Warren Court and the so-called Due Process Revolution. In fact, however, it has been going on for over a hundred years. It will be the purpose of this article to show that, quite apart from any right which may be thought to emanate from the due process clause or elsewhere in the federal Constitution, the California Constitution independently guarantees juveniles faced with loss of liberty the right of trial by jury.[1] This right has yet to be enforced by the courts, however, for the few cases discussing the issue in state constitutional terms merely perpetuate uncritically an early, erroneous case which was decided before the juvenile court had ever been conceived.

The first and seminal round in the controversy over juries for juveniles was fought in 1876, after a San Francisco police judge summarily dispatched a Chinese youth named Ah Peen to reform school for having led an "idle and dissolute life."[2] Among the other things which

[1]The author is in considerable agreement with those who argue that state courts should use their state Constitutions as primary sources of authority in matters of civil liberty, rather than relegating them to the status of afterthoughts to be tossed into a string of citations following the Fourteenth Amendment. *See* Linde, "Without Due Process - Unconstitutional Law in Oregon," 49 Ore. L. Rev. 125, 133-135 (1969). Precisely such a lack of attention to the distinct meaning of the jury trial guarantees in the California Constitution by California Courts has led, in the author's opinion, to the analytical confusion which is the subject of this article.

[2]Ex Parte Ah Peen, 51 Cal. 280 (1876). It is worthy to note that *Ah Peen* arose long before the enactment, in several fits and starts, of the first California juvenile court act during the initial decades of the twentieth century. *See* E. Lemert, Social Action and Legal Change: Revolution Within the Juvenile Court, 37-41 (1970); Cal. Stat. 1915, ch. 631. Unfortunately, despite the efforts of its well-meaning proponents, this seemingly radical addition to the law has not changed that much. Children are still being condemned to reformatories for leading "idle and dissolute" lives today, just as they had been condemned to Dickensian "Houses of Refuge" elsewhere during the days when the flag of Mexico still flew over California. *Compare* Welf & Inst'ns Code § 601 *with* Ex Parte Crouse, 4 Whart. (Pa.) 9 (1839). Whoever said that there is nothing new under the sun *was* right.

Ah Peen was denied during these proceedings was the right to a jury trial.[3]

Ah Peen's attorney was still undaunted; he applied to the California Supreme Court for a writ of habeas corpus. It seemed an easy enough argument that since the state Constitution said that the "right to trial by jury shall be secured to all, and remain inviolate,"[4] the boy was at least entitled to the judgment of his peers before being sent packing to the State Industrial School.

The Supreme Court was in a considerably different frame of mind, however, and it rejected the notion that the framers of the state Constitution were thinking about sixteen-year-old Chinese boys when they guaranteed the right of jury trial to "all" the people. Instead, the Court concluded that since the purposes of the proceedings were also unknown to the common law,[5] it was "obvious that these provisions have no application whatever in the case of a minor child."[6]

The Court required only two pages of the California Reports to reach its conclusion. In this brief process, no discussion was devoted to the rather "obvious" — and obviously complicated — question of whether the guarantee of jury trial contained in the California Constitution might differ in its scope and intent from those parts of the federal Constitution which guarantee a jury trial in certain cases arising in the federal courts.

Article III, section 2, clause 3,[7] the Sixth Amendment,[8] and the Seventh Amendment[9] to the federal Constitution

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[3]In view of the social climate prevailing at the time, one is entitled to suspect that what happened to young Ah Peen may have had more to do with his ancestry than with his moral fibre; a suspicion which is reinforced by the court's failure to state any facts and by the court's equally summary granting of the right of jury trial to a (presumably white) thirteen-year-old who was accused of delinquency in 1897. Ex Parte Becknell, 119 Cal. 496 (1897). Nineteenth century San Francisco was, after all, witness to many systematic attempts to use the law as a tool of oppression against the Chinese, who then held undisputed claim to the title of Most Despised Minority. *See, e.g.*, Yick Wo v. Hopkins, 118 U.S. 356 (1867). The state courts even carried this spirit to the point where they in effect declared "open season" on Chinamen by holding them incompetent to testify in any case in which a white man was a party. In People v. Jones, 31 Cal. 565 (1867), for example, the conviction of a confessed robber was reversed because the testimony of his Chinese victim could not even be recognized to establish a *corpus delicti*.

[4]Constitution of 1849, art. I, § 3. The quoted language, though slightly rearranged, remains intact. *See* Cal. Const. art. I, § 16.

[5]In addition to *Ah Peen*'s analytical sins, its historical assumptions are demonstrably incorrect. Indulging momentarily in the laughable assumption that what happened to Ah Peen was not criminal in nature, the conclusion that similar proceedings were unknown to the common law is contradicted by the fact that special procedures to deal with "stubborn" and "disrespectful," *i.e.*, delinquent children were established in America virtually upon the landing of the Mayflower. The court in Commonwealth v. Brasher, 270 N.E. 2d 389 (Mass. 1971), for example, traces the history of one such statute back to the year 1654. While burning at the stake and other quaint seventeenth-century methods of "rehabilitation" might seem appalling today, it remains that many of our contemporary concepts of juvenile delinquency have evolved directly from these common-law roots.

[6]51 Cal. at 280-281. The theory of the *Ah Peen* decision appears to have been transplanted from two earlier cases, Ex Parte Crouse, 4 Whart. (Pa.) 9 (1839) and Prescott v. State, 19 Ohio 184 (1869). These cases, in turn, are based upon precisely nothing in the way of authority; the court in *Crouse* being content to baldly say in that "The House of Refuge . . . may indeed be used as a prison for juvenile convicts who would else be committed to the common goal. . . . [W]e know of no natural right to exemption from restraints which conduce to an infant's welfare." 4 Whart. (Pa.) at 11.

[7]"The trial of all *crimes* . . . shall be by jury . . ." U.S. Const., art. III, § 2, cl. 3. (Emphasis added.)

[8]"*In all criminal prosecutions* the accused shall enjoy the right to a speedy and public trial by an impartial jury . . ." U.S. Const., amend. VI. (Emphasis added.)

[9]"*In suits at common law* . . . the right of trial be jury shall be preserved . . ." U.S. Const., amend. VII. (Emphasis added.)

specifically limit their guarantees of trial by jury to criminal cases and to civil matters known to the common law. But the federal judicial power, to which these provisions directly apply, is a narrowly limited one. Insofar as private individuals are concerned, jurisdiction of the federal courts only extends into cases of diversity, admiralty, and most importantly , cases arising under federal statutes.[10] The federal lawmaking power is in turn tightly restricted,[11] and specifically omits the power to enact general "police power" measures, which are left to the states by virtue of the Tenth Amendment.

Since the overall structure of the federal system pre-supposes that *parens patriae* measures are precisely the types of things which the states ought to engage in, and which the federal government ought to avoid, it should hardly be a surprise that none of the federal jury provisions contemplates direct applicability to anything like a juvenile court.

On the other hand, the California Constitution was written in order to create a state government which would discharge exactly those reserved "police power" functions which states are supposed to discharge. It would be outlandish to think that the men who drafted the California Constitution were unfamiliar with the federal Constitution. In order to draft a state charter which would qualify California for membership in the Union, they had to know the contents of the federal Constitution to the last comma.[12]

When the words of limitation contained in the federal jury provisions were deliberately omitted from the California Declaration of Rights, it was because the framers did not wish to see the right to trial by jury aridly restricted to areas paralleling the limited judicial powers of the federal government. They wished instead to declare an unqualified right to trial by jury applicable to all cases which might be adjudicated under the plenary judicial powers held by a state government.[13] This, it is submitted, includes cases in which the state, through its judicial instrumentalities, is asked to take jurisdiction over the person and liberty of a minor or other individual.

It now becomes clear that what the early Supreme Court did, was to simply write these words of limitation on the right to trial by jury — which the framers had deliberately failed to transplant — right back into the state Constitution. Described in a phrase, the *Ah Peen* decision was the baldest type of judicial legislation.[14]

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[10]U.S. Const., art. III, § 2, cl. 1.

[11]U.S. Const., art. I, § 8.

[12]*See generally* Bartkus v. Illinois, 359 U.S. 121, 126 (1959) for some discussion of the process of state Constitution drafting.

[13]It would seem pointedly consistent with the thesis of this article that the guarantee of trial by jury has always appeared in the California Constitution in a section of its own, worded to apply generally to civil and criminal cases. It has never been restricted to "suits at common law." Moreover, all the specific rights granted to the accused by the Sixth Amendment *except* jury trial have always appeared together in a section applicable only to criminal prosecutions. *Compare* art. I, § 16 *with* art. I, § 15 (which provisions replaced, without substantial change, former art. I, § 13 as of January 1, 1975).

[14]Students of constitutional law will recall that in addition to the late nineteenth century's being not too healthy a time for racial minorities, the dominant group's intoxication with the spirit of manifest destiny also lead to rampant amounts of judicial legislation. Courts were not the least bit afraid to void laws which were in conflict with their personal philosophy. *See, e.g.,* Holmes, J., dissenting in Lochner v. New York, 198 U.S. 45, 75 (1905). While the emergence of the New Deal caused it no longer to be fashionable to interfere with economic legislation in this way, it would seem that the lesson of judicial restraint has yet to be applied to the enforcement of the "inviolate" right to trial by jury. *See* Douglas, J., dissenting in De Backer v. Brainard, 396 U.S. 28, 35-38 (1969); R.L.R. v. State, 487 P.2d 27, 31 (Alaska 1971).

Those who have followed the development of juvenile law know that arguments similar to those made in *Ah Peen* have been periodically reasserted during the intervening years, generally with the same results.[15] To this day, cases discussing the issue in terms of the state Constitution remain directly traceable to *Ex Parte Ah Peen*.[16]

In this writer's opinion, the body of precedent which has grown up from *Ah Peen* is an example of how one specious acorn, born in a climate of judicial lassitude, can grow into a mighty tree of injustice.

ANOMALIES AND CONTRADICTIONS IN SEARCH OF A UNIFORM RESULT

It is generally true that the reasons cited by both state and federal courts for continuing to deny juveniles the right to a jury trial have been consonant with the we're-just-trying-to-be-nice-to-you-sonny-boy theme first struck in *Ex Parte Ah Peen*. During the intervening century, however, the courts have laid a trail of anomaly and contradiction, which seems, as of late, to center about Justice Blackmun's plurality opinion in *McKeiver v. Pennsylvania*.[17]

In his opinion, Justice Blackmun first advances the theory that juries would bring "delay, formality, and the clamor of the adversary system" to juvenile proceedings. "Impartiality" was, needless to say, omitted from the list; in any event, it was quite surprising to see the court later reject, *upon the basis of past experience*, the argument that a (Seventh Amendment) jury trial should be denied to a tenant facing eviction from his Washington, D.C., apartment house because juries would hamper the speedy disposition of landlord-tenant disputes.[18]

Another justification cited by Justice Blackmun, and emphasized in a concurring opinion by Justice White,[19] was that juries are dispensible because a finding of delinquency is more an adjudication of status, *i.e.*, the status of needing the help of the State as *parens patriae*, than it is a finding of blameworthiness based upon the commission of a particular act.[20]

This theory is by no means untenable; indeed, the notion that delinquency proceedings are to determine whether a juvenile should be provided with care and treatment which his natural family has not provided, rather than be condemned to punishment for a specific misdeed, can be safely described as the essential premise upon which the juvenile court experiment rests.[21]

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[15]*See, e.g.*, McKeiver v. Pennsylvania, 403 U.S. 528 (1971); In re Dennis M., 70 Cal.2d 444, 456, 457 (1969) (by implication); In re T.R.S., 1 Cal.App.3d 178 (1969); In re Steven C., 9 Cal.App.3d 265, 260-261 (1970). For a state decision declaring a right to jury trial notwithstanding McKeiver v. Pennsylvania, *see* R.L.R. v. State, 487 P.2d 27 (Alaska 1971).

[16]For the most recent example, *see* People v. Bragg, 37 Cal. App. 3d 676, 679 (1974) (hrg. den.), which relies upon In re Daedler, 194 Cal. 320 (1924), which in turn relies upon Ex Parte Ah Peen.

[17]403 U.S. 528 (1971).

[18]Purnell v. Southall Realty, ... U.S. ....., 94 S.Ct. 1723, 1733-1734 (1974). *Purnell* was decided with the concurrence of all the signers of the *McKeiver* decision remaining on the Court.

[19]403 U.S. at 551-554.

[20]A similar theory was employed by the California Supreme Court to hold juveniles were not entitled to proof of guilt beyond a reasonable doubt. In re Dennis M., 70 Cal.2d 444 (1969), disapproved of on that ground in In re Winship, 397 U.S. 358 (1970).

[21]*See* In re Gault, 387 U.S. 1, 15-16 (1967). As *Gault* also points out, virtually nowhere has this ideal become a reality. *Cf.* Nelson v. Heyne, 491 F.2d 352 (7 Cir. 1974); Morales v. Turman, 364 F.Supp. 166 (E.D. Tex. 1973); Inmates of Boys' Training School v. Affleck, 346 F.Supp. 1354 (D.R.I. 1972). The unavailability of "medicine," even for those who need it, can never be overlooked; it is not, however, strictly relevant to the argument being developed here. Even if a given juvenile facility were the fulfillment of Julian Mack's fondest dreams, the commitment of someone to it who did not belong there would still be inhuman; implementation of the so-called "right to treatment" does not diminish the potential for oppression through corruption of the judicial and law enforcement process.

But even if one is willing to blithely leap the universe between the announced goals of the juvenile court and their real-world achievement, it still resolves nothing to say that the juvenile court dispenses medicine rather than punishment. An iron lung or a brain operation may represent the miracle of survival to someone suffering from paralysis or a stroke. To those who do not suffer from such maladies, however, they would amount to the most fiendish torture. The same is true of a stint in a mental hospital or a juvenile hall. For just this reason, such ostensibly benevolent institutions are used as chilling instruments of terror in certain totalitarian states. Justice Blackmun to the contrary notwithstanding,[22] good intentions are what pave the road to hell, and they are insufficient protection from the demonstrable potential for abuse and oppression in the exercise of *parens patriae* jurisdiction.

Justice Brandeis had a better idea when he said, "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of the liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."[23] Moreover, it should be apparent that with only minor changes Justice Blackmun's language could be worked into an opinion denying a jury trail *in a criminal case.* The applicable considerations are, as he recognizes, identical.

The fundamental decision of the framers of both our California and federal Constitutions was that judges were *not* to be given unchecked power in exchange for mere self-serving assurances of fairness. It is in failing to abide by that decision that the majority in *McKeiver,* as well as the signers of the various California opinions mentioned in this article, have, in this writer's respectful opinion, placed their personal philosophies above that of the law.

Recognizing the importance of the factual determinations involved in adjudications of status, and the ease with which well-intentioned laws might be converted into tools of oppression, California has, by legislation consistent with the state Constitution, provided for a jury trial in virtually every instance in which a person might be confined for "treatment" as the result of status. In cases involving adults, the courts have used either statutory construction or, where there is no statute to construe, the Equal Protection Clause, to fill the gaps.[24]

Of course, the one gap left most conspicuously unfilled in the area of status adjudications is that of juvenile delin-

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[22]"Finally, the arguments advanced by the juveniles here are, of course, the identical arguments that underlie the demand for the jury trial for criminal proceedings. The arguments necessarily equate the juvenile proceeding — or at least the adjudicative phase of it — with the criminal trial . . . Concern about the exclusionary and other rules of evidence, about the juvenile court judge's possible awareness of the juvenile's prior record and the contents of the social file; about repeated appearances of the same familiar witnesses . . . all to the effect that this will create a likelihood of prejudgment chooses to ignore, it seems to us, every aspect of fairness, of concern, of sympathy, and of paternal attention that the juvenile court system contemplates." 403 U.S. at 550.

[23]Olmstead v. United States, 277 U.S. 438, 479 (1928) (dissenting opinion). The prescience of this passage is increased by the fact that Justice Brandeis was a prior occupant of Justice Blackmun's seat on the Court.

[24]*See* In re Gary W., 5 Cal. 3d 296, 303-308 (1971); Bodde v. Superior Court, 97 Cal. App. 2d 615 (1950) (hrg. den.); Le Jeune v. Superior Court, 218 Cal. App. 2d 696 (1963). The latter cases hold that a right to jury trial exists where an attempt is made to establish a guardianship over the estate of an individual, in which the guardian is given the authority to sign the ward's checks, etc., but is not given the right to physically restrain him.

quency. However, perhaps acting upon some theory that the law would not be much fun if it did not have a few loopholes, the court in *People v. Bragg*[25] neatly polished off the contention that a right to jury trial can be derived from a theory of equal protection. Given the *McKeiver* decision and the fact that all other status adjudications are protected by the right to jury trial, the reason given by the court must rank as one of 1974's leading Catch 22-isms:

> "In involuntary commitment proceedings of adults, the status of an individual is determined. . . . Juvenile proceedings are involved with guilt, i.e., whether the minor has violated the law . . . ."[26]

The Supreme Court, in other words, has held that juveniles cannot have a jury because their trials do not primarily involve determinations of guilt. The California courts, on the other hand, hold that a jury must be denied because they do![27]

While other courts have observed that juvenile proceedings are a "hybrid" between criminal and mental health cases,[28] it would seem a fair comment at this point that for all their sanctimonious reason-giving, the tacit thread underlying these decisions seems to be the feeling that children just do not rate the effort. The right of an adult to trial by jury is stoutly defended. A child, however, who faces loss of the right to grow up in a normal environment — in other words, who has his entire future at stake — is left to informality. There can be nothing informal about wrenching a child from his home; to say that the proceedings surrounding the formal intervention of the state into a youngster's life should be "informal" is to say they should be second rate.

HOW THE QUALITY OF JUVENILE JUSTICE WOULD BE IMPROVED BY JURIES

An examination of what actually goes on behind the closed doors of the Los Angeles County Juvenile Court — behind which the writer has worked for the past five years — demonstrates the absence of juries leads to all the forms of corruption and injustice against which juries have protected the people for centuries. Their absence also leads to a lessening of the quality of justice for other reasons not so extensively documented, but equally compelling.

As the one thing which all the appellate judges who have written Delphic expositions on the right to jury trial seem to have in common is a lack of any significant exposure to a juvenile court, one can only express the fond hope that the next Mr. Justice Whoeveritis to write such an opinion will have been the father of a boy or girl who has had the tender mercies of juvenile justice inflicted upon him; failing that, perhaps the facts related below can serve as a secondary source of authority.

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[25]37 Cal. App. 3d 676 (1974) (hrg. den.).

[26]*Id.* at 680.

[27]Harking back to Justice Holmes' dissent in Lochner v. New York, 198 U.S. 45, 75 (1905), it is irresistible to observe that the logical effect created by comparison of *McKeiver* with *Bragg* is quite similar to the sophisms one can achieve by juxtaposing old economic regulation cases. The Court, which in the days of Teddy Roosevelt and Taft was determined to squelch regulation any way it could, would hold in one case that a federal statute was void as an infringement on the states' rights; in another they would void a comparable state statute because it violated the contract clause or placed a restraint on interstate commerce. *Compare, e.g.*, Hammer v. Dagenhart, 247 U.S. 251 (1918) *with* Adkins v. Children's Hospital, 261 U.S. 525 (1923) *and* Allgeyer v. Louisiana, 165 U.S. 578 (1897); *see* B. Wright, The Growth of American Constitutional Law 154 (1942).

[28]Nelson v. Heyne, *supra*, 491 F.2d 352, 360 (7th Cir. 1974). A hybrid, in the common understanding, carries with it the common characteristics of each of its parents. In California, a jury trial is common to both criminal and mental health cases.

The first and most striking fact about the Los Angeles County Juvenile Court is that in recent years it has become totally politicized. One cannot pick up the morning newspaper without reading of a new attack upon the court by some police official who is upset that the court has not been taking a punitive approach to juvenile delinquency. Complimenting this process is the actual lobbying of juvenile court judges by high-ranking police officials, which takes place on both overt and covert levels.

This writer has sat through many meetings at which police officials will actually deliver speeches to the effect of, "Well, judge, I see the conviction rate went up x per cent last month. Next month we are aiming for a goal of twice that." More insidious, however, are the weekly private meetings held in chambers between certain judges and the police. It can be reliably inferred that one of the subjects of these conversations is the initiation of judicial prosecutions against certain minors whom the probation officer has declined to prosecute.[29] What else is discussed is anyone's guess. Whether it is related to the private meetings is unknown, but there has been within the year at least one instance of a juvenile referee being telephoned by a court attaché in mid-trial and told that the youngster he had before him was suspected of other, grave crimes by the police. While one might be inclined to write this off as an isolated instance, the fact that the particular attaché was not disciplined in any way after the incident became widely known makes it more difficult to do so. In any event, a repetition of such disgraceful conduct is as near as the closest telephone; one *cannot* telephone the foreman of a jury in mid-trial.

In addition to their "lobbying" of the judges, the police are able to exercise influence over the judicial process in other ways, such as their maintenance of various lists of mostly Black and Chicano juveniles who are targeted, by dubious criteria, for removal from society.[30] Once a juvenile is on one of these lists, every effort is made to find excuses to arrest him; for this reason, the courts are clogged with "curfew" type cases which have been filed against so-called "hard-core" juveniles.

The qualification for membership in the society of "hard-core" delinquents is to have been arrested a certain number of times — it matters not if you were later proven guilty.

While it is hard to gauge the effect of such activities upon the courts, it is widely assumed that the so-called "hard-core" list is covertly circulated throughout the courthouse. While this assumption is unverifiable, some credence is lent to it by the public assertion by one police official that one such file has been directly queried by a judge of the juvenile court concerning a case pending before him.[31] The use of secret code words in police reports, designed to signal a reader that the minor is on the "hard-core" list, also adds to the general atmosphere that the police have succeeded in "wiring" the courthouse. Were juries present, this would be impossible.

In addition to these "traditional" considerations, the absence of juries leads to the lowering of the quality of juvenile

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[29]Welf. & Inst'ns Code § 655. The current practice is to issue orders under section 655 *ex parte* and by means not of record. The appellate courts have, to date, refused to correct this shocking situation. *See* Ronnie S. v. Superior Court, 2d Civ. 45278 *(petition for writ of prohibition denied* November 14, 1974), (hrg. den. Dec. 26, 1974); Boyarsky, "Justice and the 10 o'clock curfew," Los Angeles Times, Pt. IV, at 1 (Jan. 26, 1975).

[30]*See, e.g.*, Los Angeles Daily Journal, October 31, 1974, p. 1.

[31]Testimony of Deputy Police Chief Louis Sporer, December 4, 1974, before Los Angeles City Board of Grants Administration (on file at Los Angeles City Hall).

justice for another important reason. The majesty and ceremony of the jury trial is precisely what lawyers have spent the first third of their lives training themselves to participate in. The absence of the jury leads to a near-universal feeling that juvenile court is a second-rate place to practice law. Judicial personnel, prosecutors, and defense lawyers compete furiously to get out of "kiddie court" and into "real" court where there are juries.[32] The result is that the juvenile court has chronically found itself staffed by hacks, rejects, and washouts on both sides of the bench and counsel table. This is magnified into tragic dimensions by the fact that the juvenile court, of all the components of the judicial system, clearly has the greatest potential to improve society. It should be staffed by the best, not the worst, legal personnel.

While it would be foolish to conclude that any one change would cure all the ills of the juvenile justice system, this writer is convinced that the addition of juries would work a greater degree of improvement than any other single change imaginable.

The jury would, first and foremost, put an end to the wrenching and pervasive suspicion that triers of fact are being subjected to secret influences by the agents of government, and that the police have managed to "wire the courthouse." It would make the juvenile court less of a star chamber where arbitrariness and prejudice often rule, covered up on the record, of course, by judges who know exactly what to say in order to bring their judgments within the "substantial evidence" rule, and thus insulate them from review.[33] The result, of course, is trials not by reasonable doubt or even a preponderance, but "substantial evidence." Insuring the integrity of the fact-finding process has been a function well discharged by the jury from the time of the Magna Charta to the present, and its absence from the juvenile court has unavoidably denigrated that integrity.

> "Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority . . . [T]he jury trial provisions in the state and federal constitutions reflect a fundamental decision about the exercise of official power — a reluctance to entrust plenary powers over the life and liberty of the citizen to one judge or group of judges. . . ."[34]

To say that the jury would make a juvenile proceeding "formal" or necessarily inject an air of "criminality" into it, as the so-called Nixon Court has done,[35] is but an excuse; an excuse covering the pervasive "kids aren't worth the trouble" sentiment which has so far kept juvenile justice everywhere a shambles.

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[32]One manifestation of this attitude is found in Rules II-B and III-B of the California Standards for Certification of a Criminal Law Specialist. One of the key requirements for certification is participation in a substantial number of *jury* trials, thus one who exclusively specializes in juvenile cases would be unable to earn certification, even though the issues he would deal with are at least equally complex as anything one might encounter in the adult arena.

[33]"The test on appeal becomes whether substantial evidence supports the conclusion of the trier of fact, not whether the evidence proves guilt beyond a reasonable doubt." People v. Reyes 12 Cal.3d 486, 497 (1974); In re Roderick P., 7 Cal.3d 801 (1972). A provocative discussion of the relationship between this inadequate standard of review and the need for a jury trial is found in Kennedy, "The Substantial Evidence Test: A Coverup for Insubstantial Due Process," 50 L.A.B. Bull. 72 (1974). *See also* Delno v. Market St. Ry. Co., 124 F.2d 965, 967 (9th Cir. 1942).

[34]Duncan v. Louisiana, 391 U.S. 145, 156 (1968).

[35]McKeiver v. Pennsylvania, 403 U.S. 528 (1971).

The air of criminality has already been injected into the proceedings by a legislative scheme which parallels the criminal process in every respect from arrest, handcuffing, booking, jailing, arraigning, trying and, finally, sentencing to an institution which looks like and is exactly like a jail.[36]

Only a hollow and largely insincere *parens patriae* rhetoric, not anything in the realm of reality, distinguishes juvenile proceedings from criminal; and the rhetoric in any event has no application to a contested trial. That the jury would not compromise *parens patriae* can also be deduced from the fact that no one has ever suggested that a civil suit in tort or contract is converted into a criminal proceeding if someone demands a jury.

The supposition that juries might delay things has been answered by the court itself in *Purnell* v. *Southall Realty*.[37] Of course jury trials take longer. The point is, however, that where potentially available, the bare threat of a jury trial is generally sufficient to keep the judges independent and honest, for they know that the slightest suspicion of prejudice by either side will bring an end to jury waivers in their court, and thus their workload will quickly become unmanageable.[38] Its absence, as the realities of the juvenile justice system so starkly demonstrate, has the effect of causing the judicial process to degenerate into a kind of sick comedy.

What juries do, therefore, is to provide insurance of the accuracy and impartiality of fact finding for which neither appellate review nor self-serving judicial declarations of impartiality can substitute. The majesty of the jury trial, if it were coupled with the high calling of the juvenile court, might indeed combine in synergistic fashion. We may well discover that in the process the juvenile court will have become what it was envisioned to be! We will also succeed in demonstrating again the abiding wisdom of the men who drafted our Constitution.

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[36]The following passage from Justice Harlan's separate opinion in In re Gault, 387 U.S. at 68, deserves inclusion here: "Quite obviously, systems of specialized penal justice might permit erosion, or even evasion, of the limitations placed by the Constitution upon state criminal proceedings."

Justice Harlan concurred in McKeiver v. Pennsylvania for the reason that he did not think the Sixth Amendment applied to the states; he quite agreed that if it did, he could not accept the premises of the plurality opinion. 403 U.S. at 558.

[37] ..... U.S. ..... , 94 S.Ct. at 1733-34.

[38]"Even where defendants are satisfied with bench trials, the right to a jury trial very likely serves its intended purpose of making judicial or prosecutorial unfairness less likely." Duncan v. Louisiana, 391 U.S. 145, 158 (1968).

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

by John Rector

Mr. Rector is the Staff Director and Chief Counsel to the United States Senate Subcommittee to Investigate Juvenile Delinquency. He received his J.D. degree from Hastings College of the Law and holds a B.A. degree in Criminology from the University of California at Berkeley. In 1968, he was selected for the United States Department of Justice Honors Program, where he served in the Civil Rights Division as a trial attorney and investigator.

IN THE CLOSING DAYS of the summer session, Congress sent to the White House the Juvenile Justice and Delinquency Prevention Act of 1974. The measure was a response to the grim stories and statistics well known by those who have studied the manner in which this nation handles children in trouble. In drafting the statute, the authors were guided by the common inquiries one hears in the field of juvenile justice: Why are young people who commit noncriminal acts often punished more severely than are many adults who commit felonies? Why is the concept of preventive detention violative of our basic liberties when proposed for adults, but subject to at most mute objection when implemented for juveniles? When more than half the serious crimes committed are by juveniles, why is delinquency prevention accorded such a low priority?

In the closing days of the summer session, Congress sent the Juvenile Justice and Delinquency Prevention Act to the White House. This Act was designed to assist states, localities and public and private agencies to develop and conduct effective delinquency prevention programs, to divert juveniles from the juvenile justice process and to provide critically needed alternatives to traditional detention and correctional facilities for the incarceration of juveniles. It was developed and refined during a nearly four year investigation of the federal response to juvenile crime conducted by the U.S. Senate Subcommittee to Investigate Juvenile Delinquency under the direction and leadership of its distinguished Chairman, Senator Birch Bayh.

The Subcommittee found that existing federal programs lacked direction, coordination, resources and leadership and consequently had little impact on juvenile delinquency and juvenile crime. More often than not, the official response to youthful behavior perceived as improper, as well as youthful criminal behavior, has been irrational, costly and counterproductive. The Act reflects the consensus of those in the delinquency field that many incarcerated youths, par-

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ticularly when involving conduct only illegal for a child, do not require institutionalization of any kind and that incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime.

The Act establishes the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration (LEAA) to be headed by an Assistant Administrator, appointed by the President with the advice and consent of the Senate, who will administer the new programs and exercise policy control over all LEAA juvenile delinquency programs; it establishes a Council to coordinate all federal juvenile delinquency programs and creates a National Advisory Committee appointed by the president (21 members, majority nongovernmental private sector, one-third under age 26) to advise LEAA on the planning, operations and management of all federal juvenile delinquency programs; and it establishes within the new office a National Institute to provide ongoing research into new techniques of working with youth; to offer training in those techniques to individuals (including lay persons and volunteers) to work with youth; to serve as a national clearinghouse for information; to evaluate programs; and, to develop standards for juvenile justice. Of particular interest to those involved with delinquency programs are the Formula and Special Emphasis grants established by the Act.

Formula grants are authorized for states that submit comprehensive juvenile delinquency plans as provided in the Act. Of these monies 75 percent must be expended on prevention, diversion and alternatives to incarceration including foster care and group homes; community-based programs and services to strengthen the family unit; youth service bureaus; programs providing meaningful work and recreational opportunities for youth; expanded use of paraprofessional personnel and volunteers; programs to encourage youth to remain in school; youth initiated programs designed to assist youth who otherwise would not be reached by assistance programs; and, subsidies or other incentives to reduce commitments to training school and to generally discourage the excessive use of secure incarceration and detention. Within two years after submission of the plan, states must prohibit both the incarceration of status offenders and the detention or confinement of delinquents in any institutions in which they have regular contact with adult persons charged with or convicted of a crime and must establish a monitoring system to insure compliance with these provisions.

The Act requires the Governor to appoint a group to advise the state planning agency and otherwise requires active participation of private and public agencies and local governments in the development and execution of the plan. Additionally, LEAA state and regional planning agencies must be reconstituted so as to more adequately represent private and public specialists in the delinquency prevention field.

Each state will be allotted a minimum of $200,000 with the remainder to be allocated among the states on the basis of relative population under age eighteen. Not more than 15 percent of the annual allotment can be used to develop and administer the plan and 66-2/3 percent of all the formula funds must be expended through programs of local governments. The Act provides for a 90-10 match with the non-federal share in cash or kind. Such funds, however, cannot replace or supplant existing state and local delinquency programs. If a state does not submit a plan or if the plan fails to meet the criteria, LEAA is required to make the state's allotment for formula grants

available to public and private agencies under the special emphasis section of the law.

Special emphasis (direct-discretionary) grants and contracts will be available to public and private agencies, organizations, institutions and individuals for the development and implementation of programs similar to those funded by formula grants. Not less than 25 percent and up to 50 percent of all the funds appropriated for the Act will be available for these programs and at least 20 percent of these special emphasis funds will be awarded to private non-profit agencies, organizations or institutions who have had experience in dealing with youth. The federal share is 100 percent. Priority will be given to projects designed to serve communities which have high rates of youth unemployment, school dropouts and delinquency.

Programs funded with formula or special emphasis dollars are entitled to continued assistance subject to an annual evaluation. Such funds may be used for up to 50 percent of the acquisition, expansion, remodeling and alteration of existing buildings to be used as community-based facilities for less than twenty persons. No assistance will be provided to programs that discriminate on the grounds of race, creed, color, sex or national origin.

For these prevention programs the Act provides $75, $125, and $150 million for fiscal years 1975, 1976, and 1977 respectively and requires that LEAA maintain its present commitment of $140 million a year to juvenile programs.

Title III of the Act is Senator Bayh's "Runaway Youth Act" which was originally introduced in 1971. It establishes a Federal assistance program for local public and private groups to establish temporary shelter-care facilities for runaway youth and to provide counseling services to facilitate the voluntary return of runaways to their families. Grants will be made on the basis of the number of runaways in the community; the present availability of services for runaways; and, priority will be given to private organizations or institutions who have had prior experience dealing with runaways. This program will be administered by the Secretary of the Department of Health, Education and Welfare with an authorization of $10 million annually for the next three years. It is expected that the Secretary will delegate the administration of the program to either the National Institute of Mental Health or the Office of Youth Development.

Additional titles of the Act provide for a one year phaseout of the Juvenile Delinquency Prevention Act administered by the Office of Youth Development at HEW and improve significantly the federal procedures for dealing with juveniles in the justice system with the goal of letting these standards serve as a worthy example for improved procedures in the states.

On September 7, 1974, President Ford signed S. 821 and should be credited for refusing to follow the advice of aides, including HEW Secretary Weinberger, who recommended that he veto the bill. Unfortunately, the President said that he did not intend to seek funding for the new programs in the 1975 budget.

In denying funding, the President is continuing the policy of the Nixon Administration, which assigned very low priority to delinquency prevention. Such policy is ill advised even during these inflationary times when we must all tighten our belts and trim government's budgets. It is folly to ignore today's child in trouble or delinquent, for all too often he or she is tomorrow's criminal. By investing a relatively modest amount of money wisely in the prevention of juvenile crime and delinquency today we can save billions of dollars and thousands of wasteful lives in the years to come.

Senator Bayh, along with other members of Congress, have urged the President to reconsider this policy. Whatever the outcome of that endeavor, the legislators will persist in their present efforts to obtain appropriations for the implementation of the new program.

Young people are the future of our country. The manner in which we address the problems of youth who run afoul of the law or engage in otherwise unapproved or unpopular conduct will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the nature and extent of these concerns. The young people of this country deserve no less.

By providing the federal leadership and resources so desperately needed to deal more rationally with juvenile delinquency and juvenile crime, the Juvenile Justice and Delinquency Prevention Act of 1974 will contribute to the safety and well being of all of our citizens, particularly our youth.

STATEMENT OF JOHN M. RECTOR[1], CHIEF COUNSEL AND STAFF DIRECTOR, U.S. SENATE, SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY BEFORE THE CALIFORNIA ASSEMBLY, COMMITTEE ON CRIMINAL JUSTICE

"THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974" (PUBLIC LAW 93-415) SAN FRANCISCO, CALIF., OCTOBER 25, 1974

I want to thank the Association for giving me the opportunity to discuss with you the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). Senator Bayh regrets that his schedule made his participation here today impossible but sends his best wishes and encouragement for your efforts to make more effective and humane the Juvenile Justice System.

I do not intend to recite the litany of horror stories and statistics familiar to those who have studied the manner in which we handle children in trouble, but rather to discuss briefly a measure developed in response to the often asked inquiries generated by a familiarity with these matters, for example: Why are juveniles subject to stricter laws than adults and to more severe penalties for non-criminal acts than are many adults who commit felonies? Why is the concept of preventive detention when proposed for adults thought violative of our basic liberties, but subject only to mute, if any, objection when implemented for juveniles? Why when more than half the serious crime is committed by juveniles is delinquency prevention on the back burner with far too many community leaders and policy makers?

In the closing days of the summer session, Congress sent the Juvenile Justice and Delinquency Prevention Act to the White House. This Act was designed to assist states, localities and public and private agencies to develop and conduct effective delinquency prevention programs, to divert juveniles from the juvenile justice process and to provide critically needed alternatives to traditional detention and correctional facilities for the incarceration of juveniles. It was developed and refined during a nearly four year investigation of the federal response to juvenile crime conducted by the U.S. Senate Subcommittee to Investigate Juvenile Delinquency under the direction and leadership of its distinguished Chairman, Senator Birch Bayh.

The Subcommittee found that existing federal programs lacked direction, coordination, resources and leadership and consequently had little impact on juvenile delinquency and juvenile crime. More often than not, the official response to youthful behavior perceived as improper, as well as youthful criminal behavior, had been irrational, costly and counterproductive. Incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. The Act reflects the concensus of those in the delinquency field that many incarcerated youths, particularly when involving conduct only illegal for a child, do not require institutionalization of any kind.

The Act establishes the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration (LEAA) to be headed by an Assistant Administrator, appointed by the President with the advice and consent of the Senate, who will administer the new programs and exercise policy control over all LEAA juvenile delinquency programs; it establishes a Council to coordinate all federal juvenile delinquency programs and creates a National Advisory Committee appointed by the President (21 members, majority nongovernmental private sector, one-third under age 26) to advise LEAA on the planning, operations and management of all federal juvenile delinquency programs; and it establishes within the new office a National Institute to provide ongoing research into

[1] Mr. Rector is a graduate of the University of California at Berkeley where he received his B.A. degree in criminology. He received his J.D. degree from Hastings College of the Law where he participated on the Law Journal and was selected as an Editorial Board member. In 1968, Mr. Rector was selected for the U.S. Department of Justice Honors Program, where he served in the Civil Rights Division as a trial attorney and investigator assigned to criminal cases including the "Algiers Motel" case and the killings at the Jackson State College campus. Later, while still at the Department of Justice, Mr. Rector worked as a legislative specialist in the Office of Legislation. In early 1971 he joined the staff of the United States Senate Subcommittee to Investigate Juvenile Delinquency as Deputy Chief Counsel and in 1973 Mr. Rector was appointed by Senator Birch Bayh to the position of Staff Director and Chief Counsel.

He is a member of the bars of the State of California and the U.S. Supreme Court, a member of the Washington Council of Lawyers, The Federal Bar Association and the American Bar Association. He also serves as Chairman of the Advisory Board for the National Juvenile Law Center.

new techniques of working with youth; to offer training in those techniques to individuals (including lay persons and volunteers) to work with youth; to serve as a national clearinghouse for information; to evaluate programs; and, to develop standards for juvenile justice. Of particular interest to those involved with delinquency programs are the Formula and Special Emphasis grants established by the Act.

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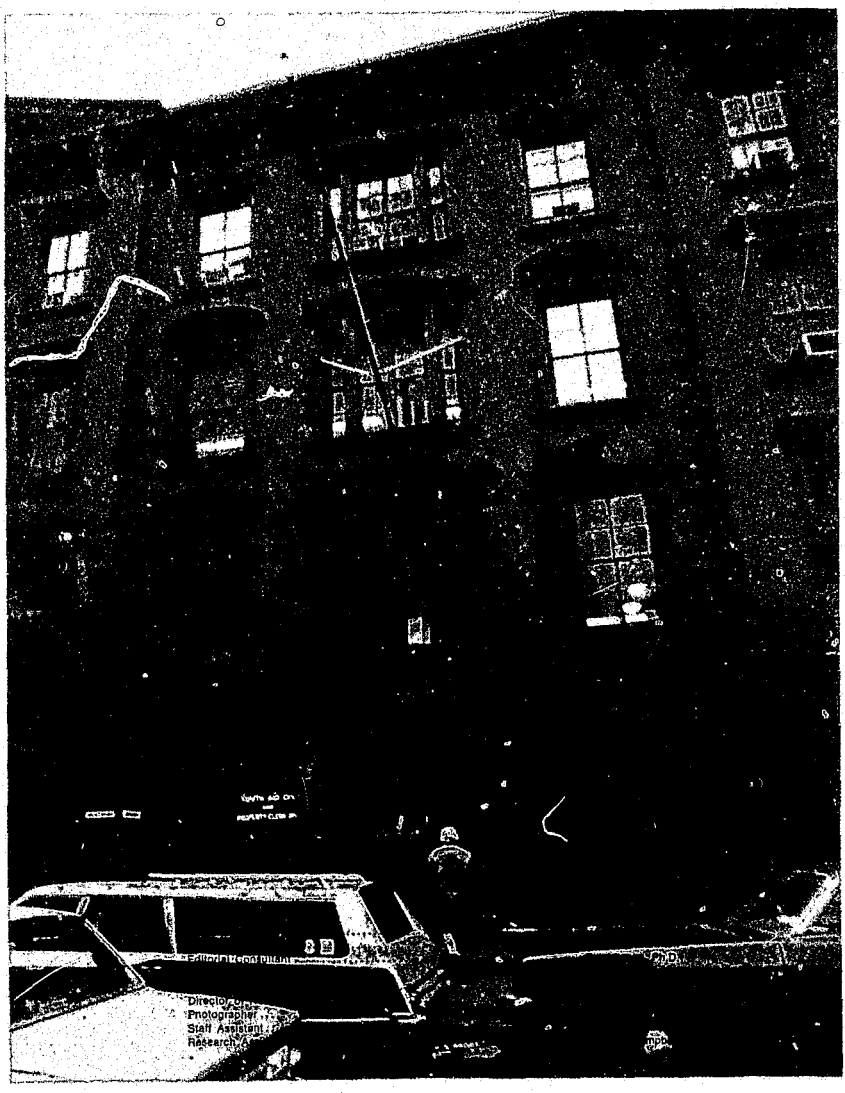
In denying funding, the President is continuing the policy of the Nixon Administration, which assigned very low priority to delinquency prevention. Senator Bayh, along with other members of Congress have urged the President to reconsider this policy. Whatever the outcome of that endeavor, the legislators will persist in their present efforts to obtain appropriations for the implementation the new program.

By its enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, Congress has called upon the states, localities, public and private agencies and others to reassess the child-saver rationale which has made institutionalization, far too often, the favored alternative for officials confronted with children who run the gamut from those who are abandoned and homeless to those who seriusly threaten public safety.

For those who are committed to humane rational care for children in trouble, it is important to bear in mind that many of those who spawned and nurtured our current bankrupt juvenile justice process were well-intentioned. Thus, it is imperative to carefully evaluate programs popularly labelled as "youth service bureaus", "community-based", "diversion" so as to insure that the sterile destructive authoritarianism often typical of training schools is not unleashed upon our communities under the banner of helping children in trouble.


Director
Photographer
Staff Assistant
Research

DISCLAIMER: The editorial position of *RESOLUTION* is to strive for objectivity in the reporting of problems and issues. While it is published by the South Carolina Department of Corrections under a grant from the Law Enforcement Assistance Administration, the contents of this issue do not necessarily represent the position of the U. S. Department of Justice, the South Carolina Department of Corrections, or members of the Editorial Advisory Board.

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The Correctional Development Foundation, Columbia, South Carolina

NEXT ISSUE:
The next issue of ***Resolution*** focuses on "administrative remedies" to the legitimate grievances of offenders and on the need for such remedies to effect a reduction in both the volume of inmate complaints to the courts and the necessity of judicial intervention in the corrections process.

RESOLUTION
OF CORRECTIONAL PROBLEMS AND ISSUES

CONTENTS

COVER: Design by Michael R. Haymore; photography by Kenneth M. Sturgeon.

CONTINUED

12 OF 19

EDITORIAL

RESOLUTION: purpose and policy

by
Hubert M. Clements

Resolution is a multi-disciplinary, quarterly publication which strives to bring correctional problems and issues and potential solution strategies into perspective for the broad general and professional audience which is directly or indirectly concerned with corrections.

The objective of this journal is succinctly stated in its name, *RESOLUTION: of correctional problems and issues.* The editorial policy which will govern continuing efforts to achieve this objective requires that articles be factually correct, relatively free of professional and popular jargon, understandable to the average reader, and pertinent to corrections.

Obviously, correctional problems and issues cannot be resolved by either denying or belaboring their existence. *Resolution* will neither pretend that problems do not exist by focusing only on positive endeavors nor join the growing multitude of professional critics in simply recounting and condemning failures. Persons with the widest possible diversity of knowledge, experience, and convictions including practitioners, inmates, attorneys, judges, legislators, law enforcement personnel, educators, critics and defenders of corrections, and all other interested persons will be regularly invited to contribute articles. Those which suggest or offer examples of constructive alternatives for problems presented will be selected for publication.

A publication which is not read can contribute nothing; therefore, every effort will be made to attract and hold reader interest through an appealing design and impactful graphics which illustrate both the deficiencies and positive alternatives.

Even the most capable and progressive prison administrator acting alone cannot implement significant and lasting penal reform. He is constrained by a lack of public support, state and federal statutes and regulations, inadequate facilities and funds, inappropriately trained personnel, legal actions, judicial intervention, and the ever-present possibility of disruptive violence among prisoners. Recognizing this fact, *Resolution* will strive for broad, practical utility rather than limiting itself to a more restricted professional audience.

A publication which lacks either credibility or relevance will not survive for long. Those who read *Resolution* are invited and encouraged to offer their constructive suggestions and criticisms so that both its credibility and practical value can be consistently improved.

Hubert M. Clements, editor of *RESOLUTION,* is deputy director for administration for the South Carolina Department of Corrections. He came to that Department in 1969 after ten years as an educator and administrator. He received his doctorate from the University of Georgia in 1965. Clements was director for the project which resulted in the publication of *The Emerging Rights of the Confined* in 1972. Other publications with which he was associated in the correctional field include: The A.C.A.'s *Riots and Disturbances in Correctional Institutions* and the South Carolina Department of Correction's *Collective Violence in Correctional Institutions* and *Inmate Grievance Procedures.*

READER REACTIONS

Editor's Note:

Reader response to the first issue of *Resolution* was enormously encouraging. The need for and value of a multi-disciplinary publication which attempts to bring correctional problems and issues into perspective and which provides a broad general audience with a wide diversity of views was emphatic and unanimous.

Both positive and negative reader reactions to *Resolution* are a highly valued resource and each reader is invited and encouraged to critique each issue.

A representative sample of the many letters and a summary of the constructive suggestions which have been received are included here.

... include "Recent Developments in Corrections" as a standard feature and expand to include juvenile case law.
... include articles by wardens, guards, and prisoners as well as professors, lawyers, and judges.
... include more articles about women and by women.
... include more in-depth articles on narrower subject matter.
... Solicit some shorter articles.
... include specific examples of how correctional agencies have adapted policies and procedures to latest court decisions.
... Place more emphasis on community-based correction, probation, and parole and less emphasis on incarceration.
... Place more emphasis on recommended solutions to problems.
... include the price of books in "The Bookshelf."
... Consider the addition of more positive programs and photographs.
... include captions with photographs.
... Consider bi-monthly or monthly publication rather than quarterly.

"As the editor of *RESOLUTION*, you have stated the aims of the magazine on pages 2 and 3. The aims are clear enough but limited in at least a few ways: (1) The magazine is not intended for the General Public. It should be. (2) While it is intended to be a 'Forum for discussing emerging trends, problems and issues' one is somewhat skeptical that neither 'Reactionary' or 'Radical' critiques would be welcome.

"I have read all the articles with intense interest. As a professional for 25 years in the field of corrections, there is a dire shortage of professional magazines directed toward correctional personnel.

"The article by Judge Donald Lay describes the Constitutional Rights of Offenders and the conflicts between the traditional 'Hands Off' policy of the courts towards correction and the many recent cases involving constitutional rights of offenders.

"Most judges, although they seldom visit the institutions, are quick to condemn them as fortresses in bedlam. They examine the issues without proper evaluation or to ascertain if violation of constitutional rights do exist. Monitors who could properly examine the issues are seldom used ....

"Ultimately, he feels these problems should be settled by the 'people' not by the courts. Beyond legislative action, he is not very explicit about how 'the people' should decide.

"Mr. Breed's article on 'Why Not Justice for Juveniles' indicates more radical approaches, p. 18, that deserve serious consideration. On p. 15, on 'closing the door' and thereby forcing the development of community resources, he does not really develop this question. It is an excellent article however ....

"This for a first effort is not a daring journal. It is more or less readable. For some correctional related staff in the field it might be enlightening.

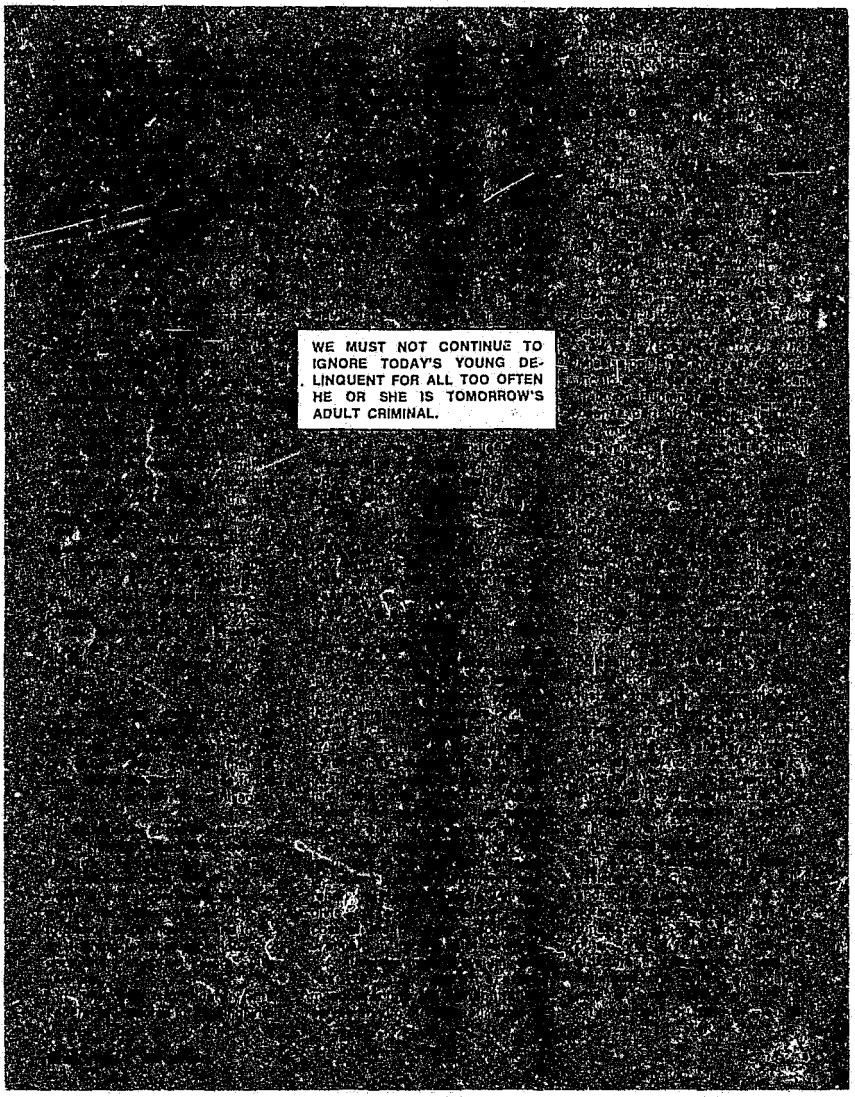
"It in my opinion is too tied to the legal issues. The second issue is to be devoted to juveniles and the legal issues surrounding them. The law and the courts are a crucial element for corrections but I wonder at the necessity of emphasizing it at the expense of other crucial elements. Other important articles might include articles on race, religion, and age factors within corrections. Other articles might hopefully address themselves to management, organizational and interpersonal conflicts within the system, or to the public relations of prison change. These I believe are more important for the professional than the legalistic issues emphasized in the first issue."

Adam F. McQuillan, Warden
Rikers Island
East Elmhurst, New York

"Thanks so much for sending to me the first issue of the magazine *RESOLUTION*. I have passed the magazine around to the students as well as to the professors at Stephan F. Austin. There is much favorable reaction to the magazine, especially on the students' part. I am delighted with the magazine. It is a professional journal, as well as a readable journal. Of course, the readability factor is what a young student looks for in all professional journals. The only suggestion I would make is to ask that more articles about women and by women in the correctional profession be published. It seems that parents get all strung out when their female child decides to go into the field of criminal justice. When I counsel such a young lady, it is quite difficult to tell her how to ease her parents' minds, and to help them

Reader Reactions, *continued on page 64*

Senator Birch Bayh has represented Indiana in Washington since 1962. As a member of the Judiciary Committee, he chairs the Subcommittee on Juvenile Delinquency and has proposed sweeping reforms of the Juvenile Justice System. He introduced legislation which eventually led to passage of the Juvenile Justice and Delinquency Prevention Act of 1974. He also authored the twenty-fifth and twenty-sixth Constitutional amendments.

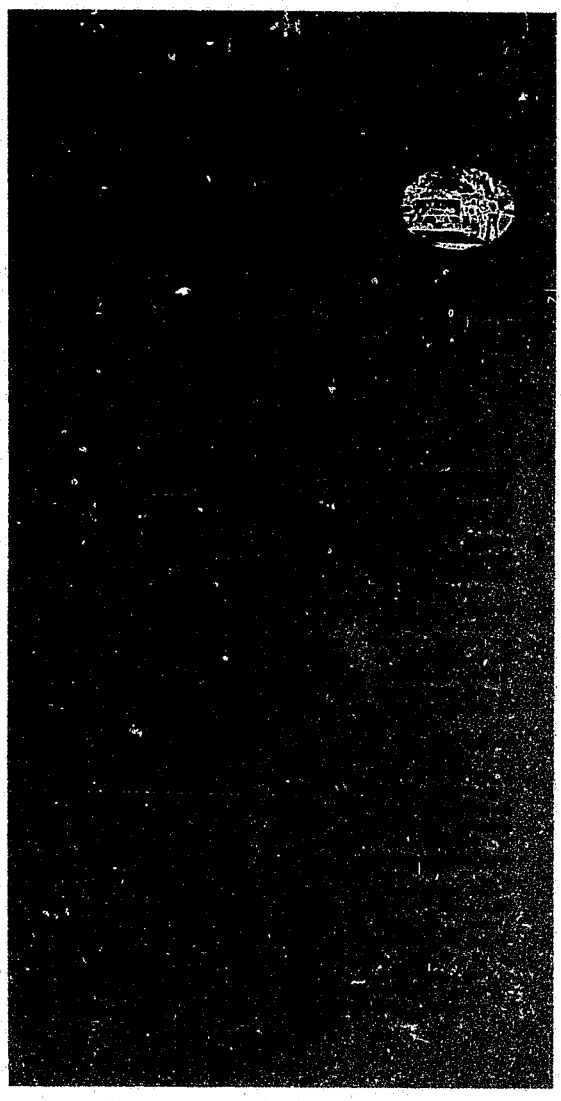

WE MUST NOT CONTINUE TO IGNORE TODAY'S YOUNG DELINQUENT FOR ALL TOO OFTEN HE OR SHE IS TOMORROW'S ADULT CRIMINAL.

Students Study Crime in Europe

The State University College at Brockport is offering students of criminal justice the opportunity to spend a month in Europe this summer studying how European countries deal with crime.

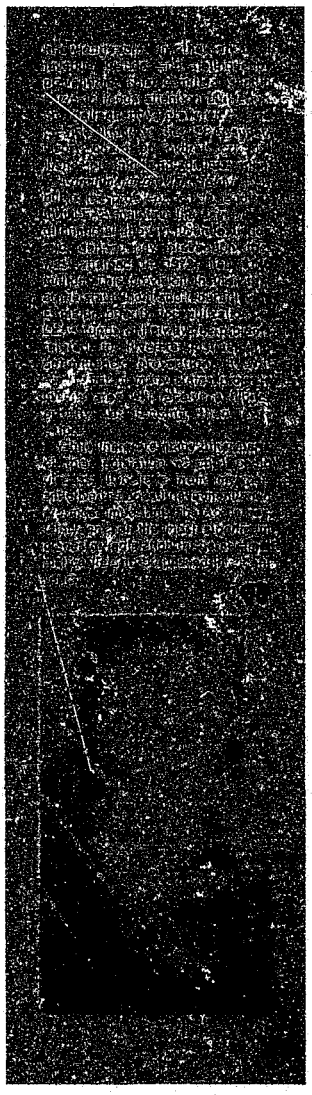
The program will include seminars and two weeks of work with agencies such as police departments, parole offices, corrections facilities, or agencies that deal with juveniles in Holland or Belgium.

About thirty students will be selected. Juniors, seniors and graduate students majoring in criminal justice, sociology, psychology, or criminology from any college in the United States are eligible. Interested persons should contact Dr. Albert Hess, Department of Sociology, State University College, Brockport, New York.



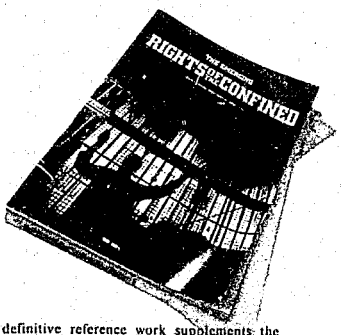
A RESPONSE: Implications of the 1974 Act at the State Level

Lee M. Thomas is a member of the LEAA Task Force on Juvenile Delinquency and vice-chairman of the National Conference of State Criminal Justice Planning Administrators. He has been the executive director of the South Carolina Office of Criminal Justice Programs since 1972.



RECENT DEVELOPMENTS IN CORRECTIONAL CASE LAW

An Update of The Emerging Rights of the Confined



This definitive reference work supplements the 1972 publication *The Emerging Rights of the Confined.* For copies of this supplement, write to *RESOLUTION,* P. O. Box 766, Columbia, South Carolina 29202, Attention: Editor. A mailing list is now being prepared, and the text is scheduled for release in mid-May.

MYTHS AND REALITIES IN THE SEARCH FOR JUVENILE JUSTICE

by
The Honorable Justine Wise Polier

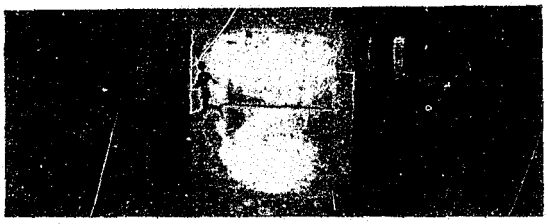
The increase in juvenile delinquency, crimes of violence by juveniles, and the number of school drop-outs has moved citizen groups to seek new ways of correcting or helping youth in large and small communities. With impetus from the 1967 Report of the President's Commission on Law Enforcement and the Administration of Justice[1] and the offer of federal funds, there is now a growing movement away from the position that juvenile courts are the remedy to these problems. Instead, new answers are being sought through systems of youth bureaus or youth service centers.

Grant applications to HEW from many states reveal vast differences in the approaches to reform. Some propose new services, including preventive services, provision for shelters, foster homes, open schools, remedial help, and programs that promise community involvement and new approaches for children with special problems. In others, the aim is largely to coordinate present services and to organize a system of referral to existing agencies. Evaluations of new approaches are meager; it is too soon to predict the results of varying efforts to reduce delinquency, violence, and school drop-outs. However, the combination of citizen concern and the availability of new funds should help to remove some of the ugliest forms of neglect that have made a mockery of juvenile justice since the early part of the twentieth century. Despite the lack of national standards, local citizen groups are examining the juvenile courts and are demanding reforms, like an end to the persistent use of jails and prison-like institutions as depositories for children and youth.

The positive commitment to establish legal rights for children and to secure due process for them in the courts is welcome. At the same time, the drive to divert children or youth from the courts should not be used to avoid many of the hard and unresolved issues in the juvenile justice system. Of major concern is the denial of basic and equal services still omnipresent in America's treatment of its children and youth. To prevent a repetition of the failures of the earlier juvenile court movement, it is important to recognize that the unfulfilled goals of this movement went beyond rescuing children from the criminal courts, from prison, and from the stigma of criminal records. The founders also battled against child labor in mines and factories, against racial prejudice, and for educational, vocational, and recreational opportunities for all children. Unfortunately, in later decades, in addition to being plagued by the shortcomings of those who administered them, the juvenile courts were given too few funds because they were perceived as serving only the poor, the mentally disabled, and the minority groups of America. Such inadequate support has not been unique to the juvenile courts. It has haunted public schools, city hospitals, state institutions, welfare and the criminal courts. Therefore new approaches to delinquency will require changing public attitudes toward those who most need services in this as well as other areas.[2]

To lay the groundwork for the changes in attitudes and social action needed to press for children's rights, it is necessary to confront a series of myths about what we have done and are still doing in the field of juvenile justice. These are myths which have prevented delivering services to children in the past and continue to threaten sound planning by those who are rightly critical of the present system of juvenile justice. *The first misconception is that specialized juvenile or family courts function throughout all our states.* In fact, among the fifty states, there are generally only specialized courts for children in large metropolitan areas, and even these generally have inadequate probation and clinical services. Beyond such areas one finds courts with fragmented jurisdiction where judges sit occasionally on juvenile cases. Many judges who sit in juvenile matters have no legal training and have no skilled personnel to guide them.

The Honorable Justine Wise Polier, since her retirement from New York's Family Court in 1973, has headed the Children's Defense Fund's program in juvenile justice. She has served on various agencies concerned with the welfare of children, including the Judicial Advisory Committee on Crime and Delinquency, and has written, among other studies of law and social welfare, *Everyone's Children, Nobody's Child*. Her career as a judge began in 1935.



The second myth is that juvenile courts deal primarily with juvenile delinquents or ungovernable children now described as status or non-criminal offenders (PINS or CINS, Persons or Children in Need of Supervision). The fact that these courts hear large numbers of cases concerning children brought before them as abused, abandoned, or neglected is ignored. It is these children who present the most difficult problems and perhaps the greatest challenge for preventive services. Since passage of amendments to the Social Security Act, requiring as a condition of federal funding that there be a judicial determination that continuation of a child in his own home is contrary to his welfare, many thousands of cases previously handled by administrative agencies are now brought before the juvenile courts.[3] In addition, an increasing number of cases involving issues of permanent neglect, adoption, and custody are being presented to these same courts. We are thus witnessing two opposing and inconsistent trends. One directs that more and more juvenile delinquents and status offenders be diverted from the destructive and stigmatizing effects of juvenile court experience. The other leads to a steady increase of dependent and neglected children directed to these same courts, which are under attack and receive little or no staffing to meet new responsibilities.

The third myth, widely proclaimed, is that status offenders are little more than truants or disobedient children whose parents are unwilling to accept responsibility for disciplining them. My experience and the findings of recent study of such children by the Office of Children's Services in New York State[4] present a far different picture. Many of these children are likely to pose the most serious problems. Behind the formal parental petition alleging truancy or late hours, we have found that drug abuse, hard drug use, stealing from the home, periods of disappearance, promiscuity, excessive drinking, or gang involvement emerge in many cases. One sees parents at the end of their wits, fearful of what may happen next to their child. One also finds a higher proportion of emotionally disturbed children in need of residential treatment among these children and youth than among those children who have committed a criminal act and who are therefore found to be delinquent.

The assumption that mentally disabled children will be identified by the juvenile court and given special services is a fourth myth. Most juvenile courts do not have the clinical help needed to identify such children. Judges are handicapped not only by the lack of such assistance but by the awareness that the identification of special needs will rarely lead to the necessary services. When youth present behavior problems, in addition to mental disabilities, state hospitals and state schools do everything to avoid their acceptance. Children thus rejected are finally sent to custodial institutions where there are few specialized services. Or, in other cases, they may be transferred to criminal courts on the grounds of the severity of their conduct, their past histories, or the absence of appropriate facilities available to the juvenile courts. In a study of jails in four counties in one state, the Children's Defense Fund found that all of those jails had held mentally retarded children during the preceding twelve-month period.[5] Such statutory escape-hatch provisions as waivers to the criminal courts serve only to remove the pressure for securing adequate services. They make it possible for policy makers to freeze present levels of resources, thus denying quality treatment for juveniles.

Reaction to failures of the juvenile courts has led to some mythical hopes. For instance, simply the removal or change of the label attached to a child is too often projected as a correction for old injustices or the denial of services. Happily, in some instances more is sought than a change of label. Thus, for example, when Massachusetts recently replaced the designation of the "stubborn child" with the "child in need of services" (CHINS), the state's new goals included emphasis on preventive services, the creation of new services, and the acceptance of fiscal responsibility for the children, as well as diversion from the juvenile court and a change of label.[6] It is reported that in Ontario, both neglected and incorrigible children are placed in the category of children in need of services, without the requirement that the court find fault against either parent or child.[7] Such legislative changes focus on services that are needed rather than on the label assigned. In themselves, however, they are not sufficient to assure the creation of needed and improved services. They will need to be monitored and will require continuing concern.

Finally, there are some who disagree with the basic premises of the juvenile courts and would reverse these premises. For example, one hears that the juvenile courts may have focused too much on the individual offender and his personality problems, and that the

focus should now be shifted to the offense. Unfortunately, those who take this position are unaware that despite the original goals of the juvenile court and much continuing rhetoric, neither care nor treatment has been geared, except in very few cases, to meet individual needs. Where treatment has been tailored to meet such needs, it has usually been restricted to the brighter child for whom treatment promised the likelihood of success.

Regardless of the future form in which juvenile justice may be administered, such myths demonstrate the wide discrepancy between conventional beliefs and the harsh realities for children in need of protective or rehabilitative services. These misconceptions are significant because they have served to obscure understanding of what is needed to protect the rights of children. The prevalence of the myths warns also that the rights of children cannot be regarded as separable from society's duty to make such rights meaningful. It is therefore necessary to examine the constitutional right to due process, the right to privacy, and the right to equal protection, because they figure importantly in the implementation of children's rights.

THE RIGHT TO DUE PROCESS

While the *Gault*[8] decision has been hailed as assuring due process for children, the decision was in fact limited to a hearing on the issue of the delinquency of a child who might, at a dispositional hearing, be subject to a subsequent loss of freedom. Despite this ruling, there are still many courts where children and their parents are not informed of their rights. Within one state, for instance, the right to counsel varied in its implementation from 0 percent in one county to 100 percent in another. In a different state, one judge said he appointed a counsel, told him what he wanted, and if the counsel did not conform, he got other counsel. In a third state, if a counsel selected from a panel "makes waves," he finds he is not called again for a long time. In such instances, counsel rightly is seen as an agent of the court rather than as a representative of the child.[9] Unless the counsel is independent, the right to counsel becomes a mockery.

Gault suggests, but does not define, due process safeguards for neglected, abandoned, abused, or dependent children. Nor does it deal with the most difficult problem area before juvenile courts, namely, the rights of a child at the dispositional hearing. It is at this stage that the presence of counsel has often proven to be of greatest significance. Some states provide by statute for such representation, and it is to be hoped that the Supreme Court will ultimately hold that it is constitutionally required. Moreover, the right to counsel needs to be extended to all children brought before a court whether they be labeled neglected, abandoned, abused, dependent, or runaways so long as the court has power to dispose of their future. Due process

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and its potential meaning for the rights of children only begins with *Gault*. The language of the opinion of Mr. Justice Fortas challenges the failure of juvenile justice to provide the care and treatment appropriate to help or rehabilitate a child. It warns that more may be required in the future. But the decision does not establish the constitutional rights of a child to appropriate care or treatment under the dispositional order of a juvenile court.

There are still other areas in which the content of due process rights should be given substance. Thus, for instance, where children are committed to foster care by courts or public agencies, there should be judicial review at periodic intervals so that children will not continue to be left in limbo year after year, or left without appropriate care. In New York such review has uncovered many situations where children should be freed for adoption or returned home.[10]

Finally, as part of due process, courts must have the power to compel cooperation from other government agencies. Without such power the court is often forced to dispose of a child wherever there is an empty bed. In New York such statutory power has made it possible for the family court to direct a mental hospital to provide treatment for a mentally ill child.[11] In another case the court directed a public school to readmit rather than transfer a child when impartial evidence established this to be in the child's best interest.[12]

The courts will also have to take a more positive judicial stance by not accepting uncritically whatever level of finding is provided by the legislative or executive branches for staff and facilities without regard to whether they enable fulfillment of statutory obligations. There are some indications of judicial movement in this direction. In Missouri, a family court judge compelled the City Council of St. Louis to re-instate provisions for

probation staff after the council summarily reduced the appropriation for the positions in the city's budget.[13] In Pennsylvania, the Appellate Court upheld a decision that where officials neglect or refuse to meet reasonable requirements of a court, they may be forced to do so.[14] In July, 1973, the National Council of Juvenile Court Judges passed a resolution stating that a juvenile court "has the power to, and shall, require other agencies of government to provide the court with the staffing and facilities essential to secure care and treatment appropriate to meeting the needs of each child within its jurisdiction."[15]

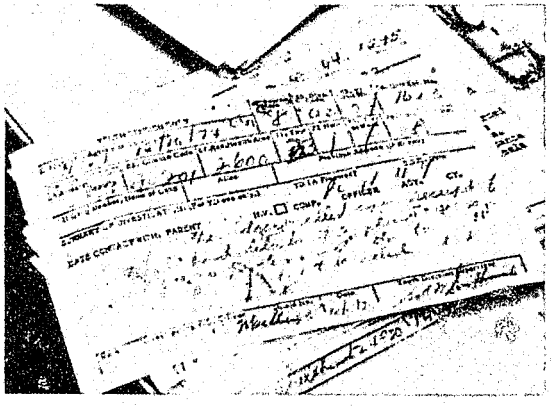
THE RIGHT TO PRIVACY

The initial promise of the juvenile justice system to protect the privacy of children has not been kept. Erosions of that promise have taken many forms. Juvenile records are included in probation reports at the point of adult sentencing. Records have been shared by the juvenile courts with police departments, the armed services, and with private employers. Even if these records are not shared, the proliferation of questionnaires by public and private employers has begun to coerce individuals to reveal their own past juvenile records.[16] These questionnaires include questions about whether the applicant has ever been convicted or arrested, accompanied by threats of prosecution or loss of work if they are not correctly answered. In Mississippi, for example, the law requires that a child's name and the names of his parents be published in the newspaper of the county where the child resides when he is adjudged delinquent for a second time or more.[17]

Such violations of privacy are slight compared to those which affect children and youth who become involved in publicly funded programs within or outside the juvenile courts. A flood of computerized procedures now threaten invasions of privacy in many ways.[18] The exclusion of juvenile delinquents from the Computerized Criminal History Index (CCH) gathered by the National Crime Information Center System (NCIC) under the aegis of the F.B.I. is not extended to children or youths waived or bound over to the criminal courts.[19] Moreover, the federal government has demanded the submission of data on youth to the Client Oriented Data Acquisition Process (CODAP) as a condition for funding of pre-trial drug programs for youths. When challenged in Massachusetts, the federal jurisdiction was that the required data provided "individuation," not identification. According to computer experts[20] this is a meaningless distinction. It is also rationalized that persons seeking help in the federally funded programs enter them voluntarily. However, the use of the word "voluntary" has been properly described as misleading when the treatment offered is an alternative to court action and when there is a procedure for retrieving the youth and taking him to court if he fails to continue in treatment. Questions have also been raised about the use of the word "voluntary" in regard to youths who may not know the full implications of consent to enter such programs.[21]

These examples are but instances of what is now becoming an accepted way of accumulating and storing data concerning human beings who receive public or publicly funded services. Violations of the right of privacy have been the subject of Congressional hearings, and a resolution has been introduced to create a Select Committee on Privacy.[22] While questions are being raised in Congress, the federal government continues to extend data collection. In response to federal expectations, state agencies in competition for grants proclaim their willingness or competence in the collection of data, even about children and youth who will be the recipients of programs.

Immunity from being listed in a computerized information system seems largely limited to those who can pay for private services, or those designated as "private." For the comparatively affluent who can secure private services, no data is assembled and the confidential physician-patient relationship is protected despite the tax-deduction benefits to which the patient is entitled or the tax-exemption benefits of the institution which renders the services. Information is now computerized about a person, whether adult or child, receiving welfare services or mental health services in a public hospital or clinic. The extent to which such data will sub-



sequently be made available, and to whom, will depend on the development of public policy and its administration. Apart from the political and professional leaders in Massachusetts, however, there appear to be few administrators, agencies, or government officials who have developed standards to protect the privacy of those whom they claim to serve.

The poor and members of minority groups have traditionally been the recipients of inferior services and violations of their self-respect have been the price of aid. Therefore there is additional reason to be concerned about how data on the poor will be used, not only in determining subsequent court sentences, but also in establishing employment disabilities and in developing histories of individuals that may constitute life-long threats to their privacy. Concern for shielding children and youth from the stigma of labeling through the juvenile court system must involve firm resistance to the collection of data that can haunt the future of a child. The widespread denial of the right to privacy for troubled and troubling youth, whether because of courts or diversion programs, must be considered by all concerned with juvenile justice. In the words of Sheldon Messinger: "... current emphasis on 'diversion,' which I expect to continue, points in some part to a contrary trend, one that frees the police and others to channel the lives of persons without sufficient check on the strength of their grounds for assuming this power. By the year 2000, I expect we shall be very much concerned with this matter having discovered, once again, that in the name of humanity and reformation we have increased the power of the agents of criminal justice over our lives."[23]

THE RIGHT TO EQUAL PROTECTION

Unequal and inferior services, and the denial of services to children from minority groups, have shadowed every aspect of child care and juvenile justice. The absence of equal protection has taken many forms and continues to prevail within both governmental and voluntary agencies. The present trend to divert children from public institutions by the purchase of services from voluntary agencies has not corrected discrimination against minority group children. Thus, after studying youth services in one community, the John Howard Association found that "most youth diagnosed are white, most youth committed to training schools are black; most youths in purchase of care services in the community are white and delinquent; most CINS cases are white and the majority of CINS youths are actually delinquent."[24] Unfortunately, these findings could be replicated in one area after another. They reflect the basic denial of appropriate services, not only to black or other minority group children but to poor children and to mentally disabled children as well.

Traditional reliance by the states on voluntary agencies to provide care for dependent or neglected children has permitted exclusion or denial of services to children on the basis of race or religion. Such discrimination, whether practiced by agencies licensed by the state or by agencies from whom services are purchased, is at last being challenged in the federal courts. In Alabama, a current action challenges the exclusion of black dependent and neglected children by sectarian group homes licensed by the state, and also challenges the state's failure to develop alternative public services.[25] In Illinois, cases have been brought to contest the right of the state to transfer dependent children who are wards of the state to state hospitals or state schools without a hearing and counsel.[26] In the Illinois cases it is alleged that the statutory prohibition against public services, which results in total reliance on the discretion of voluntary agencies, has led to discrimination against black children and children who most need services. In New York, there are statutory prohibitions against developing direct services for children in need of foster care, unless the Commissioners of Public Welfare can demonstrate to the State Board of Social Welfare that needed services are not available through an authorized agency under the control of persons of the same religious faith as the child.[27] A federal action now pending in New York also challenges the constitutionality of state statutes requiring religious matching of children with agencies controlled by persons of the same faith, and the consequent lack of equal opportunity for black Protestant children to enter agencies which provide better treatment services.[28]

POLICY-MAKERS MUST UNDERSTAND THAT NEITHER CRISIS SITUATIONS NOR THE EXPEDIENCY OF THE MOMENT CAN WARRANT ABDICATION OF BASIC PUBLIC RESPONSIBILITY FOR THE WELFARE OF ALL CHILDREN.

Law in this field is slowly being developed, case by case, in the federal courts. Hopefully, it will establish positive standards of equal protection for care and treatment, regardless of whether the services are provided directly or through purchase from private agencies by the government.

NEW DIRECTIONS

As previously mentioned, the 1967 Report of the President's Commission on Law Enforcement and the Administration of Justice,[29] together with growing concern about juvenile delinquency and crime, have stimulated greater concern for children and increased governmental support for new efforts. Public law firms have challenged established institutions, including the courts. Significant new concepts of juvenile justice demand services for children in their own homes or in community-based facilities. Criticism of custodial care has been translated into programs to remove children

from the destructive effects of cold, hard, punishing, and uncaring institutions. Great emphasis has been placed on decriminalizing justice procedures and doing away with labels. Efforts are being expanded to secure constitutional protections against cruel and unusual punishment or the denial of equal protection. Among voluntary agencies, governmental agencies, and citizen groups one finds increased interest in correcting old abuses and a greater willingness to meet the recognized needs of children. Yet when the hope born of these factors is measured against what needs to be done, there is no reason for complacency.

If not carefully monitored, new concepts, like old ones, are subject to opposition, abuse, and insufficient support. Thus, we find the concept of the local catchment areas for mental health services misapplied to exclude persons with no alternative services available. We find state hospitals and state schools for the retarded, under the lash of public criticism about their size, remoteness, and lack of services, responding by closing their intake procedures or discharging patients prematurely before providing alternative services. We find the "right to treatment" concept interpreted to exclude children from whatever facilities are available and to justify condemning them by transfer or waiver to the criminal courts on the rationalization that the juvenile

THE CHILDREN'S DEFENSE FUND

by The Honorable Justine Wise Polier

The Children's Defense Fund is a national, nonprofit organization created in 1973 to provide long-range and systematic advocacy on behalf of the nation's children. It is funded by private foundations and staffed with lawyers, federal policy monitors, researchers and community liaison people dedicated to reforming institutions, policies and practices affecting the lives of children.

The Children's Defense Fund was established under the leadership of Marian Wright Edelman as an arm of the Washington Research Project, a Washington-based public interest research advocacy and legal group started in 1968 to monitor federal programs on behalf of the poor and minorities.

The Children's Defense Fund recently published a report, *Children Out of School in America*. This study reports, "Nearly two million school age children, aged seven to seventeen, are not enrolled in the nation's schools. Of these, more than one million are under fifteen, and more than three-quarters of a million are between seven and thirteen years old."

The Juvenile Justice Division of the Children's Defense Fund is concerned with the quality of justice to children who are brought before the court as dependent, neglected, abused, incorrigible or delinquent. It is concerned with due process, the "fairness" with which children are dealt at all stages of court proceedings. It is concerned not only with procedural due process but with substantive fairness or, rather, with the quality of care and treatment they need and what they in fact receive. Finally, it is concerned that every child shall be perceived as a person—not as the property of anyone who has or claims custody, whether that be a person, a social agency or the state.

The Juvenile Justice Divison is now nearing completion of two fact-finding studies. The first will concern children in jails. The second will pertain to children of women prisoners and to what is being done or left undone for both the children and their mothers. The Division is also engaged in examination of mentally disabled and retarded children and what must be done for this most neglected group of burdened children and adolescents for whom services are most inadequate, especially when they have multiple problems.

In our work it has become evident that there is a need for a new look at the fragmentation, overlapping and gaps that pervade what can only be described as a non-system of child welfare. The denigration of child welfare services in this country, the separation of services from public assistance programs and from juvenile justice require new thinking and far more comprehensive planning.

The Children's Defense Fund is concerned with securing the rights of children under the Constitution of the United States and the states where they reside. The right to counsel is only one of these rights. Other basic rights now established or in the process of being established include the right to privacy and protections against its abuse in the courts through computerization and the dangerous broadcasting of records. These rights include the right to equal protection without regard to race, color or religion, a basic right flouted in overt fashion in some areas and in covert or insidious fashion in others, and the right to protection against cruel and unusual punishment. Within recent years, and especially within recent months, the right of a child to appropriate care and treatment as a required *quid pro quo*, where a child is deprived of freedom, has been more clearly enunciated by the federal courts.

The Children's Defense Fund is committed to making all these rights meaningful in the lives of all children by fact finding, challenging abuses, securing community support for the rights of children and challenging violations through litigation.

court does not have services appropriate to meet their needs. In an effort to avoid placement of neglected children by the courts and to ease the courts' burdens, discharging children to public welfare agencies is approved despite the low community image of welfare and its lack of services. Incorrigibles are also being added to welfare responsibilities in some states.

Unquestioning support is granted for projects describing themselves as community-based or as youth service bureaus without careful examination of the quantity or quality of services rendered in group homes or half-way houses, or examination of whom they accept or exclude. There is a euphoric faith in the purchase of services from voluntary agencies that continue to screen out those most in need and discriminate against children on the basis of race or religion. When the promise of community services results in lost children and there is a failure to plan adequately for children who are a danger to themselves or others, communities become angry and take repressive measures against the children who have been denied appropriate services. Such measures may include the increased use of secure detention, increased waivers to the criminal courts, a higher percentage of commitments rather than the use of probation, and even a return to the use of remote and prison-like custodial institutions. These may be inevitable difficulties of a transitional period, but they will be surmounted only if those responsible for new programs remain vigilant and honest about what they can and cannot do. This in turn requires persistent fact-finding about unmet needs. New facts must be given a voice if new concepts are to be translated into meaningful change.

Within our society there is one other great threat to the development of meaningful services to children. Our ethos or system of rewards is such that, in the words of Dr. Paul Lemkau, "the farther away a person gets from working directly with the people he is supposed to serve, the higher his salary becomes."[30] We find teachers who do not wish to teach, physicians who do not wish to heal, social workers who do not wish to leave their offices. It is therefore troubling to find reflections of such values in the literature concerning the youth service bureaus. It has been urged that they should plan, coordinate, make referrals, but limit direct services[31] to those given on an experimental or temporary basis.

. . . COURTS MUST HAVE THE POWER TO COMPEL COOPERATION FROM OTHER GOVERNMENT AGENCIES.

They are even warned "not to get bogged down in service." Hopefully, we will not encourage the further development of a new management class that sees itself as superior because it does not render or become too involved in rendering services that are desperately needed.

Finally, in choosing to purchase services, whether as supplementary to or in lieu of public direct services, the makers of policy will have to decide how far they can or should delegate public responsibility for the provision of services. To fulfill their final accountability for meeting service needs, they will have to decide what responsibilities should remain in the public sector for planning and monitoring. They will also have to decide to what extent public services must be maintained as primary facilities, as back-ups to private facilities, or as demonstration pace-setters or yardsticks. Policy-makers must understand that neither crisis situations nor the expediency of the moment can warrant abdication of basic public responsibility for the welfare of all children.

FOOTNOTES

1. President's Commission on Law Enforcement and the Administration of Justice, Task Force on Juvenile Delinquency, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, D.C.: U.S. Government Printing Office, 1967).
2. See J. Lawrence Schultz, "The Cycle of Juvenile Court History," Crime and Delinquency, 19 (October 1973), pp. 457-476.
3. See 1967 Amendments Soc. Sec. Act Title 4A, C.F.R. 45, Sec. 220.10 (8).
4. See Office of Children's Services, PINS: A Plethora of Problems (New York: Judicial Conference of the State of New York, December 1973).
5. See Danny Abbott, "Juveniles in Jail in Alabama," Unpublished study of the counties of Calhoun, [illegible], Walker, and Tuscaloosa conducted under the auspices of the Children's Defense Fund Juvenile Justice Project, New York City, August 1973.
6. Commonwealth of Massachusetts, Chapter [illegible] 1973.
7. Dennis R. Young and Janet Finn, "The Organization of Juvenile Correctional Services," Unpublished study prepared for the Institute for Quantitative Analysis of Social and Economic Policy, University of Toronto, 1973.
8. In re Gault, 387 U.S. 1, [illegible] (1967).
9. Oral report from a Legal Aid attorney in a southeastern state made to the Children's Defense Fund in October 1973, outlining family court practices in the jurisdiction which is served by his agency.
10. Family Court of the State of New York, City of New York, Statistical Report for the Quarter, January-March, 1973, Table 7.
11. Unreported decision of Judge Thurston, New York State Family Court, New York County, 1973.
12. In re John M., New York Law Journal, October 9, 1973, page 10, column 2-3. This is the opinion of Judge Jacob T. Zuckerman, New York State Family Court, Kings County.
13. State ex rel. Wo[illegible] v. [illegible] County, 451 S.W. 2d 99 (1970).
14. Commonwealth ex rel. [illegible] v. Tate, 442 Pa. 45, 274 A.2d 193 (1971).
15. This resolution was adopted by the National Council of Juvenile Court Judges at their annual meeting held in Louisville, Kentucky, in July, 1973.
16. See Richard A. [illegible], Highlights of Advances (San Francisco: Youth Law Center, July 1972-June 1973), p. 2.
17. Mississippi Family Court Act, Title 43 [illegible], Sec. 43-23-17. See Massachusetts [illegible] of 1972.
18. Alan F. Westin and Michael A. Baker, Data Banks in a Free Society (New York: Quadrangle Books, 1972).
19. Lawyer's Committee for Civil Rights Under Law, Law and Disorder III (Washington, D.C.: Author, 1973), p. 44.
20. Massachusetts showed its concern for the rights of its citizens when its Governor and the Mayor of Boston refused to submit to a federal demand for data collection as the price of funding pretrial heroin treatment programs. They did so on the finding by the acting Commissioner of the Massachusetts Department of Mental Health that the program should be rejected on scientific, clinical and civil libertarian grounds. Public officials were supported in their rejection of federal requirements for data collection by the Massachusetts Advocacy Council. The Justice Department was reported to have dropped a court action to require Massachusetts to grant the federal agencies access to its criminal information records. See New York Times, Sept. 27, 1973.
21. Massachusetts Advocacy Center, Treatment Alternatives to Street Crime Juveniles (Boston: Author, 1973).
22. See Congressional Record, House of Representatives, December 14, 1973. It contains a statement by Congressman Harrington (Mass.) as co-sponsor of Resolution 633 to create a Select Committee on Privacy, and statements of other Congressmen in support of the Resolution (H11471-11480).
23. Sheldon L. Messinger, The Year 2000 and the Problem of Criminal Justice, Paper prepared for the Conference on Criminal Justice of The Center for Study of Democratic Institutions and The Center for Studies in Criminal Justice (Santa Barbara, Calif.: June, 1973).
24. John Howard Association (Chicago), "Comprehensive Long Range Master Plan, Department of Juvenile Services, State of Maryland, Summary Report," Unpublished report, June 1, 1972.
25. Players v. Alabama, Civ. Act. No. 3835-[illegible] (M.D. Ala. 197[illegible]).
26. In re Lee et al., Civ. Act. Nos. 68 J (D) 1362, 68 J (D) 6383, 68 J 15805 (Cir. Ct. Cook County, Illinois, 1972).
27. N.Y. Social Welfare Law Art. 6, Secs. 374 (b), 398 (6) (g).
28. Wilder v. Sugarman, 73 Civ. 2644 (DC SDNY, 1973).
29. See President's Commission on Law Enforcement and the Administration of Justice, Commission Report, The Challenge of Crime in a Free Society (Washington, D.C.: U.S. Government Printing Office, 1967), especially Ch. 3.
30. Unpublished letter from Dr. Paul V. Lemkau, The Johns Hopkins University School of Hygiene and Public Health, Baltimore, Maryland, December 12, 1973.
31. See Sherwood Norman, The Youth Service Bureau (Hackensack, N.J.: National Council on Crime and Delinquency, 1972), p. 96.

CRIMINAL CONDUCT BY JUVENILES: AN OVERVIEW OF PROCEDURAL RIGHTS

by
Lawrence Barshad

Note: This article is concerned only with those procedures involved in cases of juvenile offenses which would constitute criminal conduct, were the accused an adult. There is another aspect to juvenile proceedings which is a related but separate subject—non-"criminal" conduct, or the so-called status offenses, such as truancy, incorrigibility, and various other vaguely defined "offenses." These are perhaps the truly legitimate subject of the special attention which can be provided in the informal setting of a juvenile court system which utilizes the services of those specialists and agencies concerned with the child's welfare. In the past history of juvenile justice, children brought before the courts for these acts received treatment very similar to those who were accused of "criminal" acts, to the point where they might find themselves intermixed following disposition of their cases. This problem has been dealt with by the Uniform Juvenile Courts Act of 1968 and by the juvenile court statutes of many of the states, which segregate children accused of "offenses" applicable *only* to children in respect to the treatment they are to receive at the hands of the state. The adequacy of the legislation concerning these "unruly children," or children "in need of supervision," although a subject of paramount importance, is not considered within the scope of this article, which deals only with the application of *criminal* procedural standards of juvenile proceedings.

We tend to react emotionally when the rights of children are at issue or if our job in the juvenile justice system changes with each bump and turn of the courts. Accordingly, the following is perhaps an overly dispassionate summary of the tenor of juvenile law, with subsequent articles offering a more substantial view of the legal aspects of the system and its correctional components.

THE NEED FOR SPECIAL TREATMENT

Real consideration was first given in this country to the question of special treatment for juvenile offenders in conjunction with the general reform movements which accompanied the growth and spread of the industrial revolution.[1] Before that time stories concerning such horrors as the infliction of capital and corporal punishment upon nine- or ten-year-old children who presumably lacked even the understanding of the concept of "crime" were not uncommon. As confinement gradually replaced physical punishment as a disposition for most crimes, children continued to be treated no differently from adults. Because of this the reformers' first concern was the need to provide children with separate confinement facilities. The result was a system of juvenile reformatories established within a number of states during the mid-nineteenth century. Although some steps were also taken toward providing juvenile offenders with separate hearings and a special system of probation, children continued to be brought before courts of criminal jurisdiction and subjected to the cold formalities of criminal procedure.

EMERGENCE OF THE JUVENILE COURT

The first separate juvenile court system was established in Cook County, Illinois, in 1899, and within a few years the concept spread to every state and many foreign countries. Although under the common law a child was presumed incapable of forming the intent prerequisite to committing a crime, once the child had reached a certain age that presumption could be overcome by the state's evidence and the child subjected to criminal prosecution. In this event the child was also afforded the same protections guaranteed adults under federal and state constitutions. The new juvenile court system was an attempt to provide greater safeguards to the juvenile offender by creating a forum in which the common law presumption could not be overcome.[2] The ultimate goal of the juvenile court would be to direct the wayward child into that program which could best provide the care and training needed to insure his rehabilitation. The proper role of the state with respect to children was deemed to be as *parens patriae*, a now familiar concept which involves the assumption of parental responsibilities as it is found to be necessary.[3]

In exchange for this special treatment it was, of course, necessary

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that the child surrender his claim to those constitutional safeguards to which he would be entitled during a criminal prosecution, but of which it was felt he would no longer have need. This *quid pro quo* seemed small enough price for so great a benefit conferred.

Juvenile court judges were provided with scant judicial mandate to guide them in making decisions. Ideally, they were to be free of constraints so that they might better be able to consider and act upon the individual needs of each child. The juvenile court was to be an extension of social case work, the judge working in concert with probation officers, psychologists, psychiatrists and other experts in order to decide the best disposition based upon all the facts.

THE CRITICS REACT

The reality of juvenile court practice has fallen short of its promise.[4] The sheer numbers of juvenile offenders coming before the courts preclude the individual attention which is the heart of the system. The idea of keeping proceedings and records confidential has not always been observed. The lack of proper programs and facilities frustrates attempts to provide recommended treatment. The broad discretionary powers of juvenile court judges often lead to arbitrary and unfair results. Finally, even to this date, lawmakers have not created legislation to rectify the shortcomings of the system.

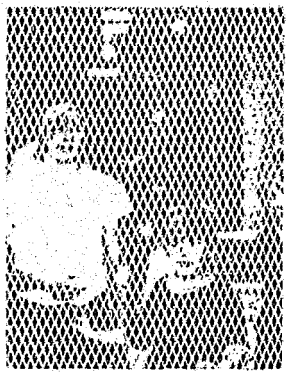
Throughout the course of their existence the juvenile courts have been directed by jurists oriented toward criminal law. The need for a familiar kind of efficiency has resulted in a system of juvenile court procedure almost directly parallel to that found in the criminal courts. Where differences exist they are more often than not for the convenience of the court rather than the benefit of the juvenile. An oft-repeated quotation of Justice Fortas which strikes to the heart of the criticism stated that the accused juvenile offender is confronted with "the worse of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."[5] Juveniles denied "adult" due process of the law in the name of *parens patriae* may be faced with legal sanctions more severe than could be imposed were they adults and which have no discernable rehabilitative effect.

Kent v. United States

The Supreme Court of the United States reacted to the alleged abuses of the juvenile court system in 1966 in the *Kent* case.[6] The Juvenile Court of the District of Columbia had waived jurisdiction over a boy who had admitted to offenses which would have been felonies if committed by an adult and ordered the boy held for trial by the District Court. The Supreme Court held that, since such a waiver was of critical importance to the juvenile, the failure of the court to (1) grant the juvenile a hearing on the waiver motion, (2) provide counsel with access to pertinent records and reports, and (3) state its reasons for granting the waiver made the waiver invalid. Justice Fortas questioned the practice of denying a juvenile those procedural rights available in a criminal action on the premise that "the proceedings are 'civil' in nature and not criminal." He expressed doubts that the denial of due process could be justified on the grounds that a juvenile cannot be subjected to criminal sanctions, since as a matter of practice there is little distinction between the effect of criminal and juvenile sanctions. He pointed to the fact that "some juvenile courts . . . lack the personnel, facilities and techniques to perform adequately as representatives of the State in a *parens patriae* capacity." Retrospectively, one finds in this opinion a foreshadowing of the court's concern for the constitutional soundness of the juvenile court system.

In re Gault

It was the case of a fifteen-year-



old Arizona youth, Gerald Gault,[7] which provided the occasion for Abe Fortas, speaking on behalf of a strong majority, to lay the groundwork for advent of a new juvenile justice system, or, at the very least, to suggest the demise of the system as it was then known and implemented. Piece by piece the court's opinion attacked the vitality and rationale underlying the system by examining the hope and the reality and finding the gap so substantial as to warrant constitutional recognition and signal a trend of change which has yet to run its course.

Briefly stated, Gault was taken into custody as the result of a verbal complaint that he had made an obscene phone call. He was placed in detention without either his or his parents being advised of any right to remain silent, to be represented by counsel, or to have counsel appointed in case his family could not afford a lawyer. Questioned without the presence of his parents or counsel, young Gault apparently admitted making the phone call. At his hearing, the complainant was not present, no one was sworn and no record of the proceedings was made. At the conclusion of the hearing Gault was committed "as a juvenile delinquent to the State Industrial School for the period of his minority (that is, until twenty-one) unless sooner discharged by due

process of law." An adult could have received no more than two months imprisonment and a $5 to $50 fine.

The Supreme Court of the United States reversed the decision on the grounds that, where a juvenile proceeding may lead to commitment and loss of freedom, the juvenile is entitled to certain essentials of due process, including:
(1) written notice of charges meeting constitutional standards presented sufficiently in advance to permit adequate preparation;
(2) awareness of the right to be represented by counsel at all stages of the proceedings, and of the right to have counsel appointed where the parents cannot afford the cost;
(3) awareness of the privilege against self-incrimination;
(4) absent a valid confession, an adjudication based on sworn testimony subjected to the opportunity for cross-examination.

The court specifically declined to apply all procedural guarantees applicable in the case of an adult charged with crime. Instead it adopted a policy of selective incorporation of constitutional rights, intending to preserve the distinction between juvenile and adult proceedings in order to protect those aspects of juvenile court procedure which clearly benefit the child. This also appears to be the reason that the court fails to apply the doctrine of equal protection to juvenile matters, since the result would be the vesting in juveniles of the full spectrum of constitutional guarantees and the consequent loss of the benefits available in juvenile proceedings.

Among the constitutional questions which the court specifically declined to consider are: the admissibility of hearsay evidence in juvenile court; the correct standard for the burden of proof necessary to support a finding of delinquency; the requirement of a jury trial; the right to a speedy and public trial; the right to bail and to "probable cause" detention hearings; and the protection against unreasonable search and seizure.

Justice Fortas, again speaking for the court, criticized the practical application of the *parens patriae* theory for any purpose in juvenile proceedings other than to assure the protection and proper disposition of the juvenile, saying that "the condition of being a boy does not justify a kangaroo court."

He attacked the expedient of applying a "civil" label to juvenile proceedings in which a child might suffer a loss of freedom where that label operates to deny the child the fundamental requirements of due process. Finally, he rejected the *quid pro quo* theory that is used to justify the denial of constitutional guarantees on the ground that a child surrenders these guarantees in exchange for the right to receive "rehabilitation" rather than "punishment."

In a partial dissent to the majority decision, Justice Harlan agreed that the essential elements of fundamental fairness required in the application of due process, such as the right to notice, counsel and an adequate record, should be assured. But he cautioned against the application to juvenile proceedings at present of other procedural privileges, such as that against self-incrimination and the right to confrontation and cross-examination, because of the danger that they might radically alter the character of the proceedings to the detriment of the juvenile.

We all know by now that the *Gault* decision has had a profound and initially paralyzing effect on virtually every court with juvenile jurisdiction. Those of us working within the system burned with the burdens of an identity crisis inflicted by Fortas' words. Conferences were soon being called to reckon with the philosophical and procedural implications of the opinion. Eventually, whether in satisfaction or deep resentment, model codes and regulations were put forth. These in turn stimulated states to rewrite their juvenile court acts so they might reflect at least minimally the mandate of the Supreme Court.

In re Winship

The *Winship* case,[8] decided in 1970, considered the constitutionality of a New York statute which permitted a determination of juvenile delinquency based upon a preponderance of the evidence (sufficient to support a finding in civil cases) rather than on the more demanding requirement of proof beyond a reasonable doubt (the standard required by the federal constitution in criminal cases). In adjudicating a twelve-year old boy delinquent for an offense which would constitute larceny if committed by an adult, a juvenile judge based his findings on a mere preponderance of the evidence, in accordance with the state's juvenile court act, while acknowledging that the proof might not establish guilt beyond a reasonable doubt. The boy was placed in training school with the

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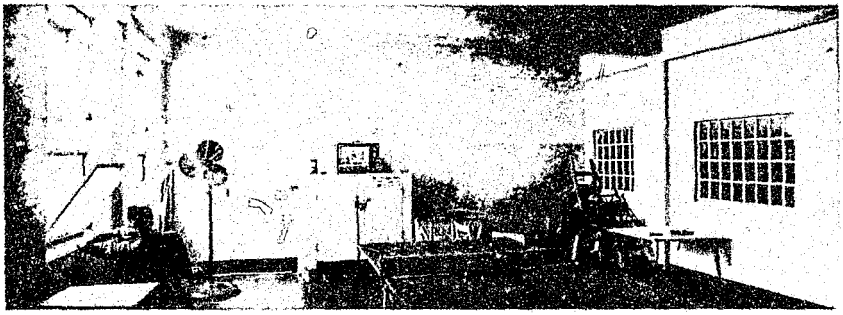


possibility of six years confinement.

The Supreme Court of the United States declared that among the essentials of due process to be applied at juvenile hearings was the requirement that, where a juvenile is charged with an offense that would constitute a crime if committed by an adult, a finding of delinquency must be supported by proof beyond a reasonable doubt. This decision again attacked the use of the "civil" label of convenience to justify the denial of constitutional guarantees in juvenile proceedings which may result in sanctions not unlike those in criminal proceedings. It was suggested that the application of constitutional protections to juvenile proceedings is valid so long as it does not interfere with the beneficial aspects of those proceedings. In other words, the state can have no legitimate interest in withholding from a juvenile any right which does not undermine the informality, flexibility or confidentiality of the proceeding.

McKeiver v. Pennsylvania

In later deciding the *McKeiver* case,[9] the Supreme Court took a step back and demonstrated its intention to avoid interference with the positive purposes of juvenile courts. Those who had foreseen a trend toward complete incorporation of constitutional guarantees for juveniles now saw that the court meant to limit its intrusion. In this decision the court considered several cases in which juvenile judges had denied requests by juveniles for jury trial. In each case the child was adjudicated delinquent on the charges. The state supreme courts affirmed the lower court holdings in each case, stating that there is no constitutional right to a jury trial in a juvenile court.

The Supreme Court of the United States also affirmed in each case, holding that the due process clause of the Fourteenth Amendment—the means by which many of the guarantees enumerated in the Bill of Rights are applied to state as well as federal government—did not require the application of the Sixth Amendment right to jury trial to state juvenile proceedings. The court stated that the appropriate standard to be considered was the due process requirement of fundamental fairness; i.e., does the denial of a jury trial deprive a juvenile of his right to fair treatment under the law? In applying a balancing test the court determined that the requirement of a jury trial could "remake the juvenile proceeding into a fully adversary process and . . . put an effective end to what has been the idealistic prospect of an intimate, informal protective proceeding."

THE STATES RESPOND

The application of procedural safeguards to juvenile proceedings has continued to develop in light of the foregoing decisions. The requirements of due process are not interpreted uniformly by the various states, and only concerning those issues which the Supreme Court has previously considered does there appear to be general conformity. A comparison of the juvenile court acts of the various states gives a good indication of the diversity involved.[10] Some states have drafted acts which narrowly apply those rights required by the Supreme Court decisions; in fact, some states even leave it to the judiciary to safeguard those rights without the benefit of statutory guidance. These states are apparently clinging to the worthy ideals which gave rise to the juvenile court system and prefer not to introduce the formality of criminal procedure into the juvenile system any more than necessary. Conversely, other states have liberally applied constitutional rights pertaining to criminal actions to their juvenile systems, even beyond the degree mandated by the Supreme Court. These states, some of which granted extensive constitutional protections to children *before* 1966, apparently see *Gault* and its companion cases as precursors of a time when juveniles will be brought completely under the protective mantle of the Bill of Rights.

One source more than any other has served to provide some common direction to states seeking to redraft their juvenile court acts so as to bring them in line with the Supreme Court's decisions. In 1968, the National Conference of Commissioners on Uniform State Laws

approved and recommended for enactment in all the states the Uniform Juvenile Court Act. Probably the greatest impact of the act was to distinguish by nomenclature and proposed treatment between juvenile conduct which is offensive to society because it is deemed inappropriate for juveniles only and that which is offensive no matter who commits it. It is appropriate to note that it is only to the latter class of *offenses* that the application of constitutional safeguards have been extended. Many states have adopted this distinction, although there is as yet no evidence of a trend toward developing a separate in-court system of procedures for hearing the separate categories of offenses. There is evidence, however, that, as juvenile court procedure becomes more formalized in order to assure constitutional safeguards in the hearing of juvenile matters, an increasing number of the status and less serious delinquency cases are being diverted from the courts to alternative forums, such as specially appointed and legislatively authorized conference committees. The potential effect of these committees is that they may provide an informed yet expert review of those cases wherein the juvenile requires help for a problem or condition which does not merit depriving the child of his or her liberty.

SOME GENERAL CONSIDERATIONS

In projecting the trends in this area, it might be helpful to examine some of the specific rights in question and how certain jurisdictions have dealt with them. Consideration must be given first to several issues which rise during the normal course of events in juvenile procedure and then to some issues which are more specifically related to the field of corrections.

Taking Into Custody

Although the result is usually the same, most statutes require that this action by the police not be deemed an arrest. Intended to avoid burdening the juvenile with the stigma of an arrest record, this separate denomination may serve just as well to deny him those protections he would be afforded by the constitutional requirements for a valid arrest, such as probable cause. (This problem born of semantic distinctions is one which recurs at each stage of state proceedings against juveniles accused of criminal-type conduct and is frequently the subject of attack on constitutional grounds.) Most states which have considered the question, however, have either expressly provided that adult arrest laws shall apply to those juveniles who are taken into custody for delinquency offenses—acts which would be criminal if committed by an adult—or have ruled in specific cases that the constitutional provisions applicable to arrest shall apply to juveniles.[11]

Searches

Guidelines for determining the validity of a search intended to produce evidence of delinquency are usually not the subject of juvenile court statutes, although several provide for the application of what is referred to in criminal courts as the "exclusionary rule." This rule states that any product of an illegal search may not be used as evidence in the trial of the person from whom it was illegally obtained. This provision, however, normally requires that, for such evidence to be "excluded," the juvenile must object to its introduction, which will usually happen only where the juvenile is represented by competent counsel.

It is clear that valid consents to a search are frequently and easily obtained, even from adults, as a means of avoiding the search warrant requirement inherent in the Fourth Amendment. The question of the competence of a child's consent then arises, since there is a real possibility that he does not understand the consequences of his consent or that he may more easily be influenced to consent by an authority figure.[12]

Another problem has yet to be completely resolved in respect to consent to a search—that is, where consent is given by a parent to a search of property supposedly controlled by the child. Although it is sometimes held that such a search is not valid absent the consent of the child,[13] the more common view is that a parent's consent constitutes a valid waiver of the child's rights.[14] This is apparently based on the reasoning that the parent is legally in control of the property to be searched. The question has also been raised with respect to consent given by other than parents—e.g., school officials.[15]

Confessions

Possibly the most critical phase of a suspected offender's contact with the state, whether juvenile or adult, is during the questioning

concerning the offense. Requirements governing the admissibility of confessions into evidence have been created to serve a twofold purpose: to conserve the maintenance of respect of individual rights by law enforcement officers by excluding illegally obtained confessions and to directly protect the citizen from the threat of coercion. The importance of applying these requirements to juvenile interrogations is particularly apparent in light of the comparative ease of influencing impressionable youths through threats and intimidation or merely by taking advantage of the juvenile's awe of authority.

No special rules have been promulgated respecting the questioning of juveniles who are presumed to have the requisite capacity to make a voluntary confession.[16] The Supreme Court has held, however, that the acceptability of a confession is to be determined from the "totality of the circumstances,"[17] to include such factors as age, delay, presence of parents and advice of counsel.

In order to guarantee the constitutional protection from self-incrimination, the Supreme Court has institutionalized police responsibilities preliminary to interrogation in the famous *Miranda* case.[18] Absent a clear, intelligent waiver (a subject of some discussion in the juvenile area), the now familiar warnings required by this case must be given to juveniles as well as adults when the offenses of which they are suspected are "criminal" in nature.

Detention

Most juvenile statutes seek to insure that a child who is detained prior to his adjudicatory hearing is kept in a facility where he is segregated from adult offenders. They also attempt to impose guidelines reflecting a policy of encouraging the release of juveniles to the custody of their parents in all but the most extreme cases of danger to the community.[19] Unfortunately these guidelines are often so vaguely worded that the

child's detention remains subject to the discretion of a court which must base its decision on the limited facts available to it before the formal hearing. Here the assertions of the parents, the previous record of the juvenile, and the nature of the complaint are among the sources which influence the court's decision to release or detain. Few states provide for a probable cause hearing or for a right to bail, and the result is a rate of detention which is directly in conflict with the policy of juvenile court acts that children should not be subjected to physical confinement before they have been adjudicated delinquent.[20] This problem is often compounded by the refusal of a child's parents to take him home once charges have been filed. The absence of adequate alternatives in the community is in a very practical sense determinative of the detention issue, serving to frustrate the purposes underlying post-*Gault* legislation, as well as judges who often are more aware than anyone of the evils of unnecessary incarceration.

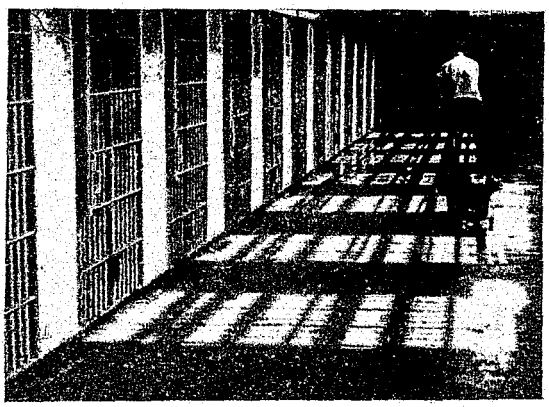
Bail

As mentioned above, the majority of states do not provide for bail in juvenile proceedings. Only under extraordinary conditions has the granting of bail been held necessary where not otherwise guaranteed by statute. States which have considered this denial have often justified it on the grounds that their juvenile court statutes provide an "adequate substitute," which is a statutory provision for the release of juveniles to the custody of their parents "whenever possible."[21] The real problem of providing for bail in juvenile proceedings is, however, obvious. There is no reason to expect that a minor who does not himself provide the bond will have any reason to honor it; a forfeiture does not usually work directly to his detriment. One rebuttal to this argument is that it has never been asserted as a valid reason for denying an adult bail that he, himself, is not providing it.

Waiver

Most states recognize that there is a period toward the end of a juvenile's legal minority during which it is possible that he or she can commit certain offenses which are particularly repugnant to society and for which the protection afforded by the status of being a juvenile serves neither the legitimate interests of society nor the juvenile. In such cases, statutes may define an age overlap (usually two years) or condition of mental and emotional maturity and those categories of offenses for which, following a special hearing, a juvenile's case may be transferred to a criminal court. In case of transfer, the juvenile court is deemed to have waived its jurisdiction.

The circumstances which might warrant such a waiver are many and varied, and attempts to define them are often subject to challenge as being unconstitutionally vague or overbroad and thus subject to arbitrary and unfair application. And the conditions of the waiver, itself, must conform to the constitutional requirement of due process in order



to meet the standards laid down by *Kent*.

SOME CORRECTIONAL CONSIDERATIONS

Until recently the fate of juvenile offenders was all but totally ignored by the courts once they had been placed in the corrections system. In this respect there was, of course, no substantial difference between juveniles and adults. It was only in the 1960's that the discretion of correctional administrators was challenged with any regularity—and even then, with little success. Conditions and practices within detention homes, training and industrial schools, probation and after-care were the concern of the state as a matter of policy and predilection and were rarely influenced by the determination of the courts. Accordingly, juvenile corrections treatment has been historically uneven and variable with the jurisdictions, the facilities and the people in charge.

Transfer from Juvenile to Adult Facility

However, even prior to 1974 the courts took cognizance of certain problems more readily than others. One such issue concerns the transfer of juveniles to adult institutions.

A real problem arises at the point at which a juvenile who has been institutionalized as the result of delinquent behavior becomes an adult by statutory fiat. Should the state determine that the offender is not yet ready to take his place in society it must specify some further disposition. However, the basis upon which the offender was originally institutionalized was to insure his welfare, not to punish him. Therefore, transferring him to an adult "penal institution" would be at odds with the supposed purpose of his confinement. It has been held that any transfer from a juvenile to a penal institution "must be founded upon a criminal prosecution and conviction attended by the constitutional guarantees appropriate to such a proceeding."[22] This appears to be but one more argument for proceduralizing juvenile delinquency actions to the extent necessary to equate the standards, and consequently the protections, with those in criminal actions.

Cruel and Unusual Punishment

Another area of intervention by the courts in the administration of correctional programs for youth dealt with the infliction of corporal punishment or severely inhumane conditions of confinement. Most recently this more traditional view of cruel and unusual punishment is being viewed by the courts in a more subtle perspective and often times in combination with the still developing theory of a constitutional right to treatment. Both temporary detention[23] and state juvenile institutional[24] facilities which were found below minimal standards have been subjected to censure on these grounds.

Right to Treatment

It has been said that a juvenile has a legal right to a custody which is not inconsistent with the rehabilitative role ascribed to the state by the *parens patriae* theory upon which the juvenile justice system is founded.[25] In view of the practical consequences of many court imposed dispositions, it is doubtful that many juveniles would care to exercise that right.

Application to the juvenile offender of a constitutionally implied right to treatment is valid only so long as the state is able to guarantee that the "treatment" which the juvenile receives is calculated to be in the best interests of the child, as well as the state. It is clear, for example, that a confined child who is forced to exist under inhumane conditions and without benefit of any positive rehabilitative program is not receiving the type of treatment to which he is entitled by right.

A recent federal court decision held that certain minimum professional standards must be maintained within state juvenile institutions in order to insure the juvenile's constitutional right to treatment. Among those standards are complete, recorded individual assessments; properly trained staff members in all areas of supervision; manageable caseloads for social staff workers based on a requirement of daily contact with each juvenile; and regular testing of a type calculated to "alleviate the discrimination factor."[26]

CONCLUSION

If one thing is clear in this

evolving field of juvenile rights, it is that the evolution promises to continue for the foreseeable future. There are too many questions which demand answers *now* for the courts to long avoid facing them. The ever-increasing litigation originating within the juvenile justice area has brought the problem to the attention of the public. The Supreme Court of the United States is in the process of considering a number of questions concerning juvenile rights and is certain to hear more in the future. Subsequent issues of *Resolution* will follow the course of cases coming before the courts which affect this special area.

Whether the trend of the courts of granting ever greater constitutional protections to juveniles will ultimately result in the abrogation of the juvenile court system as a vehicle for handling juveniles accused of criminal conduct or whether it will merely result in an organizational overhaul, only time will tell.

FOOTNOTES

1. See Lou, *Juvenile Courts in the United States*, (Univ of Nc. Car Press, 1927) quoted in Ketcham and Paulsen, *Cases and Materials Relating to Juvenile Courts*, (Foundation Press, 1967) at 3.
2. See Flexner and Oppenheimer, The Legal Aspect of the Juvenile Court 9. Children's Bureau Pub No. 99 (1922), quoted in Ketcham, *supra* at 3.
3. Mack, The Juvenile Court, 23 Harv. L. Rev 104, 109 (1909).
4. See generally, Ketcham, "The Unfulfilled Promise of the Juvenile Court," 7 Crime and Delinquency 97 (1961).
5. *Kent v United States*, 383 U.S. 541, 556 (1966).
6. *Kent v United States*, 383 U.S. 541 (1966).
7. *In re Gault*, 387 U.S. 1 (1967).
8. *In re Winship*, 397 U.S. 358 (1970)
9. *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971).
10. Levin and Sarri, *Juvenile Delinquency. A Comparative Analysis of Legal Codes in the United States*. National Assessment of Juvenile Corrections, University of Michigan, 1974.
11. See, *e.g. Baldwin v Lewis*, 300 F Supp. 1220 (E.D. Wisc. 1969)
12. *In re Ronny*, 242 N.Y.S. 2d 844 (1963).
13. *People v Nunn*, 53 Ill. 2d 344, 304 N.E. 2d 81 (1973).
14. *State v Kinderman*, 271 Minn. 405, 136 N.W. 2d 677 (1965).
15. *Moore v Student Affairs Committee* 284 F. Supp. 725 (M.D. Ala. 1968).
16. *People v. Lara*, 67 Cal. 2d 365, 432 P. 2d 202 (1967).
17. *Gallegos v. Colorado*, 370 U.S. 49 (1961).
18. *Miranda v. Arizona*, 384 U.S. 436 (1966).
19. Levin and Sarri, *supra* note 11 at 25.
20. Hale, *The Right to Bail and the Pre-Trial* Detention of Juveniles Accused of "Crime," 18 Vand. L. Rev. 2036 (1965).
21. *Fulwood v. Slone*, 294 F.2d 939 (D.C. Cir. 1967); *U.S. ex rel Burton v. Coughlin*, 463 F.2d 530 (7th Cir. 1972).
22. *In re Rich*, 125 Vt. 373, 216 A.2d 268 (1966).
23. *Morales v. Turman*, 16 Crim. L. Rep. 2050 (1974).
24. *Martarella v. Kelley*, 349 F.Supp. 575 (S.D.N.Y. 1972).
25. Shears, *Legal Problems Peculiar to Children's Courts*, 48 A.B.A.J. 719, 720 (1962).
26. *Morales v. Turman*, supra note 24.

AN ILLINOIS STRATEGY FOR THE DEVELOPMENT OF COMMUNITY CORRECTIONS

by
Samuel Sublett, Jr. and J. Robert Weber

Five years ago, Illinois maintained approximately 2,500 committed juvenile delinquent offenders in nineteen institutional facilities. In 1974, on any given day, approximately 900 delinquents resided in ten institutional facilities. By the end of 1975, it is expected to further reduce the total number of juveniles in institutional facilities on any given day to under 800.

This reduction of institutional population was not a coincidental or accidental phenomenon, but a carefully managed strategy to deinstitutionalize the correctional process. This strategy consisted of three parts: (1) changing the law to exclude status offenders from being committed; (2) administrative coherence between institutional services and community correctional programs; and (3) decentralization (regionalization of services).

Changing the Juvenile Court Act

With the assistance of a number of professional organizations, legislative commissions and a strong executive mandate, the Juvenile Court Act was amended to exclude children under the age of thirteen and all status offenders (runaways and truants) from commitment to corrections. The language of the law also eliminated commitment to the state correctional agency those youths who violated probation for status offenses.

Administrative Coherence

The development of a staff consensus regarding goals and objectives is vital. In Illinois the method for achieving such consensus has been a staff development process and subsequent redirection of staff training mechanisms.

Managerial consistency and coherence between institutional services and field services is the cornerstone for the process of deinstitutionalization. Administrative commitment within the agency was and is of primary importance to reorganizational efforts.

Decentralization

From a Statewide structure of administering correctional programs, Illinois has developed four regions—Northern, Central, Southern and Cook County. Decision-making is closer to the community, and the community becomes more intimately involved in the correctional process. The regions handle the entire spectrum of correctional services following commitment: intake, assessment, placement, programs, parole and discharge. These services and programs are community-based and there is considerable variety. The goals are to handle eighty-five percent of all male committed delinquents and fifty percent of all female committed delinquents within the regional structure. Where necessary, however, a youngster can be transferred to a statewide institutional program and regional staff do not assume case management responsibilities until parole. At the present time, the target goals of handling youngsters within community-based regional programs are being met.

This strategy is working in Illinois. It may not be appropriate to other states in the process of deinstitutionalization, but it is a strategy worthy of consideration.

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STATUS OFFENSES: THE COURT'S ROLE

by
The Honorable Frank A. Orlando

Since its creation in 1899, the Juvenile Justice System has been criticized and misunderstood; and, because of this misunderstanding, it has assumed or been granted jurisdiction over *status offenses*, actions by juveniles that are socially undesirable but which do not violate any criminal statutes. Status offense jurisdiction is the result of an overreach by the court; the child is the least helped and the most abused by formal processing through the System; and the laws involved have been held unconstitutional by court decisions. For these reasons, jurisdiction over these *cases* should be removed from the courts.

Much of the recent criticism of the Juvenile Justice System results from a misconception of the goals of the reformers who created the system. These men were concerned about the brutalization of youth by the Criminal Justice System and sought a separate court setting for the trial of law violations by children and a separate system of probation and institutional care for children. They felt that, if children were to be adjudicated by the court, they had to be cared for and protected outside the adult system, with rehabilitation substituted for punishment. Retribution through punishment, the objective of the Criminal Justice System, was considered inappropriate for children.

The legal justification for this approach was the doctrine of *parens patriae*. The early decisions of the English chancery courts involving this doctrine deal only with a change of custody to protect the assets of minors, but the originators of the Juvenile Justice System extended this doctrine to encompass the concept of non-punitive treatment of children who violated criminal laws.[1]

Many people (especially those within the System) have held the opinion that the new concept replaced procedural due process and that cases involving children would be "non-adversary" and would not require notice of specific charges and an opportunity to present a legal defense. But essays written in 1904 by some of the first juvenile court judges make it clear that they did not consider due process and formality in the fact-finding process foreign to the new court and that they were more concerned with the need to reform correction and treatment programs than with making court procedures "non-adversary."[2]

These essays, which include papers by Judge Ben Lindsay of Denver, Colorado, and Judge Alfred Skinner of Newark, New Jersey, reveal the following: (1) None of them saw the creation of informal procedures as an important goal of juvenile court laws. (2) Formal, adversary procedures were not specifically regarded as inconsistent with the major purposes of the juvenile court laws (namely, to separate children from adults during detention, to individualize treatment, and to create a probation system). (3) Some of the authors expressly singled out a need for more thorough fact-finding as one important reason for creating juvenile courts.

DEVELOPMENTS SINCE 1899

Between 1899 and 1966, when the United States Supreme Court heard the first case involving a juvenile court matter,[3] two important developments occurred which have caused much of the criticism and disillusionment directed at the Juvenile Justice System: (1) the misconception that due process was replaced by informality and a non-adversary system, and (2) the expansion of the original 1899 law which transferred jurisdiction over children *in violation of a penal law* to a new court and created a separate system of incarceration and probation to include every act a child might commit, whether or not a violation of penal law was involved.

The misconception concerning due process was basically resolved by the United States Supreme Court in *Kent* and in *In re Gault*.[4] The basic holding was that the concept of a separate system of justice—court and correctional—was constitutional and acceptable. However, the Court held that any child involved in this system must be afforded the same due process as any other person involved in the Criminal Justice System. In other words, age does not justify the suspension of the Bill of Rights of the United States Constitution.

The second development—the expansion of the original law to cover status offenses—has had a negative effect on children and the juvenile system as a whole.

The original Juvenile Court Act[5] in Illinois defined "delinquency" as a violation of "any law of this state

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or village ordinance." The act was amended in 1901, 1905 and 1907, and the amendments reveal a pattern of expansion of the definition of "delinquency" to include offenses applicable only to children: "incorrigibility," "growing up in idleness," "running away," "using profanity," etc. Procedures for adjudication in a criminal law violation and a "children-only" law were the same, and the dispositions available to the court were the [illegible]e. And Illinois is no exception: a study of juvenile court law history reveals similar patterns of expanded interpretation in most states.

With the requirements of *Gault*, the separation of the non-criminal violations from the delinquency statutes and the creation of the separate category of status offenses was effected. In Florida, the CINS statute was passed in a hurried manner soon after the *Gault* decision. As in most states, it was an effort to preserve the misguided conception of the first juvenile courts. Regardless of the name—CINS (Florida law), Wayward Minor (New York law) or children in need of supervision (Colorado law)—the conduct which subjects the child to court action is generally the same. The statutes have omnibus clauses which are broad, all encompassing and incapable of precise definition.[6] The acts are generally classified as status offenses, and the Department of Health, Education and Welfare estimates that forty percent of the cases disposed of by juvenile courts involve this type of behavior.[7] In Florida, for example, fifty to sixty percent of the children in secure detention at any one time are CINS children.[8]

SEPARATING OFFENDERS AND DELINQUENTS

By creating a new category, legislatures are attempting to restrict the label *delinquent* to youths who violate criminal laws and to prohibit the placing of children labeled CINS or PINS in institutions with *delinquents*.

The long-range effects of this system of separation cannot now be accurately described because too little research is available, but courts and commentators have begun to reconsider the statutes from legal and sociological perspectives. At present, indications are that the effort is a failure and that it may even be producing serious negative results.

The 1967 President's Commission on Law Enforcement and Administration of Justice recommended that non-criminal conduct

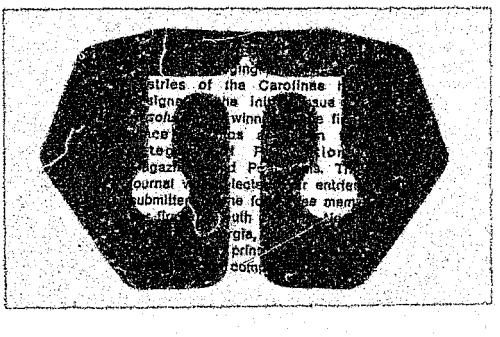
STATUS OFFENSE JURISDICTION IS THE RESULT OF AN OVERREACH BY THE COURT . . .

be removed from juvenile court jurisdiction after concluding "that even the most earnest efforts to narrow broad jurisdictional bases in language or practice will not remove the possibility of overextension" (Task Force Report, J/D and Youth Crime 27). More recently, the National Advisory Commission on Criminal Justice Standards and Goals, in its 1973 report *A NATIONAL STRATEGY TO REDUCE CRIME*, made the prevention of juvenile delinquency its first priority; and while not taking a position on the removal of status offenses from court jurisdiction, it did find that to prevent delinquency (criminal acts by children), the involvement of the status offender in the court process must be *minimized* and every effort made to keep him out of the recidivism cycle. This finding was based on the assumption that the further an offender penetrates into the criminal justice process, the more difficult it becomes to direct him from a criminal career.

Further enlightenment on the failure of the attempted separation can be found in Glen & Weber's *THE JUVENILE COURT'S STATUS REPORT*, 7 National Institute of Mental Health, 1971, which concludes: "The new nomenclature makes no difference whatsoever . . . The only noticeable trend, however, is to retain jurisdiction over non-law violators, and, in fact, to deal correctionally with delinquents and misbehavers in the same institution. Thus, the ostensible trend toward separation of criminal from non-criminal jurisdictional bases for dealing with children is a *hoax* [emphasis added]."

RESPONSE OF THE COURTS

The response of the courts has been essentially the same. Two recent Federal Court decisions have considered the constitutionality of non-criminal conduct or status offense statutes, whose terms were typically vague and all encompassing in their substantive definitions of proscribed behavior.



In *Gesicki v. Oswald*,[9] the Court held that part of New York's "Wayward Minor" statute, which dealt with children who were "morally depraved" or "in danger of becoming morally depraved" was "impermissibly vague" and, on its face, void and violative of fundamental due process.

The New York statute typically permitted the institutionalization of a child who was labeled by the court as "morally depraved" or "in danger of becoming morally depraved." The court stated that the case presented an "issue of fundamental importance concerning the power of a state to enforce against juveniles a purportedly non-criminal statute which permits commitment of defendants to adult criminal correctional programs and facilities, but is *impermissibly vague* if judged by the *standards* applicable to *penal laws* [emphasis added]." In conclusion, the Court held that "the particular provisions at issue, on their face, violate due process of law." The argument that the state's power to deal with children was justified as *parens patriae* was specifically rejected by the court, which declared unconstitutional the use of this doctrine to justify confinement to an institution without affording the child full due process.

The Court further stated that the "right to treatment" doctrine (*Wyatt v. Stickney*[10]) did not grant the authority to provide "wayward minors" treatment in any way distinguishable from that accorded to convicted criminals.

In May, 1972, the United States Supreme Court affirmed the lower court's opinion in the *Gesicki* case without opinion.[11] The result was that the legal doctrine of "void for vagueness" was successfully used in striking down a broad jurisdictional statute dealing with non-criminal conduct by children.

The second recent court decision dealing with status offenders is *Gonzalez v. Mallard*.[12] The California law (Section 601 of the welfare code) which was challenged classified as wards of the court children under twenty-one who were "in danger of leading an idle, dissolute, lewd or immoral life." The California statute was distinguishable from the New York statute in that it prohibited the commitment of "601" children to institutions for delinquents and limited placement to separate camps or home-like institutions. Notwithstanding the distinguishing characteristic, the Court concluded that the statute was too vague and, therefore, did violate the due process clause of the Fourteenth Amendment. The Court stated that a child charged under the statute could not formulate a defense to a charge which included "the entire moral dimension of one's life."

As to the separate institution provision, it would seem that the United States Supreme Court settled this issue as it applies to due process when in *Gault* it said: it is of no constitutional consequence—and of limited practical meaning—that the institution to which he is committed is called an Industrial School. The fact of the matter is that, however euphemistic the title, "a receiving home" or an "industrial school" for juveniles is an institution of confinement . . . . His world becomes "a building with whitewashed walls, regimented routine and institutional hours."[13]

The holdings in these two cases seem applicable to most state statutes dealing with non-criminal offenses and providing for *placement* or *commitment* in a variety of institutions in the name of *supervision* or *rehabilitation*. Such statutes appear invalid under the basic principle of constitution law—that a statute is void unless it is certain and specific and allows a person charged under it to formulate a defense. A vague and uncertain statute violates the due process clause of the United States Constitution. The fact that most states classify their juvenile statute as civil, rather than criminal, is of no consequence; arguments based on this ground were rejected by the Supreme Court in *Gault*.

BECAUSE OF THE CONSTITUTIONAL QUESTIONS AND THE INCREASING STIGMA A CHILD CLASSIFIED AS A STATUS OFFENDER FACES, MANY STATES ARE RE-EXAMINING THEIR STATUS OFFENSE LAWS IN AN ATTEMPT TO DEFINE MORE CLEARLY THE BEHAVIOR PROHIBITED.

RE-EXAMINING STATE STATUTES

Because of the constitutional questions and the increasing stigma a child classified as a status offender faces, many states are re-examining their status offense laws in an attempt to define more clearly the behavior prohibited. There is, however, a clear alternative to this approach: states can adopt the recommendations of the President's Commission on Law Enforcement and Administration of Justice and eliminate status offenses from the court's jurisdiction.

Children who are labeled as status offenders are already, in most cases, experiencing problems in their homes, their schools, or their communities; and their needs, it seems, can be better served outside the court setting. Such positive steps as family counseling, improved living conditions, and better educational opportunities would, no doubt, benefit the child much more than being classified as *incorrigible*, being told that he needs supervision, or being introduced to the cycle of recidivism, which begins with the child's first penetration into the system.

Indeed, much of today's de-

linquency could be prevented by the development of alternative methods to deal with status offenses committed by children. The elimination of these offenses from the court's jurisdiction would reduce juvenile crime, benefit society with better-developed children, and, in the end, save a considerable amount of public funds through the elimination of institutions designed for such children.

CONCLUSION

A separate court and correctional system for children is extremely necessary and workable. The system *has* worked and can greatly benefit society. But the existence of such a system does not justify channeling children who are guilty only of status offenses through courts and corrections.

Judge Lindsay, in the 1904 essays cited earlier, discussed the potential of the court and said that "too much cannot be expected of the juvenile court . . . . It is a success . . . if it is only better than the old method." There can hardly be any doubt that the present system is better than the "old method," but elimination of the status offender from the court and the development of programs by the social agency branch of the system would bring the Juvenile Justice System closer to the original 1899 concept.

FOOTNOTES

1. Rosenheim, *Perennial Problems in the Juvenile Court*—JUSTICE FOR THE CHILD 15.
2. International Prison Commission, Children's Courts in the United States. Their Origin, Development and Results, H R.—DOC No. 701, 58th Cong. 2nd Sess. (1904) (Short Citation—Children's Courts).
3. *Kent v. United States*, 383 US 541, (1966).
4. 387, US 1, (1967).
5. Law of April 21, 1899 ss 1-26 (1899) Ill. Laws 131.
6. 24 Stanford L-Rev 568.
7. National Advisory Commission on Criminal Justice Standards and Goals, *National Strategy to Reduce Crime*, 1973 at 35.
8. Report of Committee on Health & Rehabilitative Services (Dec., 1974).
9. 336 F. Supp. 371 (s) N.Y. (1971).
10. 325 F. Supp. 781 (1971).
11. 406 U.S. 913 (1972).
12. Civil No. 50424 (ND Cal.) (1971).
13. 387 U.S. at 50.

ADDITIONAL REFERENCES

Report of the American Assembly: 1973-74, Columbia University, New York, New York. (Recommends elimination of status offenders)

McNully, *The Right to be Left Alone*, American Criminal Law Review, Volume 11, No. 1 (1972).

NEW YORK CITY POLICE DIVERT JUVENILES FROM THE COURTS

by
Francis J. Daly

Recognizing that young persons should receive treatment "different" from adults when they break the law, the New York City Police Department instituted a system of keeping juveniles out of court many years ago. It was in 1930, on the recommendation of the Baumes Crime Commission, that a "Crime Prevention Bureau" was established in the New York City Police Department. Long before that (in 1916), the police had established Junior Police to emphasize good citizenship, athletics and military drill. This early involvement of police with youth later developed into the Police Athletic League, a police-sponsored program of recreational activity for youth.

During its existence the Crime Prevention Bureau had the responsibility of preventing juvenile delinquency and waywardness among minors. The Crime Commission emphasized that arrests of juveniles should not be the criterion for judging the effectiveness of the new police unit. As a result, police officers in New York City began to refer juveniles to the Crime Prevention Bureau instead of arresting them and proceeding directly into the court system.

During the life of the Crime Prevention Bureau, police made a significant contribution to juvenile justice by substituting referrals for arrests. Juveniles were investigated by juvenile specialists, police officers trained to identify the needs of a juvenile and/or his family and to make referrals to public or private social agencies. In addition, professional social workers were assigned to all Crime Prevention Units to assist and train police in the process of referral and identification of problems. During World War II, however, these social workers returned to the Department of Social Services because of a shortage of help. Credit for the diversion of juveniles from the court system in New York City should go to this early Crime Commission, which had the foresight to recognize that juveniles should receive treatment different from that afforded adults.

THE BUREAU'S INFLUENCES TODAY

The efforts of the Crime Prevention Bureau have greatly influenced the stance that the New York City Police Department takes in dealing with juveniles today. Juvenile specialists are specially trained and selected. Most have college degrees; some have masters degrees; and all are selected on the basis of their department records and a sincere desire to work with youths.

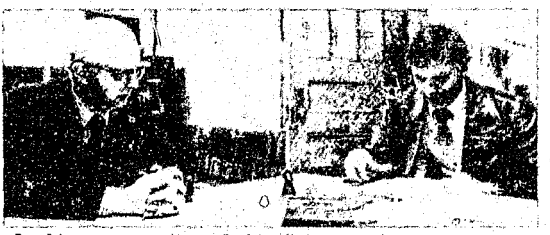
Today, when a child under sixteen years of age commits a misdemeanor or lesser violation of law in New York City, instead of being arrested, officially booked at

Captain Francis J. Daly has thirty years of experience with the New York City Police Department and has worked primarily with youths since 1949. He was promoted to executive officer of the Youth Aid Division in 1972 and to commanding officer of the Division in 1974. He is a member of the National Council on Crime and Delinquency and of the International Juvenile Officers Association.

a police station, and detained in a locked institution, he is, at the discretion of the officer, released to his parents. At the same time, the officer sends a report to the Youth Aid Division, the current youth services section. (If the youth is considered dangerous to himself or the community, however, he is processed through the juvenile court or detained until court opens.) When the child is released, the Youth Aid officer sends a letter to the parent requesting the parent and youth to appear at the Youth Aid Unit office, at a later date, to discuss the violation. Prior to the appearance of the parent and child, the Youth Aid officer checks department records for previous reports and inquires at the Social Services Exchange (a city-wide registry of family contacts with public and private agencies, including the courts and police) to determine if there is any history on the family and child that may help in evaluating the situation.

When the parent and the child appear at the unit office, the Youth Aid officer has all the background information available to him. He then reviews the position of the police regarding the juvenile complaint, informs the parent that the police want to prevent the child from getting into further trouble, and explains that court action is not anticipated. He discusses the complaint and the youth's involvement and warns that wrongful conduct could lead to court and detention. He also advises the parent of the responsibility to supervise and control the child. The discussion focuses finally on the overall behavior of the child and on his relationships with friends, family, and school acquaintances. Upon seeing that the police are interested in identifying problems so as to offer remedial social services and prevent any further delinquency, the parent usually talks openly. It is from these discussions that the Youth Aid officer decides, with the parent, what help is needed.

The difficult phase of the Youth

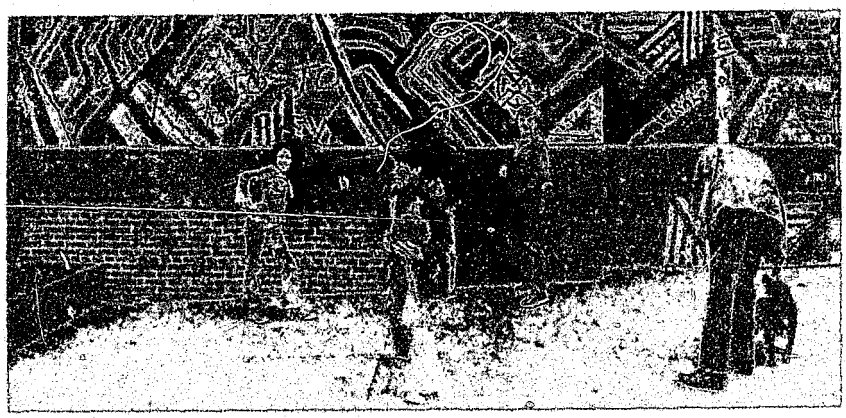


Capt. Daly discusses with Dr. Clements, *RESOLUTION* editor, the need for expanding juvenile referral and delinquency prevention programs in NYC.

Aid officer's job begins when he identifies a problem. First, he must convince the parent that the problem exists, and then he faces the task of obtaining an agency to supply the appropriate service. Community social services are inadequate in New York City, and the inadequacy affects the entire juvenile justice system. Police, courts and corrections departments can make use of community services to aid the rehabilitation process, but the agencies are either overloaded or non-existant. The problem in the treatment of juveniles is that without community resources the police cannot divert youths out of the court system; and, if no services are rendered, a juvenile learns very quickly that he can get away with unacceptable activity. Hence, it is imparative that Youth Aid officers develop working relationships with agencies and insure acceptance of cases.

Over the years this system has changed very little. At one time the Juvenile Aid Bureau (former name of the Youth Aid Division) established a unit to counsel *hard-core* delinquents (or *lost causes*) whom no agency would accept. Successful treatment was considered highly improbable. But an evaluation committee declared counseling by the police specialist an inappropriate duty for police officers, who were not qualified, professional social workers. To this day, no other treatment for these cases has been substituted. Instead, a case which cannot be referred to an agency is closed as a *non-court, non-referral* case. This label indicates that the department cannot effect a referral to a social agency (the agency will not accept the case; the parent does not care; or the child will not cooperate) and cannot refer the case to court because of insufficient grounds under the law. The department can provide no services until the child commits another violation and is caught.

In 1973, the New York City Police Department processed 60,000 juvenile complaints. One-third of these (Transit Police complaints of misbehavior) did not involve serious delinquency, and parents of each youngster received a letter from the Youth Aid Division juvenile officer informing them of the violation committed by the child and offering help if they were having problems with the child. These parents were also informed that the violation did not constitute a police record and that the report would be destroyed when the child reached the age of seventeen. The other two-thirds of the juvenile complaints received in 1973 were fully investigated and disposed of through appropriate



referrals to court, public and private agencies when the need for further professional services was indicated. Fewer than six percent of these cases were referred to court. In fact, there were 3,310 court referral cases, of which 3,207 were already on probation to the court.

THE QUESTION OF LEGALITY

The system now used by the Youth Aid Division has raised questions as to the constitutionality or legality of the division's activities: Should police be allowed to conduct investigations and dispose of cases without court intervention? Should they be allowed to conduct such investigations and render dispositions without benefit of counsel to the child or his family? It is, indeed, a one-sided situation without appeal to any other source, unless one seeks redress in the courts. But to accept the extreme view that all law violations by juveniles should be presented to a court of law for adjudication would jam the juvenile courts and render them inoperable. And the Federal Court of the Southern District of New York has laid down guidelines under which such reporting and investigating of juvenile offenses may be conducted without violating the rights of the individual.

In May 1970 a group of parents alleged that the New York City Police Department's Juvenile Reports were being issued, maintained on file, and distributed in violation of children's constitutional rights to due process and privacy. It was the intent of the plaintiffs to have the Department cease issuing Juvenile Reports. But after the court had considered the overall benefits of the report procedure and after the Mayor's Criminal Justice Coordinating Committee had conducted an investigation of the juvenile complaint procedure, the court rendered a compromise agreement on June 28, 1972. The agreement, now referred to as the *Cuevas v. Leary Stipulation*, made the following provisions:

1. That all Juvenile Reports be destroyed when the juvenile has reached the age of seventeen. On July 1st of each year, all such reports shall be sorted from the files and destroyed. The annual report of the Youth Aid Division shall indicate the number of such reports destroyed each year.

Left: Another NYPD delinquency prevention and diversion effort is assigning School Resource Officers to work in the public schools. P.O. Jack Fitzgerald works with students and faculty at P.S. 51.

2. That those Juvenile Reports declared "Unfounded" after investigation by the Youth Aid Division be destroyed regardless of the age of the child and that the number destroyed be included in the annual report. (Effective May 21, 1974, "Unsubstantiated" and "Complaint Withdrawn" dispositions were added to this stipulation.)

3. That whenever a Juvenile Report is issued, the parent or guardian must be notified, where ascertainable, and advised of the child's right to a follow-up investigation to determine the accuracy of the allegation. Members of the Youth Aid Division have the ultimate responsibility for the notification of the parents, and revised Youth Aid Division forms and letters, notifying and requesting interviews with parents, will include their rights to a follow-up investigation, will refer to *offenses* as *alleged offenses*, and will be prepared in both English and Spanish.

4. That there be limitations on who may have access to Juvenile Report information. The Youth Records Section of the Central Records Division may release such information only to members of the Youth Aid Division or Detective Division in connection with an investigation or to a station house superior officer, during deliberation on a juvenile arrest or during the investigation of an unsolved crime.

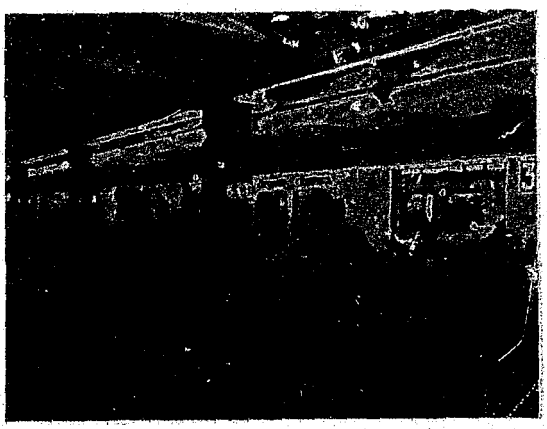
Youth Aid Division personnel may release Juvenile Report information to public or private agencies while attempting to obtain counseling, rehabilitation or treatment services for children or parents. However, this information shall not be divulged to any person or agency relative to employment, housing or public assistance, nor to probation personnel for sentencing or dispositional purposes.

5. Finally, that a training program be developed for the department to establish uniform standards and procedures for the issuance of Juvenile Reports. Emphasis should be placed on the types of cases that require Juvenile Reports, the need for substantiating and accurately identifying an alleged offense, and the necessity for verifying the involvement of the juvenile.

The training mandate was complied with by the department in a television presentation which was viewed city-wide by all members of the New York City Police Department as part of the department's ongoing in-service training program.

SIGNIFICANT BENEFITS

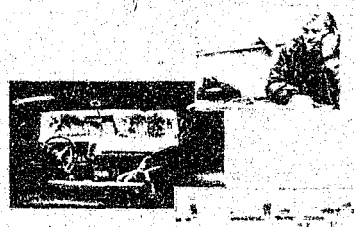
In essence the Federal Court approved the Youth Aid Division's system of juvenile complaints in the Cuevas v. Leary decision when it refused to eliminate the process. However, any child or parent is permitted to be represented by counsel if he so desires. And no parent or juvenile is forced to cooperate with the police in the processing of these juvenile complaints; the department does not have the legal authority to apply such force. It does have recourse to Juvenile Court but uses it only with the parent's consent or at his request when agency referral has been tried and when the parent cannot control the child.



Top: Following a complaint, Police Officer Myrll Linder meets with a mother and her two teen-age children.

Runaway Children—A Major Juvenile J

NYPD Runaway Unit At Work



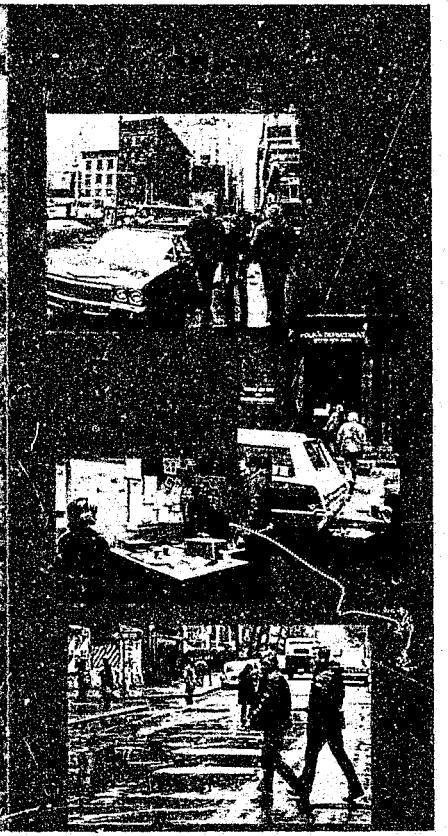
More than a hundred thousand children run away from home in the United States each year. Most go to major cities where they become easy prey to street gangs, drug pushers, and other criminal elements. The police bear the major responsibility for locating these runaways and returning them safely home. Many are never found.

Police Officers Berns and Smith are assigned to NYPD's Runaway Unit. Here they receive a call from Police Officers Ache and Langanki who have detained a fifteen-year-old boy. His home is over 1,000 miles away. The boy is brought to the station house. After necessary information has been obtained, the youth's parents are called and informed that he is safe.

Having placed the runaway on the first available flight home, [illegible] by his parents, Berns and Smith [illegible] their search for others like him.

Thomas Berns

Philip Smith



REVOLUTION • WINTER 1975

The resurgence of organized street gangs in the early 1970's has posed major problems for the New York Police. Police Officers Anthony Ramos and Regis Mullaney, NYPD Gang Intelligence Unit, maintain contact and surveillance with known gang members through informal discussions on the street and through visits to known gang headquarters. Information developed by GIU is forwarded to enforcement units for action. Whenever possible, GIU officers initiate referrals to social service agencies in an effort to divert them from serious criminal activities.

The process of diverting juveniles from the courts has had some significant benefits: the stigma of juvenile arrest is avoided; detention of juveniles and the dangers pursuant to it are avoided (it is common knowledge that juveniles learn crime methods in detention facilities); juveniles and parents are referred to social agencies to receive needed services; and a good, positive relationship is developed between police, youths and parents.

The 60,000 juvenile complaints handled last year by the New York City Police Department resulted in positive contact, improved police-community relations, and redirected lives for many juveniles.

RECENT DEVELOPMENTS IN CORRECTIONAL LAW

by
William T. Toal

INTRODUCTION

This is the second in a series of summary updates of correctional case law growing out of the 1972 publication of *The Emerging Rights of the Confined.** The first summary, covering the period from 1972 until the summer of 1974, appeared in Volume One, Number One of *Resolution*. The continuing update will be a regular feature of *Resolution*. The organization of this update follows the chapter arrangement of *The Emerging Rights of the Confined* for the convenience of those who are using it in combination with that publication.

Acknowledgement: Richard Campbell, research assistant, student, School of Law, University of South Carolina.

* *The Emerging Rights of the Confined* was published in 1972 by the South Carolina Department of Corrections and was funded by LEAA Grant No NI-70-048 to identify, catalog, analyze and interpret all relevant case law until that time. Copies are available in paper and microfiche from the National Technical Information Service, U. S. Department of Commerce, Springfield, Virginia 22151. Accession No. PB 224 393/AS.

ACCESS TO COURTS AND COUNSEL

Law books and law students must be available to inmates only to the extent necessary to protect the right of access to the courts. In *Souza v. Travisono*,[1] the court reviewed prison regulations which limited inmate access to law students acting as agents of a legal service organization staffed by two attorneys. It recognized that the Supreme Court in *Procunier v. Martinez*[2] guaranteed access when post-conviction relief or civil rights claims were being pursued. The court avoided the issue left open by *Martinez* of whether reasonable access is required when an inmate desires assistance for divorce, bankruptcy, probate or other legal problems unrelated to his confinement by noting that the legal service organization involved no longer existed. In *United States ex rel. Russell v. Hendrick*[3] prison officials had withheld for a period delivery of certain law books ordered by an inmate. During that period, however, the inmate was represented by counsel who was actively working on his case. Thus, the court found, the inmate was not denied access to the courts.

CORRESPONDENCE AND ACCESS TO MEDIA

In *Morales v. Schmidt*[4] the district court had required prison officials to place an inmate's sister-in-law

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on an approved correspondents list. The circuit court reversed[5] stating that officials need not demonstrate a compelling interest to justify its restriction, only that the restriction is reasonably and necessarily related to the advancement of a justifiable purpose of imprisonment.

In one of the early interpretations of the Supreme Court decision in *Procunier v. Martinez*,[6] a district court has upheld censorship of incoming publications based on the following criteria: (1) information regarding the manufacture of explosives, incendiaries, weapons or escape devices; (2) instructions regarding the ingredients and/or manufacture of poisons or drugs; (3) Clearly inflammatory writings advocating violence; (4) Judicially defined obscenity.[7] These criteria are similar to those cited with apparent approval in *Martinez* and such standards will likely continue to receive judicial approval when combined with a speedy review process.

In *McCleary v. Kelly*,[8] prison officials and a censorship committee had banned receipt of the *Harrisburg Independent Press* due to its "inflammatory content." The court, balancing legitimate penal interests against competing first amendment interests, held that a general ban was unwarranted and that each issue had to be examined in terms of the censorship criteria. The court made clear, however, that when the past history of the publication, its bulk or other factors militated against an issue by issue review, a general ban might be permissible.

In *Lovern v. Cox*,[9] the court refused to interfere with visiting policies but noted that every effort would be made to allow for visits by children and suggested week-end visiting hours rather than on Tuesday from 1:00 P.M. to 4:00 P.M.

GRIEVANCES

The utility of internal grievance procedure in preventing premature litigation was demonstrated in *Jones v. Carlson*.[10] The federal prisoner involved had filed on a claim of interference with correspondence concerning pending litigation. The court required exhaustion of administrative remedies in the Bureau of Prisons prior to the filing of a suit.

A common inmate grievance was the basis for the action in *Thomas v. Shaw*.[11] The inmate claimed a false and prejudicial statement on his prison record warranted review under §1983. Without any extended discussion, the circuit court held that such a claim could constitute a basis for an action under the statute.

Inmate grievances over pay were the subject of litigation in *Borror v. White*[12] and *McNeil v. Blankenship*.[13] In *Borror* the state prisoner unsuccessfully claimed the right to payment for work performed as a barber under §1983. The court found no constitutional right to pay. In *McNeil* the inmate was unsatisfied with the state's voluntary payment of back bonus pay due him but was unsuccessful in receiving recovery for mental anguish allegedly suffered during the period he did not receive the bonus.

An alternative method of grievance resolution was praised in *Frazier v. Donelon*.[14] In addition to an agreement reached between inmates and prison officials, higher rapport between inmates and authorities was said to be the result of the use of a professional federal arbitrator.

GROOMING

No significant cases in the area of grooming and attire have been handed down in the latest survey period. *Collins v. Haga*[15] upheld once again regulations prohibiting beards and hair styles which appeared unsanitary on the grounds of sanitation and the need for identification.

DISCIPLINARY METHODS, PUNITIVE ISOLATION AND ADMINISTRATIVE SEGREGATION

Not enough time has elapsed since the Supreme Court's decision in *Wolff v. McDonnell*[16] to analyze its impact in reported decisions.[17] Some courts, however, have grappled with questions not discussed in *Wolff*. In a case decided just prior to *Wolff*, and in which a rehearing was granted after that decision, the ninth circuit held, among other things, that counsel was required at a disciplinary charge which would also constitute a criminal offense whenever the disciplinary action preceeded the criminal proceedings.[18] The Supreme Court in *Wolff* declined to hold that inmates have a right to counsel in disciplinary proceedings but suggested "adequate substitute aid" when complex issues were present in the case. Thus the ninth circuit could reaffirm its decision on this point. The possibility of the use of testimony given in the disciplinary hearing in a subsequent criminal trial makes the decision whether to give testimony in the disciplinary hearing a complex one. And it is doubtful whether lay assistance in making such a choice would be adequate. It will be interesting to see whether the ninth circuit will stick to its guns upon rehearing.

Another possible way out of the dilemma posed by the threat of use of testimony at a disciplinary hearing at a later criminal trial is the use of a preliminary hearing in the criminal case as the basis for placing an inmate in administrative segregation. This solution, which doesn't involve the loss of good time, may well survive application of *Wolff* standards. As the district court in *Watkins v. Johnson*[19] reasoned, procedural due process requires only that a transfer decision be based on facts rationally determined. Thus, the court reasoned, the preliminary hearing in the criminal case gave rise to probable cause to believe that the inmate had committed an offense and no further procedures were required. A footnote in *Wolff* suggests that the procedures outlined there would be appropriate for proceedings resulting in solitary confinement as well as for cases in which loss of good time is at

issue.[20] But it also stated that those procedures are needed as a "hedge against the arbitrary determination of the factual predicate for imposition of the sanction."[21] A preliminary hearing, depending on the procedures permitted in a given state, may well satisfy that due process requirement.

Potter v. Clark[22] held that short periods of isolation to maintain security following disruptive behavior need not be accompanied by procedural due process. Here the period of isolation was short and no good time was lost. When, however, a long stay is contemplated, due process may require that meaningful standards be developed to determine whether the inmate stays in administrative segregation or is released into the general population.[23] A period of five days in segregation was considered long enough to require minimal due process procedures in *Wilkinson v. Skinner*.[24]

Wide latitude is given prison officials in determining when an emergency exists. In *Hoitt v. Vitek*,[25] the court declined "to second-guess the judgment of correction officials by deciding after the fact whether a lock-up was, in fact, justified."

Kelly v. Brewer[26] stands as a reminder that conditions in an isolation cell can constitute cruel and unusual punishment. The inmate, who was accused of killing a prison guard, was placed in a completely dark cell with no clothing, bedding, eating utensils or toilet paper for a period of four days. These conditions were held constitutionally impermissible.

ADMINISTRATIVE INVESTIGATIONS

In one interesting case,[27] a prison employee asserted, in a civil rights action, the right to be searched only after issuance of a warrant. The court noted that employees are protected against searches which shocked the conscience but held that no warrant was required and that the reasonable suspicion that the employee was carrying contraband justified a strip search.

SAFETY

In *Byrd v. Warden, Federal Detention Headquarters*[28] a federal inmate was limited to his inmate accident compensation benefits and could not proceed against the United States under the Federal Torts Claims Act. His claim did, however, state a cause of action against the federal safety officer who allegedly failed to issue safety equipment necessary to prevent eye injuries.

The administratrix of the estate of an inmate brought a wrongful death action against the sheriff after the inmate had been stabbed by a fellow prisoner in *Bailey v. Harris*.[29] A motion to dismiss on the pleadings was granted since no more than an isolated incident of negligent failure to protect was alleged. On the other hand, an inmate was allowed $40,000 in damages under the Federal Tort Claims Act for injuries sustained when another inmate hurled a "Molotov Cocktail" into his cell.[30] The defendants had negligently allowed unsupervised access to flammable liquids, failed to provide adequate supervisory personnel and had failed to take precautionary action upon discovering the assailant tampering with the deadlock system.

In *Taylor v. Sterrett*[31] the circuit court affirmed a district court order forbidding the use of inmates as corridor bosses to enforce rules and preserve discipline.

An inmate in *Jackson v. Allen*[32] recovered $1500 from jailors who repeatedly beat his hands with handcuffs when he refused to enter a punitive isolation cell. The court first held that an inmate has no right to resist unconstitutional punishment except to protect himself against immediate and permanent physical or mental damage or death. Then it found that under the circumstances the jailors used excessive force in putting the inmate in the "hole." Among the important circumstances were the slight build of the inmate, the purely passive resistance, the absence of other inmates, the presence of two guards and the ready availability of others. The court recognized that under other circumstances "prompt, forceful offensive action" resulting in serious injury might be necessary to prison discipline.

Two recent cases have held that verbal harassment by guards is not a constitutional violation.[33]

FACILITIES

During this survey period, additional orders or decisions have been handed down in cases which have required substantial changes in prison systems. And, a new order entered against officials of Oklahoma State Penitentiary requires sweeping changes.

In *Battle v. Anderson*[34] an Oklahoma inmate unleashed a broadside attack against incarceration at the state penitentiary and more particularly against incarceration in punitive isolation. The court ordered immediate desegregation of facilities and equal job opportunities for black inmates with a required submission of an affirmative action plan for overcoming the effects of past racial discrimination. The court ordered abandonment of subterranean isolation, curtailed the unjustified use of chemical agents, ordered a plan of adequate medical care, ordered a plan insuring adequate access to the courts and ordered a plan for improving security and staffing.

The practice of racial segregation was likewise condemned in *Thomas v. Pate*[35] but the court noted that the necessities of prison security and discipline might override the duty to desegregate.

In *Rhem v. Malcolm*,[36] the court followed its earlier order[37] granting broad relief for inmates at the Manhattan House of Detention for men with an additional order closing the facility unless the City of New York submitted a plan to eliminate the unconstitutional conditions. The City, presumably because of a lack of funds, advised the court it could not submit a

timetable of compliance or even an estimate as to when it might start eliminating the conditions. For this reason, the court felt constrained to threaten use of its ultimate weapon, a shut-down of the facilities.

Similarly unimpressed with the argument that the State of Mississippi didn't have the funds to make required changes, the fifth circuit affirmed the district court's order of sweeping changes at the Mississippi State Penitentiary at Parchman: racial discrimination was ordered ended; medical care was required; conditions in solitary confinement were ordered changed; the trusty-guard had to be eliminated; and additional protection of inmates was required.[38]

In *Morales v. Turman*[39] the district court ordered the closing of two juvenile facilities. The facilities could not be used longer than "absolutely necessary" because effective delivery of rehabilitative treatment was impossible. The earlier order[40] entered in the case was left in effect and further changes in educational and training programs, living conditions and staffing were required. The court allowed sixty days for the submission of a compliance plan and retained jurisdiction of the suit.

MEDICAL TREATMENT AND PRACTICES

Two recent cases reached different results on the question of whether an incorrect diagnosis by a physician gives rise to a constitutional claim under §1983. In one,[41] an inmate lost a testicle when the treating physician treated his testicular swelling as an infection for which he prescribed penicillin. As it was later discovered during an operation which saved his right testicle, the inmate had lost his left testicle due to a condition known as tortion. The court held that no action under §1983 was stated absent evidence of abuse, mistreatment or denial of essential medical treatment. In the other case,[42] a rectal cancer was erroneously diagnosed as hemorrhoids. After a later correct diagnosis a portion of the colon was removed. The inmate alleged that he was refused X-rays and other clinical tests after he declined a digital examination. The court of appeals reversed a lower court decision dismissing the §1983 action holding that a claim of denial of essential treatment was stated.

A lack of success in curing severe headaches did not state a cause of action under the civil rights act in one case[43] nor did the refusal by a prison physician to prescribe Thorazine[c*] desired by an inmate give rise to a cause of action against that physician in another.[44] In *Ross v. Bounds*[45] an examination of black inmates for sickle-cell anemia was not considered deprivation of an essential medical treatment.

In *Runnels v. Rosendale*[46] an inmate complained that prison officials had conducted an unwanted hemorroidectomy. The court held that the complaint might be violative of fourteenth amendment rights absent a showing that the operation was needed to preserve life or to further a compelling interest of imprisonment or prison security. The court reasoned that this result might be reached by protecting the right of privacy of one's body against invasion by the state or the right to be free of unprovoked physical assault.

ADMINISTRATOR'S LIABILITY

The first circuit in *Hoitt v. Vitek*[47] has pointed out the necessity for administrator's keeping current on developments in prison law. The complaint had alleged that a post-emergency lock-up deprived inmates of basic constitutional rights for an unreasonable length of time. The court agreed that an emergency does not continue indefinitely and that at some point continued lock-up might be a subterfuge for the denial of procedural rights. Nevertheless, the defense of good faith in continuing the lock-up was found valid upon a motion for summary judgment because the courts had not yet set standards of conduct. The court warned, however, that "we view this as an exceedingly rare kind of disposition, applicable only in an exceptional situation where, as here, a broad field of conduct has been singularly bereft of standards, some of which we hope we have now supplied."[48] Clearly the court believes that bad faith may be inferred from disregard of its guidelines. Attention to litigation has also been mandated by one court. In *Waltenberg v. New York City Department of Corrections*[49] the filing of a previous writ complaining of the very conditions alleged to be the cause of the prisoner's tuberculosis was said to put the defendant prison officials on notice of those conditions. The failure to remedy those conditions might be such a willful act as would subject the officials to liability, but it would not necessarily negate a good faith defense.

In *Bracey v. Granoble*[50] the district court had awarded an inmate $2500 damages against a prison official who was allegedly present when two officers of the guard beat the inmate. The court of appeals reversed[51] holding that there was no evidentiary support for finding that the official had actually witnessed and thus acquiesced in the beating. The plaintiff had established the official's presence immediately before and immediately after the beating but the court thought it just as reasonable to conclude that the officer was looking after other facets of a general prison disturbance as to infer he remained and witnessed the beating. Accordingly, the court ordered that judgment be entered for the defendant.

Similarly the absence of an allegation of personal involvement by prison officials in *Butler v. Bensinger*[52] was fatal to a prisoner's civil rights action arising out of prison guards' alleged unconstitutional actions.

REHABILITATION

Desired Treatment

During this period inmates were denied both the general right to be

* Smith, Kline, and French

rehabilitated and the right to a specific form of rehabilitation. In *Lunsford v. Reynolds*[53] the district court recognized that rehabilitation is one of the purposes of incarceration but stated that the failure to provide rehabilitative programs was not cruel and unusual punishment. In *Brooks v. Dunn*,[54] an inmate unsuccessfully claimed entitlement to a furlough. The court found that the Furlough Committee could base its decision on a crime committed while the inmate was on parole.

Unwanted Rehabilitation

Assaults on the so-called "behavior modification" programs continue. Perhaps the biggest blow has been dealt by the Law Enforcement Assistance Administration. A recent directive of that organization banned funding of programs which "involve any aspect of psychosurgery, behavior modification (e.g., aversion therapy), chemotherapy, except as part of routine clinical care, and physical therapy of mental disorders."[55] Thus a major source of funds for these experimental programs has dried up. Courts, too, have closely examined behavioral modification programs. In *Clonce v. Richardson*[56] the court looked at the Bureau of Prison's project S.T.A.R.T. (Special Treatment and Rehabilitation Training). Inmates who were disciplinary problems were involuntarily placed in the project. The inmates were allowed or denied privileges in accordance with the level which they achieved. The initial or orientation level afforded few, if any, privileges. The district court held that an involuntary transfer to the program must be preceded by a hearing at which minimal due process is afforded. The court stated that the procedures mandated by *Wolff v. McDonnell*[57] were required whenever a major adverse change in conditions of a prisoner's confinement occurred.

In *Bell v. Wolfi*,[58] a pre-trial detainee challenged a milder rehabilitative effort, namely the requirement that he work. The court found that the detainee had been subjected to involuntary servitude but denied an award of damages since the warden had in good faith believed that the plaintiff would rather work than remain idle.

An illiterate inmate of the Arkansas Department of Corrections was unsuccessful in attacking another form of rehabilitation. Claiming the right to be ignorant, he protested compulsory school attendance. The court denied his claim stating that a State may undertake to rehabilitate its convicts.[59]

TRANSFERS

In a substantial case rendered by the second circuit,[60] the court upheld the right to procedural due process in an intrastate transfer from a medium to a maximum security prison. The inmate was transferred on the basis of rumors that he was attempting to organize a prisoner's union and was likely to be involved in trouble between inmate factions over whether a union should be started. The superintendent ordered a transfer without talking to the inmates involved or to the officer in charge who had observed the inmates' activities. No reason for the transfer was given and no hearing or opportunity to contest the action was given. The officials attempted to justify the transfer by calling it administrative rather than punitive and by arguing that notice and a hearing might touch off the disturbance the transfer was designed to avoid. Short shrift was made of the first argument by pointing out the real losses suffered by the inmate because of the transfer. The inmate was deprived of better living conditions and job and training opportunities because of the transfer. The court noted that some circumstances might require immediate transfer but that a hearing was required as soon after the transfer as practicable. The procedure required might depend on the circumstances. The extent of the adverse consequences and the chance of error in the factual determination control what procedure is due. For any substantial loss, however, notice and opportunity to be heard are minimum requirements of rudimentary due process.

The court did modify the district court decision[61] in one respect. The district court had ordered that the inmate be advised of all activities which could result in his transfer. The circuit court recognized the impossibility of cataloguing the possible offenses of inmates with specificity. Accordingly it struck the provision of the district court order providing for prior notice.

In *Crafton v. Lutrell*,[62] the court held that transfer from a work release assignment must be accompanied by a hearing "appropriate to the nature of that loss."

DETAINERS

Recent cases involving detainers have focused on the detainer for violation of probation. In *Small v. Britton*,[63] Small had been paroled from federal prison in 1968. The following year he was arrested and convicted on a state charge. Shortly thereafter, a federal parole violator warrant was issued as a detainer against him. In 1973, he was paroled to his federal detainer. Within ten days after that a parole revocation hearing was held and parole was revoked on the basis of his state court conviction. The court found that despite the four-year interval between the alleged acts and the revocation hearing, the hearing was "prompt" as required by *Morrissey v. Brewer*.[64] The court reasoned that Small was not in federal custody until he was released to his detainer and that the hearing was held promptly after the execution of the warrant.[65]

In a case based on a pre-*Morrissey* revocation, the fifth circuit held that execution of a parole violator warrant may properly await the service of an intervening sentence.[66]

PAROLE

Edward Sexton was a federal prisoner assigned to a work release

program.[67] Parole board members were unaware of an unauthorized job change when they issued a certificate of parole on November 7, 1972, authorizing parole on November 16, 1972. On November 14th, however, the board became aware of the violation and officially rescinded parole on November 28th. Sexton was denied a hearing and alleged a denial of due process in that he was denied a hearing which complied with the requirements of *Morrissey*.[68] The fifth circuit held that this was a parole release hearing and not a parole revocation hearing. Although it did not discuss the matter, the court apparently thought that release decisions require no particular due process procedures since Sexton was given no notice to appear or any written statement of the charges against him prior to the rescission hearing.

In *Rankin v. Christian*[69] petitioner established that those convicted of narcotics distribution received parole approved 4.5 per cent of the time while all others received approval 94.1 per cent of the time. The court found no denial of equal protection in the scheme. The court also held that no process was due at a parole release hearing and that no reasons for denial need be given. It did, however, strongly recommend that such reasons be given.

The Fathers Berrigan sought to have parole conditions which forbid their travel outside a district waived for a planned trip to Hanoi. The parole board refused. In *Berrigan v. Sigler*[70] the second circuit upheld the restriction. The right to travel was found to be a fifth amendment right to liberty rather than a fundamental first amendment right. The court held that the restriction on travel need be tested only by the essentials of due process. There was, the court found, a legitimate governmental interest in insuring a continuing means for gathering information about a parolee's conduct. Thus the travel restriction was reasonable. While the opinion does not so state specifically, it does stand for the proposition that a condition of parole must bear a reasonable relationship to the purpose for which it was imposed. That was indeed the standard by which this condition was judged.

In *Preston v. Piggman*[71] the court held that the automatic revocation of parole for every parole violation denied a parolee the right to due process. Substantial evidence in mitigation was available in this case but not presented. The court, having the benefit of a later evidentiary hearing, also ruled that in accordance with *Gagnon v. Scarpelli*[72] the parolee was entitled to assistance of counsel at the revocation hearing because of the mitigating circumstances. The case is important because it recognizes that certain conditions of parole may become unreasonable under certain circumstances. Here the restriction against returning to a certain county may have become unreasonable because of the extreme hardships encountered in obtaining suitable employment and living conditions elsewhere.

The parolee in *Rhodes v. Wainwright*[73] was arrested on a parole violator's warrant based on his conviction for aggravated assault. He was given notice of the reasons for his proposed revocation but no indication of the evidence to be presented. The parolee claimed substantial mitigating evidence and requested counsel. The board refused counsel on the grounds that it had no authority to appoint counsel and no funds to hire counsel. The hearing consisted solely of the parolee's testimony. The court held the procedures defective in that there was no disclosure of the evidence or opportunity to confront and cross-examine witnesses. Additionally the court found that counsel was required as the issues under consideration were sufficiently complex.

LANDMARK CASES

A published update on prison law is necessarily out-of-date upon publication since editing and printing take a considerable amount of time and an arbitrary cut-off date is required. From time to time landmark decisions are handed down which ought to be reported as soon as possible. When this occurs, as it did with this issue, these decisions will be reported at the end of this feature since production requirements do not permit them to be incorporated into the body of the article.

Medical Care

In *Newman v. Alabama*,[74] the fifth circuit affirmed[75] the district court's order of substantial changes in the quantity and quality of medical care. The court first chronicled the conditions relating to medical care in the Alabama Penal System. Among the deficiencies found were inadequate staffing, incomplete records, treatment by unqualified personnel, poor emergency treatment, non-compliance with physicians' orders. Inadequate medical supplies and equipment and unsanitary conditions of the facilities. The court then acknowledged its predisposition to defer to the judgment of prison officials but declined to do so in this case because of the total dependence of inmates on officials for medical care and because deprivation of adequate medical care is not a necessary concomitant of incarceration. A sufficient constitutional deprivation under either the cruel and unusual clause of the eighth amendment or the due process clause of the fourteenth amendment was found. In so holding, the court relied heavily on those cases which hold that a lack of medical attention is a constitutional deprivation. It reasoned that inadequate staffing, supplies, equipment and facilities necessarily lead to a lack of attention and are of constitutional import. Similarly repugnant to constitutional mandates were the failures to comply with doctors' orders and the unhygienic conditions. The court affirmed orders requiring the submission of plans for the improvement of each facility, for the submission of plans for staffing at each facility and for the elevation of one facility to the standards enun-

cated in the Proposed Revised Regulations for Participation of Hospitals in Medicare. The court finally acknowledged the broad nature of the relief granted but thought such relief justified by the extent of the constitutional violations and the unlikelihood of improvement without judicial intervention.

Constitutional Deprivations

As far-reaching as *Newman* is, it does not approach in significance the opinion of the eighth circuit in *Finney v. Arkansas Board of Correction*.[77] The decision is another in the continuing *Holt v. Sarver*[78] saga. It is a primer on the emerging rights of the confined with substantial contributions in the areas of physical facilities, medical care, inmate safety and well-being, conditions of punitive isolation, disciplinary procedure, right to rehabilitation, racial discrimination and mailing regulations. Persons who only occasionally read a full court opinion ought to read this one.

Although the district court had found substantial improvement in conditions in the Arkansas prison system and had relinquished jurisdiction of the case, the court of appeals found continuing major constitutional deprivations which required retention of federal jurisdiction.

Conditions of overcrowding still remain in the Arkansas prison system. This overcrowding was recognized in an earlier phase of the case as a major contributor to the inability to protect inmates from assault by other inmates. The court held that the state had assumed "an obligation for the safekeeping of [prisoners] . . . . The fact that there is *some* compliance is not enough. As long as barracks are used respondents *must* assure that they are not overcrowded and are safe and sanitary for every inmate. There can be no exceptions."[79] Transfer or release of prisoners was suggested as means for immediate compliance.

The court, listing deficiencies similar to those found in *Newman*, required an immediate plan to "update all medical equipment at all facilities, ensuring that every inmate in need of medical attention will be seen by a qualified physician when necessary."

The use of trustees as guards has continued in Arkansas and the court ordered a complete phase-out within a few months. The presence of continued physical abuse was a major factor in the court's decision that the Arkansas system was still unconstitutional.

The feeding of an unappetizing substance known as "grue" was condemned as a deprivation of one of the basic necessities of human existence. The district court had found "grue" a nutritionally sufficient diet but the circuit court doubted that conclusion since regulations required a physical examination every fourteen days for prisoners on such a diet. Additionally the court ordered no deprivation of basic necessities including light, heat, ventilation, sanitation, clothing and a proper diet.

In disciplinary hearings, the court barred the charging officer from sitting in judgment on his own case.

Relying upon Supreme Court case law and an Arkansas statute requiring that the absence of generally available programs of rehabilitation coupled with arduous work conditions constituted cruel and unusual punishment, the court required that an overall program for treatment and rehabilitation be submitted.

Segregation and Discrimination

The elimination of racial segregation was ordered. The court enjoined interference with the practice of the Black Muslim religion, segregation, and discrimination in classification, work assignment and disciplinary actions. Affirmative action in the recruitment and employment of black personnel was required. The district court was instructed to examine hiring and promotional standards to insure their reasonable relationship to proper institutional goals.

Recognizing that a prisoner's rights under the first amendment cannot be abridged absent a legitimate governmental interest, the court struck down a regulation that correspondents be on an approved list. The court did recognize, however, that specific correspondence could be limited on the basis of institutional security and that persons who did not wish to receive mail could so notify prison officials, who might then forbid further mail to that person.

Finally, the court required a re-examination of whether inmate assistance in prisoner litigation is required where the available attorney could not assist in civil litigation.

The two decisions together represent a major development in prison law. Two courts of appeals are showing a willingness to establish and enforce constitutional rights in systems in which prison officials could not effectuate clearly desirable and necessary changes. Both decisions nevertheless rely heavily on the affected departments to devise their own remedies for their constitutional deficiencies.

FOOTNOTES

1. 498 F.2d 1123 (1st Cir. 1974).
2. ___U.S.___, 94 S. Ct. 1800 (1974).
3. 376 F. Supp. 158 (E.D. Pa. 1974).
4. 340 F. Supp. 543 (W.D. Wisc. 1972).
5. Wolfish v. Schmidt, 494 F.2d 85 (7th Cir. 1974) (en banc). See also same case 497 F.2d 1333 (7th Cir. 1974).
6. ___U.S.___, 94 S. Ct. 1800 (1974).
7. *Gray v. Creamer*, 376 F. Supp. 675 (W.D. Pa. 1974).
8. 376 F. Supp. 1188 (M.D. Pa. 1974).
9. 374 F. Supp. 32 (W.D. Va. 1974).

10. 495 F.2d 209 (5th Cir. 1974).
11. 497 F.2d 723 (5th Cir. 1974).
12. 377 F. Supp. 181 (W.D. Va. 1974).
13. 377 F. Supp. 191 (W.D. Va. 1973).
14. ____F. Supp. ____, 10 Crim. L. Rptr. 2053 (E.D. La. 1974).
15. 373 F. Supp. 923 (W.D. Va. 1974).
16. ____U.S. ____, 94 S. Ct. 2963 (1974).
17. The tenth circuit in *Shimabuku v. Britton* ____F.2d ____, No. 73-1323 (10th Cir. Sep. 10, 1974) skirted several *Wolff* issues by noting that *Wolff* was not retroactive.
18. *Clutchette v. Procunier*, 497 F.2d 809 (9th Cir. 1974), rehearing granted, July 20, 1974.
19. 378 F. Supp. 1003 (E.D. Pa. 1974) (a pre-*Wolff* decision).
20. *Wolff v. McDonnell*, at fn. 19.
21. *Id.*
22. 497 F.2d 1206 (5th Cir. 1974).
23. *See Kelly v. Brewer*, 378 F. Supp. 447 (S.D. Iowa 1974); *Baker v. Anderson*, 376 F. Supp. 402 (E.D. Okla. 1974); *Craddock v. Sexton*, 378 F. Supp. 521 (M.D. Tenn. 1974).
24. 34 N.Y.2d 53, 356 N.Y.S.2d 15 (Ct. App. 1974).
25. 497 F.2d 598, 600 (1st Cir. 1974).
26. 378 F. Supp. 447 (S.D. Iowa 1974).
27. *Gentleman v. Warner*, 377 F. Supp. 445 (W.D. Pa. 1974).
28. 378 F. Supp. 27 (S.D.N.Y. 1974).
29. 377 F. Supp. 401 (E.D. Tenn. 1974).
30. *Bourgeois v. United States*, 375 F. Supp. 133 (N.D. Tex. 1974).
31. 496 F.2d 367 (5th Cir. 1974).
32. 376 F. Supp. 1383 (E.D. Ark. 1974).
33. *Fisher v. Woodson*, 373 F. Supp. 970 (E.D. Va. 1973); *Collins v. Hege*, 373 F. Supp. 923 (W.D. Va. 1974).
34. 376 F. Supp. 402 (E.D. Okla. 1974).
35. 493 F.2d 151 (7th Cir. 1974).
36. 377 F. Supp. 995 (S.D.N.Y. 1974).
37. 371 F. Supp. 594 (S.D.N.Y. 1974).
38. *Gates v. Collier*, ____F.2d ____, 10 Crim. L. Rptr. 2055 (5th Cir. 1974).
39. ____F. Supp. ____, 10 Crim. L. Rptr. 1050 (E.D. Tex. 1974).
40. 364 F. Supp. 158 (E.D. Tex. 1973).
41. *Cradle v. Superintendent, Correctional Field Unit No. 7*, 374 F. Supp. 435 (W.D. Va. 1973).
42. *Robinson v. Jordan*, 494 F.2d 793 (5th Cir. 1974). There was in addition a claim of racial prejudice in that the doctor had coupled his refusal of tests with insulting slurs on the inmate's race but apparently there was no claim that the prejudice rather than the wrong diagnosis led to the loss.
43. *Campbell v. Patterson*, 377 F. Supp. 71 (S.D.N.Y. 1974).
44. *Mathis v. Pratt*, 375 F. Supp. 301 (N.D. Ill. 1974).
45. 373 F. Supp. 450 (E.D.N.C. 1974).
46. 499 F.2d 733 (9th Cir. 1974).
47. 497 F.2d 598 (1st Cir. 1974).
48. *Id.* at 602.
49. 376 F. Supp. 41 (S.D.N.Y. 1974).
50. 356 F. Supp. 673 (E.D. Pa. 1973).
51. 494 F.2d 565 (3d Cir. 1974).
52. 377 F. Supp. 870 (N.D. Ill. 1974).
53. 376 F. Supp. 576 (W.D. Va. 1974). See also *Fisher v. Rundle*, 497 F.2d 794 (3d Cir. 1974).
54. 376 F. Supp. 976 (W.D. Va. 1974).
55. See 20 *Crime and Delinquency* 314 (1974).
56. 15 Crim. L. Rptr. 2504 (D.C.W. Mo. July 31, 1974).
57. ____U.S. ____, 15 Crim. L. Rptr. 3004 (June 26, 1974).
58. 496 F.2d 1252 (8th Cir. 1974).
59. *Rutherford v. Hutto*, 377 F. Supp. 268 (E.D. Ark. 1974).
60. *Newkirk v. Butler*, 499 F.2d 1214 (2d Cir. 1974) (petition for cert. pending).
61. *Newkirk v. Butler*, 364 F. Supp. 497 (S.D.N.Y. 1973).
62. 378 F. Supp. 521, 535 (M.D. Tenn. 1974).
63. 500 F.2d 299 (10th Cir. 1974).
64. 408 U.S. 471 (1972).
65. But see *Cooper v. Lockhart*, 489 F.2d 308 (8th Cir. 1973).
66. *Trimmings v. Henderson*, 498 F.2d 86 (5th Cir. 1974) (per curiam).
67. *Sexton v. Wise*, 494 F. 2d 1176 (5th Cir. 1974).
68. *Morrissey v. Brewer*, 408 U.S. 471 (1974).
69. 376 F. Supp. 1258 (D. Virgin Islands 1974).
70. 499 F.2d 814 (2d Cir. 1974).
71. 496 F.2d 270 (5th Cir. 1974).
72. 411 U.S. 778 (1973).
73. 378 F. Supp. 329 (M.D. Fla. 1974).
74. ____F.2d ____, No. 73-2033 (5th Cir. Nov. 8, 1974).
75. The question of attorneys' fees for petitioners' attorneys was reserved to the court en banc.
76. *Newman, supra* n. 74 at p. 793.
77. ____F.2d ____, No. 73-1745 (5th Cir. October 10, 1974).
78. 300 F.Supp. 825 (E.D. Ark. 1969); 309 F.Supp. 362 (E.D. Ark. 1970) (same case), *aff'd* 442 F.2d 304 (8th Cir. 1971).
79. *Finney, supra* n. 77 at pp. 9-10.

JUVENILE JUSTICE AND INJUSTICE

by
Rosemary C. Sarri
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In no other area of human services has the contrast between aspiration and reality been so disparate as in the field of criminal justice. For at least one hundred years we have espoused ideals of rehabilitation rather than punishment, but seldom have we been able to implement successfully programs that were in fact rehabilitative. This failure has been of particular concern in juvenile courts and correctional programs because of the high hopes that existed for so long. At the same time reports about increases in crime among juveniles have resulted in mounting pressure on law enforcement, judicial, and correctional personnel to "do something" about adolescent lawbreakers. What the public wants done, however, is not clear, for demands are contradictory. Because the public demand for punishment has been stronger than that for rehabilitation, and because juvenile courts have punished while intending to reform, official responses to delinquency have often resulted in stigmatization, locking out, punitive coercion, and education in crime. The most visible manifestation of extant patterns is institutionalization of a juvenile in a public training school, not infrequently by means of questionable legal or quasi-legal procedures and for acts that would not be violations of the law if they had been committed by adults.

Although research is still under way, information gathered by the National Assessment of Juvenile Corrections project provides a rather clear picture of the present status of juvenile justice in the nation and of the main directions in which it can and should move. The following ideas have emerged most clearly.

• 1. *Juvenile justice remains an anachronistic local government vehicle, overwhelmed with the shortcomings of our entire society.* The care of children and the maintenance of public tranquility have been the responsibilities of family and community through most of American history. Public education has been freed from its equally parochial context and is now heavily invested with state and federal interest. Although the debate continues, the public school has effectively blocked obligations to compensate for various shortcomings of family and deprivations of community. Not so with juvenile justice: as the community and its other institutions fail to cope with or solve problems of youth, the police and the courts are being pressed into handling a growing array and an increasing volume of these problems.

Inundation of local justice capabilities has been fostered by three developments: (1) the nation's inability to formulate constructive solutions to a multitude of social problems that severely impact youth—the most vulnerable segment of the population; (2) a heightened but selective sensitivity to moral norms in mass society with an intolerance of deviant behavior, especially by youth; and (3) an increasing expectation of intervention by *government*, at all levels, to cope with problem situations. The notion of *the less government, the better* has yielded to an insistence that government act in the individual's interests.

Opportunities and services available through basic social institutions and public programs are simply inadequate for contemporary needs and expectations in health, education, welfare, employment, and so on. The public fails to

remedy these deficiencies. Having no better alternatives, we continue to process *youth with problems* into the justice system. We adamantly refuse to acknowledge that morality cannot be enforced by negative sanctions, or to face the ominous implications of the disproportionate—and possibly increasing—numbers of poor and minority-group persons who are absorbed into this system. The states until recently provided little more than central institutions for delinquent children and those *in need of care or supervision*. Meanwhile, the national government has done almost nothing, asserting that these are matters for the states and localities.

• 2. *The operations of the juvenile justice system are grossly overloaded, demonstrably ineffective, and indifferent to fundamental rights.* It reveals striking paradoxes. First, we channel many youths with problems into the justice system but provide only marginal resources for it. Reports and evidence everywhere attest to overloading in all parts of the system, from police through courts to correctional programs. Components of the system are typically isolated from other community services and opportunities and encounter major barriers in gaining access or assistance. Second, there is almost no provision for diverting *from* the system and rechanneling the overload into more appropriate service areas, but there are high levels of diversion *within* the system. The revolving door assures apprehended youths at least a brush with the sytem, under the most inprecitious circumstances. Third, a sizable number of all youths routed into the system are retained for heroic, extremely costly, and protracted handling in programs whose effectiveness cannot be demonstrated. Ironically, those receiving the most extended and severe handling are likely to include youths—especially girls—whose behavior has presented neither danger nor harm to others.

This irony reveals the tragic irrationality of the juvenile justice system—tragic for the participants and for the nation, and irrational if its professed purposes are to be believed. That youths who have not engaged in conduct dangerous to others or to public safety should be incarcerated in the same ineffective programs with serious offenders poses grave questions about the true posture of the state toward juveniles. Indeed, the actual workings of the *justice* system require one to ask if the state really *likes* children. At all points in the processing and handling of youths it offers minimal and reluctant recognition of their legal rights and civil liberties. It permits or encourages coercive intervention in the life situations of minors who have committed no offense chargeable under adult criminal laws; it casts most of them aside, stigmatized but unaided; and it reserves a select proportion for involuntary confinement in programs of dubious value. Meanwhile, other community services are denied to most of these youths once they have entered the justice system. The expectation that the justice system offer effective remedial aid to most youths with problems is as realistic as an expectation that the highway department resolve the energy crisis.

HAVING NO BROAD POLITICAL BASE AND LACKING POWERFUL ALLIES . . . CHILDREN WILL PROBABLY BECOME THE NATION'S LAST OPPRESSED MINORITY.

• 3. *Countervailing developments now provide the bases for potential improvements in juvenile justice across the nation.* Among these have been the strengthening of individual rights and civil liberties through federal court decisions and a new willingness by the courts to handle cases involving state activity in corrections and related areas. Legislatures have been slow to anchor these rights, obligations, and constraints in statutory law, which have been only limitedly extended to juveniles.

Minority groups continue to press their claims for equality, equity, and fairness. They have met with grudging recognition and some notable successes. Having no broad political base and lacking powerful allies, however, children will probably become the nation's last oppressed minority. But the responsiveness that other minority groups have kindled can be argued as inevitably working in their favor. Children must secure recognition in law as persons with substantive rights, and the gains won for others must be extended to them.

Developments among state governments also offer promise—if their negative potentials can be contained. State governments are gradually becoming more willing to assume their proper responsibilities for juvenile justice and are establishing or expanding *state* agencies to perform certain services which previously were entirely relegated to local governments. Some states are more willing to allocate state resources, to establish minimum standards, and to impose constraints on local units by regulation, monitoring, or supervision. But there are no guarantees that states will be more progressive than local units have been, and there is the risk that state governments will merely *expand* juvenile justice systems, thus recruiting even larger numbers of youths who do not need such intervention. State administrators, to a greater degree than local officials, however, have more freedom and more resources to effect positive changes if they so choose.

There also appears to be growing concern about the high costs of justice system operations, especially for correctional facilities. Increasing competition for state allocations can be joined with a now pervasive skepticism about whether conventional correctional programs are effective, even in maintaining security and control. The chorus of those supporting centralized state facilities has dwin-

died over the years as authoritative opinion leaders, government bodies, and the mass media have exposed the costliness, the futility and ineffectiveness, and the frequent brutality of prisons and training schools.

Real risks are discernible, however, as cost pressures, skepticism, or even progressive policies move state governments out of warehousing and toward community programming. Counties and municipalities can proceed—and many are—to lock up more youths in jails and centers; and they can reproduce correctional programs (under the guise of community services) that rival any at the state level in punitiveness and ineffectiveness. Deinstitutionalization at the state level without development of statewide progressive standards and alternatives may merely stimulate reproduction of *little prisons* in many localities—even using state or federal pass-through funds.

Conditions for progressive change seem more prevalent than in past decades, but there is still a need for broad-based political pressures working both toward positive programs for youth in general and toward radically new substitutes for the discredited correctional programs. Without these forces in motion, the battle may be lost for another decade.

• 4. *The character of juvenile justice is critically shaped by the local community, which can also escalate or alleviate the problems of this system.* Community opportunities, resources, and services define the basic life conditions of children and generate the main motives for deviant behavior. Community toleration of youth behavior, or pressure to cope more stringently with it, directly affects the rates and volume of cases presented for formal handling. The responsiveness of community institutions and agencies determines whether youth in trouble will be isolated within the justice system or will be offered help in attaining a satisfying and conventional social life. The substance of state law delineates which youth behavior may not be subjected to legal processing, but forces *within* the community determine how many of which youths *shall be* channeled for such processing. Evidence from across the nation can be read, at worst, as suggesting collusion among influential community elements to send more and more youths into the justice system; at best the evidence can be read as revealing a slow drift toward handling and processing youth rather than serving them through basic institutions. Even optimum community conditions, however, have seldom fostered truly comprehensive and concerted efforts to aid children in trouble outside the justice system. Real diversion and effective community-based programming require a revitalizing of local commitment and institutions on behalf of all youth, but especially those with problems, and new strategies for collaboration to serve youths in trouble away from the court and correctional agency.

There are fundamental connections between the juvenile justice system and community conditions, particularly the schools and service agencies. These units play a major role in validating the existence and seriousness of youth problems that allegedly can be served only through court intervention, and thus in legitimating the operations of the entire system as it impinges on juveniles. Minors engaged in deviant but not illegal behavior—especially status offenders—could not be recruited into the justice system without the consent—witting or otherwise—of professionals and agency spokesmen who supposedly have expert knowledge of these matters and who assert that there are no other suitable means of dealing with such needs and problems. These persons and agencies know well why such youths have not and will not be served adequately through conventional agencies, including the schools; and they know the real nature and origins of the problems. They should also know—although many may not—what is and what is not happening *within* the justice system. Failure to proclaim that it does not and cannot remedy the problems assigned to it has the effect of authenticating both its rationale and its operations. The acquiescence of these persons and agencies has been part of a *noble lie* and seems to constitute negligence if not culpability. There are some bases for an alternative community strategy but a sense of moral responsibility is a prerequisite for making improvements.

• 5. *State and federal governments can and must accept new responsibilities.* Groundwork for change has been laid and there are now signs of some readiness to make

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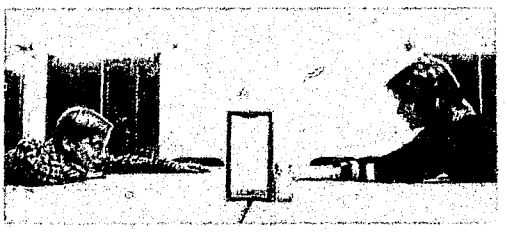
progress in juvenile justice. The citizenry remains deeply concerned about crime; they are on the verge of understanding that the police alone cannot, and should not, cope with the problem; and they realize that the existing correctional system is hopelessly outdated. Certainly the public has been prepared to *expect* that the problem is being addressed and that something is about to happen.

Political and governmental leaders have not, by and large, sought to inform the electorate of the full extent of the system's shortcomings and failures; they have proposed few priorities for the juvenile justice area; and they have not moved to facilitate the formation of alliances and coalitions for change. Most states are ill-prepared to move in comprehensive and deliberate ways toward major changes. They lack systematic and reliable information about the workings of the system, so they cannot even chart its basic patterns, its component elements, its differential costs, and its real outcomes. Rational policy-making within and between the states is greatly hampered by the lack of this information. Knowledge of developments elsewhere, which might provide guidance for states and communities, is haphazard and largely impressionistic. Administrators are thus deprived of the bases for identifying the relative merits and weaknesses of existing arrangements and for making informed choices among alternatives.

None of these are irremedial deficiencies, but no state can resolve them acting alone. It is, it seems, the distinct responsibility of the new Office of Juvenile Justice and Delinquency Prevention to establish the information infrastructure essential for policy and program development; to assert priorities and offer incentives for promoting change in juvenile justice; to provide basic and continuing fiscal support for prevention, diversion, and community-based programs; and to provide the technical and resource assistance



to support such change. Failure to exercise these responsibilities acutely handicaps the states and may well tip the balance against constructive change in this decade.

The passage of S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974, and the development of the organizational mechanisms required by that legislation provide an opportunity for the federal government to assert moral, political, and normative leadership. It is hoped that action in the near future will stimulate new policies and programs within all the states.

Preview of NAJC Findings

The National Assessment of Juvenile Corrections is a research effort supported by a grant from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration.[1] Its objective is to complete a systematic assessment of existing organizational patterns and service delivery in courts and correctional agencies, of legal provisions, of alternative programs, and of selected offender career patterns. These findings will be utilized to establish objective, empirical bases for assessing the relative effectiveness of alternative modes of intervention for differing types of offenders across the nation. Major attention is also being given to the development of policy recommendations for change that can influence the course of program design, structure, and purposes; the allocation of resources; state and national planning; legislative action; and statutory revision.

NAJC is now completing its field data collection period and cannot yet make definitive statements about national patterns or trends. Nonetheless, sufficient findings are available from the study of juvenile codes and correctional service units (institutions and local community programs) to permit some tentative conclusions. This section, therefore, presents some general preliminary findings.

Numbers of Youths in Juvenile Justice

Adequate information systems at the local, state, and national levels are insufficient, so even the numbers of juveniles processed through the justice systems each year are unknown. A conservative estimate approaches two million. But there is no way to ascertain the overlap nor to estimate an unduplicated count. Approximately twenty-five per cent of the reported 1.2 million juvenile court cases are females, and sixty-five per cent youths from urban areas. Approximately 85,000 youths are admitted to state public institutions, camps, and halfway programs each year, and an unknown number are served in local and private programs.[2] The numbers are staggering, especially when the system is known to be relatively ineffective in rehabilitating and socializing youth. There is little basis for optimism that positive changes have been widespread since 1966 (the date NAJC used for comparison with 1970 rates of admission to state public institutions). Nearly every state that shows a pattern of deinstitutionalization is matched by a state with increasing rates of local or state institutionalization.

Large facilities in rural areas, far from urban centers, are gradually

being eliminated, but nearly as many states have *increased* their rates of institutionalization as have *reduced* them. As David Rothman has aptly noted, the call for deinstitutionalization has spanned nearly a century, with very little successfully accomplished. Undoubtedly the conditions of incarceration have improved during that time, perhaps resulting as much from greater societal affluence as from concern about humaneness and justice. Although some assert that innovation now occupies center stage in juvenile corrections, it remains to be seen whether present innovations are fleeting or will produce permanent changes.

An examination of detention and jailing practices in the fifty states and the District of Columbia reveals that at least 300,000 juveniles are held in adult jails each year and that about 500,000 youths are held in detention facilities. These figures are important because of widespread agreement that experience in jail is likely to be damaging for any youth, and that experience in a detention facility may be only slightly less harmful. Jailing is peculiarly a consequence of local control and tradition, but in only five states is there an explicit statutory prohibition against the jailing of minors under all circumstances. These findings make clear that unless the state places strict prohibitions on the placement of juveniles in lockups, counties will not seriously attempt to provide alternative detention facilities.

Correctional Service Units

The NAJC study of correctional service units includes local residential and day treatment programs, detention, probation, institutions, aftercare units, and juvenile courts. Several personal and social background characteristics have been analyzed to yield some understanding of the kinds of youths committed to these places and to examine the variations by type of program.[3] For convenience these units can be grouped into three major types: (a) *closed* institutions, in which youths are abstracted from their usual social environment; (b) *open* residential units (including group homes), in which youths can interact with the surrounding community; and (c) day treatment programs, in which youths live at home but are required to participate in a daily program.

1. More than half of the youths (fifty-seven per cent) belong to minority racial groups, with the highest proportion (sixty-three per cent) of minorities in the day treatment units. The overall percentage of minority youths in correctional programs has increased substantially over the past decade if present findings are verified in the remainder of the study. About one-third of the staff reported minority group status; this percentage indicates a disparity, but less than existed a decade ago. Again, the lack of longitudinal national data prevents firm documentation of these important patterns.
2. The median age of youths in the sample units was 15.4 years, with a slightly older population in the open residential units and little difference between closed institutions and day treatment centers.
3. Youths reported the offense that led to their present commitment or status in the system. The most outstanding finding is that forty-two per cent of the youths were committed for status offenses (incorrigibility, truancy, promiscuity, and curfew violations), with little variation among program types. The average percentage of youths committed for theft violations was twenty-nine per cent and for crimes against persons fifteen per cent. The only difference by program type was that drug violators or youths who committed crimes against persons were less likely to be found in day treatment programs. A high proportion of the status offenders in day treatment programs were school truants for whom the program served as an alternative to public school. Seventy-five per cent of the females were found committed for status offenses, not law violations.
4. Closed institutions obviously still handle the larger proportion of adjudicated offenders, with the exception of those under general probation supervision. No state in the national sample had enough community-based programs to serve even fifty per cent of those who were committed to the state and who required a program other than general probation. There is much discussion about community-based programs, but they are not yet a realistic disposition alternative in most of the country. Moreover, community-based programs are often initiated with LEAA funds awarded on a short-term basis, and many fade within a year or so. A sample of sixteen states revealed a total of 288 local community programs. Of these only forty-three were day treatment, nonresidential programs; all others were group or foster homes and various types of residential facilities. Further, the distribution of day programs is highly skewed across the nation: one state has fifty-five units and another has only three.
5. Most youths reported a variety of prior contacts in the justice system. These youths had been treated more stringently than would seem necessary, considering the nature of the offenses with which they were charged. The mean number of times in jail (2.6 for those in institutions, and 2.0 in open residential and day treatment units) and in detention (3.6 and 4.1 times, respectively) greatly exceeds the number of times in a group home or on probation (.9 and 1.6). Prior-experience differences between youths in institutional versus community-based programs are relatively small. If it were true that juveniles are sent to training school as a *last resort*, then findings should reveal a more frequent use of group homes and probation than they do. The median age (15.4) of these youths is evidence that the majority have already had considerable contact with the justice

system despite the small percentage who have been committed for serious offenses.

The concept of *minimal penetration* has become popular among juvenile justice practitioners. This means that youths should experience the least possible penetration into the increasingly severe sanctions of the correctional system. Preliminary findings indicate that nearly the opposite is reported by youths as their experience. The probable consequences of repeated experiences in jail, detention, and training school lead one to be pessimistic about the implications of this pattern.

Organizational Patterns

1. *Fairness, humaneness, and justice.* National attention to the lack of standards for the care and treatment of youths reinforced NAJC's concern with these conditions in its assessment of correctional units. This concern was also supported by the increase in litigation focused on ensuring basic rights and constitutional safeguards for all youths in correctional agencies. The statement of the National Advisory Commission on Criminal Justice Standards and Goals was used, along with other nationally accepted materials, to formulate measures assessing fairness, humaneness, and justice.[4] Preliminary findings show that nearly twice as many staff as youth report no differences in fairness of treatment because of race or ethnic origin. Youths report far more racism than staff, but, interestingly, they also report that racism is most problematic in interaction with other youths than with staff. With respect to equality in handling for rule violations, substantial proportions of both youths and staff maintain that they do not prefer uniform or undifferentiated application of policies or rules.

Humaneness is a recognized issue in all programs, but it is more salient in youth than in staff responses. The majority of youths were concerned about the amount and severity of punishment. Nearly one-half expressed dissatisfaction with the availability of medical or dental services. In many units hair and dress codes were of concern to a significant number, but not to a majority, suggesting that substantial changes have occurred in these places in recent years. Observations corroborate a greater normalization of living conditions and adolescent life-styles. The lack of privacy, insufficient contact with family and friends, and censorship of various types continue to be of concern to large proportions of youths in all but the day treatment programs.

Responses about *justice* suggest that the correctional law revolution has not been felt in the juvenile area to the same extent as in adult programs. Most juveniles reported minimal contact with lawyers or legal services. A large majority reported that staff did not discuss legal rights with them. Staff responses also indicate minimal concern with legal rights and intervention for youth.

2. *Organizational size.* In their 1966 census of children's institutions, Pappenfort and Kilpatrick noted that size was the most critical variable in explaining service delivery differences among all types of institutions. Data compiled by NAJC substantiate this finding and suggest that size is perhaps a more critical variable than is type of program. Large facilities of all types, wherever they are located, tend to have higher proportions of youths who respond negatively about the program and staff. On the other hand, very small units (five to eight persons) also tend to be unsatisfying, although not as much as the large units. The size that appears to produce the most favorable youth responses are the open residential or day treatment units with about eight to twelve juveniles. One reason for this is that even smaller units have undifferentiated programs and few staff. The unit with eight to twelve participants is large enough to permit some program differentiation but not so large as to produce the kind of bureaucracy which, in larger units, often handicaps effective service delivery and client satisfaction.

Legislation and Litigation

1. *Statutory provisions.* One of NAJC's first activities was an investigation of juvenile law as it pertained to the definition, processing, disposition, and rehabilitation of juveniles. The investigation examined juvenile statutory provisions governing court and correctional units in order to design methodologies and instruments for assessing service units. NAJC also wanted to determine the extent to which statutes had changed in recent years as a consequence of the Supreme Court's *Gault* decision and other factors. Findings reveal that between 1968 and 1972 a total of thirty-three states made major

changes in the juvenile codes; many of these changes pertained to due process provisions, court structures, and age definitions.[5]

In theory, juvenile court was created to intervene for rehabilitative rather than punitive purposes, to avoid stigmatizing labels, and to treat each child in an individually helpful way. Findings from our examination of statutes of the fifty states and the District of Columbia indicate that the states vary on most of the following major dimensions: jurisdiction of the juvenile court, definitions of delinquency, procedures for processing of juveniles through all phases of legal processing, court structure and staffing, detention, specification of offenders' rights and due process provisions, disposition alternatives, and the limits of discretion. These variations sometimes extend *within* states where provisions vary among different counties.

Decisions of the U. S. Supreme Court have continued to leave to the states the crucial question of who a child is and, therefore, who will be accorded full constitutional protection. It is not surprising that federalism has produced certain dramatic differences. For example, the decision on which children will be processed by the juvenile court and which will go through the adult criminal system is based on the child's age, the seriousness of offense, and the grounds for transfer to the criminal system. In thirty-two states and the District of Columbia the maximum legal age of a child is seventeen; in twelve states it is sixteen; and in the remaining six it is fifteen years. But some states also maintain sex differentiation, although now of questionable legality; some have complex and elaborate stipulations governing transfer procedures; and others exclude certain serious offenses from the juvenile court's jurisdiction. Very few states have clear, unambiguous provisions—which are necessary for effective administration of justice, particularly in courts that are overwhelmed by large numbers of referrals.

Perhaps the juvenile code provisions that cause the greatest miscarriage of justice are those which define the areas of behavior the juvenile court may regulate. All fifty-one jurisdictions bring into the purview of the court conduct that if engaged in by an adult would bring legal action. But in addition all states also permit the court to intervene for behavior that is not illegal for adults—i.e., truancy, incorrigibility, running away, immorality, disobedience, promiscuity, or even just "idling." While all states use the category of status offenses, as these latter behaviors are usually termed, status offenders are treated with considerable variation. Many states have recently adopted special legislation governing the processing of these "children in need of supervision" (CHINS). Twenty-six now have special categories for such juveniles, and many require that they be referred for service *outside* the juvenile justice system, e.g., the state social services department. It is debatable, however, whether these provisions are sufficient to divert youths from the system; often the youths are transformed from status offenders to delinquents after the second or third such misbehavior. In one state with a separate category for status offenders, eighty per cent of the institutionalized girls were truants, runaways, or ungovernables. In another state nearly seventy per cent of all institutionalized girls were status offenders.

In forty-one states dependent and neglected children are not required to be separated from delinquent children in a detention facility. After disposition seventeen states allow delinquents and dependent and neglected children to be housed together. Given the vague definitions of "delinquent," it is not surprising that delinquents and dependent or neglected children are found together not only in detention facilities and jails but also in private institutions and training schools. In several states large numbers of mentally retarded children are quartered in the same institution with delinquent youths, with little or no difference in program experiences.

The most glaring deficiency of the juvenile codes is their ambiguity and deliberate grants of unlimited discretion. Such ambiguity permits grossly inconsistent administration of justice. Although well-drawn statutes cannot ensure appropriate processing of juveniles, it is unlikely that improper practices will be eliminated without explicit statutory requirements.

Overreach of the law and overuse of criminal sanctions continue in many states despite their relative ineffectiveness in achieving desired goals and despite the generally negative secondary and tertiary consequences. Many years ago Roscoe Pound expressed grave reservations about the extent to which the education, health, and morals of youth have come under the authority of the juvenile court. When these problems are written into statutes as bases for state intervention, parents, neighbors, schools, and social agencies are encouraged to avoid or refer their problems rather than to try to solve them.

Many students of juvenile justice have also recommended decriminalization not only of status offenses but also of victimless crimes. In few states, however, have we observed any concerted drive in this direction. In fact, there is some evidence that far more is being accomplished in decriminalization for adults than for juveniles, when it seems patently obvious that decriminalization could be productive and is more urgently needed for juveniles.

2. *Juvenile litigation.* "The fundamental philosophy of the juvenile court laws is that a delinquent child is to be considered and treated not as a criminal but as a person requiring care, education and protection. He is not thought of as a bad man who should be punished but as an erring or sick child who needs help" [*Thomas v. United*

States, 12 F.2d 908). Thus is stated the philosophy of the juvenile justice system. The words *care, protection, erring*, and *sick* connote nonpunitive concepts. Today, however, this philosophy is being directly challenged as not in the best interest of a child by a fledgling movement directed at the legal rights of juveniles.

Judicial activism in corrections in the 1950's and 1960's took one of two courses—institutional reform or crisis strategy. For the former, lawyers began using litigation to make institutions and facilities less oppressive and more conducive to the aims of rehabilitation.[5] In contrast, advocates of crisis strategies became convinced that implementing prisoners' rights upsets the balance of power in institutions and makes them inoperable. Further, since institutions respond only when required by events, the advocates of change must provoke crises.

Case decisions in juvenile justice as far back as 1899 have emphasized the role of the training school as a "provision of treatment" (*Wisconsin Industrial School for Girls v. Clark Company*, 103 Wisc. 651, 79 N.W. 422 [1899]). Despite the broad interpretation of treatment by statutory law, case law, and lay language, the Supreme Court has not ruled on the right to treatment. Although recognizing the relationship between juvenile proceedings and rehabilitative or treatment needs (*Kent v. United States*, 383 U.S. 541 [1966]), the Supreme Court has yet to rule whether any party committed under a statute that espouses rehabilitation or treatment has thereby a constitutional right to treatment.

The right to treatment was used during the late sixties to advance and support the exclusion of certain procedural due processes for juveniles. The "Rich Trade-off Doctrine," evolved from *In re Rich* (125 Vermont 373, 216 A.2d 266), denied the right of trial by jury as an inherent constitutional right for juveniles ("The right to trial by jury could only come in exchange for a right to rehabilitative care taking. Thus the validity of the whole juvenile system is dependent upon its jury to protect it rather than its penal aspects."). With the Supreme Court decision in *McKiever v. Pennsylvania* (403 U.S. 528) and the recognition that it is very difficult to remove the "treatment philosophy which seems to pervade the courts' legal roles," attorneys have begun to try to effect 42 U.S.C. 1983 actions to challenge current treatment services in public institutional programs.

Historically, litigation has evolved as an effective instrument for planned social change. Although time-consuming and costly, it often produces permanent change. Attorneys' social activism, along with concerned and interested professionals in the juvenile justice system, should be able to make litigation an increasingly effective tool for change. Until now litigation has been directed primarily against abuses of public institutions. However, with *Nelson v. Heyne* and the anticipated relief to be granted in *Morales v. Turman*, litigation is being recognized as a means of effecting overall change. Private and community-based programs must also come under careful scrutiny by the courts. The emphasis on substituting community-based services for large institutions requires careful, thorough attention to the rights of juveniles in such programs.

3. *State system changes.* Given the absence of national policy, juvenile justice programs, policies, and problems are fundamentally shaped by conditions within the states themselves and state governments can bring about prompt improvements. Some pertinent questions can be stated rather simply: How are kinds of state juvenile agencies and correctional services associated with socio-economic and regional variations? What are

the general state-level conditions necessary for creating and sustaining particular kinds of service programs for young offenders? If the states allocate higher levels of resources to juvenile justice, does this result in program improvement or merely in expansion of the system? The concern with policy and program development also poses fundamental questions: What are the political and governmental processes through which improvements in juvenile justice can be fostered? What are the major modes of change and resistance to change? Is it possible to identify strategies of change to fit the diverse conditions among the states and to offer tactical guidance for persons and groups who play—or might play—roles in achieving major improvements?

To pursue these matters, NAJC has developed liaison relations with agencies and officials in all the states, examined documentary materials about state programs, conducted field trips to state capitals for confidential interviews with persons interested in all spheres of state government, and analyzed major series of data on state juvenile justice patterns. In combination with state socio-economic data, these kinds of information are providing a better understanding of juvenile justice affairs and important developments across the nation.

Juvenile justice appears to be a relatively *marginal* area of governmental activity everywhere. This both compounds the difficulties of identifying causes of change and clarifies our discovery of little correlation between states' policies in juvenile justice and other fiscal and policy decisions. Regardless of how large certain justice-budget line-items may seem, or how salient litigation or code revision may be to some, the issues and dollars involved are almost insignificant compared to the state resources allocated to public education, to the current issues of energy shortages, to cost-of-living increases, or even to adult corrections. The reality of marginality is also demonstrated by the very small proportions of state LEAA funds allocated to juvenile corrections and is echoed in a state legislator's report of his difficulties in getting juvenile justice on *anyone's agenda*—from the general public's to the state legislature's. Given this essential marginality, it is no surprise to find that juvenile justice has no general constituency among the states, that few interest groups regularly attend to it, that coalitions of interest groups and political and governmental leaders seldom form to push for change, and that important events concerning it (other than incidents of crime) are usually relegated to the inside or back pages of the newspapers. It is much easier to explain why progress does *not* occur in this area than to trace out the reasons for varying directions and rates of change among the states.

ALTHOUGH WELL-DRAWN STATUTES CANNOT ENSURE APPROPRIATE PROCESSING OF JUVENILES, IT IS UNLIKELY THAT IMPROPER PRACTICES WILL BE ELIMINATED WITHOUT EXPLICIT STATUTORY REQUIREMENTS.

The fact of marginality, however, has not offset the growth of state and local bureaucracies, plus numerous private agencies, that deal with young offenders. State systems thus often appear as disjointed congeries of units operating in partially autonomous ways, with little coordination at any level.[7] Furthermore, policy and program issues of concern in some states are substantially different from those receiving attention elsewhere; in fact, the policy, structure, or program *solutions* chosen by some states represent the *problems* rejected by others.

Some trends deserve mention—for example, the trend toward *centralized* state responsibility for providing an increasing range of services for young offenders. Thirty states have now assumed some or all administrative responsibility for institutions, aftercare, *and* probation services; some have taken over still other services, such as operation of detention facilities. Local units of government are by no means fading out of the picture, nor are private agencies. Extension of state responsibility and activity can be seen in funding, standard setting, monitoring, or coordinating local-level services, but in some states it also involves staffing and total operation.

The *consolidation* of state-level services also appears to be a trend, although its forms are even more diverse. Thus, while fifteen states have consolidated probation, institution, and aftercare services into a single state agency (often with local-level involvement), fifteen other states have apportioned these responsibilities among separate agencies. Many states are concerned with combining or integrating juvenile justice services with social services, mental health and mental retardation, adult corrections, and more lately with public education, manpower, or human development programs. Better integration is sometimes sought by outright merger of two or more of these services, and sometimes by retention of agency status combined under larger *umbrella* or superagencies. Everywhere there are major problems in collaborating services for young offenders and other youths with related problems.

There is little consensus among the states about *which* services should be most closely linked to juvenile justice, or about the most appropriate forms for these links among state government agencies. Policymakers differ considerably in their views of which combinations are most desirable or feasible. They have only limited knowledge of comparable concerns and developments in other states and, more important, almost no valid information for assessing the actual consequences of one rather than another pattern of interservice consolidation or collaboration between levels of government.

To examine interstate juvenile justice developments and

processes of change, NAJC uses several *performance measures*, which provide useful, valid, and fairly reliable indexes of juvenile justice policy and program outcomes. These include rates (and changes in rates) of total youths committed to state institutions, rates of minors placed in jails and in detention facilities, significant revisions of state juvenile codes, numbers of community-based programs developed, and proportions of populations assigned to these programs. To understand the conditions under which changes take place among the states, NAJC has examined correlations between their juvenile justice performance measures and their basic socioeconomic, governmental, and political characteristics, their adoption of innovations in other areas, and other information about their justice systems. Preliminary findings can be presented in terms of three critical issues: (1) piecemeal versus all-at-once change strategies; (2) the connections between changes and other state conditions; and (3) the roles of correctional administrators and others in state government.

Evidence shows that, by and large, states are *not* moving in the same general directions, but that they are innovative or are changing different areas. Juvenile justice is not a unitary sphere, and change efforts appear to be selectively

focused on particular components by different groups and interests. Thus, states that have deinstitutionalized to some extent are not more likely to have revised their juvenile codes than any other states. Similarly, states that have updated their codes are not more likely to have reduced their jailing and detention rates.[8] These findings suggest that progress is not likely to be on a grand or across-the-board scale, however desirable that might be, and that important changes can be effected singly.

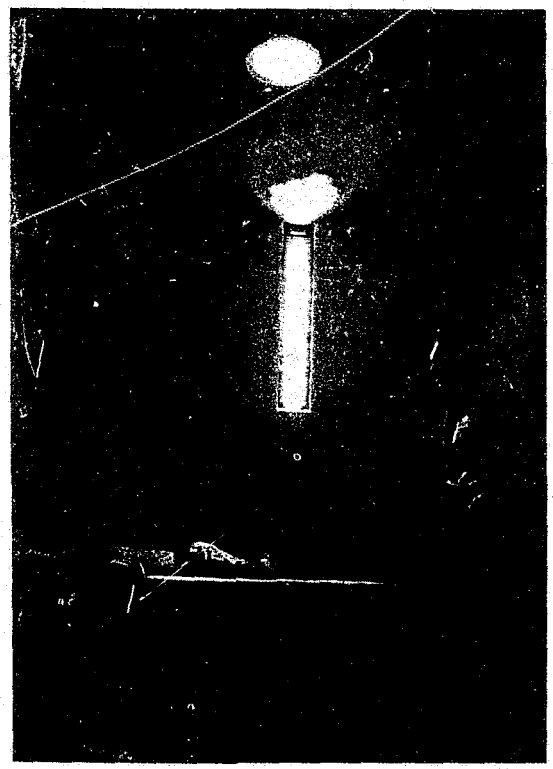
Advances or innovations in criminal and juvenile justice are often thought to be associated with a state's wealth, industrialization, proportions of better-educated citizens, or tendencies to adopt innovations in other areas of government. NAJC research, however, reveals no significant correlation between juvenile justice performance measures and these advantageous state characteristics (and, in some cases, no correlation at all). The fact that such changes as updating the juvenile codes or deinstitutionalizing were found under widely varying state conditions and were not associated with other governmental innovations suggests that such policy and program changes are being carried out for quite different reasons and do not necessarily require optimal conditions to implement. The marginality of juvenile justice in states' policy and fiscal decisions may account for some of this independence.

HISTORICALLY, LITIGATION HAS EVOLVED AS AN EFFECTIVE INSTRUMENT FOR PLANNED SOCIAL CHANGE, ALTHOUGH TIME-CONSUMING AND COSTLY, IT OFTEN PRODUCES PERMANENT CHANGE.

The involvement of various officials and groups in juvenile justice policymaking and the characteristics of state agency administrators and staff cadres also differ from state to state. In states where interest groups are active, legislators tend to be involved and the governor is likely to have shown a personal interest in this field. However, there seems to be no association between these patterns and two of the main performance measures — deinstitutionalization and juvenile code updating. In some states significant involvement by policymakers and special interest groups has been of critical importance. But political activity is apparently not related to justice and correctional innovation in any simple way across the states and substantial reforms may proceed without it, under some conditions. Findings imply that the reasons for making major reforms in state juvenile codes are different from those behind other correctional changes and probably do not follow the same political processes.

Clearer understanding emerges from an examination of the backgrounds of juvenile agency administrators. Research shows that less wealthy states are as likely to have appointed professional or well-educated administrators as well-to-do states, although better-trained staff cadres are more often employed by states that rank high on income, general education, and governmental innovations. Surprisingly, no real correlation seems to exist between administrators' educational backgrounds and their states' juvenile justice performance measures. The experience backgrounds of correctional executives show that those who had come into juvenile justice from other sectors, or from out of state, are as likely to be found in states showing innovations as in other states.

These findings seem to argue progress in juvenile justice is not necessarily part of an overall pattern, nor dependent on either a certain threshold of states' socioeconomic development or on clear-cut coalitions of policymakers and special-interest publics working for change. Indeed, change can be implemented by innovative administrators moving on their own initiative. Outsiders or



those who do not have career investments in the area may, under some conditions, be able to generate progress as well as those who have moved up through the system. And the indifference of legislators (perhaps with at least the toleration of the governor) may actually facilitate such change by administrators, since there may then be less controversy.

Critical Issues for Policy and Program Development

Long-range planning is particularly needed because of the major changes now under way in population, life-styles, education, and occupational preparation—all immediately relevant to adolescents. There is a tendency for each governmental body charged with an aspect of youth socialization or control to address its own problem or task, with little reference to more general developments or to other organizations working in the area. Perhaps this pattern will be changed with the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, which could help states and localities engage in more rational, positive planning.

Tentative findings from NAJC's survey of service units, statutes, and state services have raised many provocative issues. These can be summarized with reference to several general policy concerns:

1. *Increase in juvenile justice population.* The disconcerting increase in the total number of juveniles under some form of supervision requires further study. This may be due merely to the increased numbers of youths, or it may be that a higher proportion of those who commit offenses are now being apprehended, diverted or adjudicated, and committed to correctional programs. On the other hand, Norval Morris suggests that as a consequence of all the diversion and community-based programming, the justice system is casting too wide a net, exerting social control more broadly and intensively than is necessary or desirable in a democratic society. He advocates decriminalization of many behaviors and parsimony in processing offenders through the system. Another explanation is that youth are referred to those sectors or organizations with the most resources. Because of their age and status, many juveniles need social support, and since juvenile justice resources have increased as a result of LEAA and Juvenile Delinquency appropriations, increasing numbers of youth are being referred to the justice system rather than to other agencies whose resources have declined because of reduced federal appropriations.

2. *The statutory changes now under way in the majority of states* are as negative as they are positive with respect to protection of the rights of juveniles and their general well-being. The definition of delinquency has been frequently changed, but seldom do these changes effectively remove status offenders from the system. Moreover, processing status of-

fenders, such as runaways, through the system (however rapidly) appears to aggravate rather than resolve their problems. Placing them in detention or jail is simply inappropriate and detrimental. The concept of *minimal penetration* is typically inoperative for status offenders.

3. *Racism and sexism are serious problems in juvenile justice, but they are not addressed directly as they have been elsewhere.* The solution to this problem cannot be long postponed. When a national subsample of correctional units shows that half of the confined

IN NO OTHER AREA OF HUMAN SERVICES HAS THE CONTRAST BETWEEN ASPIRATION AND REALITY BEEN SO DISPARATE AS IN THE FIELD OF CRIMINAL JUSTICE.

youth come from minority groups, where the proportion of minority persons in the total population is less than fifteen percent, then serious problems must be expected. The young are sensitive to this phenomenon and are less likely to think they have anything to lose by challenging a racist system. Sexism is an equally important problem. Females are discriminated against by more *heroic* forms of intervention and by more negative sanctions. Furthermore, society hypocritically asserts that it is protecting them and their morality by this action.

4. *The in words in juvenile justice today are* diversion, community-based, innovation, *and* evaluation—*in about that order of importance.* But systematic and real-world references for these concepts are practically non-existent. For example, *community-based programming* is strongly encouraged by various federal agencies; but states have widely different interpretations from small secure institutions within cities to open treatment units in other places. Even aftercare and parole programs, replete with large caseloads and traditional approaches, have been classified under the *community treatment* umbrella. Thus, *community treatment* can become semantic trivia for a traditional program whose physical location in an urban community is the sole basis for identifying the program as community-based. Residential programs are still preferred, even though they are almost always more expensive than day treatment. Similarly, there is very little true diversion *from* the system, although increased processing of youths has necessarily resulted in diversion *within* the system.

5. *"Heroic" intervention costs the most, and there is no evidence of its greater effectiveness.* Therefore, intervention by the juvenile justice system should be more parsimonious in all aspects and should be focused on providing rehabilitation rather than custody. The latter now absorbs sixty per cent or more of the total funding in juvenile corrections, and it only adds to the criminalization of youth as these services are presently structured.

6. *New opportunities for the federal government are plentiful.* The evidence to date is unclear, however, that the national government will act so as to reduce the fragmentation of policies and services at the federal level. Interagency coordination and cooperation at the national level is perhaps of even more critical importance than at the state level. More attention must be given to determination of the critical sectors that must be aided if we are to socialize and prepare youth more adequately than we are doing now. Among the critical responsibilities to be fulfilled by the federal government are at least the following: establishing priorities and standards, channeling resources for strategic aims on longer than a yearly basis, and development of a national information infrastructure that will enable us to know what has been done and what needs to be accomplished.

This is a time of rare opportunity for introducing long overdue changes in juvenile justice and for establishing programs and policies that are essential to preparing youth for responsible adulthood.

ACKNOWLEDGEMENT

The authors wish to acknowledge the valuable contributions to this paper by staff members of the National Assessment of Juvenile Corrections, especially Paul Isenstadt, Aaron McNeece, Jude Stich, George Downs, Rhea Kish, and Vann Jones.

Notes

1. See *Research Design Statement* or *Summary of Research Plan* (Ann Arbor: NAJC, University of Michigan, 1972 or 1973, respectively).

2. See *Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1971* (Washington: National Criminal Justice Information and Statistics Service, LEAA, 1974).

3. Information about characteristics is presented only when we have reason to believe it is fairly representative of most such programs. The procedures employed by NAJC in drawing a national sample of correctional units are detailed in Wolfgang L. Grichting, *Sampling Plans and Results* (Ann Arbor: NAJC, University of Michigan, 1973).

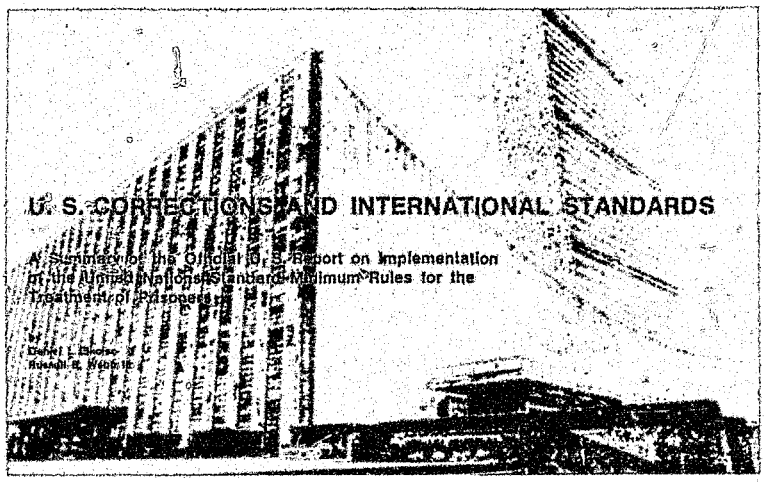
4. *Fairness* refers to the way youths are treated with regard to race, sex, age, social class, and other attributes. Study was directed toward the uniform quality of service delivery to all youth. Humaneness refers to the standards of physical and social care to which all youth are entitled (e.g., medical care, food, living conditions, and family contact). *Justice* was defined in relation to the legal rights available to youth in all areas of juvenile corrections.

5. See Mark M. Levin and Rosemary C. Sarri, *Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States* (Ann Arbor: NAJC, University of Michigan, 1974).

6. The recent decision by Judge Johnson in *Wyatt v. Stickney* (344 F.Supp. 373 (M.D. Ala. 1972)) set out 74 guidelines, ranging from appropriate ratios of specific staff to patients, to directing the necessary hygienic facilities for patients.

7. See NAJC's *Research Design Statement*, pp. 35-42.

8. There are two important exceptions: (1) the proportion of committed youths assigned to community-based programs has a definite positive correlation with the relative number of these programs developed within the states, and (2) changes in states' institutional commitment rates are negatively correlated with the relative number of community-based programs developed. These associations are to be expected, since the *availability* of community-based correctional programs is an obvious constraint on their use as alternatives to state training schools.



U. S. CORRECTIONS AND INTERNATIONAL STANDARDS

A Summary of the Official U.S. Report on Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners

Daniel L. Skoler
Randall G. Wright

The past decade has witnessed unprecedented activity within the United States in the formulation of standards and principles of correctional practice. This has included issuance in 1966 of the American Correctional Association's Manual of Correctional Standards, prescriptive recommendations of several national study commissions[1] and, most recently, the comprehensive corrections standards of the National Advisory Commission on Criminal Justice Standards and Goals which are now serving as a model for federally-financed state-by-state standards and goal-setting programs. Somewhat less visible in America is a code of international corrections standards approved by the United States and other nations nearly twenty years ago—the UN Standard Minimum Rules for Treatment of Prisoners.

The UN Rules have weathered the test of time as a progressive statement of basic principles for humane treatment of confined criminal offenders. This has been true, notwithstanding the wide diversity of national approaches, philosophies, and resources for dealing with serious offenders and an admittedly slow pace of world response in adopting the Rules or fully incorporating their spirit and concepts in prevailing penal practice.

Now, with the advent of the Fifth United Nations Congress on Prevention of Crime and Treatment of Offenders (Toronto—September, 1975), a renewed interest in and dialogue on the Standard Minimum Rules is assured. The Rules are the focus of the Fifth Congress' only major agenda item on corrections—"The treatment of offenders in custody or in the community with special reference to the implementation of the United Nations Standard Minimum Rules for Treatment of Prisoners." It is anticipated that the 130-odd nations to be represented at the Fifth Congress will be called upon to reaffirm support for the Rules; urge their expanded translation, dissemination, and the preparation of expository commentaries; request technical assistance to nations working on implementation; undertake a special elaboration of the Rules as they relate to torture and cruel and inhuman punishment in response to recent General Assembly mandates;[2] and, perhaps most significantly, call for development of a companion and analogous set of rules to guide world practice in the treatment of offenders under community supervision and residential care (as opposed to incarceration).[3] In addition, the results of a United Nations survey will be released and reviewed showing the current status of world implementation of the Rules.

Background of the Standard Minimum Rules

The Standard Minimum Rules for Treatment of Offenders were brought into existence as a set of international standards when approved and commended to the United Nations in 1955 by the First UN Congress on Prevention of Crime and Treatment of Offenders. The new code had its roots in an earlier formulation of prison reform principles by the International Penal and Penitentiary Commission (promulgated in 1926 and subsequently revised in 1933 and 1951).

It was only two years after the First Congress action that the UN Economic and Social Council approved the Standard Rules in August of 1957. This action was subsequently endorsed by the General Assembly of the United Nations in two resolutions (1971 and 1973) recommending implementation and adoption of the Rules by member states.[4]

Through these policy actions, the United Nations, always with positive support from the United States, placed its leadership and influence behind the rules as a body of doctrine representing "as a whole, the minimum conditions which are accepted as suitable by the United Nations" in the management, custody and treatment of offenders, and explicitly called upon the world's governments to give favorable consideration to the adoption of the Rules and their application in the administration of penal institutions.

The Rules themselves consist of ninety-four individual statements of minimum corrections practice broadly covering such areas as medical care, education and recreation, physical conditions of confinement, discipline and punishment, separation of categories of prisoners, prisoner complaints, treatment programs and concepts, and institutional personnel. They are amplified by special annexes on "Selection and Training of Personnel" and "Open Penal and Correctional Institutions" adopted concurrently with the Standard Minimum Rules. The Rules format is divided into two major parts, one covering matters of general application and the other applicable to special categories (most content of which is directed to prisoners under sentence with shorter groupings for mentally disturbed prisoners, and prisoners awaiting trial). The Rules do not purport to regulate management of juvenile institutions but are considered generally applicable in this area.

As world awareness of correctional needs and problems has become a reality, the Rules have been increasingly appreciated as a generally acceptable body of basic minimal requirements. The Rules, for example, call for individual cell occupancy with adequate space and ventilation (Rule 8); clean and proper bedding, clothing and personal hygiene facilities (Rules 15-19); daily exercise (Rule 21); entry, medical examinations and qualified medical and dental services at every institution (Rule 22); banning of corporal punishments and "cruel, inhuman and degrading punishments" (Rule 31); notice of offense, thorough investigation, and opportunity to present the inmate's contentions in all disciplinary proceedings (Rule 32); guaranty of right to make complaints, without censorship, to the central prison administration, judicial authority, or other proper authorities (Rule 36); non-discrimination on grounds of race, color, sex, language, religion or political belief in prisoner management (Rule 6); recognition of right to religious belief and practice (or non-participation in religious activity) (Rule 41); regular inspections of penal institutions and their operation (Rule 55); provision of aftercare services to assist in community reintegration (Rule 81); and general principles which prefer open institutions over secure institutions, seek to minimize differences between prison life and life at liberty which lessen responsibility or individual dignity, emphasize continuing community linkages, and safeguard civil rights and privileges of offenders (Rules 56-64).[5]

In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavor to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

As indicated earlier, the Rules have received renewed attention in recent years. The Fourth United Nations Congress on Prevention of Crime and Treatment of Offenders (Kyoto, 1970) recommended, among other things, that the United Nations social defense program be given appropriate means to undertake research on implementation and to develop technical assistance for the promotion of the Rules, and that a special working group be set up to evaluate the international needs and future actions for encouraging implementation of the Rules. The Working Group of Experts was indeed established and has met on two occasions (New York in 1972 and Columbus, Ohio in 1974) and the "implementation research" mandate is reflected in the UN Secretariat's 1974 questionnaire survey in preparation for the Fifth Congress.

Following a less than satisfactory initial survey effort in 1967 (only forty-four countries responded) the

The bold face inserts in this article are UN Standard Minimum Rules for Treatment of Prisoners nos. 2, 57, 60 and 61.

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1974 survey featured a more carefully structured questionnaire design. It was recognized that the time was long overdue that reasonably comprehensive data on the status of implementation of the Standard Minimum Rules, even on a self-reporting basis, should be available to the world corrections community and others interested in this subject. Accordingly, when the United Nations transmitted its survey questionnaire in July of 1974 to all member states, there was a determination among concerned U.S. groups that a full United States response be provided. With U.S. State Department blessing, the American Bar Association's Corrections Commission provided coordination and staff services for a fifty-state survey effort jointly sponsored by the Association of State Correctional Administrators, American Correctional Association, and U.S. Bureau of Prisons. The result was an effective mobilization of state cooperation and a work product permitting the State Department to report back to the UN with a composite survey of all federal and state corrections systems.

The U. S. Survey

Determination of this nation's responses to the 1974 United Nations questionnaire was based on an unprecedented probe of all major correctional systems of the United States, i.e., the Federal Bureau of Prisons and the adult corrections departments of the fifty states, the District of Columbia and Puerto Rico. The questionnaire was transmitted to the chief administrator of each of these departments in exactly the same form and content as received by the United States and other governments, but with minor changes in format to increase the ease and convenience of response. The questionnaire contained three major parts: (1) a short initial section (Part I) on legislative and regulatory adoption, dissemination of the Rules and their availability for training purposes; (2) a short concluding section (Part III) asking for general comments on future implementation of the Rules and on how they might be refined and improved (largely optional in nature); and (3) an all-important middle section (Part II) asking for a rule-by-rule response on extent of actual implementation of each of the UN Rules. The major *middle section* of the survey was structured around the thirty general categories within which the ninety-four individual rules have been officially grouped by the UN.[6]

Full responses were received in this fifty-state survey from 92% of the states (forty-eight states), along with the Federal Bureau of Prisons, Commonwealth of Puerto Rico, and District of Columbia. It is these fifty-one responses that form the data base for the United States report on

> imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

the current state of implementation of the Rules. The reported information has been combined, without special weighting or allowance for the population of the reporting jurisdictions or the size of their correctional systems.

Because of the nature and comprehensiveness of the responses (only two states did not complete questionnaires), it is believed that the composite United States report provides a fair picture of implementation of the Standard Minimum Rules, subject to certain qualifications which should be recognized. First, since most facilities for the detention of persons awaiting trial are not administered, controlled, or carefully monitored by the state and federal systems, the response is probably not a reliable index of the state of implementation of the Rules for prisoners in such facilities (i.e., the nation's local jails).

Second, since the responses are self-reported assessments by the fifty-one systems which produced completed questionnaires, there is an inevitable element of difference in interpretation and understanding of the questions which is evident in some of the individual answers. This problem, however, exists for all nations responding to the questionnaire and is unavoidable in a self-assessment inquiry of this kind.

Finally, the precision of the U.S. responses was limited to the precision of the 1974 Questionnaire itself, since it was considered inappropriate to depart from the content and instructions of the questionnaire as developed by the United Nations.

Summary of Findings

The general profile which emerged from the United States responses indicates substantial and significant implementation of the substance of the Standard Minimum Rules, but at varying levels for different rules, and as a matter of desirable correctional practice and policy (perhaps motivated by other standards or models) rather than any explicit or conscious attempt to follow the Rules as such.

In the probe of legislative and regulatory impact of the Rules, the foregoing pattern was much in evidence. It appeared, for example, that the Rules had not significantly influenced the prevailing prison law and regulations in the United States (only a minority of the respondents estimated such an impact).[8] Nevertheless, the guaranties of the Rules were, in fact, largely embodied in the prevailing prison law and regulations in the United States (a clear majority of the respondents reached this conclusion). Further, it was reported that the Rules were not generally available in penal institutions for staff and prisoners or used as training materials for U. S. personnel (although correctional department regulations are increasingly distributed and used for staff training and these often cover

the content of the Rules). Finally, it appeared that few states were making plans for formal implementation of the UN Rules, although nearly half the jurisdictions reported development of state master plans, correctional standards, and new programs and facilities in substantial harmony with the spirit and principles of the Standard Minimum Rules.

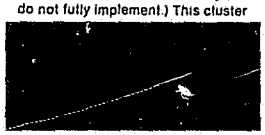
Rule-by-Rule Implementation

This part of the survey was the most extensive section of the UN probe and elicited the fullest measure of response. Overall responses, as shown in the summary chart which follows, exhibited the following characteristics: (a) 78% of the rules were fully implemented on the average (based on the thirty questionnaire groupings of the eighty-eight rules examined).[6] If the Rules on Prisoners awaiting trial (Rs. 84-93) and Civil Prisoners (R. 94) are eliminated as not generally within the responsibility of state correctional departments, the average increases to 83%; (b) 14% of the rules, on the average, were implemented in part and another 4% recognized in principle although not implemented; (c) Twenty jurisdictions fully implemented 80% or more of the Rules and fourteen jurisdictions implemented 90% or more of the Rules. Eight jurisdictions fully implemented fewer than 60% of the Rules.

In order to make composite judgments about U. S. practice (and thereby complete a single questionnaire for the United States), a rather severe standard was developed. It was determined that Rules (or groupings of Rules) would be considered *implemented* only if at least 80% of the fifty-one responding jurisdictions indicated that they were fully implemented. By this criterion, seventeen of the thirty groupings of Rules have been compositely rated in this category (see summary chart). Of the thirteen remaining Rules (or groupings of Rules), which represent the areas least adhered to in United States practice, conclusions are summarized as follows:

Separation of Categories—Rule 8 (41% do not fully implement.) This rule calls for separation of male and female prisoners, tried and untried prisoners, youths and adults, and civil and criminal offenders. No responding U.S. jurisdiction disputes the purpose of the Rule. Implementation problems are generally a result of limited resources or inadequate facilities. Some U.S. jurisdictions, however, take conscious exception to the separate institutions preference for male and female offenders and are exploring the benefits of a liberal interpretation which allows coed institutions and program activities.

Accommodation—Rules 9-14 (55% do not fully implement.) This cluster



calls for decent sleeping, ventilation, space, light, personal hygiene, and clothing/bedding facilities, including an individual single-cell preference. All respondents recognize the validity of such requirements but physical limitations (e.g., old or poorly designed institutions), overcrowding, and inadequate financial resources are still serious impediments to full implementation. Efforts are underway to rectify some of these problems in a number of states.

Exercise and Sport—Rule 21 (28% do not fully implement.) Deviations from this rule pertain to difficulties in providing the prescribed minimum of one-hour daily exercise for those under maximum custody and the absence or inadequacy of "physical and recreational training" programs.

Medical Services—Rules 22-26 (39% do not fully implement.) This cluster offers a variety of guaranties ranging from entry examinations and daily sick call through services of qualified medical and dental officers in each institution, provision of pre- and post-natal care for women, and regular inspection of health conditions and facilities. A number of states indicate methods of health inspection at variance with the medical officer system of Rule 26 and some report resource problems in the medical care area generally.

Institutional Personnel—Rules 46-54 (22% do not fully implement.) A variety of manpower standards are set forth in this cluster of rules including selection criteria, adequate salaries and job security, and continued in-service training. In practice, deviations from these Rules arise in the matter of cross-sex staffing patterns in institutions, on-site residence of the director and medical officer, and civil service status of corrections employees.

Inspection—Rule 55 (24% do not fully implement.) This standard calls for regular inspection of penal institutions and services by qualified inspectors. Many states, however, do not have formal systems of inspection and report inspections conducted by various ancillary bodies.

Special Category Guiding Principles—Rules 56-64 (37% do not fully implement.) These general principles focus on individualized treatment, minimization of differences between prison life and life at liberty, adequate preparation for release and aftercare, and use of varying levels of security. A large difficulty is still the existence of large institutions and overcrowding. Work-release, community-based treatment and similar concepts are increasingly adopted in practice.

Classification and Individualization—Rules 67-69 (31% do not fully implement.) These rules call for determination and separation of different classes of prisoners with specialized programs of treatment for each offender classified. A major hindrance to implementation is the lack of adequate financial and facility resources. However, many reports of recent improvements and program re-evaluations were specified.

Work—Rules 71-76 (31% do not fully implement.) The prison labor rules call for required work of a useful nature, vocational training, controls over exploitation (such as payment of equitable remuneration), indemnification against injury, safety precautions, and maximum work hour limits. Principal problem areas are the paying of equitable remuneration for inmate work and budgetary/resource needs to provide adequate training and other guarantees.

Education and Recreation—Rules 77-78 (24% do not fully implement.) Actually, the U.S. reported substantial implementation of these rules but some states indicated that compulsory education requirements for illiterates and young persons was either illegal or not in practice.

Insane and Abnormal Prisoners—Rules 82-83 (37% do not fully implement.) These rules prescribe the removal of insane persons to mental institutions and the provision of psychiatric treatment for all prisoners in need of such and necessary psychiatric aftercare for released prisoners. However, instances were reported of unavailable psychiatric facilities within other agencies as were limitations on psychiatric aftercare services in some states.

Prisoners Awaiting Trial—Rules 84-93 (84% do not fully implement.) The rather low level of implementation of these rules is primarily due to the fact that the majority of state corrections systems do not house persons under arrest or awaiting trial. Such prisoners are customarily detained in county and local jails pending release on bail or a court appearance and thus not deemed applicable to state responsibilities.

Civil Prisoners—Rule 94 (79% do not implement.) Low implementation of Rule 94 derives from the fact that debtors may not be imprisoned in the U.S. merely on the basis of their financial obligations.

In assessing the foregoing, it should be noted that often a jurisdiction was unable or not inclined to implement fully a single rule in a cluster like "Work" or "Institutional Personnel" or "Discipline and Punishment" which contained a half dozen or more separate rules. Here, it was necessary to classify that jurisdiction as partially implementing the whole cluster even though it may have been fully implementing every other rule in the group.

Because of the complex elements that make up the United States response, it is probably more important than in other countries with centralized prison systems or smaller federal groupings to refer to the detailed data and findings of the U.S. survey for a full and accurate picture. Many states of the

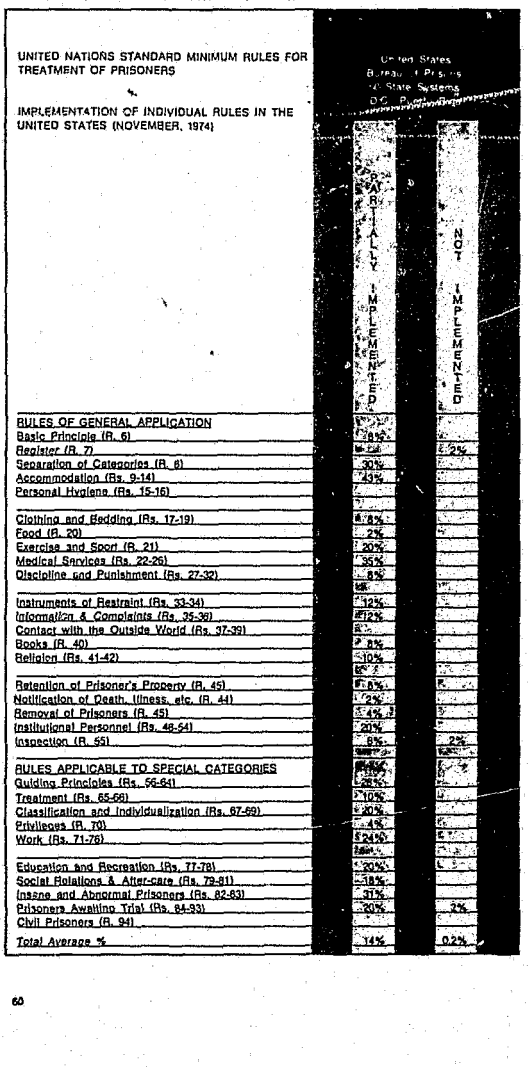
United States have systems which equal in size, scope and expenditure that of small or even medium sized countries and these should be evaluated in light of the wealth of specific comments, facts, and explanations provided in the full U.S. report.[8] It is believed that responding jurisdictions were unusually candid in identifying implementation problems and indicating less than full implementation of the rules where such situations did in fact exist.

The Future of the Standard Minimum Rules

The 1974 survey information transmitted to the United Nations marks only the beginning of a renewed U.S. concern about world corrections. Perhaps this stems from an increasing recognition that the current dilemmas of American corrections—the limited corrective record of our large prisons, the breakdown of the treatment or rehabilitative model, reconciliation of public safety concerns with vastly expanded community corrections programs, conflicting public expectations, the growth of unprecedented conflict and hostility within inmate populations—are being experienced by many other nations of the world. Indeed, it was the American Correctional Association's historic 1870 ***Declaration of Principles*** that served as the intellectual forerunner of the Standard Minimum Rules and earlier international penal standards. Thus, leadership and commitment to the principles of the Rules from the U.S., where correctional turmoil has hit hardest and self-examination has perhaps probed deepest among the community of nations, could be viewed as the renewal of proud and needed tradition. It might also be a critical force in achieving agreement on legitimacy of these standards, the means by which their adherence can be ensured, and their expansion or supplementation to incorporate the latest consensus on useful correctional approaches (e.g., the addition of new rules and an emphasis on community supervision programs and techniques).

Recent actions suggest that such a leadership role is not mere fancy. After twenty years of no official U.S. recognition of the Rules, pioneering states recently adopted the UN Rules as fundamental guidelines and standards for the management of their corrections systems. The State of Connecticut adopted the full text of the Rules (with minor caveats) as a Preamble to the Administrative Directives of the Connecticut Department of Correction (November 8, 1974). The Governor of South Carolina signed an executive order charging the director of corrections to assure continued compliance where the Department meets or exceeds the Rules and to implement those not complied with unless in conflict with the State Constitution or statutes (November 14, 1974). The Governor of Ohio signed a similar executive order adopting the philosophy, intent, principle and purpose of the Rules and directing the Ohio Department of

SUMMARY CHART OF SURVEY RESPONSES



Rehabilitation and Correction to pursue their application. Finally, in early 1975, the states of Nevada and Illinois took comparable steps by means of gubernatorial orders.

Similar actions are expected in other systems. Indeed, the Association of State Correctional Administrators, representing our nation's state system directors, is urging comparable action in all states before the advent of the Fifth United Nations Congress in September, 1975. This tide of support augers well for a concerted U.S. leadership presence at the Fifth Congress and a new and fruitful community among world correctional systems, both from *advanced* and *emerging* nations. The course of international corrections reform, if not advanced significantly by such efforts, should at least be brought to a new level of consideration and discourse. And the result should advance the need for all nations to confront their correctional apparatus and philosophies with honesty, concern and reasoned commitment of resources.

FOOTNOTES

1. President's Commission on Law Enforcement and Administration of Justice (1967); National Advisory Commission on Intergovernmental Relations (1971)
2. General Assembly Resolution 3218 (XXIX), November 6, 1974.
3. See Report of Second Meeting, Working Group of Experts on Standard Minimum Rules for Treatment of Prisoners (1974).
4. General Assembly Resolutions 2858 (XXVI), December 20, 1971, and 3144 (XXVIII), December 14, 1973.
5. On the other hand, some have pointed to weakness in the Rules in terms of inadequate specificity on some issues and concepts that have changed with time, e.g., the Rules' non-recognition of the merits of coed institutions and private operations of institutional industries and farms, the absence of explicit provisions for work release and educational furloughs, and generality on disciplinary procedural protections.
6. The UN survey did not request information on implementation of the two Annexes to the main body of Rules. Copies of the UN Standard Minimum Rules with Annexes are readily available from the ABA Corrections Commission (1705 DeSales Street, N.W., Washington, D. C. 20036) or from the United Nations, New York, New York 10017.
7. Most state efforts today concerning standards are directed to the comprehensive set of Corrections Standards issued in the U.S. in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. The American Bar Association's Project on Standards for Criminal Justice includes correction-related standards—e.g., Probation—and these are also the subject of a widespread national implementation effort.
8. In part II, respondents were asked to check each rule as either "Implemented," "Partially Implemented," "Recognized in Principle," "Not Implemented" or "Not Applicable."
9. Like all UN Members States' responses, the responses of U.S. systems are based on official policies and applicable law and regulations. Therefore, some allowance should be made for the problem of actual day-to-day observance of the rules at the particular institutions of a given state system.

THE BOOKSHELF

by
H. G. "Gus" Moeller

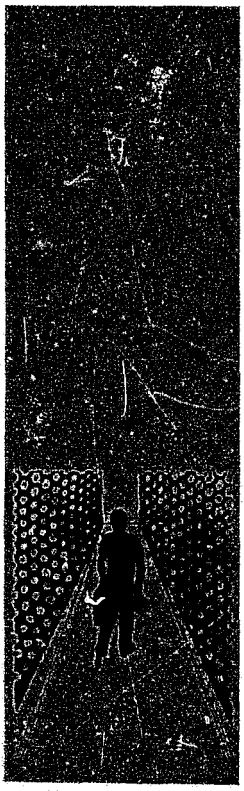


Illustration by Robert Binns, age 15.

Given the growing volume of literature concerning the rights of imprisoned adult offenders, we had anticipated that we would find more material than we did dealing with the post-adjudication phases of the juvenile justice system. What we discovered, however, is that the most recent books dealing with juveniles deal primarily with the juvenile court in the post-*Gault* period.

Three of the books in this category are Millard L. Midonick's *Children, Parents and the Courts* (Practising Law Institute, New York City, 1972, 209 pages), Douglas J. Bresharov's *Juvenile Justice Advocacy—Practise in a Unique Court* (Practising Law Institute, New York City, 1974, 558 pages), and Samuel M. Davis' *Rights of Juveniles: The Juvenile Justice System* (Clark Boardman Company, New York, 1974, 300 pages).

Judge Midonick served as judge of the Family court of New York for ten years and has been active on Bar Association committees concerned with court reform, legislation and family law, as well as civic committees for children and juvenile offenders. His book is frankly addressed to the practising lawyer and the judge and concerns "procedural and substantive issues that arise in post-*Gault* juvenile court trials." One of the most significant conclusions which he reaches is that "the imposition of the due process model, far from debilitating the court, may assist it in its fact-finding and dispositional functions if the essential purpose of the court is maintained and enhanced. If the changes in court practise and process that *Gault* wrought have the additional effect of making juvenile courts more viable, of dramatizing the need for more and better facilities, and of upgrading the quality of personnel, then indeed a substantial advance in the welfare of children in trouble will have commenced."

Both Bresharov and Davis have objectives similar to those of Judge Medonick. Bresharov, counsel to the New York State Assembly Sub-Committee on the Family Court and executive director of the New York State Assembly Select Committee on Child Abuse, and Samuel Davis, assistant dean and associate professor of law at the University of Georgia School of Law, have each produced well-organized and well-documented volumes which examine the constitutional issues related to the rights of juveniles at each stage of proceedings from arrest to disposition. Professor Davis has included several appendices, including a twenty-page table of case citations. As valuable as these books may be to those who are interested in the ways in which court decisions have served to reorient court procedures, they are of only limited value to those whose concerns center upon the juvenile after adjudication. The range of issues of concern to the administrators of probation, residential institutions, or after-care are not explored in depth.

ON PRISONERS' RIGHTS

The most detailed statement of the post-adjudication issues which we have discovered in our reading is to be found in *The Prisoners' Rights Sourcebook* (Clark Boardman Company, New York, 1974, 800 pages), prepared by Michele G. Hermann and Marilyn G. Haft, who have been identified with the Practising Law Institute.

Ms. Hermann, federal criminal trial attorney for the Legal Aid Society of New York City, and Ms. Haft, staff counsel with the National Office of the American Civil Liberties Union, have co-chaired a series of Practising Law

Institutes on Prisoners' Rights Litigation and were co-editors of a two-volume collection of readings entitled *Prisoners' Rights*, published by the Practising Law Institute.

In an introduction to *Prisoners' Rights Sourcebook*, Dean Robert B. McKay, New York University School of Law, recently appointed chairman of the American Bar Association Commission on Correctional Facilities and Services, observes: "I welcome the calm, dispassionate analysis of the serious problems of the prison society and the statement of techniques for calling these issues to attention .... This *Sourcebook* ... is unique in providing an overview of all the complex, interrelated issues from a history of prisons in the United States through problems of detention to hopeful suggestions for improvement."

The contributors to the *Sourcebook* range from David J. Rothman, whose *Discovery of the Asylum* provides unusually sharp insights into the early developmental history of U. S. prisons, to offenders themselves and include a number of attorneys and judges as well. The contributions are grouped into sections which deal with prisons and the imprisoned, litigating the rights of prisoners, procedural aspects of prisoners' rights litigation, problems of special groups in prison, and future trends.

The section on special groups, Chapter 17, includes a ten-page paper by James D. Silbert and Allen Sussman entitled "Juveniles as Prisoners." At the time of writing, both authors were ombudsmen for juveniles in New York State Training Schools. The paper might well have been an executive summary of a more extended volume, which with appropriate apologies, might have been called the *Emerging Rights of the Confined Juvenile*. It serves to underline the fact that the burgeoning body of case law relating to imprisoned adults has significant implications for the juvenile justice system. One who reads the five pages of footnotes to the article will quickly identify many decisions concerning adult institutions with which he may be painfully familiar, but he will also note that there are beginning to be a number which relate more specifically to the treatment of the younger offender as well.

In the concluding portion of the chapter, the authors identify a number of areas in which they see training schools to be particularly vulnerable—the failures of many training schools to provide the treatment required by law, disciplinary procedures which ignore due process, "antiquated and hazardous housing," and denial to the juvenile of access to the community.

They note: "In most training schools there are neither 'jail house' lawyers or law libraries to apprise children of their legal rights. This is compounded by the fact that even if these resources did exist, due to age or educational disabilities, many children do not know how to take advantage of them. Furthermore if children are aware of their rights and are able to write they frequently have no one to contact since they are generally without counsel and often without sympathetic family. And even if a source exists, strict mail censorship often prevents meaningful communication ....

"The lack of opportunity for private meaningful contact with people outside the institution helps perpetuate a system of administration that is often based upon secrecy and non-accountability ...."

Silbert's and Sussman's roles as ombudsmen for juveniles call to mind still another book which may be of interest. We have recently had occasion to be

Bresharov, Douglas J., *Juvenile Justice Advocacy—Practise In a Unique Court*, Practising Law Institute, New York City, 1974, 558 pp.

Burdick, R. E., *Legal Rights of Children: Status, Progress and Proposals* (monograph), a symposium edited by the staff of the Columbia Human Rights Law Review, Fairlawn, New Jersey, 1973, 212 pp.

Davis, Samuel M., *Rights of Juveniles: The Juvenile Justice System*, Clark Boardman Company, New York, 1974, 300 pp.

Gellhorn, Walter, *Ombudsmen and Others*, Harvard University Press, Cambridge, Mass., 1966, 439 pp.

Hermann, Michele G., and Haft, Marilyn G., *The Prisoners' Rights Sourcebook*, Clark Boardman Company, New York, 1974, 800 pp.

Juvenile Court Digest (periodical), National Council of Juvenile Court Judges, Reno, Nevada.

Lemert, E. M., *Instead of Court: Diversion in Juvenile Justice* (monograph), National Clearing House for Mental Health Information, U. S. Government Printing Office, Washington, D. C., 1971, 95 pp.

Levin, Mark and Sarri, Rosemary, *Juvenile Delinquency, a Comparative Analysis of Legal Codes in the United States* (monograph), The University of Michigan National Assessment of Juvenile Corrections, Ann Arbor, Michigan, June, 1974, 75 pp.

H. G. "Gus" Moeller is currently a consultant for the United Nations Crime Prevention and Criminal Justice Section and a national correspondent to that group. Moeller, now a professor and Coordinator of Correctional Services at East Carolina University, was formerly deputy director of the Bureau of Prisons, U.S. Department of Justice. His experience with the Bureau dates back to 1938. He is also a current member of the U. N.'s International Working Party for the Revision of Standard Minimum Rules for the Treatment of Prisoners.

concerned about the problem of closing the gap between the articulation of principles of human rights and the forceful and effective application of these principles, whether set forth in constitutional or statute law. To gain a clearer perspective, we turned to Walter Gellhorn's *Ombudsmen and Others* (Harvard University Press, Cambridge, Massachusetts, 1966, 439 pages).

Professor Gellhorn records observations made during a fifteen-month study in nine countries: Denmark, Finland, Norway, New Zealand, Sweden, Yugoslavia, Poland, the USSR and Japan. He was concerned with the question of how countries respond fairly and quickly to inquire into asserted impropriety and insensitivity. The answers, as the book indicates, vary considerably. But, he observes, "all reflect resolute coping with a major problem no contemporary government, including that of the United States, can ignore."

The book provides perspectives for those who are involved in shaping the legal and administrative remedies which might be made available to convicted offenders. Incidentally, we find it curious that while there are indications of progress in the direction of providing new remedies for persons who are imprisoned, there is, as yet, little indication that such developments have gained momentum in the fields of probation and parole.

Midonick, Millard L., *Children, Parents and the Courts*, Practising Law Institute, New York City, 1972, 209 pp.

Weinstein, Noah, *Legal Rights of Children* (monograph), National Council of Juvenile Court Judges, Reno, Nevada, 1974, 32 pp.

Weinstein, Noah, *Supreme Court Decisions and Juvenile Justice* (monograph), National Council of Juvenile Court Judges, Reno, Nevada, 1973, 25 pp.

Reader Reactions, *continued from page 3*

become educated to the fact that the field of corrections can be a profession for both men and women. I am not really sure if this can be done. Nevertheless, I believe that the correctional image should be upgraded in the judgment of the people of the community. One way to do this is to make corrections a profession open to educated men and women."

Vella T. Barber
Nacogdoches, Texas

"Initially, I would like to compliment the staff of *RESOLUTION* for the highly professional arrangement and presentation of the subject matter. The field of corrections and prisoners' rights is an especially difficult field in which to objectively write, particularly when the publication's editor is, himself, a high-ranking member of a correctional system.

"However, I am of the opinion, from personal experience, that anyone who is even briefly exposed to the prison dilemma of either inmate or staff, has little or no difficulty in grasping the real problems with our failing institutions. Thus, the mounds of rhetoric found in almost every single article of *RESOLUTION* on this point is of dubious probative value. People have been talking and writing about the problems for more than a century; and most, if not all, are well aware of them.

"What is needed is some positive *action* to change the dehumanizing conditions of prison, thus beginning to roll back the rising rate of recidivism. If the founding fathers of our country had not supplemented their many debates on the Constitution with some positive action, 1976 would be our second centennial anniversary of constitutional discussions!

"The anonymous writer in *RESOLUTION* of 'Why Prisons Are Failing: One Prison Administrator's Opinion' (on page 44) quite correctly points out: 'At the present time, the prisons of this country operate under rigid, extremely restrictive legislation . . . . Until these legislative restrictions are removed, the private citizen, not the offender, will continue to pay an exorbitant rate for the crimes of others.'

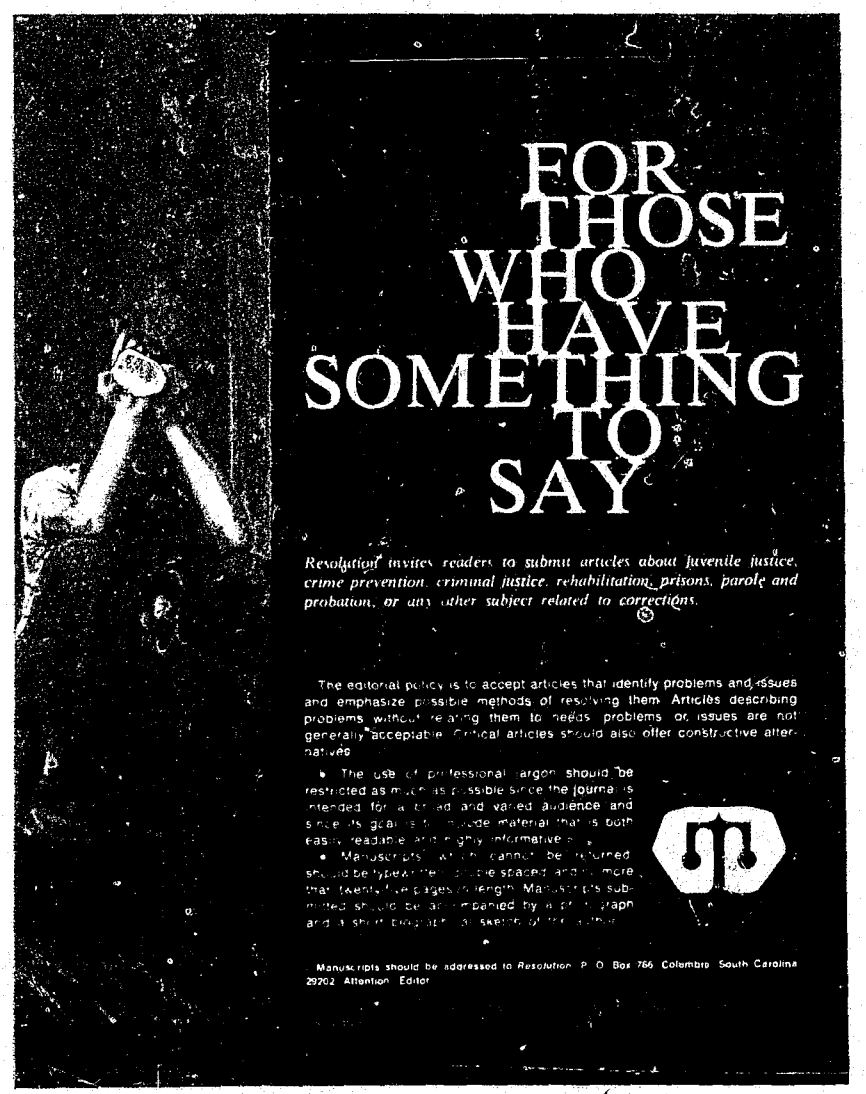
"However, what that author failed to articulate was that, as long as penal inmates are not represented by a powerful national organization, equipped with lawyers, lobbyists, and capital, the 'legislative restrictions' will continue to remain. Collective bargaining is only possible when both sides have something to offer as a medium of exchange. At the present, unfortunately, prisoners of this country, being unrepresented by such a national organization, are powerless to ask—much less demand—improvements and change. And everyone knows that beggars are powerless to command anything other than contempt.

"Although I could present several more pages of comment, I will, for the sake of brevity, close here with the final statement that it is for the above reasons that I have recommended to the President of Prisoners' Progress Association that he not subscribe to *RESOLUTION*."

Ronald L. Jordan
Advisory Consultant
Prisoners' Progress Association
Ann Arbor, Michigan

"I would content myself with an initial reaction to the effect that I found the journal well produced, very professional, and eminently readable. I could understand the reason for the anonymity behind the article on 'Why Prisons are Failing,' but it is still regrettable that such a balanced contribution cannot be reinforced by an identifiable person. At least one can draw the inference that holding the views he does, 'our prison administrator' will be using every influence he can bring to bear either by committee or other 'management device' to change the attitudes of both penal administrators and the large mass of society outside."

G. W. Fowler.
Home Office
Prison Department
London, England


FOR THOSE WHO HAVE SOMETHING TO SAY
Resolution invites readers to submit articles about juvenile justice, crime prevention, criminal justice, rehabilitation, prisons, parole and probation, or any other subject related to corrections.
The editorial policy is to accept articles that identify problems and issues and emphasize possible methods of resolving them. Articles describing problems without relating them to needs, problems or issues are not generally acceptable. Critical articles should also offer constructive alternatives.
The use of professional jargon should be restricted as much as possible since the journal is intended for a broad and varied audience and since its goal is to provide material that is both easily readable and highly informative.
Manuscripts which cannot be returned should be typewritten, double spaced and no more than twenty-five pages in length. Manuscripts submitted should be accompanied by a photograph and a short biographical sketch of the author.
Manuscripts should be addressed to Resolution, P. O. Box 766, Columbia, South Carolina 29202. Attention: Editor

Decarcerating Prisoners and Patients

(By David J. Rothman[1])

Every generation of Americans, from the first days of the Republic to our own times, has produced a dedicated coterie of prison and asylum reformers. Thomas Eddy and the Philadelphia Society for Alleviating the Miseries of Public Prisons in the 1790s; Samuel Gridley Howe, Dorothea Dix, and the Boston Prison Discipline Society in the 1840s; Thomas Osborne, Adolph Meyer, and the Osborne League in the 1920s—these people and their societies hold a celebrated place in our pantheon of heroes. Yet each generation, it seems, discovers anew the scandals of incarceration, each sets out to correct them, and each passes on a legacy of failure. The rallying cries of one period echo dismally into the next. Benevolent societies in the 1790s denounced prisons as "seminaries for vice," and their successors in the 1930s complained of "schools for crime." In the 1860s state investigations criticized asylums as no more than warehouses for the insane; in the 1960s, testimony at two congressional hearings condemned the lack of treatment in the nation's mental hospitals. We inherit, in essence, a two-hundred-year history of reform without change.

This grim legacy has not discouraged us from trying to do good. A multitude of organizations today continue the attempt to ameliorate the quality of incarceration. But whether these efforts will fare any better than earlier ones remains questionable. At times the rhetoric sounds tediously familiar, promising to upgrade the physical quality of cells and dormitories, to elevate the skills of guards and attendants, as if failures were primarily the fault of incompetent administrators or niggardly legislators. There are moments today, however, when we seem to be on the verge of conceptual innovations that may produce some novel alternatives to incarceration. Abuses that others saw only piecemeal are now being defined as endemic to the system. A potential for meaningful change is beginning to develop; whether it will be realized is a challenge we now confront.

One indication of this change has been the unprecedented involvement of the courts over the last decade in overseeing custodial institutions. Judges now stand ready to bring some of the rules of law behind the walls; the courts, previously reluctant to intervene, are modifying their stance. Is this revolution in judicial practice likely to become just one more episode in the periodic discovery of abuses, our contribution to the various ways by which a society rationalizes incarceration? Or will we break with tradition to implement a new system?

The Sources of Judicial Restraint

For a nation that has so consistently boasted of a spirit of benevolence, it is ironic that not until the 1960s did courts rule that starvation, isolation in cells without clothes or basic hygienic facilities, and random whippings are cruel and unusual punishments; that prisoners have rights of religion and speech; that persons confined in mental hospitals on the assumption that they would receive therapy have a right to treatment. Clearly, some of the courts' unwillingness to examine postsentencing and postcommitment conditions reflected judges' reluctance to challenge administrative expertise; not only wardens but business managers received the benefit of the doubt "Hands off" also fit well with prevailing judicial conservatism, keeping the courts out of both mental hospitals and factories. Nevertheless, a hands-off tradition did not prevent the courts from entering labor-management disputes, a field as tangled and formidable as inmate-warden relations. Judges, in other words, occasionally violated restraints when they believed it important. Their reluctance to scrutinize prisons and hospitals reflects broader social attitudes about the phenomenon of incarceration.

One major consideration keeping the courts out of institutions was the persistent notion that incarceration was rehabilitative. The idea goes back to the

[1] David J. Rothman specializes in American social history, particularly the role of public institutions in promoting order and disorder. His book *Politics and Power* (1966) reexamined the U.S. Senate in the post-Civil War period. *The Discovery of the Asylum* (1971), recipient of the American Historical Association's Beveridge Prize, traced the evolution in Jacksonian America of attitudes toward deviancy and dependency as revealed in the objectives and practices of its penitentiaries, almshouses, reformatories, and insane asylums. With Sheila M. Rothman he has edited *On Their Own: The Poor in Modern America* (1972). His concern with the contemporary uses of history has led him to membership on the Field Foundation's Committee for the Study of Incarceration and the board of the Mental Health Law Project; and in recent articles and book reviews he has raised fundamental questions about the future of American prisons. Rothman is professor of history at Columbia; he presently is Visiting Pinkerton Professor at the School of Criminal Justice, SUNY, Albany.

Jacksonian period: reformers of this 1820–1850 generation, without qualification or dissent, enthusiastically proclaimed that prisons would not merely protect society but could also, with proper procedures, eliminate crime; insane asylums, likewise, would not only segregate the mad but cure madness itself. In well-ordered, rigid, disciplined, and regimented settings, the deviant would learn the rules for right living that he had not acquired in the chaotic, mobile, open, and ultimately corrupting community outside. In origin, then, incarceration was a quasi-utopian movement; that it might produce cruel and unusual punishments seemed absurd.

State legislators, sharing this perspective, not only funded huge and elaborate structures, but minimized the opportunities for court intervention. With the promise of asylum care so great, it appeared unnecessary to encumber the commitment process with procedural formalities. Why force the insane to languish on a courtroom bench when they could be on their way to a rapid recovery in an asylum? As for the criminal, legislators empowered judges to pass lengthy sentences. Reformers fully approved; the prisons needed time to work their cure. "Very short sentences," insisted one Jacksonian, "are cruel to the criminal himself." They must be longer than two or three years, to allow the inmate "ample time for reflection . . . while subjected to the labor and discipline required." The hyperbolic rhetoric of rehabilitation made it difficult, if not impossible, for courts to consider intervening in institutional procedures.

These beliefs did not soon fade. Even as the disparity between rhetoric and reality became apparent to many observers in the late nineteenth century, the notion of incarceration as cure continued. Indeed, as we shall see, more than a trace of it is alive today. In part, the aim of rehabilitation was so decent and attractive that post-Jacksonian generations have been reluctant to confront the fact that little rehabilitation occurs inside the institutions. In part, a public and a judiciary accustomed to thinking that architecture and routine can effect cures were prone to perceive abuses as aberrations in a valuable system. Furthermore, the institutions were, in a physical as well as emotional sense, distant from society, allowing for self-delusion on the part of the public. The asylum founders, eager to conduct their rehabilitative experiment without the community interfering, located the structures away from centers of population; they established regulations that restricted not only the number of visitors, but even the flow of mail and newspapers. Once a reform rhetoric legitimated these places, citizens and judges had little incentive or opportunity to investigate them.

The increasingly immigrant and lower-income character of the inmates helped buttress the hands-off doctrine. In the post-Civil War period it was the Irish who filled the wards and cells of state asylums and prisons. Later it was the Eastern Europeans, and still later the blacks. To native-born Americans these strange newcomers with their peculiar ways were, at best, threatening figures. When they turned deviant, isolating them seemed the proper response. From this perspective, the inmate became a creature fundamentally different from the rest of us, alien in all senses of the word, someone with no shared bonds with other citizens. "Our" rights were not "their" rights. For them, the Constitution stopped at the prison wall and asylum fence, "forfeited" by their behavior in the outside world. The hands-off doctrine reflected too the belief that inmates were hard-core deviants—the criminal too dangerous or the insane too maniacal to be kept in the community.

Beginning in 1900, some procedures that promised to reduce the population of institutions captured reformers' atenion. One Progressive Era measure, probation, was intended to keep first-time and petty offenders out of prisons; another, parole, would allow well-behaved, reformed offenders to be released more quickly. The "psychopathic hospital," another innovation, would treat curable cases of mental illness locally, eliminating lengthy stays in distant asylums.

In practice, the programs did not accomplish these goals. An enormous gap divided rhetoric and reality. But the availability of these options suggested that incarceration was a very last resort reserved for bizarre or hopeless cases, for individuals too wild or defective to be turned loose. It was popularly assumed that wardens and superintendents had the terrible assignment of keeping order among this population. Surely the courts would not want to impose any restrictions on their prerogatives that might make the task more difficult.

So the issue rested through the period of World War II. As late as 1951, when hearing an appeal on a prisoner's claim of a right of correspondence, one federal circuit judge declared: "We think it is well settled that it is not the function of the courts to superintend the treatment and discipline of persons in peniten-

tiaries, but only to deliver from imprisonment those who are illegally confined" (*Stroud* v. *Swope*, 1951). His colleague wrote a concurring opinion just to protest the waste of time in such a suit. "I think that a judge of a court as busy as the one below," he announced, "should not be compelled to listen to such nonsense."

SHIFT IN THE COURTS

Then, during the course of the 1960s, the courts suddenly reversed their position. From cases not directly concerned with incarceration came decisions making the Eighth Amendment binding on the states, decisions holding that petitions claiming infringement of civil rights could be brought to federal courts before state remedies were exhausted, and broadening the use of habeas corpus petitions. The tone of the Warren Court also encouraged judicial activism in lower courts.

But the reasons for this shift lie in an arena much wider than the courts. Changes in the nature of the inmate population and in the legal profession, new ideas about the deviant, about incarceration, and about our society all influenced the transformation.

The courts did not move eagerly. The hands-off policy seemed so prudent that most judges took up incarceration reluctantly, against their better wishes. The shift came inch by inch, precedent by precedent, and not as the result of a carefully conceived strategy by judges or inmates or lawyers. The reveral was haphazard, each step taken almost grudgingly, until to everyone's surprise the precedents added up to a new doctrine.

That the transformation came first to the prisons was unanticipated. One might have predicted that the courts would move initially to improve the lot of the mentally ill. The insane, after all, were the more helpless and less dangerous group. Many of them had been confined involuntarily on the promise of treatment, so that relatives with standing in the community might have sparked a protest. Instead, very different considerations shaped the story.

Prison cases originated randomly, but the sequence of issues added up to a pattern that could not have been more effective in activating the courts had it been carefully designed. The process of change is best understood by examining the roles of the three major groups of participants in this drama: the inmates who first pressed the cases, the reform-minded lawyers who broadened the issues to be considered, and the judges whose opinions broke with the hands-off tradition.

INMATES AS ATTORNEYS

Although federal judges had insisted as early as the 1940s that prisoners should be able to contact the courts free from the whim or discipline of prison officials, these decisions did not contribute in any significant degree to the demise of the hands-off doctrine. Rather, the first breakthrough came in the early 1960s, the direct result of Black Muslim agitation.

In 1961, on their own initiative and assisted only by court-appointed counsel, Black Muslim inmates in New York and in the District of Columbia charged wardens with not allowing them to purchase the Koran, with denying them the right to hold religious services and to contact coreligionists and ministers, and with punishing them for religious beliefs. Departing from traditonal inmate passivity, the Muslims submitted writs, pressed their cases, and compelled the courts to look behind the walls.

Then sporadically, between 1961 and 1966, individual inmates, also on their own initiative, broadened the charges and requested relief from cruel and unusual punishments. Although the Black Muslims had focused on the unwarranted nature of prison discipline, they had also complained of bare, concrete isolation cells in which inmates were fed "one teaspoon of food . . . and a slice of bread at each meal," and were denied even blankets and mattresses. The next series of cases focused primarily on the nature of punishment. These were brought first by inmates confined in the most primitive state institutions, particularly in Arkansas, and then by politically aware inmates in New York and California. Arkansas convicts taught the courts about prison employees who whipped inmates at their own discretion; about trusties who oversaw the work lines armed with rifles, free to beat anyone who might be shirking; about prisoners who had complained to the courts and then suffered reprisals from administrators. Soledad and Dannemora prisoners taught the courts about isolation cells where prisoners spent several weeks naked, without soap, towel, toilet

paper, or toothbrush under conditions that were "dirty, filthy and unsanitary, without adequate heat," where "toilets and sinks were encrusted with slime, dirt and human excremental residue."

By 1970, cases initiated by inmates contested not only particular abuses but the prison system itself. The most important and dramatic one, *Holt* v. *Sarver* (1970), successfully challenged the constitutionality of incarceration as it was practiced in Arkansas. "This case," noted the court, "unlike earlier cases . . . amount[s] to an attack upon the System itself. . . . This is the first time that convicts have attacked an entire penitentiary system in any court."

Without a coherent sense of strategy and again without outside guidance, prisoners had moved from the specific to the general, and the courts had moved along with them. In July 1969 the Tennessee federal district court announced confidently in *Hancock* v. *Avery:* "As to the traditional preference for leaving matters of internal prison management to state officials, an analysis of recent cases indicated that . . . the federal judiciary . . . will not hesitate to intervene in appropriate cases." An inmate-led revolution had occurred.

LAWYERS PICK UP THE CAUSE

In the late 1960s a number of highly skilled lawyers, usually acting on their own with minimal outside support, took up the cause of prison reform. Many of them were civil rights lawyers who, in a sense, followed their clients into jail. The cases brought by inmates, particularly blacks, eventually attracted attorneys eager and accustomed to litigating issues of deprivation of rights. The chronicle of many prisoners' rights lawyers appears in their movement from civil rights litigation to contesting prison segregation to arguing the constitutionality of prison practices.

Draft-resister cases were another common point of entry during the Vietnam War. Typically, the convicted resister found himself in a federal prison, discovered to his annoyance that his favorite publication (say, the *Village Voice*) was not approved reading, contacted his lawyer, and soon was filing a suit against prison censorship. Often the civil rights and the Vietnam routes converged, and lawyers found themselves trying to protect the rights of black radicals inside state and federal prisons.

Although the efforts of activist lawyers had not sparked the prison cases, their impact was nevertheless crucial to the movement. These lawyers acted in many jurisdictions, giving national scope to the changing judicial doctrines. The precedents had been established in a few districts. The explosion of cases after 1969 took lawyers from one region to another. Moreover, activist lawyers broadened the questions to be litigated, pressing not only the religion and punishment issues, but attacking parole procedures as well.

Perhaps most important, the lawyers initiated litigation on the nitty-gritty, petty, but important details of prison life. Now judges learned not only about glaring abuses in isolation cells and the sickening practice of whipping, but about the less dramatic but still vital issues of due process, of visitation and correspondence rights, of rights to medical treatment and law books. On these issues jailhouse lawyers had considerably less expertise. The first inmate suits had impact partly because the conditions they highlighted were so gross as to stand in obvious need of remedy. But it was another matter to persuade courts that many habitual annoyances and restrictions in prisons raised fundamental constitutional issues. That required a professional and specialized corps of reform-minded litigators who had legal talent and some financial resources.

PRISONERS AS CITIZENS

Despite a deep reluctance to adjudicate inmate demands, judges in the 1960s could not perpetuate the hands-off doctrine. When Black Muslims in 1961 pressed the cause of religious freedom in prison, judges found the right too traditional, the request too reasonable, and the implications of intervention ostensibly so limited that they had to act. They ruled that inmates should be allowed to attend services and to talk with ministers without fear of penalty. "Whatever may be the view with regard to ordinary problems of prison discipline," declared the court in *Pierce* v. *La Vallee* (1961), "we think that a charge of religious persecution falls into quite a different category." That the litigants were black, at a time when courts were growing accustomed to protecting blacks from discrimination, made the intervention all the more logical. Requiring a warden not to discriminate surely would not involve the court in having to run the prison.

Nor could the courts reject the petitions that followed. Judges were next asked to rule on prison conditions at their very worst, where the scandals brought to public attention simply could not be buried. Were courts really to stand by helplessly as Arkansas prison guards used the Tucker telephone to give electric shocks to inmates' genitals? Were they going to permit administrators to keep convicts for weeks in cells filthy with excrement? Surely institutions could be run without such horrors. Hence the courts moved without design from requiring that inmates subject to the punishment of whipping be accorded procedural rights, to outlawing whipping altogether, to declaring in *Holt* that "the Arkansas Penitentiary System, as it exists today, particularly at Cummins, is unconstitutional."

To understand fully why in the 1960s the courts reversed position when many abuses were as old as the institutions themselves, we must also appreciate how defensive, embarrassed, and inadequate were the responses of prison officials to the challenge. When asked why they curtailed the privileges of Black Muslims, or why they maintained subhuman isolation cells, their answers were frequently lame, foolish, and illogical. Their inability to defend the system spurred judicial action. The California federal court, for example, striking down Soledad's solitary cells in *Jordan* v. *Fitzharris* (1966), especially noted the superintendent's tone of "futility." The court recounted one typical exchange: " 'Q. And would you say that the quiet cells . . . is a proper means of such control of noise? A. I don't know. I just don't know what is the proper means. The best we have so far . . . I don't know, but I certainly—nobody's happy with having to treat a human being like this.' "

The court's rulings reflected too an awareness that inmates were not fundamentally different from other citizens. Perhaps the older, clear-cut distinctions between those inside and those outside could not be maintained after articulate black leaders served time in jail; perhaps the young, white, middle-class draft resisters helped alter popular perspectives on the prison population; perhaps sociological research, especially on the roots of criminal behavior, had its impact, encouraging a recognition that the deviant was not a creature apart. Over this decade judges too grew more sophisticated about incarceration and began to incorporate sociological findings into their perspectives. One early and important prison opinion, *Barnett* v. *Rodgers* (1966), commented specifically that "we may take judicial notice of accredited social studies," moving on to cite sociologists Erving Goffman and Gresham Sykes in support of the idea that degrading prison conditions reduced the prospect of ex-inmates adjusting successfully after release.

Finally, the courts demonstrated through the 1960s a growing distrust of many types of arbitrary bureaucratic authority. Recognizing, along with many other students of American society, that decisions at the bureaucratic level often have enormous impact on our lives, judges extended procedural practitions to new areas. Administrators of schools and welfare centers, as well as of prisons, found their names on court calendars.

JUDICIAL ACTIVISM TOWARD MENTAL HOSPITALS

Judges were far more reluctant to intervene in mental hospitals, despite the obvious relevance of their decisions in criminal incarceration. Although asylum conditions were often indistinguishable from prison conditions, although commitment statutes were supposed to protect the patient and not punish him, and although the insane as a class were generally less dangerous to society than were criminals, courts during the 1960s for the most part avoided bringing the rule of law to mental hospitals. To be sure, some opinions, notably those of federal judge David L. Bazelon of the Washington, D.C., court of appeals, overcame this hesitation and provided useful precedents. But innovative decisions were cited more often in law review journals than in courtrooms.

In part, the courts were less active here because asylum inmates were less active than prison inmates. Some convicts never tired of playing lawyer, writing countless petitions and briefs; asylum patients, by comparison, were decidedly passive. Sometimes this was the result of age (many inmates are more senile than disturbed), or of medication, or of the fact that benign institutions induce a more pervasive lethargy than avowedly punitive ones. In all events, mental patients did not force investigations of their confinement. Even the few judges determined to act had a paucity of cases from which to select that right combination of circumstances to occasion their opinions.

Lawyers and their organizations also remained oblivious to asylum conditions during the 1960s. Activists rarely encountered the mentally disturbed. Moreover,

most reform-minded attorneys were accustomed to working only in criminal courts; rarely did a family or a judge call them to civil court to defend someone facing involuntary commitment. The chance to follow a client into the asylum did not present itself. Hence activist lawyers did little to make mental-patients aware of their rights, to make the courts sensitive to their responsibilities, or to extend or popularize the few existing precedents.

Judges, for their part, were less willing to instruct psychiatrists than to direct wardens. The actions of the courts during this decade were shaped not by the nature of the clientele but by the presumed expertise of asylum superintendents. Because those on the bench considered prison officials nothing more than ordinary bureaucrats, some efficient and decent, others incompetent or nasty, they could, when aroused, order them about. But the status of medicine as well as the aura of magic clung to psychiatry. When hearing a psychiatrist's court testimony, many judges were not only courteous, they were anxious. The mind doctor's bag of tricks was so intimidating that it discouraged oversight of hospital routine and staff performance.

These considerations not only limited judicial decisions but ensured that the few precedents established would not be easily and significantly widened. Practically every decision during the 1960s that affected hospital autonomy dealt only with the criminally insane or the defective delinquent. The fate of the patient involuntarily committed in a civil hospital rarely provoked a court order. One of the first cases to broach the subject of treatment, *Miller* v. *Overholser* (1953), concerned the transfer of a sexual psychopath out of the maximum-security wing of the District of Columbia's St. Elizabeth Hospital; the most important decision of the decade, *Rouse* v. *Cameron* (1966), involved the treatment of a St. Elizabeth's patient involuntarily committed by the municipal court for carrying a dangerous weapon. In these and other instances the court's entering wedge was the great disparity between the time the inmate would have served in prison under a standard criminal conviction, and the time he languished involuntarily in a mental hospital. In this way judges seemed to be protecting the rights of convicted offenders, rather than telling hospital administrators how to do their job.

Further, in these cases the courts apparently were not dealing with the entire mental hospital, only the worst corner of it, that pavilion serving the criminally insane. They were not passing rules for the core of the situation—this remained the psychiatrist's domain.

Finally, these cases were usually decided by the federal courts in the District of Columbia which, by virtue of the Capital's strange legal status, have jurisdiction over local mental hospitals. Thus they could take cognizance of St. Elizabeth's conditions without having to tackle the complicated question of state versus federal responsibility. The result of all these considerations was that the courts' first encounter with mental illness and incarceration seemed both an idiosyncratic and limited venture.

THE CONTRIBUTIONS OF BAZELON AND SZASZ

Perhaps what most needs explaining is how the courts came to enter this domain at all. Much of the impetus came from Judge Bazelon, whose concern began with the issue of the insanity defense. He was among the first judges to try to bring the doctrine of criminal responsibility into accord with modern psychiatric thinking; and for his efforts he won the admiration of professional psychiatric societies and the friendship of many psychiatrists. As mental illness and psychiatric practice became less mysterious for Bazelon, he became increasingly curious about confinement and treatment. He ocupied a unique position; interested in psychiatry, informed about it, and able to listen to psychiatrists without necessarily taking them at their word. When superintendents explained the absence of treatment programs or medical personnel by referring to "milieu therapy." Bazelon was not disposed to nod sagely and accept their euphemisms.

Scholarly literature also had its impact, but here too the story belongs in many ways to one man: Dr. Thomas Szasz. Szasz's writings—*The Myth of Mental Illness* for example—helped to reduce the invincibility of psychiatric nostrums. Even more important, he cast doubt on the validity of the *concept* of mental illness, thereby narrowing the gap between the normal and the abnormal. For those who read his tracts, the denizens of mental hospitals became less alien and the awfulness of institutional conditions less tolerable. Szasz's reputation has risen with the level of court intervention in the operation of asylums. Before 1965 his work was not well received; he was placed beyond

the bounds of professional respectability. Between 1965 and 1970 his reputation improved, at least to the point at which popular journals asked him to present his interesting if eccentric views. Since 1970 he has been at the center of a radical school of psychiatry, accepted almost everywhere as the spokesman for a legitimate minority position.

Occasional congressional and state investigations of mental hospitals in the early 1960s also stimulated court action. They publicized inadequate institutions and prompted legislatures to write into law the concept of the right to treatment. Although this language had little effect on actual conditions, it did provide judges with an entry point. Rather than having to confront at the outset the issue of whether a patient had a *constitutional* right to treatment, judges could simply insist that institutions had to satisfy legislative standards.

THE EFFECTS OF BAXSTROM

Every so often, a judicial decision would set off an unexpected but critical chain of events. One such opinion was the Supreme Court's action in *Baxstrom* v. *Herold* (1966). The cast dealth with New York's commitment procedures for inmates whose prison terms had expired but whom the state wanted to commit as insane to mental hospitals. The law did not afford prison inmates all the due process protections that ordinary citizens enjoyed, a discriminatory practice the Court struck down as a violation of equal protection. As an immediate result of *Baxstrom*, 992 men at Dannemora, a hospital for the criminally insane, were transferred to civil hospitals. The staffs of these civil hospitals protested; the inmates, after all, were dangerous, certified so by psychiatrists. Then, to everyone's puzzlement and surprise, few ill effects accompanied the change. Within a year, only seven of almost a thousand inmates had to be returned to Dannemora as dangerous.

The implications were too obvious for the courts to miss. As Judge Irving Kaufman put it in *U.S. ex. rel. Shuster* v. *Herold* (1969), courts should pay much less attention to public outcries that a judicial action will lead "society over the brink and into the abyss of administrative chaos." He cited with approval a New York City Bar Association report finding that the massive incarceration of persons at Dannemora pointed to "another instance of institutional expectations putting blinders on our perceptions." *Baxstrom*, in short, encouraged judges to question a psychiatric evaluation. Soon they would be questioning psychiatric administration.

REFORM "STRATEGIES"

The year 1970 marked a new stage not only in litigative action and court decisions, but in the thrust of reformist energies. Efforts at amelioration now focused on bringing suits in federal courts to challenge the constitutionality of a wide variety of conditions and procedures in prisons and mental hospitals. The American Civil Liberties Union, for example, helped to organize and provide funds for a prisoners' rights movement; together with a public interest law firm, The Center for Law and Social Policy, and the American Orthopsychiatric Association, it put together a mental health law project. The NAACP Legal Defense Fund also devoted much of its energies to formulating and pressing suits on behalf of inmates. In essence, the courtroom became the arena for those working to alter the system of incarceration.

Over the last decade and a half, however, the growing commitment to litigation has sometimes obscured the larger issue of the ultimate aims of reform. Lawyers often have resembled politicians on the campaign trail, moving from crisis to crisis with little time to think more than one step ahead.

Lawyers pressing prisoners' rights cases note convincingly the immediate need to make prisons less oppressive. But the prisoners' rights movement is not solely or even primarily concerned with minimal protections for inmates. Rather, it brings together two very divergent approaches to reform.

For some litigators and reform organizations, fighting for prisoners' rights is the best way to make institutions truly rehabilitative. They believe that the first step in changing convicts into responsible individuals is to grant them the procedural rights that other citizens share; then penitentiaries can educate offenders and return them to society as law-abiding citizens.

But other proponents of the litigation tactic subscribe to a crisis strategy.

They are convinced that implementing prisoners' rights will upset the balance of power within the institutions, making prisons as we know them inoperable:

Once a guard is required to answer to an inmate and defend the reasons for his action, once a prisoner is freed from discretionary abuse, then prisons will be unable to function. Since terror and arbitrariness are at the heart of the system, granting rights to prisoners is the best way to empty the institutions. And emptying the institutions, decarcerating the inmates, they say, should be the ultimate goal of reform. Such reformers support this decarceration position by citing the now voluminous sociological literature demonstrating that no institutional program, be it vocational training or more intensive social casework, reduces recidivism. They point to Erving Goffman's work to argue that incarceration inherently does more harm than good: that long-term confinement, even under ideal conditions, reduces inmates to infantilism, destroying their ability to function in society. They recount the dismal historical record of reform to demonstrate that sporadic efforts to upgrade institutions have never produced permanent improvements. They insist too that the amount of crime prevented by the incapacitation through confinement of a number of convicted felons has little impact on the total amount of crime in a society, and that whatever deterrence prisons exert could be just as well accomplished by less brutal and debilitating punishments. Prisons, they conclude, neither rehabilitate offenders nor protect society.

A similar contradiction exists among the proponents of the right to treatment in asylums. Some see the attempt to force hospitals to provide treatment as a genuinely effective method of achieving rehabilitation. When Judge Frank Johnson in *Wyatt* v. *Stickney* (1972) set out seventy-four guidelines for Alabama's mental hospitals, guidelines that ranged from the ratio of patients to psychiatrists and the amount of living space necessary for each patient, to the size of bathroom facilities and the schedule for changing linen, he was promoting meaningful change. These guidelines, insist supporters of rehabilitation, are specific enough to be enforceable—and under them Alabama's institutions can cure the mentally ill.

But others committed to the treatment strategy share very different ambitions. They believe that the number of individuals now incarcerated makes standards of the type imposed by Judge Johnson too expensive to implement. They anticipate that a state, rather than upgrading its institutions, will recoil at the cost and abdicate its responsibility. Convinced that asylums are no more effective than prisons, they welcome this abdication; it would bring, at the very least, a dramatic reduction in the number of people incarcerated for mental illness.

The differences among reformers' goals are not merely rhetorical. Policy implications emerge at every turn. Those who adhere to the idea of rehabilitation must be ready to resort to legislative lobbying and public appeals to force the state to meet its obligations. They must urge large appropriations for the building of bigger and better prisons and asylums, with more classrooms, staff, and vocational rehabilitation programs. The cases they bring to court must look to enforcing better systems of inmate classification and placement, the right to conjugal visits, the right to more casework and therapy.

On the other hand, those whose goal is to empty the institutions must focus on driving up the costs of treatment, ultimately to discourage legislators from funding the institutions; or, alternatively, adopt the more direct strategy of convincing those who hold the public purse strings that it is better to reduce the populations of institutions: to decelerate.

The actual debate between the two camps has not thus far been conducted with clarity or precision. The lawyers have little time or inclination to ponder the implications of their daily decisions; and the leaders of the organizations involved have not been attentive to the question of where their efforts are taking them. Because litigation has won some impressive courtroom victories, most reformers in both camps are satisfied momentarily and have not thought hard about ultimate goals. Those who think rehabilitation possible can look forward to the implementation of Judge Johnson's standards; those more determined to see the wards empty note gleefully that the entire state of Alabama has fewer licensed psychiatrists than are needed to carry out the judicial order. Similarly, both sides lauded Judge James E. Doyle's opinion in *Morales* v. *Schmidt* (1972, recently reversed on appeal), holding that the constitutional rights of inmates must take precedence over the needs of institutions. The idea that prisons must adhere to due process procedures or go out of business satisfies those who believe rehabilitation can work and those who do not.

Both camps have also been pleased with the impetus that court victories have given to inmate self-organization. Providing inmates with the protections of the

First Amendment enables them to organize more effectively to press for ostensibly rehabilitative programs; yet it also increases the burdens on the system which must respond to their demands. Officials subjected to mounting pressures may become receptive to the call for decarceration.

THE "NOBLE LIE"

A still more critical consideration blurring the differences between the two camps and obfuscating the aims of policy is a rhetorical commitment by many reformers to both rehabilitation *and* decarceration. Particularly over the last year, those who once thought exclusively in terms of rehabilitation have been announcing that they too favor decarceration. When litigators are confronted with the seeming contradiction in this position—why do you promise some courts that institutions will become rehabilitative and tell others that they must be eliminated—they respond in two different ways. First, they offer an "all fronts" approach, insisting that the more varied the strategies, the more themes that are presented, the greater the opportunity to effect change in the system of incarceration.

Second, and more important, they argue for the "noble lie" tactic. Courts, they claim, will never decide in favor of a litigant if the case is presented as a step toward shutting down the institution. Judges are comfortable with the rehabilitation ideal, and the more enlightened among them will force administrators to meet their responsibilities. But tell judges that rehabilitation is a sham, that nothing works, that we had better begin to dismantle this cruel and expensive system, and they will avoid the issue, dismiss the contentions as too radical, and deny the inmates all relief. Further, these activists maintain that not only courts, but legislators and the general public too, must be told the "noble lie." Otherwise, we face the dangers exemplified by Governor Rockefeller's drug program for New York. He has defended his hard line—mandatory life sentences without parole for drug offenders—by announcing that rehabilitation has not worked and will not work; and has on that basis won support for his retrogressive proposals. Hence, say proponents of the "noble lie," we must continue for the sake of short-run reform to preach rehabilitation even though our long-run goal is decarceration.

THE USEFULNESS OF THE REHABILITATION STANDARD

Clearly, the rehabilitative ideal has assisted the courts in extending prisoners' rights. While judges have not based their decisions on a right to rehabilitation, they have used the concept to strengthen other kinds of supporting arguments. One of the nine justifications for the court's assertion in *Jackson* v. *Bishop* (1968) that whipping is a cruel and unusual punishment was that "it frustrates correctional and rehabilitation goals." So too, in *Barnett* v. *Rodgers* (1969), the court insisted that inmates' dietary creeds took precedence over customary state prison regulations because "religion in prison subserves the rehabilitative function by providing an area within which the inmate may reclaim his dignity and reassert his individuality."

The concept of rehabilitation also helped the court in *Holt* to rule the entire Arkansas penitentiary system unconstitutional. While conceding that no right to rehabilitation yet existed, the court did consider rehabilitation "a factor in the overall constitutional equation." Therefore, "in the absence of an affirmative program of training and rehabilitation," corporal punishment, a trusty system, the degrading isolation cells, and open barracks added up to an illegal mode of confinement. Similarly, one reason the court protected an inmate's letter-writing privileges in *Carothers* v. *Follette* (1970) was that it would not "retard his rehabilitation." And at least the dissenting judge in *Novak* v. *Beto* (1971) ruled the use of isolation cells in Texas prisons unconstitutional, for they exert "a totally negative impact on any hope for rehabilitation."

Obviously, too, the rehabilitation ideal has encouraged court intervention in mental hospitals. In ordering the transfer of an inmate out of St. Elizabeth's maximum-security wing, the court in *Miller* held that indefinite confinement was "justifiable only upon a theory of therapeutic treatment." Judge Bazelon, in the *Rouse* case, ordered an investigation of hospital care because "the purpose of involuntary hospitalization is treatment, not punishment." And of course Judge Johnson's guidelines in *Wyatt* rested on the notion that Alabama's institutions had not been giving treatment. In all, then, it can be argued that litigators ought to be left to press for reform case by case, using the concept of rehabilitation for the sake of winning victories in the courts.

The price we will pay for these concessions is alarming, however. If reformers do not face up to all the implications of their tactics they may soon discover that they have won the court battles and lost the war for meaningful change. One can appreciate how a lawsuit gaining compensation for inmate labor will reduce the asylum population. But what is to become of those whose release has been won in this way? And what effects will these haphazard releases have on the well-being of society? Already a new breed of horror story is beginning to circulate about the "community-based" boarding houses to which a number of former inmates have been removed. Some keepers, it seems, are giving their charges breakfast and then locking them in all day; others are feeding them breakfast and locking them out all day. Ten years' accumulation of these incidents, and someone will come up with the bright idea that a thousand settings are more difficult to oversee than one. "If only we would consolidate the boarding houses into a central system, put them all under one roof. . . ." In essence, unless those now litigating for decarceration think hard and clear about alternatives, we may soon rediscover the asylum.

Perhaps the greatest potential for mischief comes from those who would use the rehabilitation concept for strategic purposes. By keeping alive the notion of therapy, they discourage a search for alternatives to incarceration. They also run the risk that legislators may actually take the rhetoric at face value and fund institutions at new levels—indeed, the Alabama legislature this last winter threatened to do just that.

THE DESTRUCTIVE USES OF REHABILITATION

It is doubtful for moral reasons as well that we would want to popularize and legitimate a "noble lie" tactic. But the most serious problem is that the concept of rehabilitation simply legitimates too much. The dangerous uses to which it can be put are already apparent in several court opinions, particularly those in which the judiciary has approved of indeterminate sentences in Patuxent, Maryland's institution for defective delinquents. Moreover, it is the rehabilitation concept that provides a backdrop for the unusual problems we are about to confront on the issues of chemotherapy and psychosurgery. Consider the frightening prospect of chemotherapists and psychosurgeons, Ph. D.s and M.D.s in hand, proclaiming their ability to alter human behavior—and the courts accepting their pledge to do good as sufficient reason to medicate and to operate. This is not the right time to expand the sanctioning power of rehabilitation.

The possibilities for abuse of rehabilitation, of cloaking fundamental restrictions on civil liberties in the guise of therapy, emerge vividly in *Carothers*. In the course of striking down letter-writing restrictions the court noted: "A prison regulation restricting freedom of expression would be justifiable if its purpose was to rehabilitate the prisoner." No less open-ended an opinion emerged in the celebrated *Landman* decision (1971). While extending due process protections to Virginia's convicts, the court argued that as soon as officials attempt to rehabilitate prisoners, "the best justification for the hands-off doctrine will appear." Judges have no expertise in therapy, the court said, and court intervention "might be positively harmful to some rehabilitative efforts"; hence "where the state supports its interest by demonstrating a substantial hope of rehabilitative success, deference may be owing." In this same spirit a majority of the court in *Novak* upheld solitary confinement in Texas by linking isolation to rehabilitation. "Our role as judges," insisted the court, "is not to determine which of these treatments is more rehabilitative than another." In other words, if a prison practice can somehow or other be brought under the umbrella of therapy, the courts might well sanction it.

Many of these nightmarish possibilities have already come to pass at Patuxent. Under its program, those initially convicted of criminal offenses who are later, in a separate hearing, diagnosed as having an intellectual or emotional imbalance such as to make them an "actual danger to society," are committed to Patuxent. Their sentence is indeterminate, with release to come only with cure. Patuxent, its directors insist, provides a "therapeutic milieu." Inmates receive counseling as well as "negative and positive reinforcement" for their behavior. Many of them remain there for periods longer than required by the initial criminal conviction, a circumstance that officials explain "is necessary for therapeutic reasons."

On the whole, the courts have accepted the justifications offered by administrators. Although some recent Supreme Court rulings increased the procedural rights of inmates (the Court had little trouble equating "negative reinforcement

cells" with the "hole"), and ordered the release of inmates as yet uncommitted (those who refused to talk with psychiatrists and so could not be diagnosed as defective delinquents), the constitutional challenges to the continuance of Patuxent have not succeeded.

The rehabilitation ethic has legitimated it. Citing the high ratio of staff to inmates, the sizeable expenditures, the favorable impression made by the directors, the dismal record of prisons generally, and an indication that recidivism rates at Patuxent are lower than usual, the courts have allowed the system to stand. Going further, they have found Patuxent "an encouraging example," one to be emulated.

The Patuxent case is worth worrying about. An increasing number of institutions are about to present themselves as rehabilitative. The federal government is soon to open a special therapeutic prison at Butner, North Carolina; New York is planning one, and so are many other states. Undoubtedly each will have a large staff of professionals, an elaborately designed program, and dedicated and articulate directors. And using these criteria, the courts will turn away constitutional attacks. From all past indications, judges will focus not on performance, not on whether the institutions actually do any good, but on external criteria, on the size of the staff and the style of the directors, on whether the institution *promises* to do good. In affirming the constitutionality of Patuxent's procedures, the court in *Tippett* v. *State of Maryland* (1971) noted in very guarded terms that "there is reason to believe that the effort [to rehabilitate] may prove successful." The Patuxent recidivism rate, after all, was "lower than the combined rate for all of the penal institutions in the United States." No statistics, however, are more frequently manipulated than rates of recidivism; these rates are a slender reed on which to rest the massive structure of institutionalization in America. Yet the court seemed uninterested in and unaware of the difficulties created by using such a measure. Ultimately, the rhetoric mattered more than the reality.

AN AGENDA FOR DECARCERATION

Perhaps no other area of social policy has more traps to ensnare the well-meaning activist than that of incarceration. To an extraordinary degree, the unintended consequences of reform have been mischievous, producing at least as many difficulties as the conditions they were intended to correct. The benevolent aims of the founders of prisons and asylums did not prevent the subsequent degeneration of those institutions, and the nobility of our ambitions are no guarantee that alternatives to incarceration will not be as awful as the buildings they replace.

It is also apparent that prison and asylum reform touches only a small part of a much larger social problem. To plan for a more rational disposition of offenders after they are convicted is to do nothing about the related circumstances of poverty, racism, unemployment, and inequitable distribution of wealth and power. Indeed, we might fear not unreasonably that a more efficient, even more humane, system of processing people after conviction will only reinforce present inequalities, allowing the haves to control the have-nots at lower cost and with greater effectiveness.

Moreover, from a civil libertarian point of view, alternatives to incarceration can all too easily become more deleterious than incarceration. Whatever else, prisons have confined behind walls the despotism of the warden; the community at large has remained relatively untouched by massive intrusions into people's lives. There is a risk involved in returning prisoners to the community: if it serves as a pretext for law enforcement officials, in the name of "security," to require us to wear devices that monitor our movements, or to carry coded identification cards that permit or deny access to parts of the city, or to some buildings and not others, then we might reasonably decide that despotism in institutions is better than society-wide surveillance. If the price of breaking down the walls is in effect to imprison the entire society, we may prefer the inherited system with all its evils.

Such fears, however realistic, should not stifle reform efforts. The wretchedness of our present system is too acute to let prisons go untouched until other social problems have been dealt with; the risks involved in making changes should not serve as an excuse to stifle attempts at amelioration. The procedures we now rely on are so cruel, costly, injurious, and ineffective that at least some modest efforts at improvement seem worthwhile—efforts that are modest in two senses. First, prison and asylum reform is not intended to inhibit or retard larger reform strategies. Programs must not pretend to stand as alternatives to broader efforts

at ending exploitation and racism, or at redistributing opportunity and wealth, but as parts of the overall press for social justice. Second, reformers should not pretend to be able to eliminate crime or to eradicate deviancy. They should acknowledge instead that their efforts are attempts to find more humane, less costly, and less harmful ways of dealing with these problems, to do less injury at a price considerably below the $5,000 to $10,000 a year we spend on each person incarcerated.

Clearly, there is a desperate need for an open and full appraisal of means and ends in reform strategies. Rather than moving instance by instance, ignoring the harm done by trying to serve divergent purposes, or by not examining the implications of court victories, activists must decide on their goals, and shape their rhetoric and programs accordingly.

They should work toward decarceration—toward getting and keeping as many people as possible out of institutions. When some form of incarceration is unavoidable in the clear interest of protecting the individual and society, it should take place in small facilities in the community. When confinement in maximum security institutions is the only practical response, the length of time should be kept to a graduated minimum, based on the specific circumstances of the offender's record and the crime.

Translating these general guidelines into practice would require at the outset a major campaign to narrow the scope of criminal jurisdiction. Removing victimless crimes from the system, not punishing for drunkenness, drug use, or sexual acts between consenting adults, would dramatically reduce the numbers now inside institutions. So would a massive increase in the use of probation, keeping to a minimum intrusive supervision and special regulations governing probationers' behavior. When the risks to society are not considerable, as in petty property crmes that could be recompensed by insurance for victims, probation should be tried two, three, or four times. Scandinavian countries now allow this number of failures, and we should emulate their tolerance.

When recidivism in minor offenses becomes intolerable, or when the initial offense has presented a clear danger to the community, as with armed robbery, the resort whenever practicable should be to part-time incarceration in facilities in the community. These institutions might well be modeled on traditional college dormitories, Sign-ins and sign-outs would be obligatory, as would attendance at work or school. Visits to families and friends for set periods of time would be allowed by day or night. Residents should be provided with the opportunity for psychological counseling and support.

Under such a system violations of the rules will of course occur, the supervisory staff will have discretion that could be abused and, inevitably, some people enrolled in these programs will commit crimes for which they may have to be incarcerated. Still, under these circumstances, many offenders can be spared the deleterious effects of full-time incarceration and the subsequent difficulties of readjusting to community life.

When the offense has been particularly harmful, as when a victim of a crime has been injured, or when an offender has persistently violated previous sanctions, then confinement in a secure institution may well be necessary as a last resort. But the periods of confinement must be reduced drastically. Shorter sentences (one, two, or three years) should replace the all too commonplace five-to-ten-year terms. We must reset and lower our scale of penalties, for offenses from murder to petty larceny, in an awareness that longer periods of institutionalization accomplish nothing. In fact they may increase the likelihood of recidivism. And, if we spend the custodial funds saved on useful post-release programs, this is also the most "cost-effective" policy to present to skeptical taxpayers.

A similar kind of restraint should dictate policy toward persons seeming to suffer from mental disabilities. The bounds of tolerating eccentric behavior must be expanded. As long as no harm to self or to others is imminent, we should allow people to follow their own lifestyles. When the risk of injury appears possible, the mentally disabled should be encouraged to use community treatment facilities or to take up residence in foster homes. When danger to self or to others appears immediate, involuntary commitment may be the only solution. Studies show that such intervention as a short-term expedient at moments of crisis can be effective. The periods of confinement must be severely limited—thirty to forty-five days would not severely disrupt an individual's work and family responsibilities—and due process protections must accompany every step.

At the heart of this program is the idea that the community must balance some new risks against the clear likelihood of continuing recidivism, crime,

and brutalization under the existing system. We must be willing to accept some uncertainty; doubts should be resolved in favor of deliberate acceptance of risks. Furthermore, the community must minimize intervention in the guise of doing good. The most rigorous proof of effectiveness should be required before we even consider incarcerating anyone against his wishes for his own welfare.

To date, in right-to-treatment cases, Judge Bazelon has insisted that hospital officials provide the courts with individualized treatment schedules that state what is to be done with each patient. Judge Johnson has asked that criteria of adequate and personnel be satisfied. But it would be far better to measure confinement standards by accomplishment.

Intervention in people's lives must not be allowed if we merely *believe* but are not *certain* that we can accomplish good. To an astonishing degree we operate now on the basis of myths: that confinement in a state mental hospital will produce cures, that five-year-minimum terms for drug offenders will rehabilitate them, or that sentences of five to ten years will prevent or deter a significant amount of crime. Hard data and performance statistics are essential here, even recognizing all the difficulties in gathering and evaluating them.

Convincing the public to support such an experimental approach may not be as difficult a task as some might think. Evidence can be marshalled easily to demonstrate how irrational, costly, and dysfunctional the present system is—and public education to these facts must begin. In strategic terms, care should be taken not to fall into the trap of "100 percent" decarceration. The goal of reform in this campaign, it must be made clear, is not to allow the nightmarish cases, the three-time rapist or the four-time armed robber, to head right back to the streets. What the public must learn is that overpredictions of dangerousness are rampant in the criminal justice and mental health professions, and that reform can be accomplished in the great majority of cases without compromising public safety.

Savings that accrue from a reduction in the number of inmates should be spent in ways that make decarceration politically acceptable. A federally sponsored crime insurance program that indemnifies citizens adequately for losses due to crime should be established. Monies should be expended to improve the quality of courtroom justice, getting defendants better counsel, and reducing the time before trial. Possibly, too, funds could help to upgrade the quality of police operations so that the public could be protected without some being hassled and others being shaken down. Appropriations should be used to establish, on an experimental basis until their effectiveness is demonstrated, a broad range of voluntary programs for offenders and deviants, from counseling services to vocational training. Perhaps these programs will be more effective in rehabilitating and in preventing recidivism when enrollment in them is by choice of the client and not by dictate of the state.

The most encouraging evidence of the feasibility of change one can offer reformers is to remind them that we have begun to make some progress recently. The percentage of offenders incarcerated for crimes has actually diminished; states like California and Massachusetts are using alternatives in incarceration (more probation, more halfway houses) without increasing the risks to the community. Over the last two decades the average length of stay in mental hospitals has been reduced, and it is not impossible that by the year 2000 the large warehouse-type mental hospital will no longer be with us. At times, fiscal conservatives have united with reformers to implement decarceration programs, the one side happy to save funds, the other eager to reduce harm. In other instances, farsighted administrators like Jerome Miller in Massachusetts have on their own initiative greatly reduced the population of institutions. The confinement of juveniles in institutions has been abolished in Massachusetts—an example that is being emulated in Minnesota and Illinois.

This agenda will not eliminate crime or completely abolish incarceration. Such millenial goals and the true-believer syndrome they engender have helped generate and exacerbate our present plight. But pursuing a strategy of decarceration might introduce some reality and sanity in a field prone to illusion and hysteria. Americans will not escape the tradition of reform without change by continually striving to discover the perfect solution. Rather, we must learn to think in tough-minded ways about the costs, social and fiscal, of a system that has flourished for so very long on the basis of fanciful thinking. If we talk openly and honestly about what we can and cannot accomplish, if we demolish the myths of incarceration, regardless of how convenient or attractive they appear to be, if we put adequate funds and support behind the pilot programs that, when evaluated carefully, should lead us to fund large-scale measures, then we may begin to reverse a 150-year history of failure.

A NOTE ON RESOURCES

Several recent publications discuss and cite the cases affecting incarceration of prisoners and mental patients. Marilyn Haft and Michelle Herman in Prisoners' Rights (Practicing Law Institute, two vols., 1972), have put together an excellent introduction to this material; also useful and thorough is the South Caroline Department of Corrections, The Emerging Rights of the Confined (1972). Two handbooks published under ACLU auspices summarize the present state of the law: David Rudofsky, The Rights of Prisoners (New York: Avon Books, 1973); and Bruce Ennis and Loren Siegel, The Rights of Mental Patients (New York: Avon Books, 1973). Key references in the mental health field can be found in David Chambers, "Alternatives to Civil Commitment of the Mentally Ill," Michigan Law Review, 70 (1972), 1107–1200; and Jonas Robitscher, "The Right to Treatment," Villanova Law Review, 18 (1972), 11–36.

The historical background is provided in my study, The Discovery of the Asylum: Social Order and Disorder in the New Republic (Boston: Little, Brown, 1971). On the sociological side, one must read Erving Goffman, Asylums: Essays on the Social Situation of Mental Patients and Other Inmates (Chicago: Aldine, 1961). The writings of Thomas Szasz are voluminous; for a good introduction to this thought see Ideology and Insanity (New York: Vintage, 1970). Current reformist perspectives emerge vividly in the American Friends Service Committee, Struggle for Justice (New York: Holt, 1971); (the insightful essays by Caleb Foote and Herman Schwartz in A Program for Prison Reform, a report of the Roscoe Pound-American Trial Lawyers Foundation (Cambridge, Massachusetts, 1972); and Jessica Mitford's splendid Kind and Unusual Punishment (New York: Knopf, 1973). Bruce Ennis presents an interesting account of his work in mental illness and the law in Prisoners of Psychiatry (New York: Harcourt, 1972). Phil Stanford's aricle on Patuxent for The New York Times Magazine (September 17, 1972, 9ff.) is a good piece of reporting.

My own thinking has been assisted enormously by the working sessions of the Committee for the Study of Incarceration. A report of this group's conclusions will be forthcoming in the spring of 1974. In the course of research Stanley Bass, Judge David Bazelon, Jack Greenberg, and Aryeh Neier generously gave of their time to share with me their ideas and experiences. I am also indebted to Charles Halpern, Andrew von Hirsch, Sheldon Messinger, Herman Schwartz and Peter Strauss for critical comments and suggestions on the manuscript. A several-hour discussion of a draft of this essay at Berkeley's Center for Law and Society, directed by Jerome Skolnick, also helped sharpen the argument.

DEINSTITUTIONALIZATION - DELINQUENT CHILDREN

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ABSTRACT

It is difficult to generalize about the relative merits of various arrangements for treating and controlling delinquents, since existing studies are quite limited. The available evidence does allow one conclusion--that probation has been relatively efficient and effective in handling a large percentage of juvenile delinquents, but information available on other non-institutional programs for delinquents only suggests that certain selected delinquents can benefit more from such programs than they can from custodial institutions.

Thus, additional research is necessary to develop more complete answers on the relative effectiveness of alternative methods for treating and controlling different types of delinquents. For example, more reliable empirical information is needed on the "recidivism" of particular juveniles in alternative programs.

Popular assumptions are not an adequate guide to future policy formulation. One such assumption, for instance, is that noninstitutional care is always less costly than institutional care. While this may be true for some alternatives (e.g., probation, specialized foster homes, and correctional day care), there is strong reason to believe that it is not true for others (e.g., specialized group homes and group residences).

States and localities have generally made considerable use of noninstitutional alternatives for handling their juvenile delinquents but they have been very reluctant to completely eliminate custodial institutions in this context. Given the present state of knowledge, it appears that their caution is justified.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

I. INTRODUCTION

The purpose of this study is to present an analytic framework for examining deinstitutionalization as it relates to delinquent children. Although the Department of Health, Education and Welfare is not responsible for custodial institutions for delinquent children, various agencies within HEW may well be involved in providing services to delinquents who have been removed from such institutions and to others who have been diverted from the institutional path. Additional work must be done before we will really know what is implied by the deinstitutionalization of juvenile delinquents--both for administrators and, more importantly, for the children and the communities in which they live.

The analytic framework developed in this paper should help in designing a research strategy for answering some of the questions surrounding deinstitutionalization. Before we can evaluate noninstitutional alternatives, for instance, we must know more about the causes of delinquent behavior and know whether delinquency is affected by time spent in custodial institutions. Similarly, before we design a sophisticated information system to capture cost data about the various types of noninstitutional care, we should have some idea of the probable relative value of each alternative in accommodating delinquent children. If one alternative could, at best, handle only a very small percentage of such children, it would probably not be worth a comprehensive and costly evaluation.

Deinstitutionalization has received much attention lately because of the

program recently enacted in Massachusetts which closed all state-operated custodial institutions for delinquent children. While Massachusetts has gone further than any other state in deinstitutionalizing its delinquent population, other states have similar programs and, in some cases, these programs have been in effect for a number of years. California, Minnesota, Wisconsin, and the District of Columbia, among others, are running extensive noninstitutional programs for delinquent children.

Even without the recent publicity, however, an examination of the deinstitutionalization of juvenile delinquents should be of interest to those responsible for child welfare programs, as the number of such children in custodial institutions is almost equal to the number of dependent and neglected children in residential institutions: approximately fifty thousand (as we shall see later this is a minimal figure) compared to sixty-three thousand in 1970.

In the next section of this paper we provide a brief background of the deinstitutionalization of juvenile delinquents, including some definitions of terms and some basic data on custodial institutions. The third section contains a conceptual framework for evaluating custodial institutions and their alternatives. Major analytic issues are discussed in section four and implications for future research are derived in section five. Section six offers some concluding comments.

II. BACKGROUND

In this section, we present various definitions and selected data on institutions for juvenile delinquents, with the aim of helping the reader understand the issues involved in the deinstitutionalization of delinquents.

First, what is meant by juvenile delinquency? As defined by law, the term appears to embrace two general types of behavior: (1) activities which if committed by an adult would be in violation of law or statutes, and (2) persistent truancy from home or school, habitual incorrigibility--i.e., an insistent refusal to submit to parental control--and other "status" offenses. Before a child can be labelled as delinquent, however, he must be so adjudicated by the courts.[1]

The term community treatment has been used to "describe such a wide variety of efforts at every stage of the correctional process that it has lost all descriptive usefulness except as a code-word with connotations of 'advanced correctional thinking' and implied value judgments against the 'locking up' and isolation of offenders."[2] If our definitions are to be

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1. In the Gault decision (Supreme Court of the United States, 1967), the rights extended to juvenile defendents became quite definite. Specifically, the juvenile was granted:

- the right to notice of the charges,
- the right to counsel,
- the right to confrontation by the plaintiff and the right to cross-examine,
- the privilege against self-recrimination (under the Fifth Amendment to the U.S. Constitution),
- the right to a transcript of judicial proceedings, and
- the right to appellate review.

2. Eleanor Harlow, "Intensive Intervention: An Alternative to Institutionalization," Crime and Delinquency Literature (February 1970), p. 3.

analytically useful, they must therefore distinguish the various methods for treating juvenile offenders more precisely.

There are three major characteristics by which facilities for juvenile delinquents can be differentiated. First, the degree and nature of the security at the facility is an important variable. Custodial institutions, for example, tend to have a high degree of security and devote a large proportion of the staff to maintaining that security. Second, the degree and nature of the discipline appears to be significant. In this respect, custodial institutions tend to have highly formalized regulations and well-defined disciplinary procedures. Third, the nature of the rehabilitation process is a differentiating variable. Custodial institutions have formalized rehabilitation programs, usually focused on vocational training and education.

On this basis, it would appear that we can establish three general classes of delinquent facilities:

1. Custodial institutions--characterized by a high degree of security and a high degree of discipline, with emphasis on formal rehabilitation programs (e.g., reformatories, training schools, and, to some extent, forestry camps). "Deinstitutionalization," as it is popularly used with respect to delinquents, appears to refer to reducing the inflow and emptying custodial institutions of their existing populations.

2. Semi-custodial institutions (e.g., group residences and halfway houses)--characterized by medium security and medium discipline, with emphasis placed on personal counseling rather than vocational or educational activities.

> Group residences--The group residence for delinquents is a small institution based in an urban community, serving about thirteen to twenty-five children. In contrast to a group home, a group residence relies heavily on agency rather than community services and it usually differs from nearby homes and apartments by its large size. Members of the staff are selected because of their professional background or special capacity for working with delinquent children.
>
> Halfway houses--The halfway house for delinquents is a small

institution based in an urban community, serving about the same number of children as a group residence. But where a group residence is used instead of a custodial institution, the halfway house is used in addition to such an institution. The purpose of the halfway house is to make the transition between the custodial institution and the community easier.

3. Specialized group homes and specialized foster homes--characterized by low security and low to medium discipline, with strong emphasis placed on personal counseling.

Specialized group homes--A home of this type cares for a group of four to twelve delinquent children. The dwelling is owned or rented by an agency, institution, or organization which has responsibility for the functioning of the home. The children are placed in such homes by the juvenile courts or the public agency in charge of delinquent youth services. Child care staff provide individual adult attention, but are employed as house parents and counselors rather than as foster parents. Again, members of the staff are selected because of their professional background or special capacity for working with delinquent children.

Specialized foster homes--A specialized foster home for delinquents cares for one or two children whose emotional needs suggest that they may be able to benefit from a family-like relationship. For this reason, foster parents are selected because of their professional or personal capabilities in working with children with emotional problems. They may be reimbursed for their costs by a salary, a service fee, or a board rate.

In addition to the facilities identified above, arrangements may be made by the courts to supervise the activities of delinquent children. These arrangements are referred to as (4) probation/parole and (5) correctional day-care. Juvenile delinquents who are placed on probation are assigned to a probation officer who is responsible for counseling and monitoring the juvenile. Probation allows certain children to remain in the community and thereby avoid the experience of institutionalization. Parole is similar to probation except that it occurs after some period of institutional confinement. Parole may allow a juvenile to avoid spending a portion of time in a custodial facility. Correctional day-care "represents an alternative to institutionalization for probation failures or for offenders who require more intensive care than probation but would not benefit from incarceration. This approach permits

offenders to live at home and concentrate soley on a school and counseling program."[3]

Of these five general types of arrangements for handling juvenile delinquents, data are collected at the federal level only on custodial institutions. The source of these data is Statistics on Public Institutions for Delinquent Children, which is compiled by the National Center for Social Statistics[4] and which has been published irregularly since 1956. According to most recent publication (1970), there were 49,811 children in custodial institutions for delinquents. The great majority (78 percent) of these children were boys. Figure 1 shows that most of these children were in state-run training schools, with some children in state-run diagnostic and reception centers, locally-run training schools, and/or forestry camps.

RATE OF INSTITUTIONALIZATION

As can be seen in Figure 2, the rate of institutionalization declined by a little more than 10 percent between 1968 and 1970. This decline occurred at a time when the number of juvenile court delinquency cases was increasing, which may indicate that it resulted from a new emphasis on alternatives (such as probation or other community-based programs).[5]

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3. Harlow, "Intensive Intervention," p. 17.

4. The term custodial is not used by NCSS. NCSS defines such facilities as "special children's institution(s) operating under public auspices and serving delinquent children committed to it by juvenile courts. They are, furthermore, facilities used primarily to provide long-range treatment. This definition included institutions usually referred to as training schools as well as forestry camps and ranches. Diagnostic reception centers are also included. Detention homes, which provide short-term care for children pending court decisions, are not included, nor are institutions or camps used primarily for young adult offenders" (National Center for Social Statistics, Department of Health, Education and Welfare, Statistics on Public Institutions for Delinquent Children, 1970, p. 1.).

5. Ibid., p. 2.

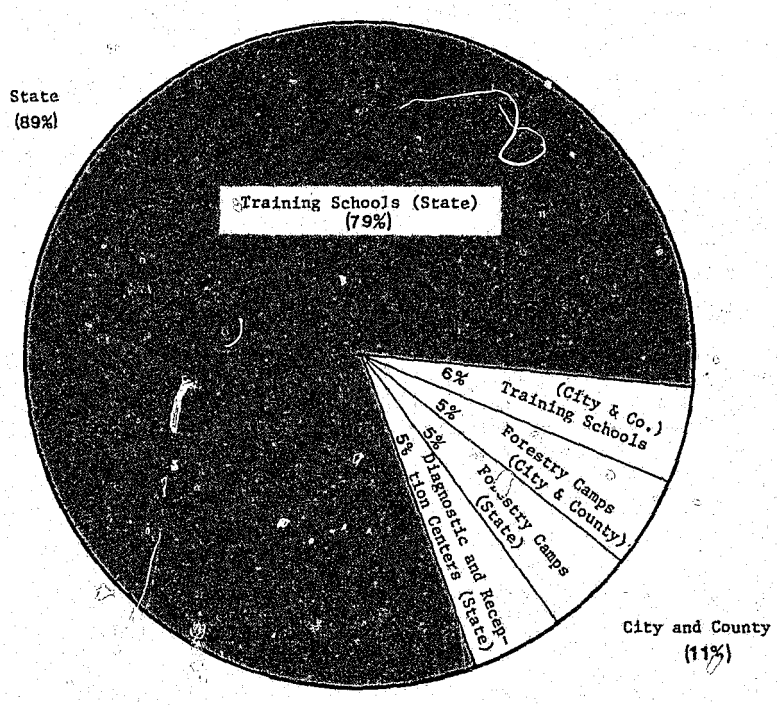

Figure 1: Percentage of Children in Public Institutions for Delinquents as of June 1970.

Source: National Center for Social Statistics, Department of Health, Education and Welfare, Statistics on Public Institutions for Delinquent Children (1970), p. 3.

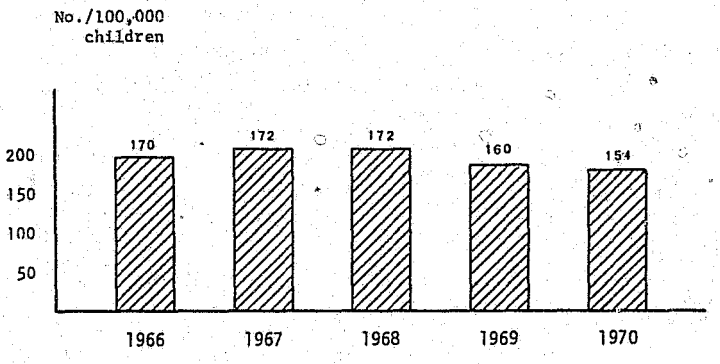

Figure 2: Rates of Institutionalization: Number per 100,000 children aged 10-17 who were confined in public institutions for delinquent children, 1966-1970.

Source: See Figure 1.

TURNOVER OF POPULATION WITHIN INSTITUTIONS

The rate of turnover of the population of delinquents in custodial institutions was very high. The data show that the average length of stay per child in all institutions was under ten months.[6] Because of this rotation, the figure given earlier for the number of children who were in institutions on June 30, 1970 considerably understates the number of children who were in institutions at different times during the entire year. It has been estimated that during the year ending June 30, 1970, there were about 100,000 admissions to institutions and about the same number of discharges.

CAPACITY AND OCCUPANCY OF INSTITUTIONS

Many custodial institutions for delinquent children were large and overcrowded. Of the 325 institutions included in the 1970 report, 132--or 40 percent--had capacities over 150, although according to NCSS,[7] 150 is the maximum recommended capacity for such institutions. In addition, many were filled beyond their stated capacities. The data show that for all types of institutions for delinquent children, 100--or 31 percent--were crowded above capacity.

PERSONNEL IN INSTITUTIONS

The number of full-time employees in custodial institutions, 26,000, was very high relative to the number of children: one employee for every 1.7

6. Ibid., p. 6. (See Table 4 of Appendix C.)
7. Ibid., p. 5-6. (See Tables 5 and 6 of Appendix C.)

children. As a result, these institutions for delinquent children had fairly high per capita operating expenditures: $5700 on the average in 1970.[8]

8. Ibid., p. 7. (Table 7 of Appendix C provides average cost data for delinquent institutions, according to geographic region.)

III. CONCEPTUAL FRAMEWORK

"A conceptual framework may consist of flow charts, diagrams, or a series of equations, all attempting to relate the major variables involved in the analysis. If these analytical relationships can be expressed in mathematical form and if suitable data can be gathered on each of the specified variables, empirical testing of the relationships depicted in the framework can be conducted."[1] The analytic framework presented in this section consists of two diagrams and a few equations that are intended to serve as a conceptual basis for examining the most fundamental aspects of deinstitutionalization.

Figure 3, a simplified overview of the juvenile justice and rehabilitation system in Washington, D.C., suggests the types of questions one must ask concerning the goal of deinstitutionizing delinquent children. Some of the more obvious questions are presented below:

- What types of crimes, or other antisocial behavior are most common among juveniles?
- Do these activities become more severe as the number of offenses increases?
- What percentage of juveniles committing first offenses are sentenced to custodial institutions? Second offenses, third, etc.?
- To what extent does the availability of space dictate the average length of confinement of delinquents?

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1. "Economists and others normally refer to such a conceptual framework as a 'model,' although within HEW it refers to organizational relationships used to provide various clients with particular services. To minimize possible confusion between analytic models and programmatic models, the term model is not used in this paper." This and the opening quotation in the text above are taken from Jeffrey Koshel, Deinstitutionalization - Dependent and Neglected Children (Washington, D.C.: The Urban Institute, 1973) p. 19.

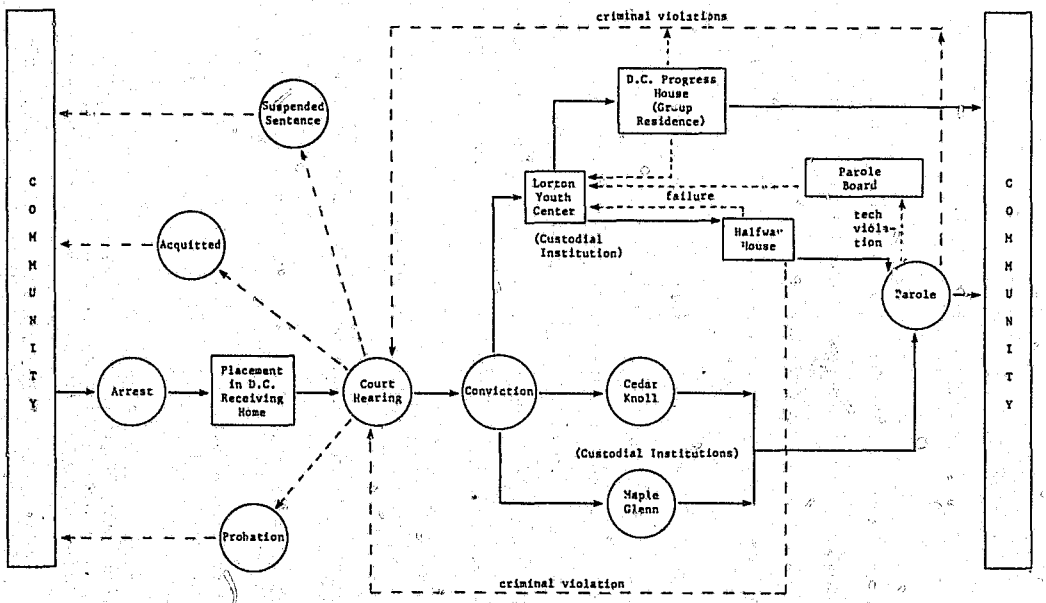

Figure 3: Simplified Overview of Juvenile Justice and Rehabilitation System in Washington, D.C.

- To what extent does the availability of space affect the length of confinement for those delinquents convicted of serious crimes?
- What percentage of juveniles convicted of committing first offenses are placed on probation?
- How successful is probation in preventing recidivism among juveniles? Does this vary according to the number of times the juvenile has been convicted of criminal acts or other antisocial behavior?
- What are the criteria by which the court or the Youth Authority assign delinquents to other treatment and control arrangements?
- Do the child's personality, age, and sex (or other personal factors) play a sufficient part in the placement decision?
- How do the socioeconomic characteristics of parents of delinquents affect placement decisions?
- What are the characteristics of those juveniles who benefit from particular treatment and control arrangements?
- What are the operating costs of the different treatment and control arrangements?
- What are the recidivism rates (i.e., rates at which delinquents commit subsequent offenses) of juveniles assigned to institutional and various noninstitutional arrangements?
- What criteria are used by institutional authorities in assigning delinquent children to parole?
- What proportion of parole violations represent "technical" violations (e.g., not reporting to the parole officer within a particular time period) and what proportion represent criminal violations?
- To what extent does the institutional experience discourage antisocial behavior once a juvenile is returned to the community?
- To what extent does the institutional experience encourage greater antisocial behavior once the juvenile is placed back in his community?
- To what extent does the private sector subsidize the public sector in the provision of various arrangements for treating delinquents?
- What is the effect of deinstitutionalization on the use of specialized manpower for treating delinquents?

As can be seen from the above, the fundamental questions concerning the deinstitutionalization of delinquent children center on the relative benefits

CONTINUED

13 OF 19

and costs of the activities depicted in Figure 3. The benefits and costs of alternative placements can accrue to both the delinquent and the community.

With respect to the delinquent, the benefits from noncustodial care are obvious. As one would expect, delinquents strongly prefer noninstitutional environments to institutional environments, which some people would regard as sufficient evidence that delinquents are better off outside of institutions.[2]

With respect to the community, the benefits from noncustodial care are more difficult to identify and measure. One might begin by comparing the recidivism rates of the "graduates" of alternative treatment and control programs. Such a comparison is complicated by the different ways "recidivism" is defined, ranging from trivial misbehavior while on probation or parole to recommitment for felonious convictions. Nathan Mandel found six different uses of this term, encompassing: (1) convictions for felonious offenses, (2) violations of probation or parole for alleged (but not convicted) felonious offenses, (3) violations of probation or parole for commission of misdemeaneous offenses, (4) violations of probation or parole for "technical" offenses, (5) convictions for misdemeaneous offenses, other than traffic violations, and (6) convictions for traffic offenses resulting in fines of one hundred dollars or more, or jail sentences of 30 days or more, or both.[3] In this section, the term recidivism rate refers to the rate at which delinquents commit offenses (felonies and misdemeanors) after some previous conviction and sentencing (to either institutional or noninstitutional facilities). Later, in reviewing empirical studies on the effectiveness of alternative

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2. For a look at deinstitutionalization from the delinquents' point of view, see Brian Vachon, "What Did You Learn in Reform School," Saturday Review (September 16, 1972).

3. Nathan Mandel, "Recidivism Studied and Defined," Journal of Criminal Law, Criminology and Police Science, vol. 56 (1965).

treatment or control arrangement for delinquents, we will indicate how a particular study uses the term recidivism rate.

Logically, we can predict the actions of juvenile authorities once a meaningful comparison of recidivism rates is made. For example, if the recidivism rates of alternative programs were approximately the same, a policy-maker would very likely decide to emphasize the one with lower operating costs.[4] If the lower cost program had a lower recidivism rate, the decision would be even easier. There would be no problem unless a higher cost program had lower recidivism rates. The problem would then be to decide whether the benefits from the lower recidivism rate justified the "extra" public expenditures. At this point, the estimating equations developed by Holahan could help the decision-maker.[5]

The benefits to the community from lower recidivism rates of particular groups of juvenile delinquents can be expressed as the reduced costs of crimes, police services, judicial services, and those of the correctional process. Using the equations developed by Holahan to estimate the benefits of manpower programs for criminal offenders, we may express these reduced

---

4. The only case in which the decision-maker would hesitate to select the lower cost program would be where the crime patterns of the recidivists were different for each program. That is, one program might have a lower recidivism rate but its recidivists could be involved in more serious crimes. If the group used for comparison purposes is a meaningful control group, however, this should not be a problem. The seriousness of offenses committed by the experimental and control groups during the Provo, Utah, experiment, for example, were quite similar. (LaMar T. Empey and Maynard Erickson, The Provo Experiment, 1966, p. 86; see Provo discussion in the next section.)

5. John Holahan, "Benefit-Cost Analysis of Programs in the Criminal Justice System," (Georgetown University, 1971), unpublished Ph.D. dissertation.

costs in the following manner:

$$B = N(Z_r - X_r)\left\{\left[\frac{\sum_{i=1}^{k}(\alpha C_k + \alpha C_{pk} + P_{Jk}EC_{Jk} + P_{Sk}EC_{Sk})}{(1+r)}\right] + \frac{\sum_{i=2}^{t} P_R EC_R}{(1+r)^t}\right\}$$

The expected values can be defined as:

$$EC_{Jk} = P_{jk}\, C_{jk}$$

$$EC_{Sk} = P_{sk}\, C_{sk}$$

$$EC_R = \sum_{i=1}^{k}\left(\alpha C_k + \alpha C_{pk} + P_{Jk}\, EC_{Jk} + P_{Sk}\, EC_{Sk}\right)$$

where: B = recidivism reduction benefit

N = number of individuals in program

Z_r = percentage of control group who recidivate

X_r = percentage of experimental group who recidivate

C_k = direct economic cost of crime k; k = burglary, larceny, robbery, auto theft, assault, homicide, etc.

α = estimated number of offenses committed by recidivist

C_{pk} = costs of offenses from services of police department for crime k

P_{Jk} = probability of proceeding through the judicial system for crime k; probability of not being dismissed

EC_{Jk} = expected costs of the judicial process for crime k

P_{jk} = probability of jury trial, non-jury trial or plea for crime k

C_{jk} = costs of jury trials, non-jury trials, or pleas for crime k

P_{Sk} = probability of receiving a sentence from crime k

EC_{Sk} = expected correctional and rehabilitation costs of sentence for crime k

P_{sk} = probability of sentence s for crime k where s is type of

sentence such as 2 years probation, 1 years prison, etc.

C_{sk} = correctional and rehabilitation costs of sentence s for crime k

r = social rate of discount

If the additional economic benefits from reduced costs of crime, police, courts, and corrections exceed the additional costs (i.e., the differential operating costs of competing juvenile delinquency treatment programs), it is fairly easy to justify the more expensive program. On the other hand, if Holahan's estimates show that these "marginal" benefits equal or are less than the "marginal" costs, the decision will be more difficult. A decision to fund the more expensive program, under these conditions, will have to be based on some additional value of lower recidivism rates--on the "reduction of other social costs of crime such as private crime deterence expenditures, migration, avoidance of normal activity, etc."[6] Figure 4 summarizes this decision network.

6. Ibid. As Holahan states, such social costs are most difficult to measure and any estimation would necessarily be quite subjective.

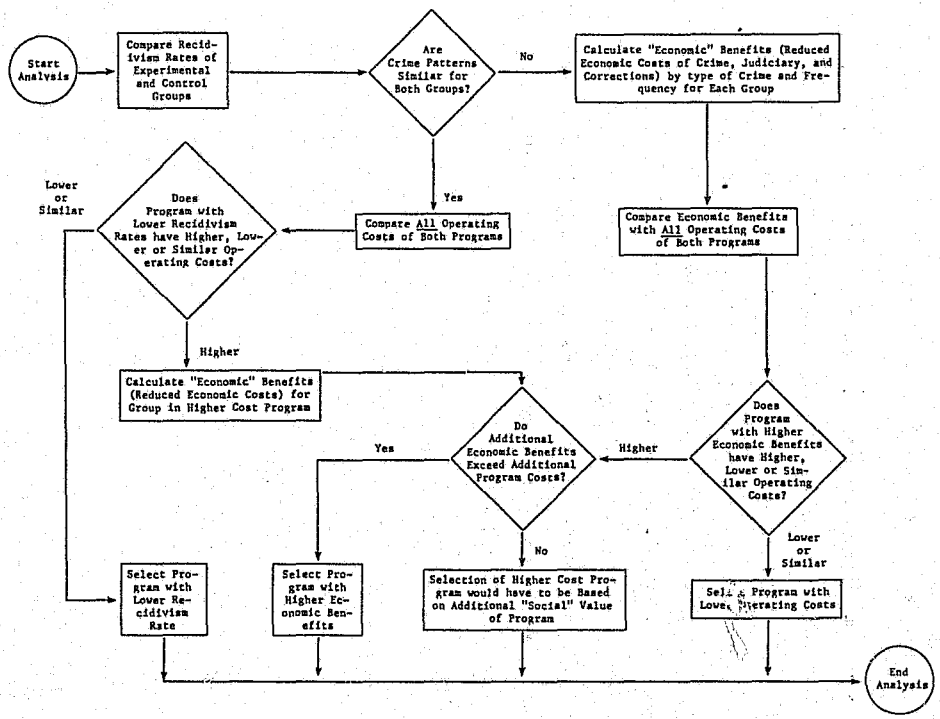

Figure 4: Comparing the Effectiveness of Alternative Programs for Treating/Controlling Juvenile Delinquents

IV. MAJOR ANALYTIC ISSUES

The discussion in this section is confined to the most significant analytic issues concerning the deinstitutionalization of delinquent children. While there are other important aspects of deinstitutionalization that need research attention, the issues presented below appear to be the most pivotal.[1]

- Benefits from alternative methods of treating and controlling deliquents
- Institutional sentences and recidivism
- The institution as a deterrent to delinquency
- Budgetary savings from deinstitutionalization
- "Community" responsibility for delinquents

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1. One major issue not covered in this paper, for instance, concerns the data on the number of children that are actually engaged in delinquent activities. This issue is discussed in another Urban Institute paper entitled "Measures of Delinquency: Problems and Findings," by Karen Hoffman and Michael Arnow (Working Paper 963-5).

Another major issue not covered here involves the detention of youth awaiting court action. Questions on the appropriateness of detention for specific types of juveniles and offenses, the rights of juveniles being detained, and the length of time that jurisdictions should be allowed to detain juveniles are all important. Legally, youth who are detained but not adjudicated by the courts cannot be considered delinquent and, as such, are beyond the scope of this paper.

BENEFITS FROM ALTERNATIVE METHODS OF TREATING AND CONTROLLING DELINQUENTS

If an adequate supply of noninstitutional resources were available to handle juvenile delinquents and if the benefits and costs of such actions accrued to the delinquent children alone, the deinstitutionalization of delinquents would be a relatively straightforward process.

With respect to the first consideration, a 1966 survey of custodial institutions for delinquents revealed that over twenty-five percent of the children were admitted or retained because there was a lack of specialized foster homes, group homes, or more suitable institutions, according to the administrators of the institutions included in the survey.[2] But, as Massachusetts has shown, the resource constraint need not be insurmountable.[3]

Even if adequate noninstitutional resources were available, those responsible for juvenile delinquent programs would still have to consider the incidence of the benefits and costs of deinstitutionalization. If such benefits and costs affected only the delinquents, the risk of making delinquents worse off by noninstitutional arrangements would appear to be minimal since custodial institutions have such a poor record of rehabilitating juveniles, as shown by the very high recidivism rates among delinquents who

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2. Donnell Pappenfort and Dee M. Kilpatrick, A Census of Children's Residential Institutions in the United States, Puerto Rico and the Virgin Islands: 1966 (University of Chicago Press, 1970), vol. 1, p. 244. (See Table V in Appendix C.) The criteria these authorities used in making such estimates are unknown and unavailable from the original data collection documents.

3. See discussion of the Massachusetts program in Appendix A.

have been institutionalized.[4] As indicated in the preceding discussion, however, society may also be made better or worse off by different methods of handling delinquent youth. It is this aspect that complicates the analysis of the deinstitutionalization of youth.

As may be recalled from the previous section, a consideration of community benefits from the deinstitutionalization of juvenile delinquents would begin by comparing the recidivism rates of children handled under different treatment or control programs.[5] Although this analysis is restricted by the lack of data concerning various state and local demonstration projects involving alternative forms of treating delinquents, we can, nevertheless, examine the evidence in published sources on: (1) probation, (2) correctional day care centers, and (3) various noninstitutional alternatives in California.

Probation appears to be a fairly successful method of supervising certain delinquents. Of the studies cited by Harlow, the reported success rates with probationers (both juvenile and adult) ranged from 60 to 90 percent, with a modal success rate of about 75 percent.[6] These findings led Harlow to

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4. The recidivism rate for delinquents previously institutionalized in Massachusetts, for example, was estimated to be around 80 percent (Jerome Miller, former Commissioner of Youth Services in Massachusetts, in Saturday Review (September 16, 1972), p. 13). It should be noted that Miller's definition of "recidivism" is not provided and may include all technical and criminal violations. For a discussion of the problem involved in estimating recidivism rates, see Daniel Glaser, "How Many Prisoners Return?--The Legend that Two-Thirds Return to Prison," in The Effectiveness of a Prison and Parole System (1964).

5. See pp. 15-18.

6. Eleanor Harlow, "Intensive Intervention: An Alternative to Institutionalization," Crime and Delinquency Literature (February 1970), p. 6. The modal success rate for juveniles, alone, would probably be lower than 75 percent since criminal activity appears to decline with age. "Recidivism rates for institutions for juveniles also can be expected to exceed rates for the adult prisons because probation and other alternatives to confinement are used more liberally for juveniles than for adults. Hence, only the worst risks among juveniles are committed to institutions, whereas prisons for adults receive more diverse risks" (Daniel Glaser, The Effectiveness of a Prison and Parole System (1964), p. 18.)

conclude that "intensive intervention, or specialized treatment in the community setting, should be viewed not as an alternative to probation--which seems to do fairly well with a large number of individuals now served--but as an alternative to the institutionalization of those offenders who are seen to require greater control than that offered by regular probation supervision."[7]

Empirical evidence on one such form of "specialized treatment in the community setting"--correctional day care--is not especially encouraging. Perhaps the best known day care projects have been located in Essexfields and Collegefields, New Jersey and Provo, Utah. While all three of these projects could be classified as successful, they were not significantly more successful than traditional treatment alternatives (probation and custodial institutions) in reducing recidivism. With respect to the Provo project, during the period of the study, 73 percent of the juvenile delinquents initially assigned to the project had no record of arrest six months after release, which was the same as the rate of success for those offenders initially assigned to regular probation.[8] Essexfields was even less promising since it showed only that delinquents would do no worse and, perhaps, might have slightly lower recidivism rates than would have been the case if they had been assigned to custodial institutions.[9] Similarly, the results of the Collegefields experiment were unclear with respect to reducing recidivism, although Collegefields did

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7. Ibid.

8. LaMar T. Empey, "The Provo Experiment: Evaluation of a Community Program," in California Corrections Board Monograph No. 4, Correction in the Community: Alternatives to Incarceration (1964). (Even after four years of study, the differences between the arrest records of the experimental group and the control group were insignificant, which supports Harlow's conclusion that noncustodial treatment or control arrangements should not be viewed as alternatives to probation.)

9. It should be noted that the location of the Essexfields Rehabilitation Project was in a high delinquency area and this might have contributed to the less than hoped for success of the experiment. Richard M. Stephenson and Frank R. Scarpitti, The Rehabilitation of Delinquent Boys: Final Report (Essexfields), (Rutgers University, 1967).

demonstrate that significant gains could be made with delinquent boys in I.Q. development, attitudes toward school, and self-concept.[10] While all three were funded as temporary demonstration projects, it is interesting to note that none was thought successful enough to be continued.

The State of California has been involved for a number of years in demonstration projects dealing with community-based correctional facilities. The scope of the projects has been somewhat restricted and the methodology of studies about them has been subject to some criticism, but, on the whole, the experiments conducted by the California Youth Authority contribute valuable knowledge about deinstitutionalization.

A project to provide correctional day care and after-school care for delinquent girls was implemented in San Mateo County in 1965. The criteria for entrance into this program were: (1) the girl had failed on ordinary probation, (2) the girl had "sufficient mental ability" to benefit from the program, and (3) the girl had a parent or parent substitute willing to work with the project staff.[11] Class size was limited to fourteen or less students and four probation officers were assigned to the twenty-four girls enrolled in the program. After three years of operation, this project showed signs of success: only nine of the fifty-four girls "graduating" to no supervision or limited supervision had subsequent police contact, although another fourteen had to be placed in institutions or foster homes and another

10. Saul Pilnich et al., Collegefields: From Delinquency to Freedom, Report to the Juvenile Delinquency and Youth Development Office on Collegefields Group Educational Center (1967).

11. Susan Henderson, "Day Care for Juvenile Delinquents--An Alternative to Out-of-Home Placements," Judicature (June, 1969), p. 20.

two girls were transferred to intensive supervision.[12] While the initial findings were encouraging, it should be noted that no control groups were established to compare the relative effectiveness of this project. That is, similar groups of girls meeting the project criteria were not placed in foster homes or in institutions, eliminating the possibility of making relevant comparisons. Nevertheless, this experiment in noncustodial treatment appears to have been successful enough for the county's probation department to expand its operations.

The Los Angeles Community Delinquency Control Project (CDCP) was a more ambitious effort than the San Mateo project to substitute intensive treatment in the community for the traditional institutionalization-parole process. Treatment methods included: individual, group, and family counseling, specialized foster homes, group homes, and remedial tutoring. Two of the CDCP units in Los Angeles were used for evaluation purposes. Both served geographic areas whose residents were predominantly black.

The evaluation of this three-year project was performed on a group of 301 parolees who had been previously assigned to either the CDCP experimental group or an institutionalized comparison group on an ostensibly random basis.[13] The eligibility group from which these random assignments were made

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12. Ibid., p. 21. While the recidivism rate of this project was 17 percent, it should be realized that the failure rate of this project was significantly higher. If one includes the twenty-seven girls who never "graduated" from the program plus the fourteen girls who had to be placed in institutions or foster homes plus the two girls who had to be placed in intensive supervision, the failure rate is almost 50 percent.

13. Esther M. Pond, The Los Angeles Community Delinquency Control Project: An Experiment in the Rehabilitation of Delinquents in an Urban Community, California Youth Authority Report No. 60, September 1970.

was somewhat restricted.[14]

The experimental group and the comparison group were evaluated on the basis of parole performance, which was used as a rough measure of "recidivism." The recidivate and nonrecidivate groups at each CDCP center were then compared to determine the significance of twenty-one personal and program variables with regard to parole outcome. The conclusion reached by the study was not extremely encouraging. The only point claimed was that community alternatives of this nature did no worse than the regular program of institutionalization and parole.

The CDCP study is of limited value for a number of reasons. First, the initial eligibility requirements were rather strict and limit our ability to generalize about the appropriateness of noninstitutional alternatives for delinquents. Second, the randomization procedure was open to question. Third, the measure of "recidivism" was quite crude.

The Community Treatment Project (CTP), which is still in operation, is even more ambitious than the CDCP. In the first two phases of the experiment (from 1961 to 1969), an attempt was made (a) to classify juvenile offenders on a basis other than nature-of-offense, using a method of "interpersonal maturity levels," (b) to assign parole agents to the juveniles on the basis of these maturity levels, and (c) to keep the juveniles in a community setting.[15] A control group was assigned to the traditional program:

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14. These eligibility criteria were: (a) the delinquent was male, (b) he had not been committed to Youth Authority for a violent offense against persons, (c) he was at least thirteen years old, (d) he had no prior admission to a state or federal correctional institution, (e) it was his first admission to Youth Authority, and (f) the delinquent's immediate release to a parole program in the community was not objected to by law enforcement agencies.

15. California Youth Authority, The Status of Current Research in the California Youth Authority, Annual Report-1971, p. 11.

institutionalization followed by parole.

The results of the study showed that the CTP was more effective with regard to parole outcome (i.e., "recidivism") in approximately 36 percent of the cases, less effective in about 10 percent, and equally effective in 53 percent.[16] The conclusions placed heavy emphasis not on the community setting, but on the different treatment strategies employed as a result of the interpersonal maturity level classifications.

It would be hard to determine the relative effectiveness of each treatment method since the sample size for each method was limited by the number of different techniques employed. For example, only twelve boys were in the experimental group used in assessing the effectiveness of the specialized group home, while 158 boys were in the control group.[17]

The CTP suffers from other limitations besides having inadequate numbers of delinquents in experimental and control groups for selected alternatives. The two most important limitations are: (1) the initial eligibility criteria were quite strict, limiting our ability to generalize about the effectiveness of noninstitutional alternatives for the majority of juvenile offenders who do not meet those eligibility requirements,[18] and (2) the measure of "recidivism" --the judgment of the parole agents employed by the CTP--was quite subjective and possibly biased.[19]

Despite the limitations of these California studies, they are important because they suggest that community treatment per se does not imply increased

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16. Ibid.
17. Ted Palmer, The Group Home Project--Final Report (California Youth Authority and National Institute of Mental Health, Spring 1972), pp. 35-37.
18. During Phase III of the CTP, (1969-1974), these eligibility criteria are intended to be broadened.
19. On this point, see James Robinson and Gerald Smith, "The Effectiveness of Correctional Programs," Crime and Delinquency (January 1970).

effectiveness with juvenile offenders. In addition, results from the California Community Treatment Project may provide some evidence that differential treatment of offenders is desirable on a basis other than nature of offense.

Although we have seen that some information is available on probation, correctional day care, and the various alternatives implemented in California, there is still a widespread lack of published information on the effectiveness of treatment alternatives, at least outside California. This lack of information, especially on the relative benefits of specialized foster homes, specialized group homes, and group residences, may account for some of the variance between states in the rates at which delinquents are institutionalized.[20] This variation is shown in Table 1.

INSTITUTIONAL SENTENCES AND RECIDIVISM

Although we have little information on the effectiveness of different methods of treating delinquents, some observers believe that nothing could be worse than custodial institutions on the emotional development of children and their subsequent behavior in society. In support of this argument, it has been claimed that "the recidivism rate of young people is directly proportional to the amount of time they spend in institutions."[21] We have tried to examine the evidence for this assertion.

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20. While a "lack of information" hypothesis may be difficult to verify, other hypotheses seem to have even less promise of verification. According to preliminary cross-sectional analyses conducted by Urban Institute staff during this study, socioeconomic variables such as per capita income, unemployment rates, and racial composition of the population do not explain a significant percentage of the variation shown in Table 1.

21. Brian Vachon, "What Did You Learn in Reform School?" Saturday Review (September 16, 1972), p. 72.

Table 1

RATES OF INSTITUTIONALIZATION OF DELINQUENT CHILDREN, BY STATE (1970)

State	Total Persons Under 18 Years*	No. of Children in Public Institutions for Delinquent Children**	% of Children Under 18 in Institutions	State	Total Persons Under 18 Years*	No. of Children in Public Institutions for Delinquent Children**	% of Children Under 18 in Institutions
Alabama	1,233,520	409	.033	Missouri	1,552,872	553	.036
Alaska	119,859	132	.110	Montana	253,125	145	.057
Arizona	643,975	350	.054	Nebraska	507,491	250	.049
Arkansas	655,010	453	.007	Nevada	170,149	225	.132
California	6,635,972	5,253	.079	New Hampshire	254,211	202	.080
Colorado	774,011	701	.090	New Jersey	2,384,845	625	.026
Connecticut	1,020,959	263	.026	New Mexico	406,216	318	.078
Delaware	197,101	316	.160	New York	5,841,275	2,773	.048
D.C.	224,105	600	.268	North Carolina	1,759,042	2,189	.124
Florida	2,109,041	1,295	.061	North Dakota	226,350	112	.050
Georgia	1,644,255	958	.058	Ohio	3,738,297	2,963	.079
Hawaii	274,629	68	.025	Oklahoma	836,742	350	.042
Idaho	263,228	183	.070	Oregon	697,683	404	.058
Illinois	3,795,623	2,306	.061	Pennsylvania	3,848,102	1,379	.036
Indiana	1,840,293	971	.053	Puerto Rico	no data given	774	--
Iowa	974,937	750	.077	Rhode Island	300,029	183	.061
Kansas	746,351	426	.057	South Carolina	955,163	592	.062
Kentucky	1,114,042	789	.071	South Dakota	240,920	137	.057
Louisiana	1,387,757	917	.066	Tennessee	1,325,727	1,184	.089
Maine	343,847	322	.094	Texas	3,999,836	2,095	.052
Maryland	1,381,492	1,330	.096	Utah	423,850	281	.066
Massachusetts	1,875,764	674	.036	Vermont	156,766	103	.066
Michigan	3,251,370	1,594	.049	Virgin Islands	no data given	68	--
Minnesota	1,381,487	775	.056	Virginia	1,589,280	1,395	.088
Mississippi	843,767	530	.063	Washington	1,159,774	1,195	.103
				West Virginia	580,237	656	.113
				Wisconsin	1,583,643	902	.057
				Wyoming	120,024	100	.083

*1970 Census of Populations, U.S. Summary PC(1)-B1, Table 62.
**National Center for Social Statistics, Department of Health, Education and Welfare, Statistics on Public Institutions for Delinquent Children, 1970, Table 2.

Empirical studies on how the length of institutional confinement affects recidivism have been conducted by Glaser,[22] Metzner,[23] the California Department of Corrections,[24] and Crowther.[25] While these studies were not solely focused on juvenile offenders, they may throw some light on juvenile recidivism.

In Glaser's study of federal prison releases, the sample consisted of 1,015 adult males released from selected federal prisons in 1956. Although only one of the five institutions in this study was a youth institution, approximately 30 percent of the cases with no prior commitment and 19 percent with prior commitment involved individuals aged twenty-three and younger at release.

Findings indicate that approximately 31 percent were reimprisoned and 3.9 percent received nonprison sentences for felony-like offenses within five years. Glaser combined these two categories to arrive at a "failure" rate. The subcategories of the failure rate and the percentage of offenders in each category were:

26.6 percent on new felony sentences

1.7 percent as parole or conditional release violator when suspected of new felonies

2.8 percent as parole violators with no felonies alleged

3.9 percent on nonprison sentences for felony-like offenses[26]

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22. Daniel Glaser, The Effectiveness of Prison and Parole System (1964).

23. R. Metzner, "Predicting Recidivism: Base Rates for Massachusetts Correctional Institution--Concord," Journal of Criminal Law, Criminology and Police Science (1963), vol. 54.

24. California Department of Corrections, Research Division, Parole Outcome and Time Served for First Releases Committed for Robbery and Burglary: 1965 Releases, California Research Report No. 35 (1968).

25. Carole Crowther, "Crimes, Penalties and Legislatures," The Annals, (January 1969), vol. 381.

26. Glaser, p. 20.

Glaser's data show that for male adults there appears to be some relationship between the failure rate and the length of confinement (i.e., failure rates tend to increase with large confinements for those individuals with prior commitments).

Glaser's data do not necessarily prove, however, that a change in the period of confinement will result in a change in the post-release success or recidivism rate. Since certain individuals in custodial institutions are thought to have a greater likelihood to become parole violators, they are confined longer. Individual differences of people convicted and sentenced for felonies, rather than the length of confinement, then, could account for the low success rates with long confinement.

Metzner's study of men discharged or paroled from a Massachusetts correctional institution during 1959 provides another source of empirical data on the relationship between length of time served and post-release success. Metzner's sample involved 311 males who were released to the community on parole or certificates of discharge. As Table 2 shows, 24 percent of the population was under nineteen and approximately 63 percent was under twenty-four when they were committed. This sample gives us a better focus on juvenile recidivism than did Glaser's sample.

Table 3 shows that although the rate at which the men returned to prison was 56 percent (after two and a half years), there was no trend with regard to the time served prior to parole. This study also suggests that the recidivism rate of offenders who are fined or placed on probation is less than the recidivism rates of offenders who are incarcerated; approximately 33 percent of those with no prior penal commitments recidivated compared with 64 percent of those with commitments.[27] However, one may again assume that

27. Metzner, p. 314.

Table 2

RELATIONSHIP BETWEEN AGE AT FIRST COMMITMENT AND OUTCOME (MASSACHUSETTS, 1959)*

Age at Commitment	Favorable (A)		Violation (B)		New Offense (C)		Total Return (B + C)		Total
	No.	%	No.	%	No.	%	No.	%	No.
15-19	30	40	21	28	24	32	45	60	75
20-24	52	43	32	26	37	31	69	57	121
25-29	32	42	23	30	22	28	45	58	77
30-39	17	55	12	39	2	6	14	45	31
Older than 40	6		0		0		0		6

Table 3

RELATIONSHIP BETWEEN OUTCOME AND MONTHS SERVED BEFORE RELEASE (MASSACHUSETTS, 1959)*

Outcome	Months Served Before Release									
	0-12		13-24		25-36		37-60		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
All cases	173	100	81	100	27	100	29	100	311	100
Favorable	79	46	38	47	6	22	14	48	137	44
Unfavorable	94	54	43	53	21	78	15	52	174	56
a. Violation	56		20		9		3		88	
b. New Offense	38		23		12		12		86	

*Metzner, Appendix B.
**Ibid.

more severe sentences are given to offenders involved in more serious acts and to those thought to be more committed to "deviant" behavior.

Neither Glaser nor Metzner attempted to set up controls for the types of crime committed by offenders in their samples. The study made by Crowther for the California Department of Corrections does try to account for variation in recidivism due to the types of offenses committed.

Crowther's subjects were parolees released in 1965 after serving sentences for first degree robbery and second degree burglary. For each crime, the subjects were divided into two groups--those who served less than the median sentence for that crime, and those who served more than the median sentence. The sample consisted of 150 individuals sentenced for robbery and 120 sentenced for burglary. At the end of six months, one year, and two years, the groups were compared on parole outcome.

Among those sentenced for robbery, the ones who served less time had significantly better parole outcomes. However, because later analysis proved that the two groups were not really comparable, the findings were unreliable. Similarly, the results among those convicted of burglary suggest a negative relationship between time served and parole outcome, but the authors again caution that such an interpretation must be modified. In their non-random assignment of subjects to length of time served, there might have been a number of unmeasured differences between the groups that were not taken into account, and those differences could have influenced the parole outcome.[28] For example, it was not possible to determine whether the prisoners were spending more or less time in confinement because of the varying seriousness of their crime or because they did or did not have a prior criminal record. Thus, it

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28. Dorothy Jaman and R. Dickover, "Synopsis of California Research Report No. 35." (See footnote 24, above.)

better off by closing all institutions for delinquents. In Figure 5, a third hypothesis is depicted, where the short-term gains equal the long-term losses.[34] In any case, it must be realized that undesired effects of institutionalization, even if they could be empirically established, would not, by themselves, conclusively prove that custodial institutions were ineffective in serving society.

THE INSTITUTION AS A DETERRENT TO DELINQUENCY

The presence of custodial institutions may serve as an effective deterrent to children who might ocherwise commit delinquent acts or to deliquent children who are engaged in noninstitutional programs. With regard to the latter group, for instance, all programs in noninstitutional care have used custodial institutions to handle their "program failures," with the sole exception of Massachusetts. The rates of noninstitutional program failure are high. The modal rate of failure for probationers may be upwards of 25 percent;[35] and for correctional day care the rate may be as high as 50 percent.[36] Some preliminary evidence from the District of Columbia indicates that failure rates for group residences may be even higher than 50 percent.[37] What would these failure rates have been without the presence of the institutional threat? Perhaps the rates would have been lower, if the probation officers, day care staffs, or group residences staffs felt that they had to

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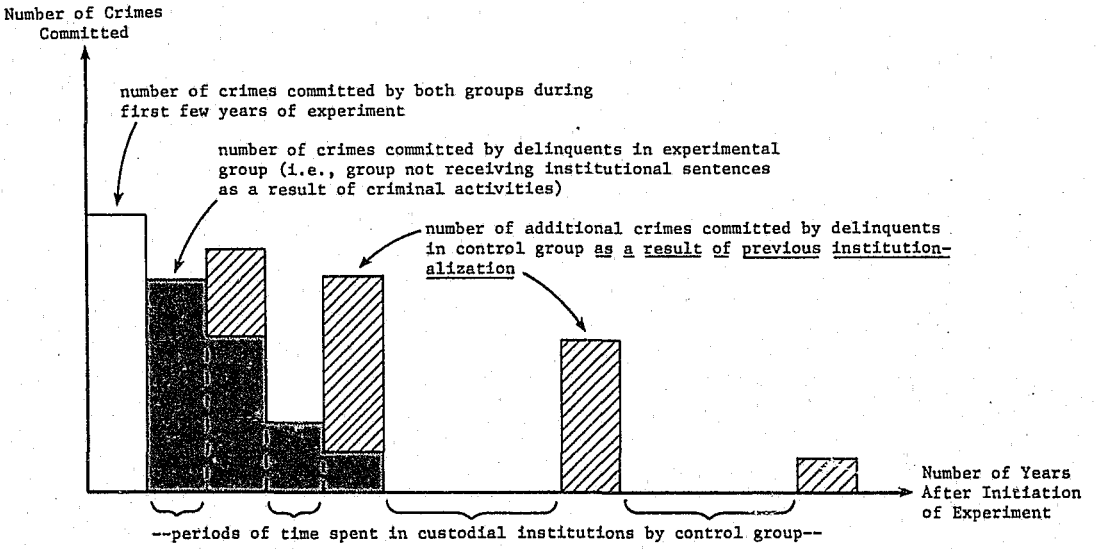
34. In Figure 5, the number of crimes committed by delinquents is assumed to decrease as they become older. There is ample statistical evidence showing this to be true (see Glaser, p. 36-37).

35. See Harlow, p. 6.

36. See Empey and Erickson, The Provo Experiment--Evaluating Community Control of Delinquency, p. 181; and Henderson, "Day Care for Juvenile Delinquents," p. 21.

37. See discussion in Appendix A, p. 51



where: Total crime committed by experimental group (▭)
equals assumed "extra" crime committed by control group due to institutionalization (▨)

Figure 5: Number of Crimes Committed by Experimental and Control Groups, Over Time (Illustrative)

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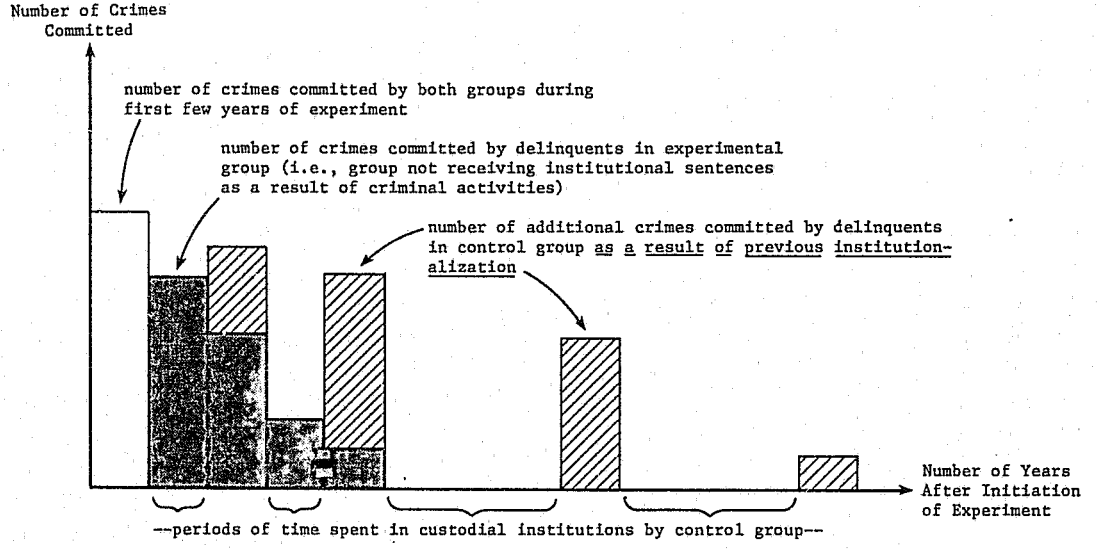

where: Total crime committed by experimental group ( )
equals assumed "extra" crime committed by control group due to institutionalization ( )

Figure 5: Number of Crimes Committed by Experimental and Control Groups, Over Time (Illustrative)

work harder with the children because there were no institutional alternatives. Perhaps the rates would have been higher, if the delinquents knew that the authorities could not punish them by sending them back to institutional confinement. Either hypothesis is plausible.[38] The program now being conducted in Massachusetts might offer some additional insights as to which of these hypotheses is correct.[39]

Of course, there would be serious equity questions involved in trading off the well-being of one group (institutionalized delinquents) to deter the delinquency of other groups (noninstitutionalized children, both delinquent and nondelinquent).[40] Very few authorities may be willing to trade off the interests of one group of children for some overall reduction in the crime rate of juveniles. Those responsible for youth services should realize, however, that their decisions regarding the appropriate treatment of delinquents may have consequences beyond the institutionalized delinquents themselves. The total costs to society from a policy of deinstitutionalization, then, might involve some calculation

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38. It is interesting to note that empirical evidence can be cited to support either hypothesis, although such evidence is hardly conclusive. The Provo, Utah, experiment, for instance, had some interesting results, beyond those which were intended. Prior to the experiment, 50 to 55 percent of the juveniles were succeeding on ordinary probation. During the time of the experiment, however, the success rate for juveniles on regular probation shot up to 73 percent, which led at least one observer to conclude that this increase was "probably due to the influence of the experiment on court and probation operations." (Harlow, p. 22.)

Evidence supporting the deterrent hypothesis can be found in a study by Charles Logan, entitled "General Deterrent Effects of Imprisonment," (Social Forces, September 1972). Using correlation and regression techniques, Logan's cross-sectional analysis showed a negative correlation between the severity of imprisonment with crime rates, after controlling for the effects of certainty.

39. See the discussion of the deinstitutionalization program in Massachusetts in Appendix A.

40. Again, such trade-offs must be regarded as hypothetical since there is only the most fragmentary empirical evidence to support either of these effects.

of the delinquency of other children besides those juveniles removed from institutions.

BUDGETARY SAVINGS FROM DEINSTITUTIONALIZATION

Certain alternatives to custodial institutions (e.g., probation, parole, correctional day care, and specialized foster homes) clearly have lower operating costs than the institutions themselves. However, there is little reason to expect other alternatives (specialized group homes, half-way houses, and group residences), which provide services similar to those of larger custodial institutions, to have greater operating efficiency or lower costs.

Probation, parole, and correctional day care are less expensive than custodial institutions because juveniles enrolled under these programs are not under constant supervision by correctional authorities.[41] Specialized foster homes are less costly because foster parents are not paid at the same rate as round-the-clock institutional personnel (guards and counselors). In essence, the private sector subsidizes the public sector in providing care to delinquents in foster homes.[42]

Specialized group homes, halfway houses, and group residences may have particular operating costs that are lower than those in custodial institutions (e.g., the former do not have the cost of maintaining a security force) but other items (e.g., personnel available for counseling and supervision twenty-four hours a day, food, and shelter) may be far more expensive to provide on

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41. See the figures present by Empey on the relative costs of the Provo Experiment (California Mono. No. 4, op. cit.)

42. On this point, see discussion in J. Koshel, Deinstitutionalization --Dependent and Neglected Children (Washington, D.C.: The Urban Institute, 1972), pp. 40-44.

a small-scale basis.[43] Budgetary savings from deinstitutionalization, then, depend on the types of alternatives employed.

An examination of budgetary savings from deinstitutionalization must be made carefully since a movement from institutional to noninstitutional alternatives could shift the incidence (or burden) of particular operating costs to other departments within a given governmental organization and actually increase total public outlays. For example, the costs of special education classes could be shifted from a state corrections department to a state or local education department by moving delinquent children out of custodial institutions into specialized group homes. Such "cost savings" are purely fictitious to anyone concerned with total public outlays.

Furthermore, it may be honestly debated whether the additional costs of adding delinquents to local educational systems would be greater than the dollar savings resulting from the elimination of education classes at various custodial institutions. This question can only be answered by examining the relative "marginal" costs of educating one additional child at the institution and at the community based school. In the absence of marginal cost data, however, it is impossible to answer this question, as Figure 6 shows. Figure 6 presents hypothetical cost curves for educating delinquents at a custodial institution and a community school. Total public outlays for the education of delinquent children could increase, decrease or remain the same, depending on the relative capacity levels at which the two schools were operating.[44]

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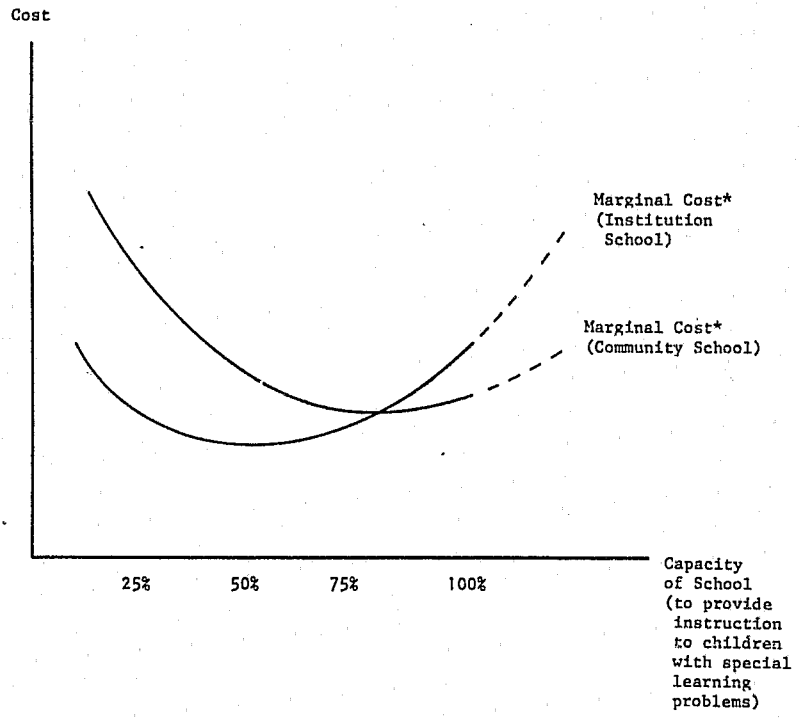
43. In California, the specialized group homes employ married couples as group home parents, rather than counselors. As such, these group homes might be more accurately called large foster homes and should permit substantial cost savings to the public sector.

44. The marginal cost curve for the community school would have to be lower than that of the institutional school at all levels of capacity before cost savings from transferring educational responsibility could be assured.



*where marginal cost is defined as the additional cost to the school of educating one additional child

Figure 6: Hypothetical Cost Curves for Educating Delinquents at a Custodial Institution and at a Community School

It should also be noted that public schools in many communities have the legal right to suspend children that school officials regard as "uncontrollable." The transferability of juvenile delinquents, then, depends on the willingness of the community to accept them. Community responsiveness to the deinstitutionalization of delinquents is the next issue discussed.

"COMMUNITY" RESPONSIBILITY FOR DELINQUENTS

"You almost have to force the community to do its job. There'll never by any real progress without turmoil," say Jerome Miller (who, until recently, was Commissioner of Youth Services of Massachusetts) of the deinstitutionalization program of delinquent children in that state.[45] There are two possible ways of interpreting the word "community" in Dr. Miller's statement. First, it may refer to the area or areas in which juvenile delinquents lived before they were sent to custodial institutions. Such communities, for the most part, fall on the lower end of the socioeconomic scale.[46] To ask these communities to take responsibility for their juvenile delinquents seems to assume that they are, in fact, responsible for all aspects of their "community" life, including unemployment, poor housing, etc.

Second, the term may refer to some homogeneous entity that is, at least partially, responsible for creating juvenile delinquents. In other words, community refers to society at large and Dr. Miller appears to be saying that society in general must bear the burden of dealing with delinquents

45. Quoted in Parade, September 17, 1972, emphasis added.
46. "Higher delinquency rates among lower status youngsters are a fact of the police, courts and institutional data...." (Martin Gold, "On Social Status and Delinquency," Social Problems, Summer 1967, p. 114.)

that are removed from custodial facilities.

Even if we accept the latter interpretation of Dr. Miller's "community," it should be recognized that the areas that must "almost be forced" to accept the deinstitutionalization of delinquent children will most likely be the very same areas in which those children became delinquent. Middle and upper-middle socioeconomic areas are highly unlikely to accept group homes or group residences for delinquent children, even if the former Massachusetts Commissioner expects them to participate in such a program. As with most undesirable public projects, low socioeconomic areas, which are the least organized, will probably be required to bear whatever burdens are imposed by the deinstitutionalization of delinquents.

V. IMPLICATIONS FOR RESEARCH

At this point, the subject of the deinstitutionalization of juvenile delinquents probably does not warrant additional federal funds for the purpose of establishing demonstration projects.[1] As we have indicated throughout this paper, there are numerous experimental treatment projects for delinquents in many states and localities. But on the other hand, there is only a limited amount of knowledge available at the federal level concerning the success or failures of these projects. Valuable data may be available at state and local levels although not in readily usable form. It will take some effort to collect the data and organize them in a form suitable for comparative analytical study.

Before we commit research funds for data collection and analysis, however, we must know what types of data are needed. As indicated in Section III, our most basic needs are for data on recidivism rates, on the types of crimes committed by recidivists, and on the total operating costs of each alternative treatment for particular target groups.

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1. A fair amount of federal funds has already gone into demonstration projects in the area of juvenile delinquency. The National Institute of Mental Health has supported a major study of various noninstitutional arrangements for delinquents in California during the last 10 years. The Law Enforcement Assistance Administration has also provided funds to Massachusetts for its deinstitutionalization experiment. Additionally, HEW's now defunct Youth Development and Delinquency Prevention Administration funded numerous demonstration projects focusing particularly on specialized group homes.

Target Groups

A great many personal and social characteristics can be used to identify subgroups in the juvenile delinquent population, including age, sex, race, educational attainment, general aptitude, personal maturity, correctional history, the nature of offense, socioeconomic background, and family structure.

A typology employing all of these variables is not only unmanageable but probably unnecessary, and a number of the variables can logically be combined. For example, educational attainment, general aptitude and personal maturity seem to have an important bearing on the success of noninstitutional alternatives, and they may be highly correlated.[2] Previous correctional history and the nature of the delinquent's offense may also be highly correlated. Furthermore, some variables seem less pertinent than others. There is, for instance, some evidence that race is unimportant in determining the effectiveness of noninstitutional programs.[3] Moreover, socioeconomic status of delinquents is largely pre-determined, since an overwhelming percentage come from lower and lower-middle socioeconomic backgrounds.[4]

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2. In this case, data might most efficiently be collected on the educational attainment of delinquents since data on their personal maturity or general aptitude would be very difficult to secure, except for those children involved in the California CTP. (See discussion of the uses and limitations of the California interpersonal maturity classification system in Appendix B.)

3. Daniel Glaser reports that failure rates of white and black adults released from federal and state prisons are almost identical, Orientals being the only group with a lower pattern. (Glaser, The Effectiveness of a Prison and Parole System, pp. 51-52.)

4. Middle and upper socioeconomic delinquency groups can be excluded because of their relatively small involvement with the formal juvenile justice system. Some observers have commented that the infrequent involvement of upper class children in the formal juvenile justice system is more a reflection of the biases in the system than of differences in behavior among

In addition, age and sex are two relatively uninteresting variables, since approximately four out of five institutionalized delinquents are males and over 90 percent are between the ages of twelve and twenty.[5]

The question is, which of these variables are most important and are also relatively easy to measure in establishing subgroups. Reasonable arguments can be made for including each or all of the factors identified above. Without better information, any selection of variables for inclusion in the analysis is somewhat arbitrary.

Initially, however, three variables seem potentially important: previous correctional history, educational attainment, and family structure.[6] These variables may be further divided as follows:

Previous Correctional History

PC_1 = no felonious convictions
PC_2 = one felonious conviction
PC_3 = two or more felonious convictions

Educational Attainment

E_1 = normal grade level for age
E_2 = below normal (2 years or less)
E_3 = below normal (more than 2 years)
E_4 = not in school

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children of different socioeconomic classes. See, for example, Ivan F. Nye, James F. Short and Virgil J. Olson, "Socio-economic Status and Delinquent Behavior," American Journal of Sociology (January 1958); and LaMar T. Empey and Maynard Erickson, "Hidden Delinquency and Social Status," Social Forces (1966).

5. National Center for Social Statisics, Department of Health, Education and Welfare, Statistics on Public Institutions for Delinquent Children, p. 5; and Donnel M. Pappenfort and Dee M. Kilpatrick, A Census of Children's Residential Institutions in the United States, Puerto Rico and the Virgin Islands: 1966 (University of Chicago Press, 1970), vol 1, p. 45.

6. The appropriateness of particular alternatives, especially probation, correctional day care, specialized foster homes and group homes, may be based largely on the family structure of the delinquent.

Family Structure

FS_1 = living with both natural parents
FS_2 = living with one natural parent
FS_3 = not living with either natural parent

Combining these three groups with the other seven results in thirty-six possible subgroups of delinquents which can serve as initial target groups for researching juvenile correction. It is also necessary to specify what correctional alternatives are available. The following categorization may suffice:

Correctional Alternatives

C_1 = Probation and/or Parole
C_2 = Correctional Day Care
C_3 = Specialized Foster Homes
C_4 = Specialized Group Homes
C_5 = Semicustodial Institutions
C_6 = Custodial Institutions

Integrating the various correctional alternatives with the thirty-six descriptive categories mentioned above results in 216 observable combinations which can be examined. Some of these combinations may not be important in terms of public policy. It can be suggested, for example, that all 108 classifications involving E_1 (normal grade level for age) and FS_1 (living with both natural parents) can be eliminated because of the relatively small size of those groups.

Data from even a few states and localities could go a long way to answer many of the remaining questions,[7] particularly if the effort is made to

7. Information on the recidivism of noninstitutional alternatives, for example, could be substantially improved by collecting data from the California CTP on the actual number of nontechnical (i.e., criminal) offenses committed by delinquents after some previous conviction and sentencing (to

secure and analyze the types of data identified above. Federal agencies, particularly the National Institute of Mental Health and the Law Enforcement Assistance Administration, have an unusual opportunity to significantly improve the existing information based on the effectiveness of alternative arrangements for treating and controlling delinquents.

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institutional or noninstitutional arrangements). An indication of other potentially valuable data from Massachusetts, the District of Columbia, Wisconsin and Minnesota is provided in Appendix A.

VI. CONCLUSIONS

In reviewing the empirical evidence on the effectiveness of alternative methods of treating and controlling delinquents, one is impressed by the complexity of the subject. Research findings are ambiguous and fragmentary, leaving the policymaker with a great number of unanswered questions. What does seem to be clear is that too many generalizations about the best way of handling delinquents are not supported by empirically established information. For instance, no research evidence is available to support a policy for the complete deinstitutionalization of delinquents, regardless of the number and types of "community-based services" that are offered.

Research has shown that the probation of large numbers of juvenile delinquents has proved to be a fairly successful and relatively inexpensive way of handling such children. (However, at the same time, this method has not proved to be satisfactory with a significant percentage of delinquents.) Evaluations of correctional day care projects suggest that this alternative is not particularly useful in improving the success rates of ordinary probation, at least with respect to male delinquents. The limited research evidence currently available on the effectiveness of group residences indicates that such facilities are not more effective than custodial institutions in rehabilitating delinquents. Lastly, it must be realized that almost nothing is known at the federal level regarding the effectiveness of specialized foster homes or specialized group homes in treating and controlling delinquents. In summary, we know only that certain juveniles

are less trouble to society, in the short run, in confined rather than unconfined environments, and that those delinquents, generally require greater public resources than noninstitutional juveniles.

In the long-run, however, some observers apparently feel that society's best interests are served by noninstitutional arrangements for all delinquents. They claim that the harmful effects of an institutional experience eventually surface in the form of higher recidivism rates and that these higher recidivism rates obviously affect everyone. It is on this basis that some authorities argue against sending any delinquent children to custodial institutions, believing that no alternative is less effective than institutions in reducing recidivism.

But are society's long-run interests best served by wholesale deinstitutionalization of delinquents? Despite the claim that the longer a juvenile is confined in an institution the more likely he is to commit future crimes, this has not been proved. In fact, there is some evidence suggesting that the opposite is true. Furthermore, institutions may have the effect of deterring criminal acts among noninstitutionalized delinquents and even nondelinquent children. With information that is currently available, we just do not know the extent to which this effect exists.

In general, states and localities rely on noninstitutional alternatives for juvenile delinquents but most states and localities have been very reluctant to go all the way and eliminate custodial institutions as one of their ways to handle delinquents. Given the present state of knowledge, it seems that their caution is justified. Hopefully, federal agencies will assist states and localities in closing the information gaps identified in this paper, so that all appropriate methods of treating and controlling delinquents can be implemented in accordance with their relative effectiveness.

Appendix A

REVIEW OF THE DEINSTITUTIONALIZATION PROJECTS FOR DELINQUENTS IN THREE STATES AND THE DISTRICT OF COLUMBIA

In selecting certain of the existing demonstration projects to test hypotheses concerning juvenile correctional alternatives, there are three requirements. First, there must be in existence a number of alternatives to permit comparison of results. Second, statistics must have been gathered in some reasonably systematic manner and be in a form which will aid the analysis. Third, the officials responsible for releasing data must be cooperative.

During the course of this study, information was gathered on Massachusetts, the District of Columbia, Wisconsin, and Minnesota. Each potentially fulfills the criteria mentioned above and could provide valuable data for future research.

MASSACHUSETTS

The Commonwealth of Massachusetts has recently begun what seems to be the first total deinstitutionalization program for delinquents in the United States. The Department of Youth Services has closed all of the seven state-administered juvenile institutions.

The aims of the Massachusetts program are relatively simple. It is felt that institutions as they were structured were not only harmful to the

rehabilitation of juveniles but were beyond reform.[1] The decision was made, therefore, to close them all and to handle juvenile offenders in three ways. First, the bulk of offenders would be placed on probation and returned to parents or guardians. It is estimated that 80 percent of all juvenile offenders could ultimately be handled in this manner.[2] Second, those juveniles who had no home to be returned to, or those whose home environment was determined to be unstatisfactory, would be assigned to foster parents or to specialized group homes. Third, a very small number of juveniles, deemed "hard to place," would be sent to a potentially high-security facility. This last facility would operate in the community and all assignees would be free to come and go at will except when their behavior posed a threat to themselves or to the community.

Massachusetts presents a fertile area for research. The program represents a major test of community correctional alternatives. If it can be shown that over a reasonable period of time, general deinstitutionalization achieves better results at a lower cost than does a system of varied types of facilities, then the Massachusetts program will have contributed significantly to alleviating the difficulties involved in making public decisions concerning juvenile corrections.

Also, Massachusetts fulfills the first of our requirements, that is, it has a range of alternatives available (albeit a restricted one). As noted above, juveniles are currently being directed into three separate types of general alternatives: probation and/or parole, specialized foster and group homes, and a potentially closed facility.

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1. Jerome Miller, former Commissioner of Youth Services, Commonwealth of Massachusetts, interview, August 11, 1972.
2. Ibid.

In addition, the following points may be relevant:

1. It appears that the probation/parole status can carry with it various conditions, depending on the disposition of the sentencing judge, the feeling of the probation or parole officer, or the decision of the Commissioner of Youth Services.[3] This implies that there may be a wide range of support and supervision provided to probationers, extending from no service to intensive service. If this is true, there is a basis for comparing the costs and effectiveness of these programs as a function of the degree of service provision. It may be interesting to learn, for example that a probationer with no support has no higher probability of recidivating than one with intensive support or than a juvenile in foster or group care.

2. It appears that in the placement of juveniles who cannot be returned to their own family or to friends, heavy reliance is being placed on group homes and residences. Some homes are run by nonprofessional parents and some by trained counselors. Such a differentiation may, again, clarify cost and effectiveness differences based on the degree of services (in this case, counseling), and may also help in estimating the costs of corrections that are being absorbed by nonprofessional groups and foster parents.

3. Because custodial institutions were only recently closed, a comparison between their results and costs and the results and costs of community alternatives would be reasonably valid. Time distortion is always a potential threat to the significance of comparison but the time element in Massachusetts appears minimal.

It seems, therefore, that if reliable data can be obtained, the Massachusetts program will provide excellent opportunity for evaluative comparisons (a) between institutional and community alternatives and, (b) between the various community alternatives themselves. The real question therefore is whether the last two points of our initial requirements for a successful case study can be fulfilled: has pertinent data been collected and will the relevant officials cooperate in releasing it?

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3. Commonwealth of Massachusetts, Legislative Acts, 1969, Chapter 838, p. 812.

The response to the first of these two questions appears to be affirmative. First, the Department of Youth Services is in the process of assembling data on the juveniles currently in their custody.[4] If the department has kept such data, as required by law,[5] it will be sufficient for the kind of analysis desired here. Second, the department is also in the process of completing a study of a sample of juveniles, the data for which were assembled while the institutions were still in operation.[6] This study appears to contain the types of statistics needed for an institutional community comparison. Third, as part of a project for the Massachusetts Governor's Commission and for the Law Enforcement Assistance Administration, the Harvard University Center for Studies in Criminal Justice is monitoring the Massachusetts program and designing a cohort study which will presumably test the effectiveness of the various alternatives. Fourth, since all group homes in Massachusetts are privately contracted for, it may be possible (though tedious) to obtain data directly from the private agencies which operate the facilities.

Whether any researcher can gain the cooperation of the public officials involved in releasing information is unclear at this point. As in the early stages of any innovative program, administrators in the Department of Youth Services tend to discount the validity of current data, to suspect that revealing it will lead to misuse, and therefore to be reluctant to share it with outsiders.[7] With this in mind, it is possible that even if statistics are made available, they may be severely edited by the Department and their

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4. Arnold Schucter, Assistant to the Commissioner of Youth Services, Commonwealth of Massachusetts, interview, August 11, 1972.
5. Massachusetts, Acts of 1969, Chapter 838, Section 33, p. 818, and Chapter 838, Section 52, p. 822.
6. Joseph Zabriskie, Assistant to the Commissioner of Youth Services, Commonwealth of Massachusetts, interview, August 11, 1972.
7. Schucter, interview, August 11, 1972.

applicability to an objective study subject to question.

In the same sense, if the Harvard study is made fully public (which appears likely),[8] the statistics they employ are largely provided through the Department of Youth Services and subject to the same kind of doubt. The dilemma may be of such magnitude as to preclude the possibility of using the Massachusetts project as a case study. At this point, it can only be hoped that the full cooperation of Youth Service officials will be offered.

THE DISTRICT OF COLUMBIA

The District of Columbia has undertaken an important experiment with young adult offenders (ages 17-23) which also is useful in an evaluation of institutions and their community replacements. The District previously confined all such offenders in a cottage-type formal institution in Lorton, Virginia. In 1971, the Department of Corrections, using federally appropriated funds, created a Youth Progress House as part of the Youth Crime Control Project.

The Progress House is located in the midst of a predominantly black area of the District. In lieu of incarceration at the Lorton Youth Center, "students" at the House progress in stages from confinement to the premises to a nonresident parole period and then to total release. In the interim periods, they are permitted to work or attend school in the community and they gradually earn weekend and overnight leave passes. (See Figure 7)

The House itself is without bars or locked doors and may be defined as a group residence, with an organization that is essentially democratic.

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8. Alden Miller, Assistant to the Director of the Center for Studies in Criminal Justice, Harvard University, interview, August 11, 1972.

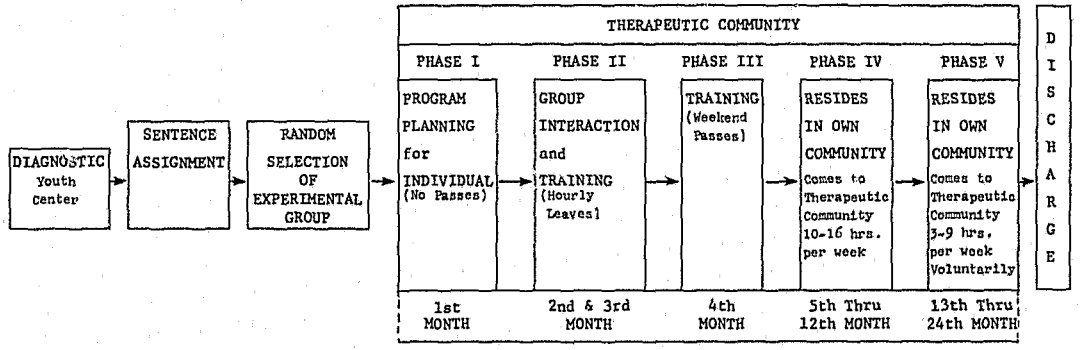

Figure 7: Overview of District of Columbia Therapeutic Community Treatment Program

Source: Adapted from Anita Auerbach and Stuart Adams, The Youth Crime Crime Control Project, District of Columbia, Department of Corrections, Progress Report No. 1 (January 1972), p. 46.

However, its staff consists largely of youth counselors, some of whom are former offenders, and the size of its resident population is large (thirty-two youths at capacity). It is therefore clearly separate in type from foster or group home facilities as they are generally defined.

It can be differentiated from the Lorton Center, first, by location. The Progress House is located in the community; Lorton is isolated from it. Second, the Progress House does not provide professional psychotherapeutic counseling. The rehabilitative program consists primarily of group interaction. Each youth is assigned to a small team, or group, which serves as a foundation for his interaction with other residents. The group meets regularly with its nonprofessional counselor and is the fundamental decision-making body for the individual when there is an infraction of rules. In addition, general meetings of the House are held nightly and there are frequent meetings between each resident and his family.

Lorton, on the other hand, provides intensive psychological testing and counseling for its residents.[9] This includes regular therapeutic group sessions conducted by a trained psychologist.

The differences between the Progress House and the Lorton Center should be clear. The Progress House represents an intermediate step in the deinstitutionalization process. It also represents a moderate departure from reliance on formal psychotherapeutic techniques in the treatment of offenders. If it can achieve similar or better results at equal or lower costs, there may be additional evidence that a move by correctional agencies away from institutional reliance is desirable.

A major advantage of the District of Columbia study is the quality of

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9. Anita Auerbach, Director of Research, Youth Crime Control Project, District of Columbia, interview, July 27, 1972.

the data. The research director at the Progress House has implemented a program which permits meaningful comparisons of those youths assigned to the Progress House and those remaining at Lorton. Juvenile offenders who are committed to Lorton are screened to eliminate those (a) who have committed murder or rape, (b) who have a score of 75 or less on all of four I.Q. tests, (c) who have sentences or additional charges pending, and (d) whose parole dates have already been fixed. From this screening process, a group of eligibles is created, 50 percent of whom remain at Lorton and 50 percent of whom are sent to the Progress House. The assignment is random and the youths must consent to being placed at the Progress House.

The research director has also maintained complete records on the Lorton control group and the Progress House experimental group. Data is available on fifty separate psychosocial, sociological, and personal characteristics for the two groups. Follow-up statistics are reasonably good. The normal procedure at Lorton is for a youth to be paroled initially to a halfway house, and the research director has been able to trace the control group members through the halfway house.

Preliminary results from the Washington experiment are somewhat disappointing. The failure rate at Progress House (i.e., rate at which delinquents must be returned to Lorton for technical offenses) seems to be stabilized at 50 percent. Furthermore, the rate at which Progress House "students" have been arrested for committing new crimes has been no lower than that of the delinquents who were handled by the Lorton-halfway house-parole arrangement. Subsequent findings may be more encouraging and the probability of cooperation from the officials involved seems high. Many statistics have already been released. The utility of the District of Columbia project,

however, is limited by the following factors:

1. The community alternative is of limited scope. From some viewpoints, a group residence of this type may simply be seen as a small, relocated institution.

2. The difference in therapeutic methods may be critical and there is no means of testing its importance should effectiveness indicators be equivalent for both programs.

3. There is no control group consisting of youths who were placed directly on probation without being assigned either to Lorton or the Progress House. Although data on probationers may be available from the Department of Corrections, it is unlikely that a researcher would be able to duplicate the characteristics of the existing control and experimental groups.

In spite of these difficulties, the District of Columbia provides a very hopeful indication that meaningful internal evaluations can be performed on community correctional alternatives. Such objective evaluations can yield important information needed by public policy makers.

WISCONSIN

The State of Wisconsin currently has six formal institutions for juvenile offenders in operation, four major correctional facilities and two forestry camps. In addition, the state has licensed 247 foster homes and 39 group homes.

There were, as of June 30, 1972, 3021 adjudicated juvenile delinquents in the custody of the Department of Corrections. Of these, 2090, or 69 percent, were in the community on probation, parole, or both. In addition, 656, or 21.7 percent, were assigned to one of the six formal institutions; 136, or 4.5 percent, were in specialized foster homes; and 139, or 4.6 percent, were in specialized group homes.

Wisconsin has had a probation and parole program since 1909. Specialized foster homes were established in 1951, and specialized group homes in 1955.

The interest in studying the Wisconsin situation ought to be clear at this point. First, the number of juvenile offenders handled is relatively large. Second, the state provides a full range of correctional alternatives from probation and parole to custodial institutions. Third, the state has had considerable experience with each type of alternative. It may well be significant that, after a minimum of fifteen years of experience with every type of community alternative, Wisconsin still finds it necessary to maintain over 20 percent of all juvenile offenders in custodial institutions.

From preliminary evidence, the Wisconsin Department of Corrections has the statistics necessary to evaluate the alternatives and is anxious to assist in supplying them to researchers.[10] If this is true, the state may prove to be the most fruitful of the cases described in this section.

MINNESOTA

For some of the same reasons cited for using Wisconsin, Minnesota would make a useful case study. First, the state has retained in its juvenile corrections system a full range of alternatives, including custodial institutions, specialized group and foster homes, and probation and parole programs (the group home program was begun in 1965). Second, it appears that statistics are available. Third, the responsible state officials seem willing to cooperate with an evaluation.

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10. Karl H. Vircks, Supervisor, Foster Care Unit, and Delmar Huebner, Director Bureau of Probation and Parole, Department of Corrections, State of Wisconsin, in a questionnaire completed for the Urban Institute, August, 1972.

In addition, the group home unit of the Department of Corrections has performed two studies on group home facilities recently. The first is a general study of 129 juvenile offenders who were placed in group homes between September 1965 (when the program began) and July 1969.[11] It examined the juveniles for thirteen characteristics, correctional history, and family characteristics and relationships. The report provides a number of interesting facts. First, almost 84 percent of group home assignees were white. Second, over 79 percent were average or above average in intelligence. Third, 35 percent were first offenders. Fourth, over 44 percent came from families in good or sound economic condition.

The second Minnesota study, completed in April of 1972, analyzes the effectiveness of an experimental group residence for hard-to-place juvenile boys. The residence was established when "it became increasingly evident that community placement resources were becoming less available and less adequate to meet the needs of male juveniles and youth who had experienced multiple failures after commitment to the Youth Conservation Commission.[12]

The later study produced a demographic analysis similar to the kind done in the earlier general study. However, it also followed the juveniles through their release. Of the 40 juvenile boys referred to the group residence from March 29, 1971 to February 14, 1972, 20 failed for one reason or another. Only 14 were placed in the "satisfactory adjustment" category, which was defined as a return to the community, independently or with family or friends. (Six boys were still in residence.) Results from the Minnesota example may indicate the necessity of maintaining an entire range of

11. Minnesota Department of Corrections, Report on Juveniles in Group Homes: 1965-1969, 1970.

12. Minnesota Department of Corrections, An Analysis of the Group Home for Hard-to-Place Juvenile Boys: March 1970 to February 1972, April 1972.

correctional alternatives, including custodial institutions.

SUMMARY

It may be useful at this point to summarize briefly the importance of each of the cases just described.

Massachusetts represents an opportunity to examine the effectiveness of a wholesale systems change. Has the elimination of institutions improved the correctional process in any measurable sense? Have budgetary outlays for juvenile justice been reduced? Is it more effective in preventing recidivism? The study of Massachusetts will quite likely have to be performed on a general level. That is, it may be very difficult to determine whether deinstitutionalization is better for some groups and not for others. Massachusetts may only be able to show whether a juvenile correctional system without institutions is better or worse than it was with a full range of alternatives.

The District of Columbia permits a rather more specific analysis. The kinds of records being kept give researchers the opportunity to determine the effects of community placement on different types of individuals. Also, since the Youth Progress House is a fairly large operation, it may be possible to eliminate the hypothesis that the success of community alternatives is solely a function of group size (i.e., the smaller the living group, the lower the recidivism rate). This permits more definite conclusions concerning community placement as an option in itself and may suggest that, if institutions must exist, their location at least ought not to be isolated.

Wisconsin and Minnesota are valuable for similar reasons. Both are able to provide information on complete correctional systems. This suggests

the ability to compare the effectiveness of each alternative and may be particularly helpful in identifying subpopulations with which each alternative has been most successful. Each state also provides an important contrast (on a systems level) to Massachusetts.

Admittedly, each of these cases displays a number of characteristics which limits its usefulness. It is doubtful, however, that any demonstration project could ever be established which would successfully test the many complex hypotheses involved in the juvenile corrections process. What can be tested is a set of discrete hypotheses which, while not providing policymakers with a complete set of answers, will give them a sense of which alternatives to custodial institutions seem appropriate for particular types of delinquents.

Appendix B

DIFFERENTIAL TREATMENT BASED ON THE PERSONAL MATURITY OF DELINQUENTS

Under its grant from the National Institute of Mental Health, the California Youth Authority developed different treatment strategies for delinquents based largely on their different levels of personal maturity. Using the theoretical formulation of Sullivan, Grant and Grant,[1] which involves a sequence of personality integrations associated with normal childhood development, the Youth Authority's Community Treatment Project developed an "Interpersonal Maturity Level Classification" Scheme. A brief description of this system is presented below:[2]

Seven successive stages of interpersonal maturity characterized psychological development. They range from the least mature, which resembles the interpersonal interactions of a newborn infant, to an ideal of social maturity which is seldom or never reached in our present culture. Each of the seven stages or levels is defined by a crucial interpersonal problem which must be solved before further progress toward maturity can occur. All persons do not necessarily work their way through each stage but may become fixed at a particular level. The range of maturity levels found in a delinquent population is from Maturity Level 2 (Integration Level 2 or I_2) to Maturity Level 5 (I_5). Level 5 is infrequent enough that, for all practical purposes, use of levels 2 through 4 describes the juvenile population. A brief description of these levels follows:

Maturity Level 2(I_2): The individual whose interpersonal understanding and behavior are integrated at this level is primarily involved with demands that the world take care of him. He sees others primarily as "givers" or "withholders" and has no conception of interpersonal refinement beyond this.

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1. "The Development of Interpersonal Maturity Applications to Delinquency," Psychiatry, vol. 20 (1957).
2. Marguerite Warren and the Community Treatment Staff, Interpersonal Maturity Level Classification: Juvenile Diagnosis and Treatment, California Youth Authority (1966), pp. 1-3.

He is unable to explain, understand, or predict the behavior or reactions of others. He is not interested in things outside himself except as a source of supply. He behaves impulsively, unaware of the effects of his behavior on others.

Maturity Level 3(I_3): The individual who operates at this level is attempting to manipulate his environment in order to get what he wants. In contrast to level 2, he is at least aware that his own behavior has something to do with whether or not he gets what he wants. He still does not differentiate, however, among people except to the extent that they can or cannot be useful to him. He sees people only as objects to be manipulated in order to get what he wants. His manipulations may take the form either of conforming to the rules of whoever seems to have the power at the moment ("if you can't lick them, join them.") or of the type of maneuvering characteristic of a "confidence man" ("make a sucker out of him before he makes a sucker out of you."). He tends to deny having any disturbing feelings or strong emotional involvement in his relationships with others.

Maturity Level 4(I_4): An individual whose understanding and behavior are integrated at this level has internalized a set of standards by which he judges his and others' behavior. He is aware of the influence of others on him and their expectations of him. To a certain extent, he is aware of the effects of his own behavior on others. He wants to be like the people he admires. He may feel guilty about not measuring up to his internalized standards. If so, conflict produced by the feelings of inadequacy and guilt may be internalized with consequent neurotic symptoms or acted out in antisocial behavior. Instead of guilt over self-worth, he may feel conflict over values. Or, without conflict, he may admire and identify with delinquent models, internalizing their delinquent values.

It should be stressed that interpersonal development is viewed as a continuum. The successive steps or levels which are described in this theory are seen as definable points along the continuum. As such, they represent "ideal types." Individuals are not classified at the level which reflects their maximum capabilities under conditions of extreme comfort, but rather are categorized at that level which represents their typical level of functioning or their capacity to function under conditions of stress. This rating of base I level has the advantage of permitting more accurate predictions of behavior in a delinquent population.

In 1961, an elaboration of the Maturity Level Classification was developed for use in the Community Treatment Project. In part, the elaboration was drawn from the work of the California Youth Authority Committees on Standard Nomenclature in an effort to describe more specifically the juvenile population.

The "Interpersonal Maturity Level Classification: Juvenile" subdivided the three major types described above into nine delinquent subtypes, as follows:

Code Name	Delinquent Subtype
I_2 Aa	Unsocialized, Aggressive
Ap	Unsocialized, Passive
I_3 Cfm	Conformist, Immature
Cfc	Conformist, Cultural
Mp	Manipulator
I_4 Na	Neurotic, Acting-out
Nx	Neurotic, Anxious
Ci	Cultural identifier
Se	Situational Emotional Reaction

Whereas the Maturity Level classification represented a categorization of the individual's level of perceptual differentiation, the subtype represented a categorization of the individual's response to his view of the world.

These nine subtypes then were described by lists of item definitions which characterized the manner in which each group perceived the world, responded to the world, and were perceived by others.

After 12 years of operation, the Community Treatment Project reports that its classification system has proven to be highly useful in providing differential treatment. It is also of great interest to note that the CTP appears to be successful only for particular delinqent subgroups.

This last finding is consistent with findings of some other noninstitutional programs for delinquents, showing that differential treatment strategies are appropriate for individuals with certain personal characteristics. For example, the Outward Bound Project indicated that rigorous, outdoor physical activities could be helpful in reducing the recidivism of young men who did not suffer from acute immaturity.[3]

The Outward Bound project was a two-year demonstration project involving 120 young persons between the ages of fifteen and a half and seventeen. The boys were selected on the basis of several criteria including: good

3. Francis J. Kelly and Daniel J. Baer, Outward Bound Schools as an Alternative to Institutionalization for Adolescent Delinquent Boys (1968).

physical health, acceptable mental functioning ("absence of severe psychopathology, e.g., psychosis, phobia of height, water, being alone, etc." which was determined by data from clinical files), intelligence, based on a minimum I.Q. score of 70, and the absence of violent assaultive or sexual acts in their history. Sixty subjects were selected from the Youth Services Reception Center in Boston, and the remaining sixty were selected from the populations of two institutions for delinquent boys. The latter group included individuals who were institutionalized for the first time and those who had served prior sentences and had prior parole violations. Thirty of the noninstitutionalized subjects were selected for the Outward Bound Project and the remainder for the control group. The sixty previously institutionalized were dealt with in a similar fashion. The subjects for the experimental group were assigned to one of three Outward Bound sites in Colorado, Maine, or Minnesota for twenty-six days, and those in the comparison group were assigned to custodial institutions for an average of six to seven months.

Nine months after parole, the recidivism rates of the two groups were compared. The recidivism rate employed by this study was the rate of return to an institution for violation of parole, or commitment to an adult institution for a new offense. The findings revealed a higher recidivism rate (34 percent) for the control group, i.e., youths who were institutionalized. Only 20 percent of the experimental group recidivated. It should be noted that ten individuals in the comparison group had not completed their nine-month parole period and, if one or more of them failed, the actual difference between the two groups would have been higher than that which was published. In summary, the overall results of the Project seem to suggest that, except for the most immature delinquent (corresponding to Maturity

Level I_2Ap in the California scheme), a short-term program like Outward Bound can be a useful alternative to institutionalization.

The results of the California Community Treatment Program, the Outward Bound Project and other experiments in noninstitutional care for delinquents raise important policy questions. To what extent should society be willing to provide differential treatment to delinquents on the basis of their particular maturity levels, general aptitude levels, or personality characteristics, without regard to the nature of the offense committed by such delinquents? Would there be something inherently "unfair" about such arrangements? Who would decide the "maturity" or determine the "appropriateness" of certain personality traits of individual delinquents accepted into the noninstitutional programs? How subjective and arbitrary would such determination be? Does society have the right to "punish" some delinquents through institutional confinement and allow other delinquents, who have committed similar crimes, to be placed in noncustodial environments because they are "suited" better to the program?[4]

It should be noted that neither the California Community Treatment Program nor the District of Columbia Program have eliminated the nature-of-the-offense as a variable used in selecting juveniles for its program, even after the program results indicated that the personal characteristics of the juveniles were more important than the nature of the offense in predicting program success. The reluctance of juvenile authorities to disregard the cause of the delinquents' sentencing may be based on some of the equity questions raised above.

4. In the case of the Outward Bound Project, for example, should those delinquents who are not sufficiently mature be excluded from the program and spend six or more months in custodial institutions, while more mature delinquents go off to the woods for only a month?

Appendix C

DATA ON THE CHARACTERISTICS
OF CUSTODIAL INSTITUTIONS

Table 4

AVERAGE LENGTH OF STAY IN CUSTODIAL
INSTITUTIONS (1970)

	Average length of stay (months)
State auspices	
Training schools	9.9
Forestry camps	7.6
City and county auspices	
Training schools	7.5
Forestry camps	6.6

Source: Statistics on Public Institutions for Delinquent Children (1970), p. 6.

Table 5

CAPACITY OF CUSTODIAL INSITUTIONS (1970)

Capacity	All	Training Schools	Forestry Camps	Other
Total	325	220	91	
Under 50	66	31	35	
50-99	89	36	49	4
100-149	38	30	7	1
150-199	32	32	---	4
200-299	45	41	---	5
300 or more	55	50	---	

Source: Statistics on Public Institutions for Delinquent Children (1970), p. 6.

Table 6

OCCUPANCY AS A PERCENT OF CAPACITY OF CUSTODIAL INSTITUTIONS (1970)

Occupancy (as % of Capacity)	All	Training Schools	Forestry Camps
Total	325	220	91
Less than 50.0	30	13	17
50.0-59.9	11	10	1
60.0-69.9	25	19	6
70.0-79.9	45	34	10
80.0-89.9	36	26	6
90.0-99.9	45	31	13
100.0	33	24	9
Over 100.0	100	63	29

Source: Ibid., p. 6.

Table 7

PER CAPITA OPERATING EXPENDITURES
OF CUSTODIAL INSTITUTIONS
(1970)

Geographic Region	Per Capita Operating Expenditures[a]		
	All	Training Schools	Forestry Camps
All Regions	$5,700	$5,691	$5,237
New England	6,727	7,311	3,859
Middle Atlantic	6,933	6,979	2,484
South Atlantic	6,358	6,587	4,969
East South Central	3,935	3,959	3,789
East North Central	6,352	6,452	4,495
West South Central	3,330	3,330	---
West North Central	6,152	6,152	---
Mountain	6,364	6,437	5,277
South Pacific	6,048	6,048	---
North Pacific	8,760	8,800	2,735

Source: Ibid., p. 7.
a: Computed by dividing the total operating expenditures by the average daily child population.

Table 8

ADMINISTRATIVE DECISION RESULTING FROM LACK OF RESOURCES: NUMBER OF DELINQUENT CHILDREN AFFECTED, BY TYPE OF DECISION (1966)

Type of Decision	Number Affected by Decision (Resulting in Additional or Fewer Children in Institutions)	Percent of Total Number in Institutions*
Children refused admittance to institution because of lack of capacity, staff, or facilites	(+) 10,468	(+) 20%
Children admitted to or retained in institution because appropriate foster homes were not available	(-) 7,355	(-) 13
Children admitted to or retained in institution because appropriate group or institutional placement facilities were not available	(-) 7,995	(-) 15
Net effect of decisions	(-) 4,882	(-) 8%

*Pappenfort and Kilpatrick, p. 19.
Source: Donnel M. Pappenfort and Dee M. Kilpatrick, A Census of Children's Residential Institutions in the United States, Puerto Rico, and the Virgin Islands: 1966 (University of Chicago Press, 1970), vol. 1, p. 244.

The New Juvenile Justice at Work

Peter Schrag & Diane Divoky

The pastel-green offices of the Social Service Bureau are located on the second floor of the city police station, one story above the squad room, and two above the basement pistol practice range. Occasionally a police officer passes down an adjacent corridor on the way to a storeroom, though otherwise the presence of the police is felt in less tangible, though perhaps more significant ways.

The city is Wheaton, Illinois, a middle-class Chicago suburb of 31,000 people once designated by *Look* as an "All-America City," but it could as easily be Bell Gardens, California, or Providence, or San Antonio, or any one of hundreds of other communities which in the past decade began to operate programs for children and adolescents identified as delinquents, "predelinquents" or potential delinquents, or designated in some other manner as requiring social readjustment. Few of their clients have ever been before a juvenile court, and fewer still have been found guilty of a criminal offense. Some were arrested for shoplifting, joyriding, or other minor crimes; many have committed no act more serious than running away from home, smoking marijuana, or violating a local curfew. Most of them have been enrolled arbitrarily by police officers, school officials, or social workers without trial or recourse to any of the formalities of due process.

> Joyce Bauer, a recent high school graduate of seventeen, was taken to the police station by her mother and accused of being a runaway. A week before, she had left home without permission, had gone to stay with

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Diane Divoky, a writer and teacher, currently is on the staff of the magazine *Learning.* She has won half a dozen awards for her writing in the field of education, and formerly served as research director of a student rights project for the New York Civil Liberties Union.

Drawings by Robyn Johnson-Ross.

family friends in Milwaukee, and had returned voluntarily. Her mother was concerned because she believed that Joyce had had "marital relations" with her boyfriend. The police officer who handled the case wanted the social workers at the Bureau to determine whether she was pregnant. Joyce was sent to the project office for counseling.

Ken Wilson, also seventeen, was found with a friend in a local parking lot and arrested for smoking marijuana. Ken was a high school soccer star, a leader in church youth groups, and an Eagle Scout. The officer who handled the case was angry because Ken was said to have told one of his friends that he intended to continue using marijuana, but to make certain that he would not get caught again.

The rationale for most of the delinquency programs established in the past decade, usually with federal support, is "diversion," or, more generally, "prevention and treatment." They are sometimes associated with local school systems, but even when they are not, they operate with the same ideology as the learning disability programs in the schools. Increasingly, both the schools and the delinquency projects associate delinquency with learning disabilities, hyperactivity, and a variety of common neurological "dysfunctions." The tracks, in other words, run parallel, and often they are identical.

The predelinquency projects function on what is by now the banal assumption that the formal processes of the juvenile justice system—courts, probation, detention—tend to be stigmatizing and ineffective in preventing further delinquent acts, that often, indeed, they have precisely the opposite effect, that the majority of adult criminals are graduates of the juvenile justice system, that the system provides little or no "treatment," and that a child labeled delinquent by the authorities is more likely to behave as if he were. There is general agreement that juvenile justice procedures are themselves arbitrary and discriminatory, that absorption into the system depends as much on social status, race, and attitude as it does on the act committed, and that a third of the boys and half of the girls in state and local detention facilities have no record of any criminal act, and were sent there as "neglected" or "dependent" or for so-called status offenses, acts which, like truancy or running away from home, are "crimes" only if they are committed by children. (In 1972, for example, there were some 350,000 juvenile arrests reported in California. Of these, 52.7% were for "delinquent tendencies" or "predelinquency" and another 18% were for "minor" delinquent acts.) Although juvenile courts were themselves established early in the twentieth century to divert children from the adult criminal justice system, the courts have come under heavy attack for their propensity to treat juveniles as criminals without affording them the due process protections of a formal trial. Court records are full of instances where minors have been sentenced, ostensibly for their own good, to indefinite terms for committing acts (such as shoplifting) that would merit no more than 30 or 60 days if they were committed by an adult.

In the traditional juvenile court proceeding, procedural rights generally gave way to the ideology of "custody," "protection" and "treatment." In 1967, however, the Supreme Court ruled, in the case of *In re Gault*, that even in juvenile court, minors were entitled to counsel, to adversary proceedings (right to confrontation and cross-examination), and to the privilege against self-incrimination. "Under our Constitution," wrote Justice

Abe Fortas, "the condition of being a boy does not justify a kangaroo court." As a consequence, it became more difficult for juvenile authorities to counsel, "treat," or otherwise manage those who were regarded as delinquents or potential delinquents (or simply as problems for the schools or other authorities), and, at the same time, more attractive to develop other institutions and procedures to deal with cases that might not stand the new tests imposed by the Supreme Court. The accumulated criticism of the failures of the juvenile justice system, and the *Gault* decision thus coincided to stimulate the search for successful programs of diversion.

The new projects are ostensibly designed and rationalized as diversion from the juvenile justice system, but since they are usually part of the system, as branches of police or probation departments, and as their most intimate collaborators, the distinction is often impossible to establish. Their boards and supervisory staffs are heavy with cops and probation officers, and their objectives are often indistinguishable from those of the institutions which create and support them. "The Social Service Bureau," says the Wheaton brochure, "is the social/emotional evaluation and treatment division of the Wheaton Police Department." In the typical case, the juvenile client is first given a "diagnostic assessment" consisting of interviews and the completion of a questionnaire which covers, among other things, the client's family history, income and education; his medical and psychiatric history; his attitude toward the "offense" that brought him in contact with the police or the Bureau; and such items as: "Do you take drugs?", "Are you often emotionally upset in any way?", and "Have you ever attempted or expressed a desire to kill yourself or anyone else?" The client and his parents are assured of

confidentiality, although they are also told that a "summary" of the social worker's assessment will be forwarded to the police; in a number of instances, moreover, the parents are asked to sign a blanket form authorizing the Bureau to "release any and all information now or hereafter acquired." James Collier, the director of the Bureau, explains that the treatment may include "changing the kid's attitude about us. We'll work on an unmotivated client for a while to get him motivated." He concedes that in some instances there is overt coercion: the juvenile officer informs the client that if he doesn't enroll in the program his case will be taken to the juvenile court. Participation is made a condition of "station adjustment," a sort of informal police probation which requires the juvenile to "avoid association with persons of poor reputation and habits," "obey the reasonable rules and directions of your parents and juvenile officers," and adhere to curfew hours.

In most instances, the therapy which follows the initial interviews and assessment consists primarily of counseling, either individually or in groups, generally over a period of two or three months: "helping the parents to communicate directly with each other . . . attempting to strengthen Ronald so he could better cope with the home situation . . . helping Jim to understand the consequences of his acting-out behavior." Diagnosis and counseling are followed by referrals to juvenile court or to community psychiatric facilities, to family physicians, or county medical facilities. Behind those referrals is the authority of the cop.

The Bureau literature contains extensive sections on confidentiality, the varying responsibilities of cops and social workers, and the general rights of clients. In practice, however, both privacy and other client rights are regarded as indefinite and negotiable: One of us was given virtually unlimited access to client files.

The concept of "early intervention" spread rapidly in the late sixties and early seventies. Stimulated by rising national concern about juvenile crime, the growing application of medical analogies to crime prevention, and the changing priorities of the federal government, police, probation departments, school systems and other community agencies went heavily into the business of early identification, diagnosis, diversion, and treatment. While funds for the Office of Economic Opportunity and Model Cities were being curtailed, substantial amounts were becoming available for crime and delinquency. By 1974, the Law Enforcement Assistance Administration (LEAA) was disbursing funds at a rate approaching $1 billion a year. Smaller amounts were also available through the Youth Development and Delinquency Prevention Administration (YDDPA) of HEW, and from the National Institutes of Mental Health through its Center for the Study of Crime and Delinquency. While a major percentage of those federal funds went to purchase police hardware, an estimated 20% flowed into juvenile delinquency diversion programs, educational experiments, screening projects, and various forms of diagnostic and treatment centers.

Early in 1973, the city school system of Baltimore began to develop tests which it intended to administer to most city school children to identify "maladaptive tendencies" and "potential delinquents." The tests, which included standard psychological inventories, evaluations by teachers, and special screens

developed by school psychologists (all with LEAA funding), were to be followed up, in the words of one school official, "by some kind of educational program and therapy aimed at prevention." By December 1973, the tests had been given to a sample of 4,500 children, most of them in ghetto schools, all without their parents' knowledge or consent. At that point word leaked to the local newspapers; both the papers and the Maryland chapter of the American Civil Liberties Union mounted a campaign against the program, and it was officially abandoned.

In Orange County, California, first and second grade children identified by their teachers as potential delinquents were enrolled in a program called VISA (Volunteers to Influence Student Achievement) and assigned to adult big-brother counselors in the community. Parents were told that their children were having difficulty in school, but the fact that the program was specifically designed for "predelinquents" and that it was funded by the California Council on Criminal Justice (CCJ), the state agency which dispenses LEAA funds, was never made clear. Officials of the County Probation Department, which was running the program, denied that it was designed as a "predelinquency" project. The program's own literature, including the grant application to CCJ, emphasizes, however, that it "combines the efforts of the Probation Department, schools, police, and concerned citizens in identifying, matching, and staffing students whose school performance indicates probable future delinquent activities." Although it was established primarily for children between the ages of nine and twelve, an investigator from the California Legislature told a reporter that at least one child had been enrolled "on the second day of kindergarten." The program was funded through the end of 1974; state officials were not certain whether it would be refunded thereafter.

In Montgomery County, Pennsylvania, the three county school systems initiated CPI ("Critical Period of Intervention") to "identify children who may be susceptible to drug abuse." The project included "diagnostic testing" comprising questions about religion and intimate relationships between the pupils and their parents, among them items about whether one or both parents "tell me how much they love me." Students were also asked to identify other children in their classes who made "odd or unusual remarks," gave inappropriate answers to questions, or had a tendency to quarrel. In the fall of 1972, the parent of a child in one of the schools filed suit to stop the tests, and in October 1973, a federal court ruled in the parent's favor. "The ultimate use of this information," the Court said, "is the most serious problem. . . . How many children would be labeled as potential drug abusers who in actuality are not, and would be subjected to the problem of therapy sessions conducted by inexperienced individuals? . . . There is too much chance that the wrong people for the wrong reasons will be singled out and counseled in the wrong manner."

Ever since the late sixties, the federal government has regarded the establishment of youth service bureaus as the most significant local step in diverting youngsters from the juvenile justice system and in preventing juvenile crime. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "a great deal of juvenile misbehavior should be dealt with through alternatives to adjudication, in accordance with an explicit policy to divert juvenile offenders

away from formal adjudication and to nonjudicial institutions for guidance and other services. By the early seventies, both LEAA and HEW (through YDDPA) were committing a major portion of their delinquency prevention funds to the "youth services system" which, by 1973, was proclaimed by YDDPA as "perhaps the best way we now have to cope with the problem." The bureaus, which were to link police, courts, and probation departments with other community institutions, were originally conceived primarily as referral and placement centers, institutions which would match clients with the appropriate social services. In recent years, however, the bureaus have taken on substantive functions of their own, partly because no appropriate services were locally available, and partly through what appear to be the inevitable processes of institutional self-aggrandizement.

Since the distinctions between diversion, prevention, and early identification were never made clear (just as there is no clarity in the meaning of delinquency itself), the rationale of "diversion" often tends to cover a search for clients whose brushes with the law, if any, are so marginal that they would simply be ignored if the program did not exist. In Alameda County, California (which includes Oakland), a delinquency prevention project sent workers to find and counsel the brothers and sisters of kids who had been identified as delinquents on the theory that in some instances "acting out is functional within the family system."

Pursuant to their indefinite mandate, the bureaus have ventured willy-nilly into family therapy, probation work, education, athletic programs and, in some instances, into activities that constitute direct extensions of police detective work. Because the funding process is decentralized and locally administered —through block grants to state agencies which in turn disburse the funds to the projects—there is no hard national data on the number of programs, the size of their clientele or the scope of their activities: LEAA simply does not know where its money is going or how it is spent. The best estimate is that there are perhaps 1,200 projects spending $100 million a year to reach between 200,000 and 400,000 young people. In 1973, Indiana spent 22% of its block grant funds (totaling $12 million) on juvenile delinquency projects;

Ohio allocated nearly half (or $24 million); California about 15% of $46 million. The typical project employs perhaps six full-time staff members as well as a number of paraprofessionals and deals with an estimated 200 or 300 juveniles a year.

The bureaus employ a peculiar mix of seduction and coercion. The style tends to be mod squad: hip detectives, black social workers, girls in jeans and granny glasses, bearded graduate students, and an occasional crew-cut YMCA type, all of them surrounded by stray copies of *Rolling Stone*, a couple of funky posters, and the ubiquitous coffee pot. They tend to be directive in their counseling ("Your obvious goal," says the long-haired student, "is to change them"), but the directiveness may be concealed under mountains of chit-chat and buddyship. "You tell the kid this is not a continuation of interrogation and it's not punishment; you tell him it's his obligation to be here, but it's not his obligation to talk to me. Sometimes you take a kid out to shoot some baskets, or down the street for a hamburger. I try to get the kid to see counseling as a sort of umbrella that'll keep the shit from falling on him. . . . I don't advocate game playing. I'm trying to get him to face reality, to build independence. I want these kids to be able to assert themselves for what they want."

Their attractiveness is undeniable, and the attractiveness in turn makes the process creditable: Phil Good, a former Youth Authority Corrections Officer who heads the counselors at the Bell Gardens Youth Services Bureau, worries about "playing God . . . enjoying your own benevolence too much, all the shit that's coming out of my mouth, and ripping the kid off"; or Detective Bob Byal, mustached and mod-suited, who goes into junior high school classrooms as a teacher and counselor trying to persuade the kids that he's not a narc and wondering whether "any other cop understands what I'm talking about"; or Dee Cox, black social worker, riding the streets at night in a patrol car, monitoring (and obviously enjoying) the police radio traffic, half cop, half counselor. They are not quite certain, any of them, who they are working for or exactly what they are supposed to achieve, and some are genuinely worried that they constitute a pacification squad designed to maintain order by messing around with children's heads. They concede that when it comes to the crunch, they support and represent social institutions and not their juvenile clients.

Beneath the worry about roles and purpose is the muscle of the law. Clients and their parents sign contracts that state:

> We the undersigned understand that the person designated as *Juvenile* below has been contacted by the Bell Gardens Police Department in a criminal matter. We further understand that the Police Department has the authority to file a petition request on the juvenile, the parents, or both as a result of the matter in question, thereby bringing criminal charges against either or both in this matter.
>
> In lieu of bringing such charges against the undersigned, the Police Department has elected to allow the undersigned to avail themselves of the Youth Services Center.
>
> In consideration of the forebearance of the Police Department to file formal charges against the juvenile as a delinquent or the parents as unfit

parents or both, the undersigned do hereby covenant, warrant, and agree as follows:

1. To attend and actively participate in counseling sessions with a Youth Services Center Counselor.
2. To attend such sessions for a period of at least four weeks, two sessions per week, one hour per session.
3. To be on time for each scheduled session.
4. To attend and actively participate in any further counseling sessions, of whatever nature, as the Manager of the Youth Services Center directs.

We the undersigned further understand that any failure on our part or any of us to abide by this contract in full will result in termination of the services of the Youth Services Center and that any future contracts by the Police Department will result in formal charges being brought against the juvenile, the parents, or both as prescribed by law.

The contract assumes that the individual is guilty of the act which brought him into the program. The authorities may or may not inform him of his rights against self-incrimination and his right to a formal trial. The vast majority of those enrolled in diversion programs, however, have never been represented by counsel and have never received a clear explanation—no such explanation being possible—of the function of the project and its counselors: Whom do they represent, and just how is the child supposed to regard them? What resources does he have to challenge or resist?

There is no certainty that the child would necessarily receive better treatment by insisting on his rights: of those who do appear in court, however, those represented by private attorneys (as opposed to court-appointed legal defenders) are more likely to be acquitted or to receive light sentences. There is evidence, moreover, that the majority of the kids enrolled in diversion programs would not be sent to juvenile court even if the programs did not exist, that they constitute, in effect, an entirely new clientele.

Officials of many of the projects concede that since the majority of their cases are truants, self-referrals, or "first offenders" accused by police of minor crimes or status offenses, many, if not most, would be "counseled and released" if there were no program. The most recent surveys, including a state-wide study in Illinois, indicate that more than half the adolescents in the national population have committed acts (including shoplifting or other petty theft) which fit the legal definition of delinquency—43% have driven a car without a license; 22% ran away from home at least once; 10% have gone joyriding in a car "that was stolen for the ride." Less than half of them have ever been arrested. The Illinois study indicated, moreover, that contrary to expectations drawn from official police or court records (which are based on arrests), girls commit almost as many delinquent acts as boys, whites as blacks, rich as poor. Yet, official statistics show that economically deprived youngsters—both white and minority group adolescents—run a much higher risk of being arrested for their delinquencies, appearing in court, and spending time in a correctional institution.

Such conclusions reinforce familiar data about official discrimination in the handling of crime and delinquency. In juvenile cases the chances of

discrimination are further enlarged by a tradition and mandate that encourage the court to give social background, home environment, and general attitude consideration at least equal to (if not greater than) the consideration given to the seriousness of the act itself. In cases where disposition depends entirely on the judgment of a police officer or a social worker, latitude is almost unlimited.

The projects accumulate mountains of statistics to demonstrate their effectiveness: number of juveniles "contacted" or arrested, number processed through the program, number referred to juvenile court, recidivism rates, truancy rates, crime rates. A self-study conducted by the California Council on Criminal Justice late in 1973 concluded that "overall these projects have been a positive factor in diverting juveniles from the criminal justice system.' " That conclusion was immediately qualified, however, by the observation that the connection between the projects and reduction of delinquency, if any, was coincidental.

More serious questions were raised in a draft of a confidential study produced by an independent firm of systems analysts which concluded that despite the accumulation of figures, reliable controls were almost totally nonexistent, and that delinquency is too often a reflection of "cultural intolerance of diversity and variability."

> What is at issue here is the right to no treatment. . . . Proponents argue that this is not a problem as diversion is voluntary. Yet is a referral to a youth service bureau voluntary where the alternative is being processed as a juvenile offender with an omnipresent threat of a reformatory in the background?

The critics argue that diversion programs deprive juveniles of "the right to get lost," that they represent "a proliferation of control agents." The essence of the process, said James Robison, a California criminologist who has consulted for LEAA, "is to shame the kid out of his behavior. These projects get cases that the cop doesn't want to deal with, and turn them over to someone who grooves on them. The cop at least has his idea of fairness, but the social worker feels that fairness is an irrelevant consideration; the social worker corrupts the cop. The thing is divided up gang-style so that no one is fully accountable; they can fuck over the kid both as victim and as offender. If the cop says something to a kid it might hurt, but if a mental health worker says the same thing it's much more insidious. They ought to put guns and badges on the social workers so the kids at least will know who they're dealing with."

Ronald Filippi, M.D., is an associate professor and chief of child psychiatry at Albany (New York) Medical College. Clyde L. Rousey, Ph.D., is a speech pathologist and audiologist at the Menninger Foundation in Topeka, Kansas. In 1971, Filippi and Rousey completed a study of speech deviation among children and announced in a learned journal that they had found a new way "of detecting children prone to violence." This new way was based on the way a child pronounced the word "bird."

> It is based on hypotheses, first advanced by Rousey, that speech sounds are related to character structure and personality dynamics. We screened

children, mostly from low income families, for the capacity to articulate sounds, as well as for a variety of psychological and social indices. We found that children who exhibited a particular sound abnormality (the variant of the mid-central vowel *r* where the vowel *r* in *bird* is pronounced as *burrd)* are indeed distinguished by violent-destructive behavior, independently reported.

Filippi and Rousey pointed out that certain abnormalities of speech "are significantly related to specific personality traits and dynamics." A child who cannot control his violence is also the child who cannot control his speech. "Where not yet manifest in behavior," they pointed out, "the potential for violence of such 'positive carriers' can be inferred from psychological tests." The speech test, they said, is fast and easy to use; it "can be administered by any person able to read and operate a tape recorder," something they regarded as "a prerequisite in these days of need for large-scale mental health screenings."

Fred W. Vondracek, Ph.D., is associate professor of human development at the Pennsylvania State University, and head of the project called CARES (Computer Assisted Regional Evaluation System). Since 1971, Dr. Vondracek and his colleagues at the Pennsylvania State College of Human Development have been perfecting and implementing a computerized method of diagnosing juvenile delinquents for local probation departments and recommending

appropriate treatment. Three county probation agencies were using the system in 1974, but Vondracek is confident that the system, developed with LEAA funds, was ready for application not only by other probation departments, but by schools. As CARES now operates, probation officers investigating juvenile cases feed interview data (by way of remote terminals) into the Pennsylvania State computer and receive back a case summary and a "syndrome analysis" based on a data bank collection of psychological and neurological problems "occurring with some frequency in a typical juvenile population." Among the syndromes programmed into the computer are "the passive-aggressvie syndrome, passive-dependent syndrome, schizoid syndrome, compulsive syndrome, hypomaniac syndrome, aggressive syndrome, primary sociopath syndrome, and minimal brain dysfunction syndrome." On request, the computer also prints out a list of agencies where remedial services for the particular case can be obtained, thereby assisting (according to Vondracek's literature) the clinically untrained probation officer in deciding whether the child in question should be sent to a juvenile detention home or whether he can be "treated" in the community.

The input system includes an offense code applicable to every conceivable type of case: "Burglary," "Flag, Desecration of," "Flag, Insults to National or Commonwealth," "Forgery," "Library Property (Retention After Notice to Return)," "Murder and Manslaughter," "Robbery," "Rubbish, Scattering," "Sexual Intercourse," "Truancy," "Rape," "Running Away," "Ungovernable Behavior" and some 60 others. The input questionnaire also includes extensive items on "youth's cooperation with probation department," the worker's impression of the youth's emotional stability and an inventory of 116 true-false items, to be completed by the client, with such attitudinal questions as "you can't trust people," "my home life is bad," and "my own welfare comes first."

Filippi and Rousey, and Vondracek are part of a growing squadron of screeners and diagnosticians working the delinquency field. Their approaches, hypotheses, and rationales vary, but they are sharers in the common faith that there exists a trait, a virus, a gene, an ailment which, with varying degrees of success, can be discovered and treated. Nearly all of them are scientists or physicians with impeccable credentials and with access to journals, federal funds, and the attention of the more "progressive" cops, courts, and corrections officials. Nearly all will argue that early detection, prevention, and diversion are more humane and less stigmatizing than the formal procedures of the juvenile justice system, and that they are themselves civil libertarians working against the invidiousness of labeling (even as they invent new labels). All talk about the search for economy and efficiency, something that "can be administered by any person able to read and operate a tape recorder."

The attempt to develop scientific instruments to predict and diagnose, and thereby prevent, social deviance and delinquency has an extended history reaching into the dim recesses of memory. Among its more notable modern examples are the so-called Kvaraceus Delinquency Proneness Scale (KD scale), an inventory designed to measure degrees of emotional adjustment, the Minnesota Multiphasic Personality Inventory, the Cambridge-Somerville (Massachusetts) Youth Study conducted between 1937 and 1956, and the prediction scales developed by Sheldon and Eleanor Glueck of Harvard in the period between 1935 and 1950. Under the system developed by the Gluecks, a boy subject to "overstrict or erratic" discipline by his father,

"unsuitable" supervision by his mother, "indifferent or hostile" feelings from his father, and to life in a family rated as uncohesive was marked for trouble, "whether or not he has yet overtly manifested any antisocial behavior."

In the past 20 years, such attempts at prediction have suffered what now appears to be a predictable fate. In an ambitious test of the Gluecks' system, the New York City Youth Board found that members of the treatment group selected by the rating scales were no less likely to become delinquent than members of a similarly selected control group; more important, of the 67 boys rated as likely to become delinquent in 1952, 50 had not become delinquent seven years later. In the Cambridge-Somerville study, the results were equally dubious: of 305 boys categorized as likely to become delinquent in 1937-1938, 191 (63%) did not become delinquents by 1956. As in the Youth Board Study in New York, treatment (consisting of "intensive" social work) produced negative results: the treatment group produced a greater percentage of delinquents than the control group.

The common faith, however, has survived the failure of its classic tests. It pervades university research projects, local diversion programs, and the policies of the federal government. At the same time, however, styles and fashions of implementation have changed. The Gluecks believed, in accord with their times, that the family constituted the locus of assessment and intervention; their successors are more likely to be interested in learning disabilities, hyperkinesis, minimal brain dysfunction and genetics. Character traits like "stubbornness" and "suspiciousness" are out; chromosome abnormalities and neurological malfunctions are in. While LEAA and YDDPA were channeling their funds into diversion programs, the Center for Studies of Crime and delinquency of the National Institute of Mental Health was supporting at least three separate projects on the relation of the so-called XYY syndrome in males to violence. (Females usually have an XX chromosome pattern; most males are XY. It is the Y gene that determines whether an individual will be male; there has been speculation, largely unconfirmed, that, in the words of Ashley Montague, "the addition of another Y . . . represents a double dose of those potencies that may under certain conditions facilitate the development of aggressive behavior.")

In one of those chromosome studies, researchers at the Johns Hopkins University subjected 7,000 boys from black ghetto homes in Baltimore to blood tests without telling either the boys or their parents why the tests were being conducted or how the results were to be used. The boys were enrolled in a free community medical program at Hopkins where blood samples were routinely taken to test for anemic conditions; the researchers, headed by Dr. Digamber Borgoankar and supported by a $300,000 grant from NIMH, simply used the same samples for the XYY tests. They also tested some 7,000 boys in various state institutions—delinquents and neglected children—again without informed consent.

Early in 1970, Diane Bauer, then a reporter for the *Washington Daily News*, discovered the project and published a series of articles which reported, among other things, that the results of the tests on the institutionalized boys were to be turned over to state correctional authorities. The articles produced threats of a Congressional investigation, a suit in state courts demanding that the tests be stopped, and a flurry of attacks from civil liberties groups. In response, Hopkins temporarily suspended the project, drew up a consent form, and resumed the tests. The form, which promised confidentiality, said nothing

78-464 O - 77 - 83

about the fact that the state had no confidentiality law for doctors and that, in the opinion of Maryland's director of juvenile services, the results could still be made available to the courts "for whatever use they can make of them." The form pointed out that the project was designed to find out whether certain boys have "a tendency to violate the law" but it said nothing about XYY or violence. Four years later, in an interview, Saleem Shah, the director of the NIMH Center for Studies of Crime and Delinquency, insisted that the Maryland authorities were never given individual data from the Hopkins research; they received only "aggregate information" on the XYY factor.

The search for a genetic test to predict aggressive behavior or antisocial tendencies represents perhaps the ultimate in identifying potential delinquents. Montague, among others, has suggested that it might be desirable "to type chromosomally all infants at birth or shortly after . . . to institute the proper preventive and other measures at an early age." So far the proportion of XYY males in the general population is unknown, and not even the staunchest believers in the "syndrome" argue that such an abnormality is a certain indication of future violence. At most, they suggest, there may be a statistical difference. Since the XYY abnormality was first reported in 1961, however, a vast mythology has become associated with the pattern. It depicts XYY males as tall, mentally dull and prone to dangerously aggressive behavior. (Mass murderer Richard Speck was said to have been an XYY male, a belief which later turned out to be false.) Fifteen years of study have demonstrated that XYY males tend to be taller than average; they have proved nothing about dullness or violence.

Interest in the genetics of delinquency and crime persists. David Rosenthal, chief of the psychology laboratory at NIMH, theorized that while no single gene could account for all criminality, "we can conclude that hereditary factors play a role in psychopathy and criminality." He conceded that "we need a great deal more research" to determine whether the genetic factors "can be substantiated beyond doubt." With increased knowledge, he said, it might be possible to provide "hereditarily disposed individuals" with the kind of environment "in which criminal behavior is neither gratifying nor desirable . . . and in which provocative factors are kept to a minimum."

In the meantime, the chromosome studies continue. No one, needless to say, knows of any method to immunize an individual against the effect of his genes, assuming such an effect existed, and no one has yet tried to create the proper environment for "hereditarily disposed individuals." The only possible remedy, as suggested by scientists at the University of Colorado is "genetic counseling." In plain language, that means abortion.

The most seductive in the new generation of delinquency theories, and the one most likely to have extensive impact, derives from the association of delinquency with learning disabilities and/or minimal brain dysfunction (MBD). "A hyperactive child," said a California psychiatrist, "is a predelinquent." Stated more tentatively, the argument says that while not all learning disabled children are future delinquents, nearly all delinquents are learning disabled. In some respects, of course, the argument is as old as the

"In juvenile cases the chances of discrimination are ... enlarged by a tradition and mandate that encourage the court to give social background ... consideration at least equal to (if not greater than) the consideration given to the seriousness of the act itself."

belief that school failure put a child on the road to crime. But where the old folklore was tied up with character and hard work, the contemporary version purports to be based on purely medical considerations: clusters of chemical imbalances, quirky hormones, problems in "visual motor integration," and faulty neurological wiring beyond the control of the individual. Even if the kid wanted to do it, he couldn't; he needs to be treated, not chastised. Delinquency is thereby separated from stigmas of character, inferences about parental inadequacy, and innuendos of race, class, or economic bias. It's nobody's fault.

The most prolific practitioners in the new territory, and certainly the most unequivocal, are Allen Berman, assistant professor of psychology at the University of Rhode Island and director of the Neuropsychology Laboratory for the Rhode Island Training Schools, and Chester D. Poremba, chief psychologist at the Denver Children's Hospital, who also served for many years as chief psychologist for the Denver Children's Court. Berman and Poremba have been making the rounds of conferences on learning disabilities to spread the word that, as Berman said, "delinquents are disabled." Berman came to that conclusion after four years of work (under an LEAA grant) with inmates at the Rhode Island Training School for Boys: "Seventy percent of the youngsters being imprisoned in the training school had measurable disabilities significant enough to warrant professional attention. ... These figures certainly don't portend that every disabled child who doesn't get treated will become delinquent. Nevertheless, after carefully reviewing the case histories of these youngsters, I feel that our project has demonstrated that failure to recognize significant disabilities early in a child's school career sets into motion a devastating series of events that, for a large number of unfortunates, ends up [in] a reformatory or a juvenile court."

Poremba, after a study of 444 students in a Colorado juvenile placement center, concluded that 90.4% had learning disabilities "with an average of 2.3 learning disabilities per student." On his list the disabilities include problems of visual or auditory acuity, neurological problems, or any other difficulty "that has to be corrected before the child can continue learning meaningfully." Poremba is convinced that most existing programs of delinquency rehabilitation should be abandoned because they focus on the same activities which produced the failures in the first place. "Truancy," he said, "is the kindergarten of crime." The solution is not more formal schooling but some alternative, gardening for example, that will permit the child to feel successful. In his anti-institutional sentiments, Poremba runs against the grain of the conventional wisdom—"if the school can't teach, bomb it"—and he sometimes manages to sound like the educational radicals of the sixties, John Holt, Paul Goodman, and Edgar Friedenberg. He is not an advocate of ordinary remediation, not a pusher of balance beams, drill, and rote learning. Yet his observations nonetheless reinforce those who, like Berman, see the problem in essentially medical terms and who see the earliest possible intervention as the

only solution. "There are 604,800 learning disabilities or combinations of disabilities.... We're finding kids with disabilities faster than we're training teachers to handle them. Many teachers don't know beans about disabilities. ... The whole school system says we are here to provide you with an education so you can succeed, and then it promptly fails them."

The argument can go in two apparently separate directions, suggesting on the one hand the segregation of learning disabled children into special programs where they can "succeed," or pointing, on the other, to some form of "treatment" to eliminate or cure the problem. Either way, the social response is essentially the same. Despite Poremba's anti-institutional rhetoric, public institutions almost inveitably offer institutional solutions. The gardening and the call to "bomb it" disappear, and the special classes for emotionally disturbed or learning disabled children reassert themselves (along with prescriptions for psychoactive drugs, programs of behavior modification, family therapy, and all the rest). In the long run, Poremba's argument would probably enable the institution to strengthen its argument for more resources and more control. Delinquency prevention would be another weapon in the arsenal of institutional management.

The conventional wisdom that connects learning disabilities with delinquency is perhaps best summarized in a book called *Something's Wrong With My Child* by Milton Brutten, Sylvia Richardson, and Charles Mangel. "Is there a link between learning disabilities and juvenile delinquency?" the authors ask. "The authors believe there is a relationship. Research has been limited. But signs do exist." Quotes are piled on quotes—cops, judges, probation officers, criminologists, psychologists, physicians—quotes from Camilla Anderson, the circuit-riding phychiatrist who believes that MBD is the cause of nearly all social evil, and who goes about saying that the only real solution is to keep MBD carriers from having children. Quotes from Dr. Frank Ervin, whom the authors describe as "a prominent researcher into causes of violence" without telling the reader that Ervin has also been one of the most prolific psychosurgeons in America ("We find that violence prone adults have a childhood history of hyperactive behavior...."), and without explaining that psychosurgery, as often as not, leaves its patients more incapacitated (though often more docile) than they were before. Statistics follow statistics, extrapolating back (never forward) from crime to truancy to school failure to learning disabilities, from emotional problems to academic problems, from felons to dropouts, a great torrent of figures without a definition. If an attempt were made to reverse the projections, to carry them forward, the fallacy would be obvious. Most school failures do not become felons, and most hyperactive kids (no matter how defined) do not become killers or rapists. *Almost all delinquents are failures in school,* says the book with emphasis, but it does not point out that the same statement could undoubtedly be made about Appalachian coal miners, privates in the volunteer Army, and common laborers in the Department of Public Works.

In the context in which such statements are made, the confusion is further compounded by figures which lend an aura of scientific precision to the arbitrary terms that they purport to connect. The authors tell us, for example, that "90% of 110 girls tested in a Tennessee state reformatory were from two to seven years below their grade level in reading." The statement tells us nothing about why the girls were in the reformatory, what percentage of

noninstitutionalized girls in Tennessee were from two to seven years below grade level in reading, or whether some third element—say a broken home, or poor social skills, or the fact that they were black—was a major factor in producing both the reading problem and the institutionalization in the reformatory. In another instance they cite "a study of 89 delinquents in California [which] revealed that 38% had learning disabilities [and that] an additional 20% were on the broderline." Again there is no definition of terms, and no indication that any control group was studied for purposes of comparison. But since the authors say elsewhere in the book that estimates of the percentage of children with learning disabilities in the population at large "range from 1 to 40%," the figures in the California study would make that group of 89 a fair cross section in some of the national estimates.

In still another instance, they quote authorities to prove that "75% of the delinquents in New York are 'illiterate' " without so much as a clue as to their racial or economic background, the schools they attended, or their intelligence. (Since there are any number of studies to indicate that prisoners test below average in IQ, and since the authors of *Something's Wrong* define learning disabled children as having "an intellectual potential that is usually normal or better" we may wonder whether IQ or LD or, quite possibly, something else is responsible.) Since virtually all studies of "delinquents" use institutionalized groups for their samples, and since these groups are disproportionately composed of the poor and the black, one could just as easily conclude (as did most of the "authorities" of earlier days) that the poor and the black constitute the criminal class.

As used, the figures are, of course, meaningless: They connect undefined terms, reflect statistically biased samples, and imply causality where none can be shown. In following their humanitarian inclinations to rescue "disabled" children from the horrors of the reformatory, however, the people who use such statistics manage to lend legitimacy to the very judgments which put those children there in the first place.

Jerome Miller, Ph.D., sits in a cluttered cubicle on the tenth floor of a state office building in downtown Chicago contemplating the Bridgewaters of America. Miller, now director of Family and Children's Services of the State of Illinois, served from 1969 to 1973 as Commissioner of Youth Services in Massachusetts. The Bridgewaters of America are the maximum-punishment detention centers and training schools to which the most rebellious or "disturbed" juvenile offenders are sentenced, what one study called "the final sanctions in a graduated set of possible control measures to induce conformity by restrictions on freedom of movement, denial of privileges, physical abuse, enforced idleness, silence, and gestures of deference toward adult authorities."

Miller succeeded in closing down the original Bridgewater—formally the Institute for Juvenile Guidance at Bridgewater, Massachusetts—and in initiating a set of extensive reforms that replaced other institutions in Massachusetts with a spectrum of alternatives from community-based treatment centers to outright release. The Massachusetts experiment generated a furious battle between Miller and the state's corrections officers, probation departments, and judges, threats of legislative investigations and a series of

"Although 'right to treatment' presumably implies a corollary right to be left alone, the reduction of overt brutality diminishes the reluctance of judges and social workers to enroll juveniles in whatever system replaces it."

incidents—fires, riots, escapes—which Miller attributed to acts of sabotage by guards at institutions scheduled to be closed.

The degree of Miller's success in Massachusetts is still subject to debate; Miller himself decided early in 1973 that the work he started could best be carried on by someone else—presumably someone less controversial—and resigned to accept a similar mandate from Governor Dan Walker of Illinois. But the theory is clear: "Until we've done everything we can for the most unsalvageable, we shouldn't try to deal with the easy ones. If you take away the Bridgewaters, the whole system begins to crack." The maximum-security institutions for hard-core offenders sustain the whole structure, make all lesser impositions, threats, and inducements to "treatment" credible and legitimate, and sustain almost every argument for "prevention."

Forty minutes from Miller's downtown office, suburban DuPage County recently opened its new and modern Youth Home, a $2 million detention center housing 30 adolescents between 11 and 17. The majority of them committed no crime other than running away from home, and are being held there for a lack of alternatives. There are electronically operated locks on all doors, "control stations" with banks of lights and switches, resembling a television station's control room, from which guards can monitor activity almost anywhere in the institution, and open microphones in all the cells. If a kid talks in his sleep, someone at a control station will be listening. The director of the Youth Home, Merrill Moore, is also planning a token economy behavior modification system under which points will be awarded for good conduct; inmates will be promoted to higher levels of privileges (smoking, time to watch television, permission to stay up later) on the basis of points earned. At the top level, Moore said, the inmates will be allowed "coed privileges," which means permission to talk to inmates of the opposite sex, but "to maintain the top level, you've got to work your butt off." In this version of effective treatment, "obvious physical restraints" become unnecessary. Glass partitions, microphones and behavior modification are better than clubs and bars.

"The question," said Jerry Miller, "is whether we can change the ideology before the technology overwhelms us." Gradually, the most obviously brutal juvenile prisons are being "reformed" or closed. In the summer of 1974 a federal judge in Sherman, Texas, ordered the Texas Youth Council to close down maximum-security centers for boys at Mountain View and Gatesville, after uncontroverted testimony had revealed a pattern of extreme brutality. Inmates were systematically beaten with sticks and fists; they were routinely forced to do meaningless work for six hours at a stretch (pulling blades of grass without bending their knees, shoveling sand from one pile to another), injected with powerful tranquilizers without medical supervision, forced to sign falsified incident reports to explain injuries inflicted by guards, and locked in solitary cells for as long as 30 days on the whim of guards. Such institutions,

said Judge William Wayne Justice, "are places where the delivery of effective rehabilitative treatment is impossible. . . . The court finds specifically that no reforms or alterations can rescue these institutions from their historical excesses. He ordered the parties in the case—lawyers for several of the inmates, civil liberties groups, and the Texas Youth Council—to produce a plan for improved rehabilitation.

But the question of ideology remains. Miller was delighted with the Texas decision because it added to the legal weapons of reform the threat of closing down the most repressive institutions altogether. (Heretofore, "right to treatment" had been limited to judicial directives to improve services and facilities; all previous decisions had stopped short of an order to close an institution.) But there was a better-than-even chance that despite the new weapon, "right to treatment" would sanction new styles of intervention which, if they were less brutal physically might become more manipulative psychologically. It is the Bridgewaters, the Mountain Views and the Gatesvilles which make places like the DuPage County Youth Home appear enlightened and progressive and which, in turn, make "early intervention" by psychologists, teachers, and social workers look like the very essence of liberal humanitarianism.

"The corrections people are going to stand in line for behavior modification," Miller said, "because it will help them maintain the system; they'll have a whole new generation of professionals to front for them." The alternative, in his view, is to give the clients themselves economic and political power enabling them to put pressure on the system and to choose placement and forms of "treatment." "In Massachusetts I had great hope in the possibilities of private care as an alternative to institutionalization; here in Illinois we have it, and it's as manipulative as anywhere else." The professionals become

tools of the system, and the prime object of the system is to protect itself and maintain order.

"The treatment options always condition the diagnosis; if you have a residential system, you'll get a lot of diagnoses oriented to residential treatment. The diagnostician always operates to eliminate his own risk. In one Texas institution for the so-called emotionally disturbed, 80% of the kids were sent home, and 80% of them are making it. . . . The kid comes in as dependent or neglected; sooner or later you get him labeled as 'disturbed' or, if he's poor, as 'mentally retarded.' Eighty percent of the kids in institutions are there by court order because the social workers don't want to do the hard job of negotiating voluntary placements; if you had some real consumer muscle staffed by people who know the system, you could have some impact." One national survey concluded that the rate of recidivism in delinquency is higher for juveniles merely apprehended than for those who commit similar acts but are not apprehended, regardless of disposition.

The technology is changing rapidly, the ideology hardly at all, and the consumers have yet to organize. Decisions such as that in the Texas case may give inmates and their lawyers a set of possible remedies against the overt abuses of the system, but they may also succeed in making the system more subtle and pervasive than it could have ever been before. As the Bridgewaters close, scientists replace brutes, and "direct visual and audio contact" is combined with behavior modification in the name of "individual dignity." Although "right to treatment" presumably implies a corollary right to be left alone, the reduction of overt brutality diminishes the reluctance of judges and social workers to enroll juveniles in whatever system replaces it. "There is some evidence," said a study of the Miller reforms in Massachusetts, "that referrals to the Department of Youth Services are increasing without compensating statewide reductions in commitments." Obviously that wasn't what Miller intended, but it is the most likely way for the system to adjust.

The major developments of the late sixties and early seventies in the fields of delinquency and predelinquency indicate that the country is headed in the direction of developing the appropriate technology, and finding modes of control that will require very few Bridgewaters, if any, to make them appear credible. Increasingly, the new modes conceal the price, blur the distinction between "compulsory" and "voluntary" treatment, and vitiate the line between crime and disease. ø

Reference: Complete footnotes for this article can be found under Chapter Five in the book from which this selection is taken. *The Myth of the Hyperactive Child* by Peter Schrag and Diane Divoky.

[From the Congressional Record, Senate, July 26, 1976]

BAYH ASSURES LEAA ASSESSMENT OF FEMALE CRIME AND DELINQUENCY AND EXTENT OF SEXISM IN JUSTICE SYSTEMS

Mr. BAYH. Mr. President, through conversations with those at LEAA conversant with the Attorney General's authority under part D training, education, research, demonstration, and special grants, including Administrator Velde, I have been assured that the National Institute of Law Enforcement and Criminal Justice is authorized to conduct research regarding the actual nature and extent of crime and delinquency attributable to women. In view of the clear and unmistakable authority of LEAA to conduct those vitally necessary assessments, I have decided to withhold my relevant amendment, to S. 2212, the Crime Control Act of 1976.

My amendment would authorize the LEAA National Institute of Law Enforcement and Criminal Justice to carry out research to assess the actual nature and extent of crime and delinquency attributable to women. Further, it would authorize the Institute to undertake a comprehensive evaluation of progress made to date by correctional programs and the criminal and juvenile justice systems to eliminate discrimination on the basis of sex within these systems.

In fact an LEAA task force on women concerning juvenile justice and delinquency has made recommendations to the Attorney General that support the thrust of my amendment. I ask unanimous consent that the recommendations regarding the Law Enforcement Assistance Administration task force study and other relevant excerpts from the report of the National Commission on the Observance of International Women's year—pages 157–160 and pages 292–296—"To Form a More Perfect Union" be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXCERPTS FROM "TO FORM A MORE PERFECT UNION" JUSTICE FOR AMERICAN WOMEN

(A report of the National Commission on the Observance of International Women's Year)

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TASK FORCE STUDY [51]

The IWY Commission recommends elimination of discrimination based on sex within all levels of the juvenile justice system. To reach that goal, the Commission urges that the Law Enforcement Assistance Administration (LEAA):

Act on the recommendations of the LEAA Task Force on Women concerning the Office of Juvenile Justice and Delinquency Prevention; and

Upgrade the status of women within that agency.

DISCUSSION

As the LEAA Task Force report documents, discrimination against women and girls in the criminal justice system appears to be a serious, pervasive problem in statutes, courts, and correctional agencies. The situation is particularly critical because the usual statistic collection fails to disclose disparities in treatment.

The Child Development Committee specifically urges Federal action on four recommendations of the LEAA Task Force on Women concerning juvenile justice and delinquency prevention:

1. Develop strategies to increase State support for female juvenile offender programs.
2. Assure that State juvenile delinquency plans analyze the needs of disadvantaged youth and that program statistics include sex and minority classifications.
3. Fund research that analyzes treatment of female juveniles by the courts, referral agencies, and the community, with special emphasis on status offenders.
4. Fund programs that specifically focus on the needs of the female juvenile at all stages of the juvenile justice system, from referral to postadjudication.

The Child Development Committee proposes that, as a means to review progress in correcting inequities in the entire juvenile justice system, the Civil Service

[51] Recommendation approved by Child Development Committee, Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

Commission be directed to conduct hearings that examine discriminatory policies and practices outlined in the report of the LEAA Task Force on Women.

A Grants Management Information System printout on grants made by the LEAA from 1969 to 1975 confirms a lack of attention to the needs of the female juvenile offender. Only about 5 percent of all "juvenile delinquency discretionary projects" and only 6 percent of the "block juvenile grants" were for specifically female-related programs. None of the grants included a research effort on special characteristics of, or different treatment of, female juvenile offenders.

There is also evidence of sex discrimination in staffing within the juvenile justice system, particularly where males dominate in critical decisionmaking posts. A current 5-year study by the National Assessment of Juvenile Corrections has found that of 49 executives in juvenile justice agencies only 10 were female.

One of the ways in which girl offenders are discriminated against is through court-ordered physical examinations, specifically gynecological examinations. During the years 1929–1955, about 70 to 80 percent of the adolescents referred to the Honolulu Juvenile Court were examined, compared to 12 to 18 percent of the male population. "Notations such as 'hymen ruptured,' 'hymen torn—admits intercourse,' and 'hymen intact' were routine, despite the fact that the condition of the hymen is usually irrelevant to health or illness. Further, gynecological examinations were administered even when the female was referred for offenses which did not involve sexuality such as larceny or burglary." [52]

STATUS OFFENDERS [53]

The IWY Commission recommends that State legislatures undertake as a high priority the establishment of more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants ,and, when appropriate, first felony offenders, with the ultimate goal of eliminating as many status offenders as possible from jurisdiction of the juvenile courts.

The Commission further urges that the juvenile justice system eliminate disparities in the treatment of girls by courts and correctional agencies.

DISCUSSION

Clearly, young girls suffer most from court procedures dealing with the status offenses, i.e., conduct that would not be criminal if committed by adults. Truancy, incorrigibility, and sexual delinquency are the three primary status offenses with which girls are charged. Young females are not only more likely to be referred to courts and detained for status offenses, but they are also held longer than boys referred for such conduct.

One midwestern study of more than 800 juvenile court referrals found these typical proportions: 28 percent of the boys had been brought to court for "unruly offenses," compared with 52 percent of the girls.[54] At the juvenile detention home, a coeducational youth facility, running away and sex offenses accounted for 60.7 percent of all the female delinquent referrals; moreover, girls on the average stayed there three times as long as boys.[55]

Such discrimination based on the sex of status offenders traditionally has been upheld on grounds of "reasonableness." Only since 1970 have some State laws permitting longer sentences for females than males been found in contravention of the 14th amendment and a violation of the Equal Protection Clause of the U.S. Constitution.[56]

The courts' traditional attitude reflects society's sexual double standard, which has demanded that the traditional American family exert greater control over a daughter's behavior in order to protect virginity (or virginal reputation). The "good" adolescent female is never sexual, although she must be sexually appealing. Compared to the teenage male, she has a much narrower range of acceptable

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[52] Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2 (Fall 1973).

[53] Recommendations approved by IWY Commission February 26–27, 1976. The recommendation approved by the Child Development Committee Jan. 10, 1976, but revised by the Commission, is reprinted on p. 160 under the heading "Original Version."

[54] Peter C. Kratcoski, "Differential Treatment of Delinquent Boys and Girls in Juvenile Court," *Child Welfare*, Jan. 1974, vol. LIII, no. 1, p. 17.

[55] Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2, Fall 1973.

[56] Rosemary Sarri, "Sexism in the Administration of Juvenile Justice," paper presented to National Institute on Crime and Delinquency, Minneapolis, June 16, 1975.

sexual behavior. As a result, even minor deviance may be seen as a substantial challenge to society and to the present system of sexual inequality.[57] Promiscuous young women are found to be unpalatable. "The young man gets a wink and a look in the opposite direction." [58]

As a result, female juveniles are more likely to be incarcerated than are adult women. "Adult women get a better shake when it comes to crimes than do juvenile girls. There is a reluctance to jail women, but not juveniles," [59] the Child Development Committee was told.

All too frequently, detention and police personnel suggest that it is necessary to lock up girls "for their own safety and well-being." [60]

The wording of status offense codes is so vague as to allow this kind of discretionary action against girls thought to be "in moral danger." Until 1972, a Connecticut law made it a crime for "an unmarried girl to be in manifest danger of falling into habits of vice." [61]

Ironically, the "status offense" category works in favor of some classes and against others. Of the status offenders in the District of Columbia courts, 80 percent are from white suburban areas; the urban, minority youth is more likely to be classified under the more serious category of delinquent.[62]

Female status offenders when they are institutionalized enjoy less recreation than boys and have poorer quality counseling and vocational training. And many existing programs continue to exploit girls in traditional sex roles; the emphasis may be on training to become cosmetologists or domestic workers.

Adolescent status offenders may be channeled into more serious charges: a 13-year-old girl who violates a court order against truancy, for example, may be reclassified into the more serious category of "delinquent" for the same behavior. Repeat runaways may face the same harsh treatment if their States have not chosen to adopt provisions of the Runaway Youth Act, which is Title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

Title III specifically found that "the problem of locating, detaining, and returning runaway children should *not* be the responsibility of already overburdened police departments and juvenile justice authorities", and declared, "It is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure." However, only States that apply for funding under the act must demonstrate that they adhere to these requirements.

While recommending that, when possible, all so-called status offenses be removed from juvenile court jurisdiction, the Child Development Committee cautions against any tendency to charge these minors with more serious offenses such as delinquency.

In testimony to the Child Development Committee, the Honorable Eugene Arthur Moore, Probate Juvenile Court Judge, Oakland County, Michigan, Secretary of the National Council of Juvenile Court Judges; President of the Children's Charter, Inc.; said he felt that status offenders should be allowed in the juvenile court only after there has been positive judicial finding that no other community resource can meet their needs.

Judge Moore urged, as does this committee, that every juvenile court judge should be an advocate within his community to lead that community toward developing the necessary resources both within and without the juvenile court. "The judge must be a catalyst and motivation in the community towards the development of preventive and rehabilitative programs."

A special program of the Office of Juvenile Judges and Delinquency Prevention has already awarded grants to various government and nonprofit agencies to facilitate deinstitutionalization of status offenders.[63]

In Oakland County, Michigan, is found a model example of joint community effort by citizens, government, and juvenile court officials to provide coordinated

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[57] Chesney-Lind, *op. cit.*
[58] Testimony of John Rector, Staff Director and Chief Counsel, U.S. Senate Juvenile Delinquency Subcommittee to Child Development Committee, Jan. 9, 1976.
[59] Testimony of Wallace Mlyneic, Codirector, Georgetown Juvenile Justice Clinic, Wash., D.C., Jan. 9, 1976.
[60] "Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972–73," Law Enforcement Assistance Administration, 1975.
[61] Sarri, *op. cit.*
[62] From testimony of Joan A. Burt, Wash., D.C., Parole Board, to Child Development Committee hearing Jan. 9, 1976.
[63] Department of Justice, Nov. 1976 evaluation report on the impact of programs on women for IWY Commission on Program Impact, the IWY Interdepartmental Task Force.

youth assistance, delinquency prevention programs, and a rehabilitative camp for young people. The committee commends this county's programs to the attention of action-oriented youth groups in other communities.

ORIGINAL VERSION

The Child Development Committee recommends that State legislatures eliminate status offenses used to discriminate against young women, from the jurisdiction of juvenile courts, and that States establish more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and when appropriate, first felony offenders.

WOMEN OFFENDERS [64]

The IWY Commission recommends that each State Bar Association review State laws relating to sentencing, and their application, to determine if these practices discriminate against women, and that each State review and, where needed, reform its practices relating to women in jails, prisons, and in community rehabilitation programs, with a special emphasis on:

Improved educational and vocational training opportunities in a nonstereotyped range of skills that pay enough to support a family;

Making available legal counsel and referral services;

Increased diversion of women offenders, both before and after sentencing, to community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release; attention to the needs of children with mothers in prison;

Improved health services emphasizing dignity in treatment for women in institutions;

Protection of women prisoners from sexual abuse by both male and female inmates and by correctional officers;

Utilization of State funds to recruit better qualified corrections personnel with the parallel goal of increasing the number of women at all staff levels in correctional institutions.

The IWY Commission further recommends that State Commissions on the Status of Women be supported by State governments in establishing task forces to focus on the needs of women offenders.[65] These task forces should make regular inspections of all women's detention facilities. Members should include lawyers and judges. Furthermore, the task forces should provide legal counseling and referral services. The press and public should be kept informed of task force observations.

HAS THERE BEEN AN INCREASE IN VIOLENT FEMALE CRIME?

Recent sensational articles on the rapid rise in the female arrest rate present an incomplete portrait of the women offenders especially since the bulk of the female crime increase is in economically motivated "property" offenses such as larceny, forgery, fraud, and embezzlement and is often related to drug addiction and abuse. The greatest increase has been for larceny.

Claims are being made that women are becoming more dangerous or that there is an invidious connection with the growth of the women's rights movement.

The statistics behind these pronouncements are found in the FBI's Uniform Crime Reports for 1972, based on 2,430 law enforcement agency records. They show that in 1972, crimes and arrests among women escalated at a rate of 277.9 percent of the 1960 female arrest rate. The increase for male crime between 1960 and 1972 was 87.9 percent.[1] The FBI shows that women offenders now account for 10 percent of violent crime, but in fact this proportion has remained constant over the last 20 years.[2]

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[64] Recommendations approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

[65] An excellent model for such an effort is run by the Pennsylvania Commission on the Status of Women.

[1] In actual numbers, of course, female crime remains a small fraction of male crime; in 1971, approximately 18 of every 100 persons arrested for a serious crime were women, and of those convicted, 9 of 100 were women, and only three of every 100 persons sentenced to a State or Federal prison were women. (Impact Statement to IWY Interdepartmental Task Force, Law Enforcement Assistance Administration (LEAA), Nov. 24, 1975.)

[2] Laura Crites, Director; Catherine Pierce, Asst. Director, National Resource Center on Women Offenders.

The high point in female violence appears to have occurred in the mid-fifties when females accounted for more than 13 percent of all violent crime. Today's figure is one-third lower.[3]

In the past 12 years, as crime detection rates have improved, so have the female arrest rates for certain types of nonviolent crimes increased; embezzlement is up 280 percent for women, 50 percent for men, larceny up 308 percent for women, 62 percent for men; burglary up 108 percent for women, 63 percent for men. "The typical female offender has not committed murder or robbery . . . she is a small scale petty thief often motivated by a poor self-image and the desire for immediate economic gain." [4]

A potent pressure operating here could be the decline of real income for women from 60 percent of a man's earning in 1969 to 57.9 percent in 1972. In addition, women are facing certain unemployment; they are often the last hired at "equal opportunity" workplaces and the first fired under conventional seniority systems. The 1972 FBI arrest figures, cited above, do not reflect population increases, the absence of males during the Viet-Nam occupation, or the effect of inflation which has pushed up the cost of many stolen articles into the felony range.

Another overlooked factor: statistics from the 1960's often did not separate arrests of males and females. In those days, statistics on women frequently were lumped with those on men or ignored.[5]

Tom Joyce, an ex officio member of the National Resource Center on Women Offenders, has predicted:

"If the distorted image of an increasingly violent and dangerous female offender takes hold and affects planning policies, such as the building of new female prisons (rather than improving alternative programs), that will cause more harm than good, both for the typical offender and for society in general."

EDUCATIONAL TRAINING

On a national basis, women in prison receive little or no vocational training or job placement assistance which would enable them to support themselves and their children upon release. Education and work release programs for women offenders are substantially fewer than those for male offenders. A 1973 *Yale Law Journal* survey,[6] showed that vocational programs offered to women offenders range from one program to a high of six. The average in female institutions surveyed was 2.7 programs, compared to 10 programs on the average for male institutions. One institution offered 39 vocational programs for its male residents.

Where job training is available in women's facilities, it still tends to reinforce stereotypes of acceptable roles.[7] Charm courses are not uncommon: Four were funded by LEAA grants between 1969–75. Allowable work for women in prison is frequently sewings, laundering, or cooking; women offenders in Georgia have provided maid services to the residents of that State's central mental hospital.

At least 15 percent of the current female population in prisons is "functionally illiterate" [8] (reading below sixth-grade level). Catherine Pierce, Assistant Director of the National Resource Center on Women Offenders, suggests that this situation has broad implications for the use and understanding of employment notices, job applications, food stamp applications, and rental and housing contracts by women who are ex-offenders.

Apparently no statistics are being compiled or recorded on recidivism rates and level of literacy. Reading problems can only complicate reentry into society from an institution. How far can the illiterate, ill-trained woman get on one bus ticket and a few dollars? More than half the States gave departing offenders less than $48 each in 1974; two States provided no money.[9]

The Special Problems of Women Committee urges corrections training systems to follow the excellent example set by Washington Opportunities for Women (WOW), which seeks to place female probationers in apprenticeship openings in nontraditional well-paying occupations such as construction, meatcutting, and Xerox repair.

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[3] Tom Joyce, "A Review: Sisters in Crime," p. 6. *The Woman Offender Report,* vol. I, no. 2, May/June 1975.
[4] *Ibid.*
[5] Laurel L. Rans, Women's Arrest Statistics, *The Woman Offender Report,* vol. I, no. 1, Mar./Apr. 1975.
[6] Vol. 82.
[7] LEAA Impact Statement prepared for IWY Interdepartmental Task Force.
[8] Sept. 1975 survey by American Bar Association, Commission on Correctional Facilities and Services Clearinghouse for Offender Literacy.
[9] Kenneth J. Lenihan, "The Financial Resources of Released Prisoners," Bureau of Social Science Research Inc., Wash., D.C., Mar. 1974 draft, p. 9.

In Houston, One America, Inc. tests and counsels female probationers and parolees for placement in programs to train electricians and plumbers.

The Maryland Corrections Institution for Women in Jessup, Maryland trains women as welders and carpenters. Of 59 women graduating in June 1975 and trained in welding 41 were placed on jobs. The National Resource Center on Women Offenders,[10] founded by the American Bar Association in June 1975 to gather and disseminate information on female offenders, is a valuable clearinghouse on rehabilitation projects and developments in women's corrections.

CHILDREN OF OFFENDERS

Unlike their male counterparts, 70 to 80 percent of women in penal institutions are responsible for children. And upon release, these women must often resume sole support of their children. Without sound vocational training, the returning mother struggles hard to provide, and a simple theft begins to look easy.

Once a mother is incarcerated, the children she leaves at home must be placed with relatives or institutionalized. (There is much evidence to indicate that children of offenders often become the next generation's offenders.) Most female prisons are located in rural isolated areas making visits between mother and child extremely difficult.[11] Because seven States have no institutions for women, female offenders are boarded in nearby States. In these cases, contacts with family and children are often broken.

The committee endorses the concept of community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release as a way to combine practical education experiences, rehabilitation, and family contact.

The Women's Prison Association[12] counted five States, in a 1972 sample of 24, which contracted with nearby States for imprisonment of female offenders. The Association asked,

"Why can't these States sponsor a small facility which would house women near their families and lend itself to improved programs for job training, individual counseling, and schooling?"

Establishing facilities becomes most likely when citizen groups press for action. The committee urges local and area Commissions on the Status of Women to act as catalysts for change.

HEALTH SERVICES

The corrections administrators of women's institutions are responsible for appropriate health services. The Special Problems of Women Committee endorses as a guide for those administrators and for Commission on the Status of Women task force inspection teams the standards listed by Mary E. King and Judy Lipshutz in vol. 1, no. 3, *The Women Offender Report*. They include:

Physical exams given with maximum concern for the woman's dignity;

Prompt and regular treatment for all illnesses while incarcerated;

Twenty-four-hour emergency treatment available in State institutions and local jails;

Insured humanitarian detoxification;

Proper and confidential medical records on each prisoner;

Family planning services, including access to contraceptives and family planning education;

Health education classes for inmates;

Regular exercise;

Attention to menstrual and gynecological problems; and

Female medical personnel included on health staff.

In addition, the committee is concerned that physical exams be administered only by licensed physicians or nurse practitioners, and that treatment for illnesses be both prompt and appropriate.

STAFF

Only 12 percent of the correctional work force in the United States are women, and few of those women are in top- and middle-management positions. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals issued

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[10] 1800 M St., NW., Wash., D.C. 20036.

[11] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 31, 1976.

[12] Founded in 1845, 110 2d Ave., New York, N.Y. 10003.

a 600-page report listing 130 suggested standards for correction agencies. Section 14.3 called for correctional agencies to recruit and hire women for all varieties of work.

In August 1975, the American Bar Association's policymaking House of Delegates urged corrections systems to increase the number of women and minority group employees at all staff levels. This body asked for special staff attention to the essential job of attracting women, urging special recruitment and training machinery and programs to attain that objective. The committee endorses those policies.

Most jails are not built programmed, or staffed to look after females. Separation of men and women is difficult, and there are no matrons in some facilities.

Patsy Simms, a freelance writer who has interviewed more than 50 women serving time in southern jails or in work-release programs, has submitted to the Special Problems of Women Committee a report on the absence of matrons where females are behind bars. In many cases she found no matrons at all, or at best "paper matrons"—female radio dispatchers or the wives of jailers and sheriffs. Ms. Simms reminded the committee that a "paper matron" was on duty "two halls and 65 feet away" the night Clarence Alligood died in JoAnn Little's cell.

According to a *Raleigh News and Observer* survey of 47 county jails in the eastern part of North Carolina, only 19 of the counties have 24-hour matron service and adequate separation of men and women. Under these conditions, prevention of sexual abuse is not probable.

FURTHER INEQUITIES IN THE JUSTICE SYSTEM

Statutes in several States call for longer sentencing for female offenders than for males for the same offense.[13] Cases upholding disparate legislative sentencing schemes based on sex have reasoned that, compared with male criminals, females are more amendable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement.

Some courts are taking positive action against inequities in the jail system. In *Barefield* v. *Leach*[14] a Federal court in New Mexico held that female inmates and male prisoners are entitled to equal treatment; and the fact that the number of women offenders is small is no excuse for unequal vocational training, unequal access to legal materials, unequal recreational facilities, or unequal opportunities to earn time off for good behavior.

"At the time when some professionals in corrections are proclaiming that rehabilitation does not work, we are finding that for most female offenders, rehabilitation has not be tried,"

reports Ruth R. Glick, Director of the National Study of Women's Corrections Programs.[15] In general, no clearly defined philosophy of corrections has been tested and applied to women's correctional programs. Consequently, the large number of institutions and community-based programs seem to lack internal consistency, i.e., "the need to control runs counter to expressed desire to teach women to assume responsibility for their own behavior."

YOUNG ADULT CONSERVATION CORPS[16]

The IWY Commission recommends that special attention be given to attracting and recruiting young minority women, especially blacks, Hispanics, Asian-Americans, and Native Americans, into the Youth Conservation Corps to a year-round program for young persons up to age 24, and that the President support legislation extending the Corps.

BACKGROUND

Of the more than three million young persons under age 24 presently unemployed in this country, the group most disadvantaged is the nonwhite minority female youth, ages 16–19. (The committee has had to assume that these figures reflect most racial or ethnic minorities, since further data breakdowns have not been available.)

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[13] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 13, 1975.

[14] Civ. no. 102–82, Dec. 18, 1974.

[15] An LEAA-funded program, 2054 University Ave., Room 301, Berkeley, Calif. 97404. Quoted in *The Woman Offender Report*, vol. 1, no. 3, July/Aug. 1975.

[16] Recommendation approved by Special Problems of Women Committee Feb. 6, 1976; by IWY Commission Feb. 27, 1976.

Compared to a national average of 8.3 percent, the young minority women's unemployment rates in December, 1975, were 37.9 percent for ages 16–19, and 19.6 percent for ages 20–24. Other unemployment percentages for December 1975, for comparison, are:

Nonwhite young men: 31.2 percent for ages 16–19, 20 percent for ages 20–24;

White young men: 18.6 percent for ages 16–19, 11.6 percent for ages 20–24; and

White young women: 16.0 percent for ages 16–19, 9.6 percent for ages 20–24.

Department of Labor statistics for December showed 1,600,000 young people under 19 were unemployed; 1,576,000 ages 20–24. Parts of this large, restless, and unproductive reserve of young people are in danger of becoming a burden to society; on any given day, there are close to 8,000 juveniles held in jails in the United States. The average daily population in juvenile detention facilities (with girls held longer and for less serious crimes than boys) is over 1,200 with close to 500,000 held annually in such facilities.[17]

Starting in the summer of 1971, one experimental approach began to provide learning experiences and employment to jobless youths aged 15–18. Sixty-thousand youths were enrolled in the pilot version of Youth Conservation Corps (YCC), a Federal training-work program in conservation and the environment.

YCC enrollment figures have shown increasing female participation, from 41.3 percent in 1972 up to 49.2 percent in 1975. The percentage of female participation is now almost identical to the national distribution for 15–19 year olds.

Female teenagers have expressed the most satisfaction with the YCC program: 68 percent said they "really liked it" in a 1972 multiple-choice questionnaire, compared to 57 percent of the boys. YCC activities have reached far beyond the usual low-paying or dead end options for minority female youth: both sexes have learned to perform jobs related to reforestation; trail and campground improvement; forest fire fighting; and insert, flood, and disease control on public lands, among others.

There are some initial, and still unresolved, problems with both underrepresentation and dissatisfaction of minorities in the program, however. The underrepresentation resulted from policy and budget restraints limiting recruitment to areas near the YCC camps (away from urban areas), so that most of the campers have been from small towns or rural areas. In 1972, 82 percent of the participants were white; only 7 percent were black; 6 percent American Indian; 3 percent Spanish speaking.

As might be expected, evaluations of the YCC's summer camps have indicated the need to adapt the program to better serve minority groups.[18] The committee urges continued study and effort toward this goal with increasing attention to recruiting a more representative proportion from unemployed young minority women and to providing services to meet the needs of women with limited English-speaking ability.

A bill to amend the Youth Conservation Corps Act of 1970 (S. 2630), introduced on November 6, 1975, seeks to extend the pilot summer format of the conservation training program to a year-round operation for young adults up to age 24. The ultimate employment level could reach more than one million young persons annually with participants seeding grasses to control and prevent erosion, operating tree nurseries and planting seeds or tree cuttings, channeling streams, stabilizing banks, building small dams, fighting grass fires, and building new roads and park areas, among other activities.

Because of the Special Problems of Women Committee sees this valuable program as an investment in preserving both natural and human resources and as an excellent training opportunity for young *minority women*, particularly those from the urban setting, the committee urges continued expansion and improvement of Conservation Corps activities.

Mr. BAYH. Mr. President, the Nation's effort to deal with the problem of children in trouble has been an abject failure. As chairman of the Subcommittee to Investigate Juvenile Delinquency of the U.S. Senate Judiciary Committee, I am acutely aware of the flagrant maltreatment of youthful offenders, of the brutal incarceration of noncriminal runaway children with hardened criminals, and of

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[17] Female Delinquency: A Federal Perspective," statement of Mary Kaaren Jolly, Editorial Director and Chief Clerk, U.S. Senate Subcommittee to Investigate Juvenile Delinquency, before the National Congress for New Directions in Female Correctional Programming, June 30, 1975, Chicago, Ill.

[18] Among the reports: John C. Scott, B. I. Driver, Robert W. Marans, "Toward Environmental Understanding, and Evaluation of the 1972 Youth Conservation Corps," Survey Research Center, Institute for Social Research, the University of Michigan, Ann Arbor, Mich., 1973.

bureaucratic ineffectiveness which has marked the grossly inadequate Federal approach to the prevention of delinquency and rehabilitation of delinquents.

I am reminded of testimony about the "El Paso Nine" before my subcommittee at one of our initial hearings assessing the juvenile justice system. They were not mad bombers, vicious criminals, or political radicals, but youngsters with troubles. Five were young women, the oldest was 17. Each one had been committed to a State institution without legal representation or benefit of a judicial hearing. Of the five, most had been committed for having run away only once. Beverly J., for example, was sent to the Gainsville State School for Girls because she stayed out until 4 a.m. one night. Alicia M. was sent to the same school when she was 17 because she refused to work.

This tragic story is repeated over and over again around the country. Children are in trouble. We neglect or mistreat our children, and then when they react in socially unacceptable ways—not usually crimes—we often incarcerate them. We call them neglected or dependent or, even more euphemistically, persons in need of supervision, but whatever the label, these youngsters often end up in common jails. Fully 50 percent of all children in juvenile institutions around the country could not have been incarcerated for the same conduct had they not been minors. Children are continually incarcerated for running away from home, being truant from school, being incorrigible, or being promiscuous.

It is not surprising that many of the prejudices our society has against females are reflected in the juvenile justice system, but the ramifications of such discrimination and bias are shocking. Girls are arrested more often than boys for status offenses—running away, truancy, and the MINS, PINS, and CINS violations—minors, persons, and children in need of supervision. And girls are jailed for status offenses longer than boys.

Between 70 and 85 percent of adjudicated young females in detention are there for status violations compared with less than 25 percent of the boys. Thus, there are three to four times more young women than young men in detention for noncriminal acts.

Additionally, the available research and evidence adduced by my Subcommittee shows that a female is likely to be given a longer term of confinement than a male and that her parole will be revoked for violations less serious than for male revocation. In responding to these facts which affirm gross discrimination, the director of a State institution for young women explained:

"Girls, unlike boys, offended more against themselves than against other persons or property."

What she really meant was that often girls—not boys—are locked up for engaging in disapproved sexual conduct at an early age; that our society applies the term "promiscuous" to girls but not to boys.

Such arbitrariness and unequal treatment, at a minimum produces more criminals. It is well documented that the earlier a child comes into the juvenile system, the greater the likelihood that the child will develop and continue a delinquent and criminal career. Another disturbing reality is that juvenile records normally go with children if arrested as an adult. What this means is that young women incarcerated for running away from home or arguing with their parents—incorrigibility—will have a criminal record for life and if arrested as an adult will more likely be incarcerated.

The basic problem is that we have not been willing to spend either the time or the money necessary to deal with the diverse set of problems children in trouble present to us. We must not continue to ignore today's young delinquent for all too often he or she is tomorrow's adult criminal. Our young people are entitled to fair and humane treatment and our communities are entitled to be free of persons who threaten public safety. My approach has been to apply the commonsense adage that an ounce of prevention is worth a pound of cure.

We need to develop different ways of treating children in trouble. We need to establish group foster homes for the neglected; halfway houses for runaways, and community-based programs for the serious juvenile delinquents. We need 24-hour crisis centers and youth service bureaus to help young people find the services which they need. And we need a greatly expanded parole and probation system to provide supervision and counseling for the large majority of children who never should face institutionalization.

In 1974 Congress overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415 (S. 821). This measure, the product of a 3-year bipartisan effort which I was privileged to lead, provides

for a constructive and workable approach in a joint Federal, State, and local effort to control and reverse the alarming rise in juvenile crime. The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing humane, sensible, and economic programs for youngsters already in the system to help the estimated one million youngsters, the majority of whom are young women between the ages of 11 and 14. who run away each year. It provides Federal assistance for local public and private groups to establish temporary shelter care facilities and counseling services for youths and their families outside the law enforcement structure.

In addition to what we have accomplished to date, we need to focus more specifically on the manner in which and the frequency with which females are entering the juvenile justice system. We must assume equal treatment for these young women and see to it that assistance is available to them on an equal basis.

We must see to it that the preponderance of delinquency research and study is no longer exclusively male in its orientation, for it is essential that we know more about what can be done to prevent the personal tragedies involved in the ever increasing contribution females are making to the escalating levels of delinquency and serious crime. Some assert that the proliferation of dangerous drugs and their epidemic level of abuse are responsible, others cite society's gradual adoption of egalitarian attitudes devoid of sexism as the explanation; and, several argue that modern, more efficient methods of collecting and keeping female crime statistics are the answer. Perhaps, all of these are contributing factors, but it is certain that we know far too little.

It is often said, with much validity, that the young people of this country are our future. How we respond to children in trouble will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the importance of these concerns. The young people women and men as well as the rest of us deserve no less.

Girls in Trouble: "Second Class" Delinquents[1]

(By Senator Birch Bayh)[2]

The nation's effort to deal with the problem of children in trouble has been an abject failure. As Chairman of the Subcommittee to Investigate Juvenile Delinquency of the U.S. Senate Judiciary Committee, I am acutely aware of the flagrant maltreatment of youthful offenders, of the brutal incarceration of noncriminal runaway children with hardened criminals, and of bureaucratic ineffectiveness which has marked the grossly inadequate Federal approach to the prevention of delinquency and the rehabilitation of delinquents. The juvenile justice system, responsible for meeting the needs of troubled youth, is a dismal failure. Children are being abused by a system which was originally designed to help them. The system's impact on the lives of trouble girls is especially serious.

I am reminded of testimony about the "El Paso Nine" before my Subcommittee at one of our initial hearings assessing the juvenile justice system. No, they were not mad bombers, vicious criminals, or political radicals, but youngsters with troubles. Five were girls; the oldest was seventeen. Each one had been committed to a state institution without legal representation or benefit of a judicial hearing. Of the five, most had been committed for having run away only once. Beverly J., for example, was sent to the Gainsville State School for Girls because she stayed out until 4:00 a.m. one night. Alicia M. was sent to the same school when she was seventeen because she refused to work.

This tragic story is repeated over and over again around the country. Children are in trouble. We neglect or mistreat our children, and then when they react in socially unacceptable way—not usually crimes—we often incarcerate them. We call them "neglected" or "dependent" or, even more euphemistically, "persons in need of supervision," but whatever the label, these youngsters often end up in common jails. Fully 50 percent of all children in juvenile institutions around the country could not have been incarcerated for the same conduct had they not

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[1] *The Women Offender Report*, Vol. 1, No. 1, March/April 1975, pp. 6–7.
[2] Member Board of Advisers for National Resource Center on Women Offenders.

been minors. Children are continually incarcerated for running away from home, being truant from school, being incorrigible, or being promiscuous.

It is not surprising that many of the prejudices our society has against females are reflected in the juvenile justice system, but the ramifications of such discrimination and bias are shocking. Girls are arrested more often than boys for status offenses—running away, truancy, and the MINS, PINS, and CINS violations (minors, persons, and children in need of supervision). And girls are jailed for status offenses longer than boys.

Between 70 and 85 percent of adjudicated girls in detention are there for status violations compared with less than 25 percent of the boys. Thus, they are 3 to 4 times more girls than boys in detention for noncriminal acts! ! !

Additionally, the available research and evidence adduced by my Subcommittee shows that a girl is likely to be given a longer term of confinement than a boy and that her parole will be revoked for violations less serious than for male revocation. In responding to these facts which affirm gross discrimination, the director of a state institution for girls explained: "Girls, unlike boys, offend more against themselves than against other persons or property." What she really meant was that often girls—not boys—are locked up for engaging in disapproved sexual conduct at an early age; that our society applies the term "promiscuous" to girls but not to boys.

Such arbitrariness and unequal treatment at a minimum produces more criminals. It is well documented that the earlier a child comes into the juvenile justice system, the greater the likelihood that the child will develop and continue a delinquent and criminal career. Another disturbing reality is that juvenil records normally go with children if arrested as an adult. What this means is that young girls incarcerated for running away from home or arguing with their parents (incorrigibility) will have a criminal record for life and if arrested as an adult will more likely be incarcerated.

The basic problem is that we have not been willing to spend either the time or the money necessary to deal with the diverse set of problems children in trouble present to us. We must not continue to ignore today's young delinquent for all too often he or she is tomorrow's adult criminal. Our young people are entitled to fair and humane treatment and our communities are entitled to be free of persons who threaten public safety. My approach has been to apply the common sense adage that an ounce of prevention is worth a pound of cure.

NEED FOR ALTERNATIVES

We need to develop different ways of treating children in trouble. We need to establish group foster homes for the neglected; halfway houses for runaways, and community-based programs for the series juvenile delinquents. We need 24-hour crisis centers and Youth Service Bureaus to help young people find the services which they need. And we need a greatly expanded parole and probation system to provide supervision and counseling for the large majority of children who never should face institutionalization.

Last year Congress overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93–415 (S. 821). This measure, the product of a three year bipartisan effort which I was privileged to lead, provides for a constructive and workable approach in a joint Federal, State, and local effort to control and reverse the alarming rise in juvenile crime. The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing humane, sensible, and economic programs for youngsters already in the system. Title III of this measure of the "Runway Youth Act" was designed to help the estimated one million youngsters, the majority of whom are girls between the ages of 11 and 14, who run away each year. It provides Federal assistance for the local public and private groups to establish temporary shelter-care facilities and counseling services for youths and their families outside the law enforcement structure.

MORE FOCUS ON FEMALES

In addition to what we have accomplished to date, we need to focus more specifically on the matter in which and the frequency with which females are entering the juvenile justice system. We must assure equal treatment for these girls and see to it that assistance is available to them on an equal basis.

We must see to it that the preponderance of delinquency research and study is no longer exclusively male in its orientation, for it is essential that we know more about what can be done to prevent the personal tragedies involved in the ever increasing contribution females are making to the escalating levels of delinquency and serious crime. Some assert that the proliferation of dangerous drugs and their epidemic level of abuse are responsible; others cite society's gradual adoption of egalitarian attitudes devoid of sexism as the explanation; and, several argue that modern, more efficient methods of collecting and keeping female crime statistics are the answer. Perhaps, all of these are contributing factors, but it is certain that we know far too little.

As Chairman of the Subcommittee, I intend to explore these concerns in depth during the 94th Congress. Hopefully, we will contribute to a fuller understanding by the Congress and the American people of the dismal status of the juvenile justice system, but especially its scandalous failure to respond to the problem of girls in trouble in a humane and equitable manner.

It is often said, with much validity, that the young people of this country are our future. How we respond to children in trouble will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the importance of these concerns. The young people, girls and boys, as well as the rest of us deserve no less.

"FEMALE DELINQUENCY: NATIONAL POLICIES AND PRIORITIES"

(By Mary Kaaren Jolly, Editorial Director and Chief Clerk, U.S. Senate Subcommittee To Investigate Juvenile Delinquency, at the 8th Alabama Symposium on Justice and Behavioral Sciences: National Perspectives on Female Offenders, April 1, 1976, Tuscaloosa, Ala.)

I wish to take this opportunity to welcome you to the 8th Alabama Symposium on Justice and Behavioral Sciences: National Perspectives on Female Offenders and to thank you for giving me the opportunity to discuss with you female delinquency from a national perspective.

Senator Birch Bayh, Chairman of the Subcommittee to Investigate Juvenile Delinquency, regrets that his schedule made his participation here today impossible, but sends his best wishes and encouragement for our efforts to bring attention to and make more humane the conditions and effective treatment of the female offender, especially the young female offender.

Not until recently has the status of women within the judicial and correctional systems been considered important enough to merit analysis. Numerous studies have been conducted of male offenders and men's institutions—female offenders and women's institutions have been virtually ignored. Official statistics of offenders and institutions have generally failed to provide a breakdown by sex, thus limiting the information available on sex differences. Factual information regarding male-female differences in criminal involvement, adjudication and sentencing is so sparse, that comparisons of official dispositions are extremely difficult. Even the report of the President's Commission on Law Enforcement and the Adminitration of Justice mentions women only twice—as special problems in the same category with drug addiction and alcoholism. The lack of research on women offenders, the nature and extent of women's crimes, judicial handling of women and women's institutions has tended to obscure those particular problems faced by women offenders solely because they are women.

Recent statistics indicate a dramatic increase in the rate of women's offenses. The FBI Uniform Crime Reports, released in November, 1975, reveal that arrests for females under 18 years of age for violent crime increased 419 percent and for property crime increased 381 percent during the period 1960–1973, while arrests for young males under 18 rose by 241 and 107 percent respectively.

This increase in arrests for serious crimes is even more dramatic when notice is made to the arrest figures for murder committed by the young female which show an increase of 215 percent (225 percent for males); robbery increase 457 percent (299 percent for males); aggravated assault increase 405 percent (189 percent for males); larceny increase 413 percent (122 percent for males); and burgarly increase 307 percent (134 percent for males). To mention just a few other offense categories that have increased, such as weapons possession up 385 percent (100 percent for males) and stolen property possession increase of 778 percent (628 percent for males) further recognizes the young women's

involvement in the criminal system. Overall statistics show that the young females arrests for all offenses have increased more than twice that for the young male—245 percent as compared to 119 percent.

The 1972 Juvenile Court Statistics revealed that over one million juvenile delinquency cases were handled by all juvenile courts in the United States in 1972, and reported that the disparity of boys to girls referred to juvenile courts had been narrowed from 4 to 1 to 3 to 1. Nationally, the girls' delinquency cases increased by 2 percent from 1971 to 1972, while boys' cases decreased by 2 percent.

As the boy-girl ratio of court referral continues to narrow it has become apparent that more girls are institutionalized than the number of offenses warrant in spite of the fact that the nature of offenses they commit are generally minor in comparison to boys. This unique lower ratio of delinquent male-female crime (3–1) as opposed to adult male-female ratio (15–1) is accounted for by the large disposition of referrals of girls for status offenses. According to the President's Commission on Law Enforcement and the Administration of Justice half the girls before juvenile courts in 1956 were referred for status offenses, conduct that would not be criminal if committed by adults. Yet only one-fifth of the boys were referred for such conduct. The 1971 LEAA National Jail Census reaffirmed this discrimination against females in reporting that 70 percent of adjudicated girls in detention facilities were there for status offenses compared to 23 percent for boys. Thus, there were three times more female than male juveniles in detention for noncriminal acts.

During the Subcommittee's most recent hearings on the Detention and Jailing of Juveniles the enormity of the problems of juvenile detention were revealed as staggering. On any given day, there are close to 8,000 juveniles held in jails in the United States. It is estimated that more than 100,000 youths spend one or more days each year in adult jails or police lock-ups. In addition, the average daily population in juvenile detention facilities is over 10,000 with close to 500,000 held annually in such facilities.

When you couple the fact that 70 percent of our young women are held for status offenses, with the fact that many other young people are held as dependents and neglected youth, it is apparent, and expert testimony before the Subcommittee corroborated, that thousands of our youth—both female and male—were being held each year in secure facilities when incarceration had not been proved necessary. That the law views and treats girls and young women differently from boys and young men is clear. The alleged justifications may be diverse and not always apparent, but the Subcommittee has discovered that the application and results are clearly discriminatory.

Several explanations have been advanced for this recent rise in female criminality. Government officials tend to attribute the increase to changing social attitudes towards women as well as to a change in women's conceptions of their own roles. Traditional passivity is being replaced by greater aggressiveness and independence in daily activities—behavior which is believed to have changed the nature of female criminal activity. However, closer examination of the statistics suggests that women's crimes may not actually be increasing as rapidly as the figures seem to indicate, but rather that police and judicial disposition of female offenders may have changed and that modern more efficient methods of keeping crime statistics are making part of the difference. Regardless which theory one accepts, the effect on women is the same—an ever-increasing participation in these systems makes it imperative that we begin to consider the implications of being female and outside the law. As one criminologist stresses, "women no longer want to be second-rate citizens legitimately, so why should they be second-rate citizens illegitimately."

Ultimately, we must look to a combination of the country's deteriorating economic situation and the budgeoning drug culture as the major focal point for the increasing female crime rate.

The one statistic often overlooked in all the handwriting about increasing female crime is that of narcotic arrests. During the 1960–1974 period arrests of young women under 18 increased a staggering 4,842 percent—those arrests of young men increased by 3,618 percent, far above any other crime category. It is unfortunate that this reality is not reflected in either the variety or quality of care available for drug dependent females.

The interaction of women, laws and male authorities is perhaps best exemplified by the official handling of female delinquency. Females under the age of 18 (and up to 21 in some instances) are often subject to legal sanctions for behavior

which is considered to violate the predominant moral order. They have been referred in large numbers to juvenile court and sentenced for actions which if committed by adults would not be criminal, or if committed by male juveniles would simply be ignored. Although juvenile status offenses, such as running away or being "incorrigible" theoretically apply equally to males and females, in practice more than twice as many girls as boys are charged with them.

Traditionally, the courts have handed down harsher penalties for female delinquents for non-violent crimes in the name of protection—protecting the young offender not from society, but from herself. Female offenses have been characterized by truancy, running away, shoplifting, and incorrigibility. The overall definition of social misconduct for a girl appears to be primarily sexual. Truancy and incorrigibility are often nothing but buffer charges for promiscuity in girls—or the courts fear of future promiscuity.

While a parent will often tolerate the antics of a mischevious boy, they will mor readily file a person in need of supervision (PINS) petition for similar acts conducted by a daughter. The vagueness of such definitions as a child or person in need of supervision has permitted biases and double standards in dealing with female delinquents.

Recently, successful litigation efforts have overturned several state laws discriminating against the age differentiation in sentencing males and females for incorrigibility. These equal protection suits are the first significant steps to closing the gaps in the law which traditionally denied the female offender her basic civil rights.

Not only are female delinquents institutionalized for less serious crimes more often than males, but the latest data available indicates that they spend, on the average, two months longer in institutions than do boys, and after incarceration, they remain on parole for longer periods. Thus, the notion that the protective attitude by juvenile authorities toward female offenders discriminates positively for them by charging them with less serious crimes is not substantiated by the facts. While they may be fortunate in not obtaining as sereve a record, institutionalization resulting from a hearing devoid of procedural safeguards is certainly not a positive alternative.

The lack of community alternatives for girls facing difficulties in the home or at school contributes in large measure to the apparent size of the female delinquency problem. When a girl has become pregnant, many families refuse to allow her back into their home. Institutionalization is all too often the only available alternative since placement outside public institutions is not as readily available for females as males. Many foster homes simply refuse to accept female adolescents.

If a decision is made that placement in a vocational training center is the best alternative for a girl, she may well be required to leave her home state in order to receive the benefits of such training. While there are forty-eight Job Corps Centers for men, only ten centers train women, although young women have the highest rates of unemployment. A Washington, D.C. study found that drug treatment programs, while not specifically excluding females, feel they are unable to work effectively with girls, and thus deny many females valuable alternative services.

Within the juvenile institution, the female delinquent must confront other forms of discrimination. Vocational training in all juvenile institutions is inadequate and unrealistic; in institutions for delinquent females, it is deplorable. For those who are "fortunate" enough to be enrolled in such courses, they are prepared to be cooks, maids, seamstresses and beauticians. Although some might argue that girls are not interested in carpentry or auto mechanics, there is certainly no reason why girls, as well as boys, can not be trained as hospital aids or office clerical aids. In some Ohio institutions, for example, girls are trained as hospital housekeepers, while boys are trained as hospital aids. Some institutions do not even offer vocational training for girls. Admittedly such courses are not available to all boys or provide the most modern training, however, they do exist in some institutions and can potentially offer meaningful vocations to the boys who participate. Girls are being trained in fields which not only have no future, but which serve to perpetuate the servile role of women in the job market.

Most programs for female delinquents, private and public, are rooted in archaic Victorian traditions. As female roles are changing, it is becoming increasingly difficult to establish effective programming for female offenders. According to many delinquency experts, traditional methods are failing more so with girls than boys. While athletic programs still attract males, new ways must be found to redirect the energies of females.

The female delinquent of the 1970's has gravitated beyond the realm of status offenses. The time is long overdue that we focus adequate resources on the problems unique to female delinquents.

Now is the time to understand why a girl becomes delinquent.

Now is the time to assure that resources are available to prevent female delinquency.

Now is the time to implement effective rehabilitation and treatment programs designed specifically for the female offender.

The official response to female delinquents is indicative of the ambivalence felt by society towards women offenders in general. Society has found it necessary to impose a legal code on private moral behavior—a code which is most stringently applied to minor females. Traditionally, women have been responsible for socializing succeeding generations to accept the values and institutions of society. A girl's rejections of her parents' moral standards or a woman's rejections of the social code is viewed as a direct threat to the family and therefore to society. Yet, although this threat is regarded to be sufficiently serious to invoke the jurisdiction of the courts, it does not rank with violent or property crimes in terms of resources available for prevention and rehabilitation. The consequence of this anomaly is that for women, there are fewer alternatives to institutionalization and fewer, less effective programs within institutions.

In the closing days of the 1974 session Congress sent the Juvenile Justice and Delinquency Prevention Act to the White House. This Act was designed to assist states, localities and public and private agencies to develop and conduct effective delinquency prevention programs, to divert juveniles from the juvenile justice process and to provide critically needed alternatives to traditional detention and correctional facilites for the incarceration of juveniles. It was developed and refined during a nearly four year investigation of the federal response to juvenile crime conducted by the Subcommittee under the direction and leadership of Senator Bayh. This legislation, it must be noted, was supported by numerous women's groups whose active participation and dedicated hard work saw it through to passage.

The Subcommittee found that existing federal programs lacked direction, coordination, resources and leadership and consequently had little impact on juvenile delinquency and juvenile crime. More often than not, the official response to youthful behavior perceived as improper, as well as youthful criminal behavior, has been irrational, costly and counterproductive. The Act reflects the consensus of those in the delinquency field that many incarcerated youths, particularly when involving conduct only illegal for a child, do not require institutionalization of any kind and that incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime.

The Act establishes the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration (LEAA) to be headed by an Assistant Administrator, appointed by the President with the advice and consent of the Senate, who will administer the new programs and exercise policy control over all LEAA juvenile delinquency programs; it establishes a Council to coordinate all federal juvenile delinquency programs and creates a National Advisory Committee appointed by the President (21 members, majority nongovernmental private sector, one-third under age 26) to advise LEAA on the planning, operations and management of all federal juvenile delinquency programs; and its establishes within the new office a National Institute to provide ongoing research into new techniques of working with youth; to offer training in those techniques to individuals (including lay persons and volunteers) to work with youth; to serve as a national clearinghouse for information; to evaluate programs; and, to develop standards for juvenile justice. Of particular interest to those involved with delinquency programs are the Formula and Special Emphasis grants established by the Act.

Formula grants are authorized for states that submit comprehensive juvenile delinquency plans as provided in the Act. Of these monies 75 percent must be expended on prevention, diversion and alternatives to incarceration including foster care and group homes; community-based programs and services to strengthen the family unit; youth service bureaus; programs providing meaningful work and recreational opportunities for youth; expanded use of paraprofessional personnel and volunteers; programs to encourage youth to remain in school; youth initiated programs designed to assist youth who otherwise would not be reached by assistance programs; and subsidies or other incentives to reduce commitments to training school and to generally discourage the excessive use of secure in-

carceration and detention. Within two years after submission of the plan, states must prohibit both the incarceration of status offenders and the detention or confinement of delinquents in any institutions in which they have regular contact with adult persons charged with or convicted of a crime and must establish a monitoring system to insure compliance with these provisions.

The Act requires the Governor to appoint a group to advise the state planning agency and otherwise requires active participation of private and public agencies and local governments in the development and execution of the plan. Additionally, LEAA state and regional planning agencies must be reconstituted so as to more adequately represent private and public specialists in the delinquency prevention field.

Each state will be allotted a minimum of $200,000 with the remainder to be allocated among the states on the basis of relative population under age 18. Not more than 15 percent of the annual allotment can be used to develop and administer the plan and 66⅔ percent of all the formula funds must be expended through programs of local governments. The Act provides for a 90–10 match with the non-federal share in cash or kind. Such funds, however, cannot replace or supplant existing state and local delinquency programs. If a state does not submit a plan or if the plan fails to meet the criteria, LEAA is required to make the state's allotment for formula grants available to public and private agencies under the special emphasis section of the law. In addition, each state plan would have to provide assurance that assistance would be available on an equitable basis to deal with the problems of young females.

Special emphasis (direct-discretionary) grants and contracts will be available to public and private agencies, organizations, institutions and individuals for the development and implementation of programs similar to those funded by formula grants. Not less than 25 percent and up to 50 percent of all the funds appropriated for the Act will be available for these programs and at least 20 percent of these special emphasis funds will be awarded to private non-profit agencies, organizations or institutions who have had experience in dealing with youth. The federal share is 100 percent. Priority will be given to projects designed to serve communities which have high rates of youth unemployment, school dropouts and delinquency.

Programs funded with formula or special emphasis dollars are entitled to continued assistance subject to an annual evaluation. Such funds may be used for up to 50 percent of the acquisition, expansion, remodeling and alteration of existing buildings to be used as community-based facilities for less than twenty persons. No assistance will be provided to programs that discriminate on the grounds of race, creed, color, sex or national origin.

For these prevention programs the Act provides $75, $125 and $150 million for fiscal years 1975, 1976 and 1977 respectively and requires that LEAA maintain its present commitment of $140 million a year to juvenile programs.

Title III of the Act is Senator Bayh's "Runaway Youth Act" which was originally introduced in 1971. It establishes a Federal assistance program for local public and private groups to establish temporary shelter-care facilities for runaway youth and to provide counseling services to facilitate the voluntary return of runaways to their families. Grants will be made on the basis of the number of runaways in the community; the present availability of services for runaways; and priority will be given to private organizations or institutions who have had prior experience dealing with runaways.

This program will be administered by the Secretary of the Department of Health, Education and Welfare with an authorization of $10 million annually for the next three years. The Secretary has delegated the administration of the program to the Office of Youth Development.

Additional titles of the Act provide for a one year phaseout of the Juvenile Delinquency Prevention Act administered by the Office of Youth Development at HEW and improve significantly the federal procedures for dealing with juveniles in the justice system with the goal of letting these standards serve as a worthy example for improved procedures in the states.

On September 7, 1974, President Ford signed this Act into law (P.L. 93–415) and he should be credited for refusing to follow the advice of aides, including HEW Secretary Weinberger, who recommended that he veto the bill. Unfortunately, the President said that he did not intend to seek funding for the new programs in the 1975 budget.

In denying funding the President is continuing the policy of the Nixon Administration, which assigned very low priority to delinquency prevention. Such a pol-

icy is ill advised even during these inflationary times when we must all tighten our belts and trim governments' budgets. It is folly to ignore today's child in trouble or delinquent, for all too often she or he is tomorrow's criminal. By investing a relatively modest amount of money wisely in the prevention of juvenile crime and dleinquency today we can save billions of dollars and thousands of wasteful lives in the years to come.

Congress, in its wisdom, on the other hand has not denied funding for the Act. On June 12, the Congress passed a supplemental appropriation bill authorizing $25 million for the Juvenile Justice Act for fiscal year 1975, and Senator Bayh along with other members of Congress presently authorized $40 million for fiscal year 1976. Certain crisis problems, such as juvenile crime and delinquency demand an immediate mobilization of federal resources.

By its enactment of the Juvenile Justice Act, Congress has called upon the states, localities, public and private agencies and others to reassess the child-saver rationale which has made institutionalization, especially of the young female delinquent, the favored alternative for officials confronted with children who run the gamut from those who are abandoned and homeless to those who seriously threaten public safety.

Young women and men are the future of our country. The manner in which we address the problems of youth who run afoul of the law or engage in otherwise unapproved or unpopular conduct will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the nature and extent of these concerns. The young people of this country deserve no less.

By providing the federal leadership and resources so desperately needed to deal more rationally with juvenile delinquency and juvenile crime, the Juvenile Justice and Delinquency Prevention Act of 1974 will contribute to the safety and well-being of all of our citizens, but particularly our young women and young men.

Future hearings of the Subcommittee will examine more closely the profile, sentencing, incarceration, treatment and rehabilitation of the young female delinquent.

"Two roads diverged in a wood, and I—I took the one less traveled by, and that has made all the difference." Robert Frost wrote those words in "The Road Not Taken" during his mountain interval period. I have never discovered whether they were penned on his way up the mountain or down the mountain.

Similarly, the women's movement has not taken that path of least resistance, but like the traveler, the path that is in need of wear. What new experiences and changes can be anticipated? For the young women, the conditions of new found rights will carry with them more responsibilities. However, it is possible that with the greater numbers of women becoming police officers, youth workers, lawyers and judges that our juvenile delinquent women will be treated more even handedly—and the paternalistic—protectionist attitudes that have been manifest for ages in our juvenile and criminal justice system, and symptomatic of some of its problems, may be displaced by basing the decisions of a youth's actions more on the present facts rather than the prevaling double standard.

The goal of this Symposium on National Perspective on Female Offenders is to endeavor to share current methods of treatment and research, discuss alternatives and learn of the many innovative policies that are transpiring in the area in order to assist female offenders. As the Subcommittee persues its work, I hope that we will be able to provide the necessary national leadership and resources so desperately needed to deal more rationally with juvenile delinquency and juvenile crime, particularly for the well-being and safety of our young women.

REPORT BASED ON TAPE RECORDINGS OF THE JUVENILE JUSTICE SEMINAR, CONDUCTED BY IWY CHILD DEVELOPMENT COMMITTEE AT THE STATE DEPARTMENT, ROOM 1205, JANUARY 9, 1976

Committee members and staff present for the January 9, 1976 seminar on juvenile justice were: Audrey Rowe Colom, Chair; Justice Mary Stallings Coleman, David C. Rice, Flora Rothman, Bill Treanor, Shirley Koteen, Gracia Molina de Pick, Mamie Moore, William E. Gardner and Pat Hyatt, Staff Officer.

Ms. Colom introduced the committee's guests, and asked that each one give a brief summary of whatever testimony had been submitted to the committee in

advance. She also asked for specific recommendations pertaining to the young female offender.

Those present at special invitation of the committee were: John M. Rector, Staff Director and Chief Counsel, U.S. Senate Juvenile Delinquency Subcommittee; Walace Mlyneic, Georgetown Juvenile Justice Clinic, Professor of Juvenile Law, Georgetown University; James Hart, Director, Office of Youth Development, Department of Health, Education and Welfare; Jeannie Weaver, Director of Youth Activities, Office of Youth Development, Department of Health Education and Welfare; Milton Luger, Assistant Administrator of the Juvenile Justice Officer, Law Enforcement Assistance Administration; Judge Eugene Arthur Moore, Probate and Juvenile Judge for Oakland County, Michigan; Jacqueline O'Donoghue, Executive Director of Enablers, and Joan A. Burt, Chair of the Juvenile Justice Committee, Criminal Justice Coordinating Board, Washington, D.C. Commission on the Status of Women. Ms. Burt is also the only woman member of the D.C. Parole Board.

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John Rector suggested that the committee recommend making the federal response to "young people in trouble" more appropriate than the existing system. He felt that classifying juveniles as status offenders in juvenile courts clearly creates more criminals, and is particularly detrimental to young women. "A substantial majority of the young persons in detention happen to be females who are there because of our double standard in regard to promiscuity," he said, calling the problem "the most outrageous example of discrimination according to sex."

Rector said that although the Juvenile Justice and Delinquency Prevention Act was signed by the President in September, 1974, "not much has happened since then." He called for a recommendation that the President carry out the intent of the Juvenile Justice and Delinquency Prevention Act—P.L. 93-415. (hereafter abbreviated JJDP Act) His committee is working with the General Accounting Office to monitor enforcement of the antidiscrimination language of the act, which expresses special concern for race and sex.

The Act requires that in order to participate in funding, states must discontinue within two years the incarceration of status offenders. Seventy per cent of the nation's status offenders happen to be females.

"We have had much difficulty in persuading the current administration of the merits of the policy expressed in the act," Rector said.

He urged the committee to emphasize deinstitutionalization, as well as more youth participation in policy making, and to deal more appropriately with status offenders, "all in the specific context of the young female."

Rector's Senate committee also has jurisdiction over all federal drug control projects. "We find young female addicts or drug dependent persons are so overlooked and underserved." He criticized drug advertising that induces and encourages the non-medical use of drugs, which leads to the (predominately female) consumer taking unnecessary products created by this industry.

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Wallace Mlyneic, Professor of Law at Georgetown University, told the committee he feels that "many children are placed in detentiton because a parent doesn't want to take them home."

Among status offenders, "you find an over-representation of (unruly) teenage girls," he said.

"Look at the District of Columbia last year: 4,000 boys and only 400 girls were *petitioned* (referred to the court) as delinquent. Yet only 97 boys, but 168 girls, were *placed* as delinquents.

"Of 362 boys processed by the court, only seven were committed to the Department of Human Resources." Of 172 girls referred as "persons in need of supervision," (PINS) 18 were committed to the department. "Obviously an overproportion of girls is being committed. There are very few shelter homes for girls, and status offenders are committed to institutions that can be worse than those which receive serious offenders."

Mlyneic has found that local institutions for persons in need of supervision have no vocational programs, no recreation programs in or outside the facility, and they provide education only to the sixth grade level. A juvenile needing supervision "may not particularly want to go back home, and the parent may not want the child, so a judge is faced with placing that child in the only available facility, a detention home."

He noted that the parent generally controls the court's actions. "It is the parent who brings the petition. And if you look at the allegations made in young women's cases I've seen, almost every one involves sexual misconduct. At the same time, I've never seen the boy friend brought in."

He asked the committee to recommend removing status offenders from institutions such as detention homes, as well as removing them from the juvenile court process.

The neglected child also poses problems for the juvenile justice system, he said. "In many areas these children are institutionalized when adoption is not arranged or is slow. And children may wind up being harmed more than helped by shuffling to and from foster homes." Nationally, children placed in foster care spend an average five years in various homes; in the District of Columbia, the average is seven years.

"With these years of shuffling, it's no wonder a child winds up as a status offender. In the District, it is almost impossible to get a teenager into a foster home, so the teen winds up in a poorly staffed group home where ground rules may be unwritten and unreasonable. So the youth rebels. The group home then petitions the court to designate the child a status offender."

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James Hart, Director of the Office of Youth Development at the Department of Health, Education, and Welfare, asked the committee to support the JJDP Act, and especially Title III, the Runaway Youth Act. Hart said, "the fact that the juvenile justice system is not a social agency results in the frustration of juvenile judges who must make decisions they are not equipped to handle."

Hart said such cases might involve a mentally retarded or physically handicapped young offender who has never had a physical exam, or a status offender who may be loud and boisterous, but actually is deaf.

Hart suggested that the committee look at Model Acts for Juvenile Court, published by the Office of Child Development two or three years ago. This report contains examples of legislation which states may follow.

According to Hart, approximately $1 million in funds is to be diverted this and next year "to further address what we can do to enhance youth development."

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Jeannie Weaver, also from the Office of Youth Development, where she is Director of Youth Activities, posed the question that concerns her most: what enables a young person to develop well? "After deinstitutionalization—then what? Where are the resources?" She said there is no standard formula for determining the costs of good treatment services. "This is a critical need in terms of accountability."

Ms. Weaver's office is also looking at Title XX, at the ways family dynamics contribute to youth development, at the emancipation of minors (meaning the young people who *cannot* go home), and at the problem of informed consent for treatment; i.e., "are young women seeking treatment (for 'social' problems) more than young men, or are they being forced into it?"

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Milton Luger, Assistant Administrator of the Juvenile Justice Office, Law Enforcement Assistance Administration; reviewed the deinstitutionalization issue for the committee. His office, he said, is working hard (through discretionary funding) to develop diversion efforts; that is, diversion of juveniles from institutions. "We want to make sure we are not being naive about these efforts—there's a good possibility of wasting this money, and we may be actually 'saving the saved.' When black kids start to be called delinquents and white kids start to be called status offenders; that's an easy way to wind up with segregation of services."

Another concern of Luger's office is the problem of what to do about serious and aggressive acts on the part of youngsters, both females and males—for example, in cases of extortion in schools. "Too many schools now are really permeated by fear, and it almost immobilizes faculties and students because of threats by a hard core group."

Luger described the activities of the LEAA Coordinating Council, which is trying to explore ways to meet gaps in services: "Local groups are driven crazy by trying to deal with 4–5 different agencies," he said.

"LEAA also has a responsibility toward standard setting, for example, in detention training schools where the kind of training offered is an exploitation

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14 OF 19

of the old sexually traditional roles, where girls are placed in the kitchen because someone needs to turn out meals."

Luger said he believes that the young will learn more through emulation, rather than through a lot of talk about "shaping up." When young female offenders see women in administration and policy-making roles, they have models to aspire to. That's why staffing patterns in treatment facilities for juveniles are an important issue.

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Judge Eugene Arthur Moore next reviewed social services problems in his state, and presented the second side to the status offender question. "We're trying to reach a solution that is easy to handle legislatively, but it's much more difficult to do this and provide alternate resources as well. Many status offender needs cannot be met in a nice foster or group home or a halfway house.

"I would challenge this commission to (reconcile) the disagreements between judges and non-judges on this status offender issue, and get both sides to find the proper resources together. In my experience, a judge can be a real catalyst in the community's search to find alternative resources for youngsters."

In Judge Moore's county, an extensive prevention program costs only about 60 dollars a year per youth, compared to $900 a year per child to keep that child on probation. Institutionalization costs about $15,000 a year. Moore estimated the county's program has an 85 per cent success rate. The backbone of the program is the volunteers throughout the community, all working on a 1–1 basis with youngsters. Moore encouraged the committee to ask for adoption of such a program in every community. He believes that removing status offenders from juvenile court jurisdiction is not the answer. "The answer is to keep those out of the system who do not need it, and to provide alternatives."

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Jackie O'Donoghue, Executive Director of Enablers, described this Minneapolis youth project for the committee. Enablers serves a metropolitan area with 2 million population, 30 percent of which is juvenile. According to her figures, juveniles under age 18 are involved in a disproportionate 61 per cent of the area's crimes. Of 500 cases handled by Enablers in a 3 month period, only 25 per cent of those youth were brand new to the system. Two hundred fifteen of these offenders, "we call them recycled kids," already had a probation officer. Twenty-nine per cent of the referrals are minority youth, but only three per cent of the population served could be considered minority.

O'Donoghue cited a need for more programs designed by and for minority groups, and programs credible to those with minority needs.

She also proposed more legal services for young people, more classes in independent living skills, more adequate recreation for young women ("Many organizations are still unable to relate to the idea that recreation programs can be preventive."), more special administrative training for staffs of community programs, and more training in unstereotyped skills (a de-emphasis on domestic work, cosmetology etc.) for young female offenders.

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Joan A. Burt, the only woman on the District of Columbia parole board, is active with a group of volunteers who work on a 1–1 basis with local "hard-core" delinquent girls, many having 7–8 court experiences (from status offenses to armed robbery) in a 5–7 year period. In Burt's estimation, 80 per cent of those designated as status offenders are from white suburban areas, but 80 per cent of the inner city and minority youth are institutionalized for serious crimes.

Burt said that she would like to see alternative programs for status offenders, and she would like that category expanded to include boys who make "unauthorized use of motor vehicles," and girls who are charged with petty larceny. "Those two particular type of cases eventually become adult offenders unless there is intervention."

Burt stressed that there still has not been sufficient work on the question relating to the boy *and* to the girl ("because, you know it takes two"). She said there is also not enough support for the parent trying to deal with this situation.

A 13–15 year old girl who gets pregnant is usually unable to find a job, so she and the baby become the responsibility of the teenager's parents.

Burt stressed that there still has not been sufficient work on the question of nutrition as it relates to the delinquent girl and teenage mother. She has found it imperative that some sort of food be provided for girls in any rehabilitative program. "For many, it is the primary meal they have throughout the day."

There is another crucial need, in Burt's opinion, and that is for training of personnel who come in contact with juveniles (from lawyers to clerical help in county offices). "Many of these people know nothing of the aspects of growth and development of youngsters, or the kind of signs given by a youth in trouble."

Burt complimented the Georgetown Law School Law Corps, which developed a handbook on the rights and responsibilities of youth within the juvenile justice system. The handbook explains law to youngsters, giving simple definitions of assault and larceny etc. "The way kids use this material in their daily functioning lives cuts down on a lot of fighting." Burt said she thought a similar project should be adapted by juvenile justice programs across the country.

SUMMARY OF DISCUSSION

Bill Treanor asked Judge Moore and Wallace Mylneic why they thought 87 per cent of juvenile court judges favored keeping the jurisdiction over status offenders within the juvenile court.

Judge Moore votes with the 87 per cent, and said he felt court systems must segregate status offenders from other more serious offenders, and that there must be a revision of methods of treatment. "Most of all, we need legislation that says the status offender category may be applied only after it has been demonstrated that all community resources have been exhausted." Moore feels that "since kids are not adults, and we should not expect laws to treat youngsters and adults equally.

"Also, not all status offenders are lovely children. I agree there is a double standard that works against girl status offenders, but perhaps we ought to be changing our standards regarding boys; we may need to tighten up on them, since they are the other half of any type of promiscuity.

"I would say that judges feel that until there are viable alternatives, to status offense treatment, the court is the only means to develop underlying resources."

Wallace Mylneic, who opposed Moore's position, suggested these three reasons why juvenile court judges want to retain their jurisdiction over the status offender:

1. there is confusion among judges on what a status offense is;
2. there is a general fear as to how social agencies will use power to deprive a child of more rights than they would get from the court;
3. there is disagreement on what acceptable standards of behavior are, and on who is to determine those standards.

Mylneic said that society still accepts the postion that children must obey, and wherever there is a clash, the adult is always right. So in most courts, the accusatory process is against the juvenile, and the remedies apply to the juvenile, not to the parent.

Moore replied that the Michigan code does have the power to alter parents' activities as well as the children's, although this situation obviously becomes much more difficult with a hostile parent. Moore added that loud music and long hair cases shouldn't be anywhere near a court.

Rector contrasted the societal attitude toward rape victims (often, that they somehow induced the rape) with our court response to juvenile women who participate in sex voluntarily (that they "must be put in the joint.") "There is an insensitivity built into both systems."

Justice Mary Coleman felt that the committee was tending to categorize all status offenders alike. "When we talk about excluding children completely from court jurisdiction, then we're unreal. Some of these children have terrible problems. I see a middle ground here, so let's leave the door cracked open a little bit for those who will not fit."

Justice Coleman asked about funding for the JJDP Act. Rector recounted a whole series of obstacles to funding. The Administration, he said, has been quite consistent in opposing any funding. HEW and OMB had recommended a veto, although the JJDP Act was passed by both houses and supported by a broad coalition. "We seem to have not been able to change the priorities of policymakers at OMB or at the White House. We started with a 1.5 billion funding request, which was whittled down to 40 million for implementing the act in fiscal 1976.

"The Attorney General, the Director of OMB, and on 2 occasions, Mr. Rumsfeld (then White House Chief of Staff) wanted to delete even this 40 million from the Justice State Appropriations Bill, which was signed by the President in early September, 1975. Here we have a graphic illustration of the difference between Congress and the Executive branch. The most recent development is a

current debate among executive policy-makers whether to rescind this $40 million."

Rector repeated that he would support a committee recommendation for adequate funding for the JJDP Act. He would further support a cabinet level Office of Youth Affairs to incorporate child care, juvenile justice under one aegis, distinct from HEW.

Milton Luger interpreted the administration's position this way: "What they're really saying is that kids need to be taken care of, but the bigger problem is too much federal spending. They claim that through LEAA, an estimated $112 million out of the 800 million budgeted is already being spent on juvenile matters.

Flora Rothman, committee member, commented "But the difference between that old 'safe streets' money, and the funding for the JJDP Act is one of direction; the JJDP Act says we must try new programs, and not just look at prevention in the old crimefighting ways."

Bill Treanor asked Luger and Hart whether eliminating status offenses for females will get females out of the juvenile justice system, or in fact will there be an increase in adjudication of deliquent girls? And what will be the policy to help young females who are diverted from the juvenile justice system?

Luger replied he was afraid that without adequate resources to care for them, more girls will be labeled delinquent. He also was concerned that the number of skid row sections for "spaced-out" kids (such as San Diego's Bowery district) might increase.

Lugar also made a "lamentable, but also excitable" observation that the committee's audience, most representing alternative services to youth, was not "establishment people."

"It takes an off-beat group of folks who can empathize with the young. That's why we (need to) get away from the business of bucking millions of dollars into tired old social service systems."

Hart suggested that 87 per cent of juvenile judges oppose releasing status offenders from court jurisdiction because of a genuine concern on their part about the abuses youngsters face in the streets and at home. "If we take a kid out of court, who will be concerned, and what will happen? Once we can answer that question, the debate will end." Hart's office plans to confer with LEAA on how to provide for the impact on social services when and if deinstitutionalization occurs. Hart said, "We ignore the fact that it's a lot more than 40 million going into detention programs."

Rothman observed, "Juvenile courts have existed for at least 75 years. In that time I haven't seen any great impact on education or on social services to provide things judges now say are necessary before they will let go. Quite the opposite. The judges are saying they don't know what services they need to provide in the place of institutions, since the kids they've been sending away were never diagnosed in the first place.

"The whole thing has been a farce if we look at it in terms of the court's having cared for what happens to these kids.

"I wonder how many of the projects represented across this room were created because judges stimulated their creation for the purpose of receiving court-referred kids."

Moore reminded the committee that the Federal Government has no authority to mandate to states what to adopt, but here are model codes available.

Judge Coleman asked the committee and guests what exactly was meant by the term "deinstitutionalizing."

HART. "Moving that child into a smaller, less congregate setting."

COLEMAN. "But what about that child who has been so damaged at home that a 1–1 foster home relationship is impossible, and the psychologist recommends a less threatening girls' school environment, of about 25–30 girls?

HART. "HEW cannot fund a program larger than 20 youth."

Gracia de Pick asked the committee and guests, "What constitutes a community resource?" She observed, "most of the administration we have is male; yet, as women, we are the community resources. And when we Latino women get our children back from these homes, we get them back damaged. How do we develop community participation, meaning the women?"

de Pick also lamented that services for rape cases are not bilingual. The parents of the victims are ashamed—there's the feeling that their daughter has additionally disgraced the family by becoming visible in court, so this victim gets no support at home.

The committee also discussed attitudinal problems in communities where there are fights over location of group homes. Dick Kluger, in the audience, mentioned a breakthrough in Montgomery County, where a home for fewer than 10 kids is not subject to a hearing before the zoning commissioner.

Burt observed that where zoning is more rigid, ghettos of group homes are not uncommon. She has seen plenty of adults who don't like children, and people who dislike the bad girl even more than they dislike the bad boy. "Some of these people are supposed to be advocates for children!"

Rector suggested the phrase "girls in trouble" triggers one thing in everyone's mind," and it has to do with promiscuity. "In terms of alternatives, I would like to see young women have the same treatment as young men; quite often it means absolutely nothing, the right to no treatment."

"Except that with girls, you deal with another potential person too," Burt reminded the group. She has seen girls who, having already had one abortion, are forced by their parents to have the next baby. Since these parents must give their consent for birth control, the girls must comply. So who are you punishing—the parents, the girl or the baby?"

Judge Coleman said, "We very seldom do that. I must come to the defense of the court. Probably the majority of judges are very conscientious and they try to hire people who like kids."

Judge Coleman next asked about grants that have gone for creative probation projects. She emphasized that a judge has a duty to be a leader in this area.

Luger said he thought quite a few grants had been made for probation projects. "One of the problems in this area has been the old model probation which says, 'listen to me and report to me.' "

He added, "But what we're trying to do now through the JJDP Act is going to be so much more difficult that it would have been 2 years ago. There is a coalition now between the conservatives and the liberals who are quiet because they too are tired of being mugged. So it will be much more difficult to achieve the goals of this bill."

Colom asked how the committee can begin to get states to realize their responsibilities in speeding up placements, in developing educational programs and residential counseling, and in meeting recreation needs of offenders?

Rothman pointed out that states have been handling alternative programs for boys, much longer than for girls. "Because we've had so few special programs for girls, there is a certain lack of knowledge about designing programs to meet these needs."

Luger lamented, "Mechanically, it always impressed me that I can get an airline seat in two minutes, but it takes months to find an empty bed for a kid. We have ridiculous referral processes. The courts in New York, for example, can't refer a kid in a new direction until after there's been a rejection elsewhere.

"We have to establish fiscal incentives to grade kids according to the difficulty of the case. Those services who can take the more difficult cases should get more money."

Before adjournment for lunch, Gracia de Pick reminded the committee, "We will have to look carefully, this afternoon at the concept of family. We must accept the fact that the family is changing. Otherwise, we are constantly programming women to fit a pattern that is no longer working." Hearing was adjourned at 1:00 P.M.

The committee's afternoon session was devoted to final discussion of recommendations.

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR, 1975

January 12, 1976.

COMMITTEE ON CHILD DEVELOPMENT

To: Jill Ruckelshaus, presiding officer.

From: Audrey Rowe Colom, chair.

Subject: Recommendation on juvenile justice and delinquency prevention.

The Child Development Committee of the National Commission on the Observance of International Women's Year submits for the consideration of the Commission the following recommendation:

"The National Commission on the Observance of International Women's Year recommends that the Federal government support full funding toward carrying out objectives of the Juvenile Justice and Delinquency Prevention Act of 1974."

DISCUSSION

The Juvenile Justice and Delinquency Prevention Act (P.L. 93–415) was overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, then signed by President Ford in September, 1974. This act was designed to assist communities in developing humane, sensible and economic programs to help troubled youth and the estimated one million youngsters who run away each year. The majority of runaways are girls between the ages of 11 and 14.[1]

The act provides federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for young persons and their families. The act clearly has in mind—and this committee supports—facilities such as those recommended by the Juvenile Justice Standards Project 1973–76[2] which calls for "voluntary community services, such as crisis intervention programs, mediation for parent-child disputes, and residences or 'crash pads' for runaways, as well as peer counseling, disciplinary proceedings or alternate programs for truants as responses to noncriminal misbehavior." The Project guidelines call for neglect or abuse petitions to be filed "where children are found living in conditions dangerous to their safety or welfare."

The Juvenile Justice and Delinquency Prevention Act of 1974 will enhance the visibility of the special problems of female offenders. Section 223(a)(15) requires that "states must provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth including but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth." The Juvenile Justice and Delinquency Prevention Act further requires that states participating in funding must, within two years, place status offenders in shelter facilities, rather than in institutions, and must avoid confining juveniles with incarcerated adults. Status offenses, the subject of recommendation number B–10, including conduct that would not be criminal if committed by an adult; typical status offenses include running away, truancy, incorrigibility or promiscuity.

Despite strong Congressional support for the Juvenile Justice and Delinquency Prevention Act, there has been a lack of executive policymaking support, most graphically illustrated by Executive branch efforts to defer moneys appropriated for implementation of the Act.

The Child Development Committee supports funding the Act at the $40 million level, which would still be less than one-third of the funding level anticipated in the original legislation. It believes substituting new approaches for old "crime-fighting" programs in the juvenile field could produce:

More culturally relevant programs designed by and for minority youth.

Programs where young women in institutions can explore career training that goes beyond traditional roles and skills like food service and cosmetology.

Expanded programs of education about law, as well as legal services, both aimed at juveniles so that they will be able for the first time to explain legal terms like "assault" or "larceny" for themselves and their peers.

Increased training for staffs of community programs dealing with juveniles to provide useful administrative techniques as well as basic knowledge about the growth and development of young people who may be in trouble.

Creative probation projects which avoid traditional approaches where probation officers offer this limited admonition: "Listen to me and report to me", and are frequently unable to offer needed services or supportive supervision.

Alternatives to the usual detention home or training school for minors who, because of learning or behavioral problems, need special education and/or supervision.

The Child Development Committee particularly would like to see funding under the Act used to develop computerization of available shelter-care services for juveniles. The need was emphasized by Milton Luger, assistant administrator of the Juvenile Justice office of the Law Enforcement Assistance Administration.

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[1] Senator Birch Bayh, author of JJDP Act and chairman of the Subcommittee to Investigate Juvenile Delinquency for the U.S. Senate Judiciary Committee.

[2] Sponsored by the Institute of Judicial Administration and the American Bar Association, and headed by Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

"Mechanically, it always impressed me that I can get an airlines seat location in two minutes, and it takes two months to find an empty bed for a kid." Centralized referral should be available to but independent of the Juvenile Justice system.

The Child Development Committee encourages support for the Federal Coordinating Council of the Law Enforcement Assistance Administration in its efforts to coordinate all Federal programs and funding for delinquency prevention, treatment and control as they relate to the enhancement of normal child develmalnutrition, and delinquency must be fully understood in order to be remediated. opment. The interrelationships between child abuse, learning disabilities, poverty,

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION PLATFORM ADOPTED BY THE NATIONAL ASSOCIATION OF COUNTIES, 41ST ANNUAL CONFERENCE, SALT LAKE CITY, UTAH, JUNE 30, 1976

3. CRIMINAL JUSTICE AND PUBLIC SAFETY

3.6 Juvenile Justice and Delinquency Prevention

The primary responsibility for insuring for the comprehensive delivery of services to control and prevent juvenile delinquency resides wth local government. The unique role of county government in this process—as the primary public service provider at the local level in health, social services, juvenile justice—provides a broad framework for constructing a comprehensive strategy to address the dynamic needs and best interest of children and youth. These strategies must strive to achieve early problem identification and appropriate and timely intervention of services, and must intimately involve all sectors of the community, both public and private, to achieve the desired end of delinquency prevention and ensure a simple access by the child to the services available.

3.61 Governmental Responsibility for Juvenile Programs

The executive and legislative branches of local government share primary responsibility for the overall planning, regulation and administration of juvenile programs, delinquency prevention and youth development services for the community.

3.62 Organizational and Planning Capacity

Counties are encouraged to develop an organizational and planning capacity to coordinate youth development and delinquency prevention services and to ensure for service delivery accountability in their communities. The range of alternatives should accommodate the unique circumstances of the county (e.g., including, but not limited to, departments for youth, youth service bureaus, youth coordinators, youth boards, volunteer youth commissions, etc.)

3.63 Juvenile Justice System

The formal juvenile-justice system should concentrate on juvenile crime. Such cases should be diverted from unnecessary and deeper penetration into the system where appropriate. Written procedural safeguards shall be established to ensure a child's rights are preserved during diversion efforts.

3.64 Juvenile Court Jurisdiction

The jurisdiction of the juvenile court should be limited to those acts which if committed by an adult would constitute a crime and to dependent and neglect cases.

3.65 Separate Juvenile Detention Facilities

Counties should administer separate juvenile detention facilities in such a manner as to screen and separate dependent and delinquent juveniles by appropriate age groups and types as far as feasible. Such facilities would reduce added inducement to crime by association with hardened offenders. Continued public school education should be provided for juveniles during detention.

3.66 Detention Pending Court Disposition

Detention pending court disposition shall be based on clearly enunciated standards compatible with Section 3.6 of the platform and reduced to a minimum.

3.67 Law Enforcement Training

County law enforcement agencies should provide intensive specialized preparation and training for their personnel in working with juveniles as far as feasible.

3.68 State Subsidies

States are urged to establish subsidy programs to assist counties in establishing a broad range of community based youth development and diversion programs. Such subsidy programs should be developed jointly by counties and the states.

3.69 Education

School authorities are urged to make school facilities available year round and during and after normal school hours for a variety of youth development functions, delivery of social services by local agencies, and recreational and cultural activities.

3.70 Adult Responsibility

Inasmuch as adults are responsible for the actions of juveniles, adults will be held answerable for juveniles.

RESOLUTION ON REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Whereas, juvenile crime continues to rise at an alarming rate; and

Whereas, in recognition of this national crisis, the Juvenile Justice and Delinquency Prevention Act of 1974 represented the first major piece of federal legislation designed specifically to provide financial assistance to counties and other units of government; and

Whereas, these funds are particularly designed for the prevention and control of juvenile delinquency and for the diversion of juveniles from the formal juvenile-justice system; and

Whereas, NACo is on record in support of these principles; and

Whereas, counties and their juvenile courts are the primary providers for the juvenile-justice system in such areas as defense, detention, prosecution, probation, etc., and are responsible for a wide range of related educational, social and rehabilitative services; and

Whereas, major studies strongly indicate that early problem identification and diversion from the juvenile-justice system significantly reduces the probability of future criminal behavior; and

Whereas, previous appropriations have been insufficient for counties to fully implement the legitimate objectives of the act.

NACo urges that: Congress reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974 for at least three years and supports its basic purposes and principles.

Congress adopt a new section to the act with separate authorization and appropriation which would provide financial incentives to states for establishing state subsidy programs to counties to carry-out the purposes of the act, and in particular, to develop a broad range of community-based youth development and delinquency prevention programs.

Adopted by the Criminal Justice and Public Safety Steering Committee June 26, 1976.

[National Association of Counties News Release]

COUNTIES CALL FOR CHANGES IN JUVENILE COURT JURISDICTION

WASHINGTON, D.C., August 2, 1976.—In a move aimed at eliminating "status" offenders from the jurisdiction of the juvenile court, the National Association of Counties (NACo) has recommended that the court's jurisdiction be limited to those acts which, if committed by an adult, would constitute a crime and to dependent and neglect cases.

"Status offenses" to be eliminated from court jurisdiction are acts such as truancy, curfew violations and incorrigibility for which a juvenile, but not an adult, can be brought to trial.

In most states today, according to NACo's Criminal Justice Director Don Murray, status offenders are often treated the same way as children who have committed criminal acts. "Those who are institutionalized are sent to jail, detention centers and state training schools where they frequently associate with hard core delinquents," Murray explained.

The National Council on Crime and Delinquency estimates that, of the approximately 600,000 children held each year in secure detention pending a court

hearing, more than one-third are status offenders. Among the 85,000 committed each year to correctional institutions, 23 percent of the boys and 70 percent of the girls are adjudicated status offenders.

In Wisconsin, for example, the rate of detention for those youth apprehended for status offenses is three times greater than those apprehended for criminal acts (according to a 1976 study published by the Department of Health and Social Services).

NACo's new position on juvenile justice, adopted by more than 2,000 county officials at NACo's annual conference, also urges more community involvement and local government responsibility for coordinating programs that would "address the dynamic needs and best interests of children and youth."

The position (a plank in NACo's national platform) encourages counties to develop an organizational and planning capacity through departments for youth, youth service bureaus and youth coordinators.

In related action, county officials called for reauthorization of the Juvenile Justice and Delinquency Act of 1974 and the creation of a new section in the act which would provide financial incentives to states for establishing subsidy programs to local governments for developing a broad range of community-based youth development and delinquency prevention programs.

Murray pointed out that NACo's new plank is similar to positions adopted by the American Legion and the National Council on Crime and Delinquency. Their stand also eliminates jurisdiction of the courts over status offenders.

"But there is one fundamental difference between NACo's new platform and their's," Murray continued. "NACo's policy makes it absolutely clear that the juvenile court should retain jurisdiction over dependency and neglect cases."

The courts would be able to intervene for the protection of the child's health and welfare, he explained, under a state's dependency and neglect statutes.

"We leave it to each state to define or redefine the circumstances under which such intervention would be permitted. For example, a 10-year-old runaway child with severe emotional problems would in all likelihood, under our platform, fall under a state's dependency and neglect statutes. But the child would no longer be considered an 'offender' or a 'delinquent.' In nearly all of the states, the dependent or neglected child would receive care through health or social service agencies outside the juvenile justice system," Murray concluded.

Criminal Justice Program

FACTSHEET:

National Association of Counties Research Foundation, County Resources Department Human Resources Center
1735 New York Avenue North West Washington, D.C. 20006 202 785-9577
NACo

September, 1976

UPDATE: STATE SUBSIDIES TO COUNTIES FOR YOUTH PROGRAMS

Research in juvenile delinquency indicates that sending youth to state training schools or reformatories practically ensures their future delinquency. Those who stay at home tend to commit one or two delinquent acts and stop. But those who spend time locked up for the same offenses continue committing delinquent acts upon release--acts that tend to become more serious.[1]

This research suggests that communities should keep their young first- and second-time offenders at home, rather than send them to state training schools or reformatories. To encourage this, some states offer subsidies to local governments to develop programs in place of detention. NACo's Criminal Justice Program described some of these programs in an earlier factsheet (February, 1976).

The factsheet was mailed to all 50 state directors of juvenile justice. We received replies from 28 states: 17 indicated they operate some sort of subsidy or incentive program (or would with appropriations from the state legislature)--Alabama, Arizona, California, Georgia, Illinois, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nevada, New York, Ohio, Oregon, South Carolina, Virginia, and Washington.

Counties would like to see more state subsidy programs: in June, 2,000 elected county officials voted in favor of state-subsidy programs as part of the Juvenile Justice and Delinquency Prevention Act (which comes up for renewal this year). The vote was part of the new platform on juvenile justice adopted by the National Association of Counties at its annual conference.

How State Subsidy Programs Work

Subsidy arrangements between states and counties help finance community programs that serve as alternatives to state training schools or reformatories. Only 20 states give money to their counties for youth programs, according to the National Assessment of Juvenile Corrections.[2]

The subsidy programs offered by these states vary, as the following descriptions indicate.

New York

New York appropriated $20 million this year to cities and counties that develop both a plan for comprehensive youth services, and the means to carry it out. Counties may receive $4.50 for each resident under 18 years old (up to a maximum of $75,000) if they meet eligibility requirements and file a County Comprehensive Plan. Counties put up

a dollar for each dollar they receive.

To encourage developing and carrying out a comprehensive plan, the state charges counties 50 per cent of the cost of keeping the youth they send to state institutions.

California

California operates a $21 million program of probation subsidies: counties apply to be reimbursed for each youthful offender they keep at home who would otherwise go to a state institution. The state then pays the county the per capita, per day expense that would have been incurred. The state also offers a $2.8 million subsidy program for residential and day-care programs (provided in 24 of California's 58 counties). The Department of Youth Authority also administers $200,000 in special program funds, and is now trying to pry loose some state money for a new subsidy program that would fund local youth service bureaus.

Minnesota

The Minnesota Community Corrections Act of 1973 provides state funds to counties or groups of counties with populations of 30,000 or more that write a comprehensive plan for community corrections. This plan must apply to offenders of all ages. The formula by which funds are distributed is based on per capita income, per capita taxable value, and per capita expenditures for each 1,000 people in the population for corrections, and the percentage of county population between 6 and 30 years old. (This formula matches a county's correctional needs to its ability to pay, and makes up the difference.)

By allowing groups of counties to get together and develop a plan, Minnesota opens up the possibility of comprehensive services to rural counties.

Virginia

Virginia has had a program of subsidies to counties for 25 years, but only in the past five has the program been well-funded. The state reimburses 80 per cent of the costs incurred by counties to develop youth service programs. The state will also reimburse 66 per cent of staff salaries, 100 per cent of operating costs, and 50 per cent of capital expenditures (to $100,000) for community residential programs.

The state offers to administer local programs directly, and assume all costs except for housing, furnishings, and maintenance. Virginia makes special funds available to courts for alternative boarding of children in

facilities or foster homes, and for transportation, court-ordered tests, and diagnosis.

Virginia plans to spend $40 million in the next two years for community-based youth programs.

Missouri

Missouri passed legislation a year ago that mandated the Division of Youth Services to provide subsidies to local governments for the development of community-based treatment services. But the state has not yet appropriated money to launch the subsidy program. Missouri's Division of Youth Services is working within the limits of the funding it has now to start the subsidy program, and is looking for other sources of money.

Footnotes:

[1]Juvenile Delinquency: A Basic Manual for County Officials, published by NACo's Criminal Justice Program.

[2]National Assessment of Juvenile Corrections, 203 East Hoover, Ann Arbor, Michigan 48104.

For more information on these and other youth programs, or for a copy of NACo's platform on juvenile justice, write or call Don Murray, director of NACo's Criminal Justice Program. Information on the state subsidy programs described in this factsheet can be obtained from:

State of New York
Division of Youth
84 Holland Avenue
Albany, New York 12208

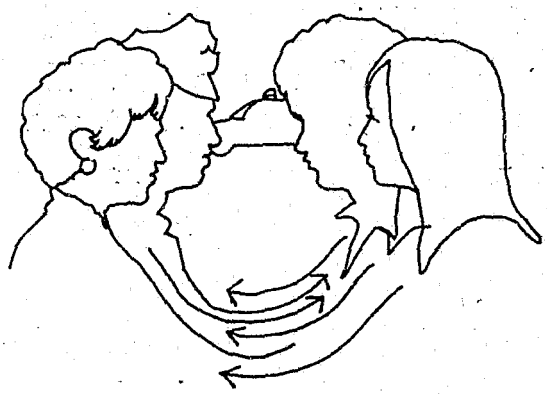
State of Minnesota
Department of Corrections
Suite 430, Metro Square Building
Seventh and Roberts Streets
St. Paul, Minnesota 55101

Commonwealth of Virginia
Department of Corrections
Division of Youth Services
302 Turner Road
Richmond, Virginia 23225

State of Missouri
Division of Youth Services
Department of Social Services
P. O. Box 447
Jefferson City, Missouri 65101

Juvenile delinquency: a basic manual for county officials

Edited by Aurora Gallagher



National Association of Counties Research Foundation

JUVENILE DELINQUENCY:
A BASIC MANUAL FOR COUNTY OFFICIALS

Edited by Aurora Gallagher

Criminal Justice Program
National Association of Counties Research Foundation
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Preface

Juvenile delinquency increases rapidly: at twice the rate for adult crime the past 15 years.[1] Since states and counties share responsibility for the juvenile-justice system, concerned county officials wonder what to do. They hear contrary answers: "lock more kids up to teach them a lesson," "don't lock so many of them up—it teaches them to be worse."

County officials want facts. How many delinquents learn a lesson from being locked up? How many learn to be worse? What else can be done?

This book attempts to set out, as briefly as possible, the facts about delinquency and examples of county efforts to do something about it.

Contents | Page

The Facts Point To New Directions

SOME FACTS ABOUT JUVENILE DELINQUENCY

Delinquents

We often hear that few kids are delinquent, and make trouble for the rest, who are basically good. This is true, if by "delinquent" we mean "judged to be delinquent by a juvenile court." Kids judged delinquent by the courts constitute only 3 per cent of the total population between 10 and 17 years old.[2]

But delinquency is common. When researchers ask kids themselves whether they've committed delinquent acts, most say they have.[3] They commit one or two offenses and stop. A few become habitual offenders.

This pattern can also be seen in official records. One study searched out all the official records of boys who were born in Philadelphia in 1946, and who lived there from their 10th to 18th birthdays. Of 9,945 boys, 3,475 (35 per cent) were picked up by police at least once. Of this group, 54 per cent were picked up again, and 19 per cent a third time. Those who were picked up four times constitute just 6 per cent of the entire age group, but account for more than half its total offenses.[4]

Another researcher found close to the same percentages in a rural Oregon county.[5] Investigators find strikingly similar patterns of delinquency throughout the United States.[6] If we can generalize these results, half or more of all juveniles commit one offense and stop. Another third stop after their second offense. Whether caught by the police or undetected, around 80 per cent of juveniles commit a couple of offenses and stop. Few become habitual offenders, but these few commit more than half the offenses. *Most kids are delinquent, but grow out of it. A few become habitual offenders.*

Obviously, our crime rate would be intolerable if most kids committed one or two *serious crimes*. Then what do we mean by "delinquent acts"? Under the laws of various states, young people can be judged delinquent for:[7]

leading an immoral life;
swearing, wandering at night;
being found near trucks or trains;
cutting classes;
hanging around pool halls;
idle roaming;
begging or using obscene language, and

trying to marry without permission.

These are offenses only juveniles can commit: since they depend on the age of the offender, they are called *status offenses.* Juvenile courts apparently hold double standards: half the boys confined in correctional facilities in 1971 had committed felonies, but 70 per cent of the girls had committed status offenses. Only 23 per cent of the boys were confined for status offenses.[8]

On the other hand, youth 17 years old and under (who make up just 16 per cent of the population) commit 42 per cent of the crimes that cause injury or loss of property.[9] Should status offenders *and* young criminal offenders both be locked up?

"Most kids are delinquent, but grow out of it. A few become habitual offenders."

Juvenile-Justice System

No evidence has yet been produced that juvenile court, detention, and probation prevents or controls delinquency. Any experience a juvenile has with the system increases the probability of future delinquency. The more constraining the experience—court-ordered therapy, confinement in an institution—the more prompt and severe the next offense will be.[10]

Most juveniles who repeatedly commit delinquent acts but stay out of court keep within the range of their first offense. That is, if they start with shoplifting they stick to petty larceny and rarely move on to robbery. But juveniles who pass through courts and corrections tend to move on to more serious offenses.[11]

Some argue that courts and corrections take juvenile offenders out of circulation and prevent their criminal activity at least while they're behind bars. But this time out of circulation is short: an average of two weeks in temporary facilities; an average of 8.7 months in state training schools.[12]

How did the juvenile-justice system arrive at this point? State laws created juvenile courts to be informal, helpful agencies. Juvenile courts were never intended to function as trial courts. But the possibility of a sentence—being locked up, fined, or sent away—lurked behind all the court's proceedings. So the juvenile court developed into both a provider of social services to errant youth, and a trial court without the usual rights and safeguards for the accused.

In 1967, the Supreme Court of the United States began introducing formality and safeguards into the juvenile court's proceedings (in a series of decisions summarized in Appendix A). And juvenile courts tried to improve their social services. But

court-ordered social services yield no benefits. Youth who involuntarily receive diagnosis, group or individual counseling, and social casework become more delinquent than similar juvenile offenders who receive none.[13]

Alternatives to the Juvenile-Justice System

Juvenile court judges themselves are looking for alternatives. In 1973, the National Council of Juvenile Court Judges surveyed its membership. Judges of both urban and rural counties agreed the subject they wanted to know more about was "alternatives to institutions."[14]

What about these alternatives? Communities must decide for themselves what combination of programs would be most suitable and workable. Among those that other communities have tried, some have proved unsuccessful; others show promise.

The following programs, according to a recent assessment of 95 evaluations, have proved unsuccessful:[15]

- social case work imposed on children, their families, schools, and other institutions;
- official juvenile-court probation;
- court-ordered individual or group counseling;
- detached street-worker programs dealing with gangs (gang involvement with crime generally became more serious, but in one case, the program reduced delinquency by breaking up gangs), and
- recreation projects that are not part of a comprehensive program for youth.

The same assessment concludes that the following programs show promise:

- vocational training (the evidence seems both positive and negative. Some programs show little effect, but one that tried to develop dependable performance at a part-time job did seem to reduce delinquency);[16]
- community corrections—keeping youthful offenders in small, home-like facilities, rather than sending them away to state training schools, or holding them in jails or detention centers. These facilities include foster homes, group homes, residential care, drop-in (non-residential) centers, and informal probation;
- use of volunteers, and
- youth service bureaus—agencies that encourage services to assist youth, and collaboration between youth-serving agencies.

"The juvenile-justice system neither prevents nor controls delinquency. It seems to make kids worse."

Why are some alternative programs more successful than others? Experts advance some tentative reasons. First, programs that single out delinquents or potential delinquents for special treatment seem to intensify the very behavior they want to change. The traditional juvenile-justice system serves as a striking example. Perhaps kids identify with the negative label that sets them apart, and determine to live up to it.

Second, successful programs manifest adult acceptance of youth, even of youth in trouble.[17] Without adult influence and example, the young cannot develop the qualities necessary to become adults. Youth in trouble often cannot find a suitable place in school, in the working world, in community service, or in their own families. Because these adult institutions reject them, acceptance by individual adults becomes particularly important.[18]

Third, youth themselves plan and carry out successful programs. Each participant in a program needs a say in it. For example, kids and their advisers may sit down to draw up and sign individual contracts that make clear their respective reponsibilities and expectations. 5

Programs that work are voluntary. Delinquents who participate in programs under court orders, or under threat of incarceration if they fail, become more delinquent.

NEW DIRECTIONS

Gathering together the facts presented so far, what do they mean to county policy makers?

Juvenile-Justice System

The consequence for kids who experience the juvenile-justice system seems to be that their delinquent behavior gets worse. This warns us away from sending them through the system unless the community's safety requires it. The juvenile-justice system should deal only with criminal behavior. Status offenses—running away from home, staying out after curfew, cutting classes—should be eliminated from the court's area of concern. This could mean rewriting state juvenile codes. Can county governments influence state codes? Perhaps they can, working through their state association of counties and other groups. An example is presented in "Changing State Legislation," pages **12** to **14**.

Second, with or without changes in state juvenile codes, counties can investigate keeping youth at home in the com-

munity rather than sending them to state training schools, and helping them work out programs of adjustment in the community, rather than relying on the juvenile court.

Community

The facts indicate that most adolescents experiment with delinquency once or twice and stop. This probably cannot be prevented. What can be prevented is sending disproportionate numbers of them to juvenile court because the community offers no other alternative. Juvenile courts release more than half the children they see without taking action.[19] Should so many be sent there in the first place?

A program of alternatives for youth in the community needs support. This can best be provided by the community itself, through, for example, ad hoc groups of interested citizens. The work of one of these groups is presented in "The Task Force," pages **9** to **12**.

6 **Youth**

The most crucial support for a new program of alternatives comes from youth themselves. Youth, especially delinquent youth, are also an excellent source of program ideas. For ways to involve young participants in planning and carrying out programs, see "Youth Involvement," pages **6** to **9**.

Coordination, Evaluation, and Advocacy

Policy makers will want to know if programs supported by the county and community deliver the services they promise. Considerable coordination between programs may be required.

Policy makers will also want to ensure that youthful county residents have a say in the programs set up for them. Either a youth service bureau, a special adviser for youth affairs, or advisory committee (or some combination) can be designated to serve as the advocate for county youth. Rensselaer County, New York, for example, hires a Commissioner for Youth (please see pages **14** to **18**).

A model for rural counties is described in "The County Agent for Youth," pages **18** to **20**.

Counties Have Explored Some New Directions

YOUTH INVOLVEMENT

For those counties that never, or only infrequently, ask youth to help plan the programs that serve them, Augustine Chris Baca,

a youth appointed to the National Advisory Committee for Juvenile Justice and Delinquency Prevention by President Ford, explains how his program works.

What Can Youth Do for Themselves?

by Augustine Chris Baca
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Southwest Valley Youth Development Project
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Bernalillo County (Albuquerque), New Mexico
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Six or seven years ago, citizens of the South Valley in Albuquerque surveyed their needs—with the help of the South Area Economic Opportunity Board. The survey found a high crime and drop-out rate among Valley youth, an appalling lack of services, no recreational facilities or meeting places, and few alternatives to jail. Of all the arrests made by the Bernalillo County Sheriff's Department, 80 per cent were from the South Valley. Most of the people arrested were under 25 years old.

Board members worked for three years on these and other problems, and came up with a program they thought would serve the community's youth. This program was finally funded in December, 1971.

At first, Valley youth looked at the Southwest Valley Youth Development Project with suspicion. They thought the youth counselors were "narcs" who would turn their names over to the police if they admitted, say, using drugs. With time and effort, however, the counselors won their confidence. We started with a 5-member staff, and we're now up to 20.

We have been able to change the relationship our community has with police and probation through the Project. The juvenile-justice system now trusts us to keep young offenders at home. We have a 22-year-old worker who sees each offender twice a day for six months. He tries to help them find a way to cope with their own environment. We also operate our own foster and group homes in the Valley, and the court uses them as alternatives to the detention center. We're planning to open a house for runaways soon.

"Successful programs for youth are voluntary, show adult acceptance and give youth themselves a say."

One approach that we use to keep up with changing needs is to let the kids themselves decide what they want. We help those who want to start a club, for example. They can post a sign-up sheet at our facility, and meet there.

The community itself elects our board of directors. Thirty days

before an election, we put notices in the paper, in community centers, schools, and county office buildings. And of course, we post notices in our facility. Any South Valley resident can run for the the board by submitting a letter of intent. We print all the names on the ballot, and residents come to our facility to vote. The League of Women Voters helps us with the election, and a youth monitors the process.

Last year, we decided not to specify a minimum age to run for the board, or to vote in the election. At least 51 per cent of our voters were under 21.

Five appointed members also sit on the board: one from the New Mexico Council of Churches, one from the Bernalillo County Sheriff's Department, one adult and two youth from the Valley. The Valley representatives are appointed by the board. Youth groups submit names for their two appointments.

We also have a Youth Council to advise the board and keep an eye on our recreational program.

8

Because South Valley kids plan and operate the programs, we know the programs will reach them, and provide the help they need most. Although we used to feel that we should concentrate on kids headed for trouble, we find our programs work best if they are not perceived as being just for one group. We try to include all youth of the Valley, and offer them a broad range of services.

We now offer, for example, job placement and free legal services. I feel that youth trust the Project more, knowing that it's for all of us, not just "delinquents" or "straights." We have a very high rate of walk-in referrals.

Our biggest challenge is to find satisfying roles for youth who want to do something useful, but just can't find opportunities. We keep working to meet this challenge in the following ways:

- First, if a student is having trouble in school, we refer him or her to an alternate school. One of these, School on Wheels, trains and certifies students as teacher's aides.
- We operate a "peer" tutoring and counseling program. High-school students tutor and counsel junior-high school students who then tutor and counsel grade-school students.
- We try to win policy-making positions for youth in other agencies. We were able to get two appointed to the New Mexico Commission on Children and Youth. Some of our neighborhood young people also serve on the Bernalillo County Youth Council.

- We look for ways to encourage youth self-help—paying youth to learn, for example, so they can teach others. We sent two young people from this neighborhood to be trained in drug awareness and community development. Then they came back to the community as facilitators.

We think our programs have made a difference in the lives of Valley kids. Our re-arrest rate for young offenders who stay in their own homes or in one of our group homes is only 3.5 per cent for our four years of operation. We found jobs for 54 per cent of the kids who came to us for help. We turned the drop-out rate for Valley youth around—70 per cent of the drop-outs are now back in school, in an alternate school, or in a training program.

"The best way to prevent delinquency is to help youth develop their potential."

I want to share what I have learned from experience in the Southwest Valley Youth Development Project, and it is just this: the best way to prevent delinquency is to help youth develop their potential. And to know how to do that, ask the youth themselves.

TASK FORCE

Many county officials feel that a working group of informed, interested people could really help them come to grips with problems of juvenile delinquency. They consider appointing a task force, but they wonder what they can legitimately expect from such a group. What happens after a task force is assembled? This chapter illustrates some realistic expectations with the experience of San Diego County, California.

Mr. Scherer, who served on the task force he describes, directs a program to provide friendship, counseling, and adult companionship to children who have social problems.

The Juvenile Justice Task Force—Still a Force After the Task

by Richard Scherer, Director
Social Advocates for Youth
2234 Burroughs
San Diego, California 92111
(714) 277-4463

In 1974, the San Diego County Probation Department requested approximately $8 million in county revenue-sharing funds to expand the capacity of Juvenile Hall by 100 beds. This request prompted controversy. Some members of the com-

munity felt the probation department failed to plan programs for youth in trouble and concentrated instead on facilities. Others argued that large institutions had never proved to be effective.

Concerned members of the community began to agree on the need for a number of small home-like facilities located in neighborhoods.

The San Diego County Board of Supervisors and Chief Administrative Officer set up a Juvenile Justice Task Force to examine the county's need for juvenile detention. The board sized up the controversy as one of adequate social services for youth, rather than one of law and justice, and assigned responsibility for the task force to the Human Resources Agency, one of the County's four super departments.

Equitable representation proved difficult to achieve. A natural sorting-out process, complicated by considerable jockeying for position, finally ended in the appointment of a 15-member task
10 force. Although the task force balanced public and private representatives, it seemed deficient in citizens with no particular axe to grind. This deficiency was later remedied.

The task force quickly realized the county's juvenile detention needs could not be determined out of their context: the county's juvenile-justice system. We divided study of the whole system into three stages.

The task force decided first to examine existing detention practices and facilities. A subcommittee of people experienced in research design and data-gathering helped us. We discovered many juveniles were detained who had committed no crime, but were accused of status offenses, such as being incorrigible or habitually truant.

There were usually about a hundred of these youth in Juvenile Hall on any particular day. In the second stage of our study, we appointed another research subcommittee to investigate the community's capacity to take care of them. It turned out the community could offer some beds and services, and with additional money, could expand to meet the need entirely.

But we realized that an adequate system of services for youth in San Diego County would no more result from that expansion than from an $8-million expenditure for a new Juvenile Hall. We concluded that residential programs should be part of a system of services and facilities that *would* be adequate.

"The task force spurred San Diego County to embark on a new course."

The task force acknowledged that an adequate system of facilities and services could not be built in a day. This brought us to the third, most difficult stage: setting goals and objectives and developing a planning process to achieve them. We asked, where should the youth-serving system of San Diego be in five years? We agreed on four goals:

- an active prevention effort;
- a program of diversion to keep all youth who *can* be safely diverted out of the juvenile-justice system;
- creative and successful correctional services, and
- multi-cultural programs.

The task force then brought its work together in a set of 11 recommendations to the San Diego County Board of Supervisors:

- approve five-year goals presented by the task force;
- appropriate $8 million for goals and objectives articulated by the task force;
- appoint a technical advisory committee to help enact goals, objectives, and planning process;
- authorize county to contract for 70 new beds in facilities providing temporary care;
- develop psychiatric facilities for adolescents (about 20 beds);
- allow Juvenile Hall to stop holding young illegal aliens for federal government;
- designate eight positions in probation department as "non-yardstick" (not indicative of numbers of youth detained);
- create position of liaison-to-community-services in probation department;
- adopt policy of contracting to meet needs of youth through neighborhood services;
- approve and take steps to realize bicultural, bilingual youth-services plan, including
- build facility in the Chicano community.

11

We presented these recommendations to the board of supervisors in October, 1974. After a series of public hearings, the board decided not to expand Juvenile Hall, but to develop alternatives in the community. The board agreed to evaluate and adopt goals and objectives outlined by the task force.

The probation department formulated a new policy of diverting non-criminal juvenile offenders to the community, and a liaison

officer was appointed to coordinate community services and the probation department.

We feel the task force made progress beyond these policy changes. For example, the county board of supervisors and the task force made frequent use of news media and public hearings to discuss the problems of San Diego youth and ask for ideas. Bringing problems and proposed solutions straight to the citizenry before they were resolved helped increase public awareness and win endorsement of our alternatives. This awareness, and the wide-ranging work of our subcommittee, also helped us engage the participation of community groups with no vested interest, such as the Junior League and the National Council of Jewish Women. The task force alerted both policy makers and the public to problems inherent in our juvenile-justice system, and helped rally interest in changing it.

Recently, members of our task force joined with other public, private, and community representatives to develop a model of on-going planning for the San Diego County system of youth services. Thus, the work of the Juvenile Justice Task Force continues after it ceased to function as an official entity.

12

Juvenile justice in San Diego County embarked on a new course, launched neither by federal legislation, state political mandate, nor funding initiatives. Rather, the community and local government, spurred by the Juvenile Justice Task Force, set their own course.

CHANGING STATE LEGISLATION

County officials may want to change their system of juvenile justice in ways that violate the state-enacted juvenile code. Counties may be able to apply the kind of pressure that will bring about change at the state level. This chapter details the successful efforts of Arkansas counties to rewrite their state juvenile code.

The Association of Arkansas Counties Rewrites the State's Juvenile Code

by Kathy Shurgar
Association of Arkansas Counties*

*For information about this project, write Mr. Lynn Zeno, Project Director, Arkansas Juvenile Justice Institute, Association of Arkansas Counties, National Old Line Building, Suite 118, Little Rock, Arkansas 72201. (501) 372-7550

Arkansas passed a set of juvenile laws in 1908, revised them once in 1911, and let them stand until 1973. This relic ordered county judges—the chief elected officials of Arkansas counties, who are not required under the Arkansas constitution to have legal training—to conduct juvenile court.

The code required these officials to:[20]

> have brought before them all children between the ages of three (3) and fifteen (15) years, whom they know, and who are reported to them to live in notorious resorts of bad character, or who frequent the company of lewd, wanton, or lascivious persons, or whose parents live in or keep houses of ill-fame, or habitually frequent the same; . . .

"The new juvenile code was written by the counties, and the counties are acting on it."

Arkansas county judges increasingly felt this antiquated set of laws did not serve the best interests of their counties. They appointed court referees to bring legal expertise into the proceedings of juvenile court. They also brought up the need for change with the Association of Arkansas Counties. 13

The Association represents county judges and their governments. Among other functions, the Association serves as a communicating link between the judges and the state legislature. When the Association committed itself to examining the juvenile laws of Arkansas, the reform movement gained the means to contact every juvenile court in the state, and a political base for working with the legislature.

But neither the Association nor interested counties could finance the staff, office space, and travel expenses needed for effective revision of the laws. The Association investigated applying to the state criminal-justice planning agency for federal funds. But that agency—the Arkansas Crime Commission—will fund only local units of government.

Chicot County officials volunteered to apply for the grant. They specified in their application that the award would be turned over to the Arkansas Association of Counties to create a Juvenile Justice Institute.

The grant application was funded in October, 1973. The Arkansas Association of Counties Board of Directors appointed a board of directors for the project consisting of four members of the Arkansas Association of Counties, three members of the Arkansas Association of Juvenile Court Judges and Referees, three members of the Arkansas Juvenile Correction Officers Association, and two citizens. The new board then appointed a

Recodification Advisory Committee of 25 people.

This committee further divided itself into three subcommittees to review and recommend revisions in *substance* (the code itself), *systems*, and *procedures*. For eight months, the substance committee sought opinions and suggestions from county judges, court referees, probation officers, citizens, and anyone else interested in a new juvenile code. Then the committee sat down to write a new code. After review by the counties, the new juvenile code went to the 1975 Arkansas General Legislature. The code passed both houses, and the governor signed it into law.

The Arkansas College of Juvenile Justice was established to train law-enforcement officers, county judges, and probation officers in the new code.

The procedures committee submitted a set of proposed rules of procedures for the new code to the Arkansas Supreme Court May 27, 1975. Each proposed rule is accompanied by a comment
14 in plain English that explains exactly what the rule specifies. The committee felt this would make the procedures understandable and useful to county judges and probation officers, who are not practicing lawyers. The procedures committee asked county juvenile courts to test the new procedures to help identify those that were unworkable.

Arkansas's new juvenile code was written by the counties, and counties are acting on it.

Youth Service Bureau

Before 1968, few youth service bureaus existed. They all respond to their own communities' needs—therefore, no two are alike. Although this new response shows promise, not much has been written about youth service bureaus that would help a local policy maker.

How, then, can you size up a proposal before you and your fellow elected officials to create a youth service bureau? First, youth service bureaus share some important characteristics. They are local. They act as brokers to meet the needs of youth by coordinating public and private sources of services. They monitor and evaluate youth services.

Youth service bureaus sometimes provide direct services themselves—especially intake and referral. This practice generates controversy among administrators—some feel the brokerage role should remain pure. It may be a practical

solution for some counties.

James E. Girzone describes Rensselaer County's youth service bureau as an example. Mr. Girzone's office—Commissioner for Youth—oversees the youth service bureau and other county agencies.

Design For Services: The Youth Service Bureau

by James E. Girzone
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Our services for youth in Rensselaer County need development and coordination. The responsibility for doing this falls to the youth service bureau. In other communities, youth service bureaus occupy a quasi-official or tentative position. But ours is part of county government.

Our bureau reports directly to me, the commissioner for youth. The Department for Youth that I direct encompasses three bureaus: detention services, drug education and prevention, and youth services, as illustrated below. My position adds the extra push of executive action to the decisions of these bureaus, and resolves questions of domain and authority.

One of the most important features of the bureau of youth services is its citizen board of directors—youth, parents, representatives of agencies that provide services, and school officials. The board makes sure we're responding to real, immediate needs. They keep an eye on our progress—and lack of it.

"Someone must represent the interests of youth. In Rensselaer County, it's the youth service bureau."

The youth service bureau conducts research on the status and needs of youth. It supports 19 local programs with funds and services. The bureau tries to keep these programs, youth organizations, local agencies, and residents up-to-date with each other. This means visits, phone calls, public speeches, and other frequent communication. The bureau publishes a quarterly newsletter.

Of course, the most important group to keep informed is our youthful population. The bureau compiled a youth resource directory, and the bureau of drug education and prevention prepared a booklet on "your county drug program." The bureau encourages all agencies and youth organizations to conduct active outreach programs.

The bureau acts as the advocate for Rensselaer County youth.

This is vital. Youth are not granted statutory rights, nor can they tell us how they feel at the polls. Someone must represent their interests. In Rensselaer County, it's the youth service bureau.

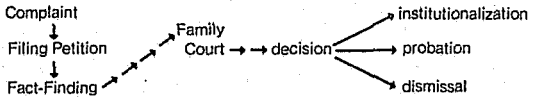
In its advocacy role, the bureau recognizes that it must help the county's towns and cities increase their own capacity to meet the needs of their youth. The New York State Legislature recently passed a bill raising the subsidy the state would pay to counties and cities (separately) to organize and deliver comprehensive services. With the help of two college students who worked for four weeks, the bureau developed a prospectus with each municipality. The prospectus included: general census data, local school statistics (enrollment, drop-out rates, truancy, percentage of students involved in extra-curricular activities), facilities for youth programs, recreational areas, existing youth programs, extent of drug use and abuse, and sources of funding.

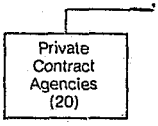
We mirror the state subsidy program in our own county subsidy to cities and towns: Rensselaer County pays its
16 towns and municipalities $1 for each resident under 21 if they set up a youth commission and elect a representative to serve on the county advisory board for youth. No town receives less than $1,000. Our cities and towns use this subsidy to match federal and state grants.

Every municipality has now instituted a commission for youth, and signed an agreement with the Rensselaer County Department for Youth to deliver services.

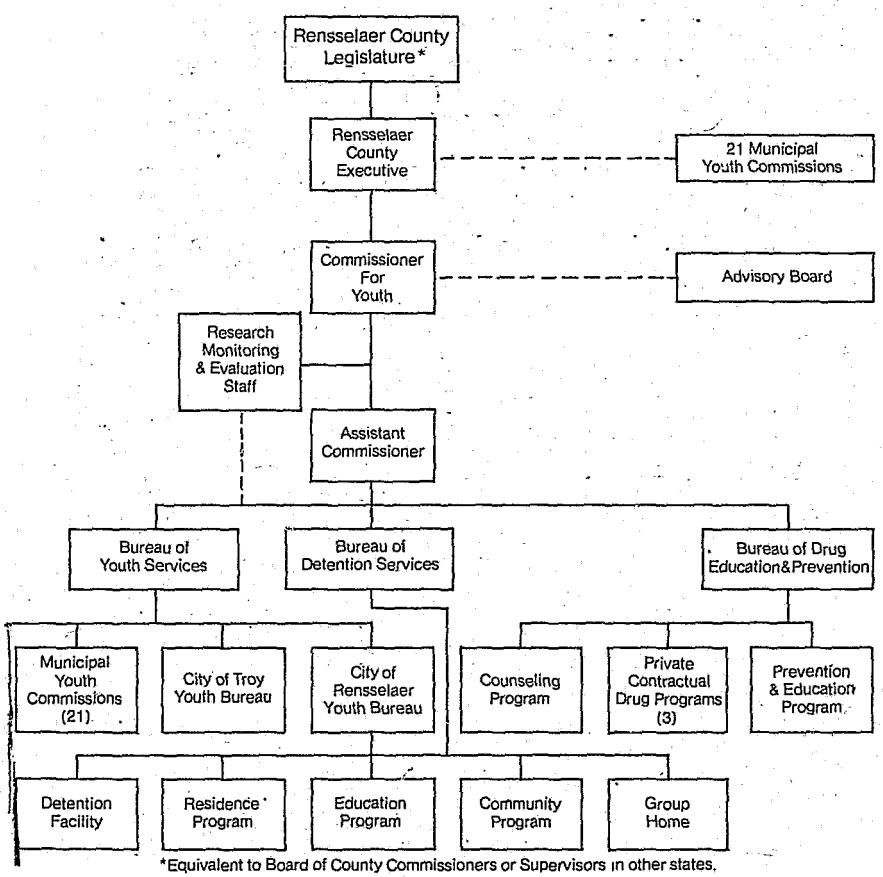
The bureau also encourages schools to offer more programs for students who exhibit behavior and learning problems. Before 1974, we had no school-year programs of this sort, but that year, we brought some into existence. Now, each town offers different programs, and the school districts pay for transportation between towns.

The county operates its own group home as an alternative to secure detention. This home will begin its third year soon. We'd like to set up more alternatives for youth who might otherwise be sent to secure facilities. The process for youth apprehended by the police used to look like this:



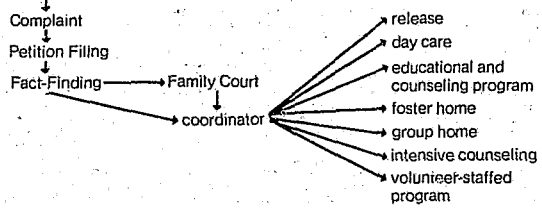


Rensselaer County Department for Youth Organization Chart



*Equivalent to Board of County Commissioners or Supervisors in other states.

Our process now looks more like this:



Our studies convince us the second process would serve the interest of justice for juveniles and divert them from further criminal activity. We would want to test this carefully, of course. The youth service bureau would monitor and evaluate these alternatives to secure detention.

18 Monitoring and evaluating youth services is an important part of our work. As overseers, we can enforce the terms of county contracts. And as mediators, we can help bring youth and the rest of the community together to work on common problems.

POSSIBLE MODEL FOR RURAL COUNTIES

The following program was set up to serve disabled and exceptionally bright children in rural counties. The program's techniques and structure could easily serve the purpose of delinquency prevention and treatment.

The County Agent for Youth

by H. Floyd Dennis, Jr.
George Peabody College for Teachers
J.F.K. Center for Research on Education and Human Development
Nashville, Tennessee 37203

We offer training here at Peabody College for parents, teachers, and others. Through this training, we communicate the results of our research on youth development to people who can use them in practice. But we knew we were not reaching parents and teachers in rural areas. We thought we should try to take our program to rural areas through a program similar to that of the county extension agent.

County extension agents have been working for years to bring the latest developments in agriculture, range management, and so on to farmers and ranchers. County extension agents reduce

the lag between research developments and day-to-day practices.

We trained four county agents for youth in techniques to encourage child development and deal with various types of disabilities. We then dispatched them to four rural counties in Tennessee. Their job was to identify children's needs, select resources to meet those needs, and find ways to bring children and resources together. From time to time, we would all gather together here at Peabody to exchange information, learn new skills, and discuss problems.

"The county agent for youth developed an advocate for each child with special needs."

Out in the counties, our county agents for youth broadcast radio programs on juvenile justice, for example, and on training handicapped and gifted children. They distributed practical information, conducted public meetings, and helped organize community groups. Through these activities, they helped rural residents find resources and develop programs for their children.

The county agents for youth also collected information on the special needs of children in the counties they served, and we presented it to the state legislature. We hoped to encourage the state legislature to help rural counties meet their children's needs.

19

Perhaps the single most important technique the county agents employed was developing an advocate for each child with special needs or problems. In the literature on children with special needs or social problems, a successful approach seems to be developing a one-to-one relationship with an adult friend and champion. The county agents trained an adult to be the friend and champion of each child they found with special needs or problems. Training an advocate ensures that someone cares about each child—someone who will help him or her get needed services.

One of the exciting developments of this concept, I think, is that parents can be trained to be the advocates of their own children. We have demonstrated through this program and others here at Peabody College that parents in a wide array of economic, social, and educational backgrounds nearly all possess skills and drives that can easily be developed to the point that they become advocates for their children.

In emergency cases, a county agent might serve as a child's advocate. But for the most part, they addressed themselves to fostering appropriate services that would continue after they left the county. By "delivery of appropriate services," I don't mean

just institutional services or official programs—parents, for example, can be trained to provide many services.

The county agent for youth seems to me a model especially well-adapted for the rural county. One of our counties apparently agrees: the commissioners voted to keep their agent for youth with county money after the grant period for this experiment ended.

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[11] Wolfgang, **Delinquency in a Birth Cohort,** p. 252.

[12] U.S., Department of Justice, **Children in Custody,** p. 4. 21

[13] Dixon, **Juvenile Delinquency Prevention Programs,** pp. 18-20.

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[16] **Ibid.,** p. 33.

[17] **Ibid.,** p. 81.

[18] Gene Kassebaum, **Delinquency and Social Policy,** p. 44.

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APPENDIX A: Supreme Court Decisions Affecting Juveniles

Year	Case	Decision
1966	**Kent v. U.S.** (383 U.S. 541)	To decide whether a juvenile should be tried in adult court, the juvenile or family court must 1) conduct a hearing 2) provide the juvenile's lawyer with records and reports on his client 3) provide a written statement of reasons for its decision The hearing must meet the standards of due process and fair treatment, but need not meet the standards set out for criminal trials or administrative hearings.
1967	**In re Gault** (387 U.S. 1)	In cases that could result in detention, the court must grant juveniles 1) the right to be represented by a lawyer 2) the right to remain silent 3) the right to confront and cross-examine witnesses 4) right to notice of changes in time to prepare for trial
1970	**In re Winship** (397 U.S. 358, 7 C.L. 3007)	If a juvenile is accused of an act that would be a crime if committed by an adult, guilt must be proved beyond a reasonable doubt before he or she may be convicted. This right is fundamental to criminal proceedings, because of possible sentence. In civil cases, "preponderance of the evidence" is usually sufficient. This ruling tightens up juvenile court proceedings with stricter requirements.
1971	**McKeiver v. Pennsylvania** (403 U.S. 528, 9 Cr 1 3234)	The Court decided in this case not to extend juveniles the right to a jury trial. The court, in spite of its *Winship* decision (extending adult criminal-trial safeguards to juveniles), denied that proceedings in juvenile court are essentially criminal prosecutions. According to the majority opinion, denying the right to jury trial preserves the juvenile court's informality, flexibility and speed. The opinion urges states "to experiment and to seek in new and different ways the elusive answers to the problems of the young."
1975	**Gross v. Lopez**	Students may not be suspended from school without oral or written notice of the charges against them, and a rudimentary hearing.
1975	**Wood v. Strickland**	Students may sue school-board members who intentionally or otherwise inexcusably deprive them of their constitutional rights.

APPENDIX B: Glossary

CHINS, JINS, PINS, MINS: "Children in Need of Supervision," "Juveniles in Need of Supervision," "Persons . . . ," "Minors . . . ," Young people determined by courts to be in need of temporary or permanent shelter, or treatment, because of uncontrollability or some other "status offense" (defined below).

Community-based corrections: Programs that keep offenders close to home, family, and locality (whatever combination is appropriate) through small, open facilities, or facilities that have significant ties with programs and people in a locality. Community-based corrections emphasizes reintegration into the community, rather than isolation from it.

Delinquency: In 39 states, juveniles who break the law are classified as "delinquent"; in 26 states, juveniles who commit "status offenses" (defined below) are also classified "delinquent." In 12 states, the term "delinquency" does not appear in the statutes.

Detention Center: A facility that temporarily holds juvenile offenders in a physically restrictive environment 1) until they are taken to court for disposition, 2) after they have been adjudicated delinquent, or 3) until they are transferred to a state facility, or released. The nation's 303 detention centers for juveniles are almost exclusively operated by local governments, most by counties.

23

Diversion (Juvenile): Decision by person with appropriate authority not to take official legal action against a juvenile. Also loosely used to mean programs of alternatives to the juvenile-justice system.

Intake and Diagnosis: Program to interview and evaluate juveniles referred to the juvenile-justice system, and assign them appropriate treatment. Only 17 public centers exist for intake and diagnosis, but many courts, detention centers, and other agencies maintain their own intake and diagnosis service.

Juvenile: A person *15* or younger in Alabama, Connecticut, New York, North Carolina, Oklahoma, and Vermont: *16* or younger in Florida, Georgia, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas: *17* or younger in Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

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Probation Subsidy: Payment made by some states (California, Washington) to local governments on a per-capita, per-day basis for offenders in community-based corrections who would otherwise go to state facilities.

Shelter Care: Facilities that provide temporary care to juveniles in physically unrestrictive environments. These include group homes, halfway houses, foster homes, and runaway houses. Juveniles usually have more contact with the community and more personal freedom in shelter care than in detention centers.

Status Offense: Behavior that brings a juvenile to the attention of law-enforcement or other agencies in the juvenile-justice system, but would not be considered criminal if committed by an adult; e.g., truancy, running away from home, drinking, and being uncontrollable.

APPENDIX C: Sources of Assistance

Funding

U.S. Department of Health, Education, and Welfare Office of Youth Development Commissioner James A. Hart Washington, D.C. 20201 (202) 245-2873	Runaway Programs
U.S. Department of Health, Education, and Welfare Office of Education Special Programs Division Stanley Kruger, Director Washington, D.C. 20201 (202) 245-8868	Programs for Children with Disabilities or Disadvantages
Law Enforcement Assistance Administration Office of Juvenile Justice and Delinquency Prevention Milton Luger, Director Washington, D.C. 20531	Delinquency Prevention and Treatment

Helpful Literature

National Council on Crime and Delinquency Continental Plaza, 411 Hackensack Avenue Hackensack, New Jersey (201) 488-0400	Many Publications
National Center for Juvenile Justice University of Pittsburgh Pittsburgh, Pennsylvania (412) 624-6104	Publications for Juvenile Court Judges
National Assessment of Juvenile Corrections University of Michigan Ann Arbor, Michigan 48104 (313) 763-2308	National Surveys and Analyses
National Youth Alternatives Project 1830 Connecticut Avenue, N.W. Washington, D.C. 20009 (202) 785-0764	Monthly Newsletter National Directory of Runaway Centers, Other Publications
Children's Defense Fund 1746 Cambridge Street Cambridge, Massachusetts 02138 (617) 492-4350	*Children Out of School in America,* Other Publications
National Board of Y.M.C.A.'s Urban Action Program Division 291 Broadway New York, New York 10007	*Planning for Juvenile Justice*

25

Technical Assistance and Evaluation

National Council on Crime and Delinquency
Continental Plaza, 411 Hackensack Avenue
Hackensack, New Jersey 07601 (201) 488-0400

NACoRF's Criminal Justice Program maintains a list of exemplary county programs whose personnel have agreed to consult with and advise interested county officials. The Program can arrange visits or exchange of personnel between interested counties and counties with successful programs.

Call or write Don Murray, Director
Criminal Justice Program
National Association of Counties Research Foundation
1735 New York Avenue, N.W.
Washington, D.C. 20006 (202) 785-9577

Volunteers

National Information Center on Volunteerism
1221 University Avenue
Boulder, Colorado 80302 (303) 447-0492

[From Newsweek magazine, Sept. 8, 1975]

CHILDREN AND THE LAW

Bobby was 9 when he was arrested for shoplifting. As they always do with first offenders, Los Angeles police spoke sternly to him and released him. Three months later, Bobby had graduated to burglary, and was released with a warning. Bobby's sixteenth arrest—he was 12 years old by then—earned him his first jail term, two years at a California Youth Authority Camp, from which he escaped four times. A few days after his release, at age 14, he killed a man. He has been charged with 26 crimes, including murder. But now that he has turned 18, he is, so far as the law is concerned, no longer a juvenile. He is a free man.

Mark's mother was a junkie and he was born in 1965 with heroin withdrawal symptoms. He spent his first six years in a foster home before being returned to his mother, whom he did not know. When she went to work, she regularly tied Mark to a bed. A year later, she told New York juvenile authorities that he was disruptive and uncontrollable, and Mark was institutionalized. Last year he was in court, charged with fighting with his peers and being difficult to control. He is 10 years old.

Bobby and Mark are both products of the American system of juvenile justice. One has compiled an awesome criminal record; the other has never committed a crime. Yet they both have juvenile records and they have been confined in institutions for about the same time. Both are poisoned products of one of the starkest shortcomings of American justice: how to cope with children who fall into trouble with the law. "The system has failed," says veteran Detroit Judge James H. Lincoln. "We do no more than clean the boil without treating the disease." No one is well served—neither the youngsters nor the nation—and no one—not police, judges, legislators or theoreticians—has figured out what to do about it.

MORE CRIME AND MORE FEAR

The statistics on child criminals are awesome. Juvenile crime has risen by 1,600 per cent in twenty years. More crimes are committed by children under 15 than by adults over 25—indeed, some authorities calculate that half of all crimes in the nation are committed by juveniles. Last year, police arrested 2.5 million youngsters under 18. In Los Angeles, juveniles account for more than one-third of all major crimes, and in Phoenix, officials estimate that juveniles are responsible for 80 per cent of law violations. In Atlanta, juvenile arrests for arson have tripled since 1970, and in New York, since 1972, burglary and rape charges against juveniles have nearly doubled.

The headlines cry out the grim news every day. In Florida, a 15-year-old boy is sentenced to death for sexually molesting and murdering a 12-year-old girl. Then two boys, 13 and 15, are accused of murdering a 4-year-old boy—"to have some fun," as they later tell police. Six New York teen-agers, one of them 13, are charged with murdering three impoverished men in their 70s and 80s. In the city's Brownsville section, a gang leader orders the punishment of one of his foot soldiers; the gang burns down the boy's house and six people die. A boy of 12 in Phoenix carries a .38 revolver to school and holds his horrified teacher and classmates at gunpoint for an hour before surrendering.

PINS, CHINS, JINS AND MINS

These crimes—which the law calls "juvenile delinquency"—are no more difficult to understand than a knife at the throat. But they are only part of the story. For fully one-third of the cases that reach juvenile courts are what are termed "status offenses," which means acts that would not be criminal if they were committed by an adult—truancy, running away from home, disobeying parents. These children are called, in different states, PINS or CHINS or JINS or MINS, for persons or children or juveniles or minors "in need of supervision." Status offenders, more often than not, are emotionally beleaguered kids whose home life is so shattered that they will do anything to break free from it. In pathetic contrast to the street-wise young criminals, who often can cite the Miranda decision by heart, the children who became status offenders drift helplessly through an endless legal maze.

The reasons for today's high rate of juvenile crime are a familiar litany. Poverty and overcrowding in city slums; soaring rates of unemployment among minority teen-agers that instill in them a "don't give a damn" bitterness; violence that flickers into every home on the television screen; the lure of drugs that

can quickly become a dependence, and the easy availability of knives and guns—all contribute to crime at any age level. In the U.S. today, "society seems to be flying apart," Phoenix school psychologist William Hall says. "The kids just feel the vibrations much more than adults."

The juvenile-justice system in the U.S. pivots on an array of human decisions, often made with too little knowledge and too little time. "The system works on the kids like an octopus," says Marian Wright Edelman, director of the Children's Defense Fund, "with lots of arms picking them up and dropping them at different times." Even when the personnel are trained and the decisions are sincere, a series of interlocking bureaucracies has so diffused responsibility that no one has final control—not cops, judges, prosecutors, public defenders, probation officers, social workers, welfare clerks, foster-care centers, adoption agencies or penologists. The buck never stops. "It's like a Shakespearean tragedy," says Milton Luger, the former director of the New York State Division for Youth. "Everybody stabs everybody to the left."

From the moment a youngster becomes caught up in the legal system, humane intentions clash with practical limitations—and nobody wins. "If our goal is to rehabilitate, we're not doing it," says Wayne Mucci, director of the national Juvenile Justice Standards Project, "and if we're supposed to be punishing, we're not doing that either."

OUT THE REVOLVING DOOR

A cop arrests a youngster. It doesn't seem fair to detain him for days or weeks while he awaits a hearing, so he is released almost instantly—perhaps to commit another crime. "The kids get out of Juvenile Hall before the cop gets his report made out," complains San Francisco police Capt. Gus Bruneman. When the hearing date arrives, it seems reasonable to bring the child's parents to court with him. This can mean that a mother may have to give up a day's wages and sometimes must drag along the rest of her brood, which turns juvenile courts into squawling daycare centers. In many New York courts, these hearings average five to seven minutes, and cynical clerks sometimes keep a 25-cent daily pool on how many cases they will dispose of.

Some youngsters repeat this process so often that "it's like an immunization shot—they lose their fear of the law," says Atlanta Judge Tom Dillon. "These kids have to be seen to be believed," marvels Brooklyn cop Louis Eppolito. "They have no regard for property or life. In the station house, they dance on the tables like it was 'Soul Train'."

Sometimes months will pass after a criminal act before the social workers, lawyers and a judge decide what to do with a youngster. Usually a delinquent will be released in the charge of an overworked probation officer, who in theory will counsel him thoughtfully and monitor his progress. In Denver, typically, a harried staff of only seventeen probation officers tries to cope with a stream of 1,100 delinquents at any given time. If a youngster commits several offenses, or some particulary serious crime, he may be sentenced to reform school—often called a "training school."

In the best of these, children may attend classes as if they were in school. They will be counseled about their anxieties and the background of their problems. They may be taught a useful trade. But in most juvenile centers, a youngster seldom receives appropriate rehabilitation. What he does learn, says Georgia youth services director John Hunsucker, "is how to break into houses instead of stealing a bag of pecans."

Venality did not bring about these conditions; on the contrary, the juvenile-justice system is a product of noble reform. In 1646, the Puritans of the Massachusetts Bay Colony decreed the death penalty for "a stubborn or rebellious son," and for more than two centuries afterward children were treated by the law more as possessions than as persons. But at the turn of the twentieth century, the same reformers who were plumping for women's rights and the rights of the immigrant poor also discovered children. In 1899, Illinois passed the nation's first juvenile act and by 1925 46 states had set aside special courts and procedures for children.

Rehabilitation was the watchword, and the child was to be protected as he was led through the system. In practice, however, most children were just shoved through it. Finally, in 1967, an Arizona boy named Gerald Gault became one of the historic figures in American jurisprudence. At the age of 15, Gerald had made an obscence telephone call to a woman neighbor, a misdemeanor for which an adult might serve two months in jail. Police offered him no legal counsel, and he

was sentenced to reform school until he became 21—a six-year term. But Gerald Gault's case was appealed to the U.S. Supreme Court, which finally ruled that when juveniles face the threat of jail, they were entitled to counsel, to notice of the charges and to the privilege against self-incrimination.

CHALLENGING THE SYSTEM

Even now, no children have an adult's right to trial by jury or to bail. A new generation of reformers intends to carry kids' legal rights still further. In Washington, D.C., the Children's Defense Fund is challenging the authority of a parent to commit a child to a mental hospital indefinitely without a hearing. In New York, the Civil Liberties Union and the Legal Aid Society have filed a class-action suit on behalf of all black Protestant children, charging that religious-affiliated child-care agencies—which received close to $150 million in public funds last year—systematically discriminate against minorities. In Atlanta, the ACLU is asking a state court to rule that status offenders may be confined only at centers in their own communities instead of being shipped to penal institutions.

In what could become the most significant juvenile decision since Gault, U.S. District Judge William W. Justice last fall condemned the entire Texas institutional structure for its "widespread physical and psychological brutality." Juveniles were not rehabilitated but "warehoused," Justice charged in a 204-page opinion. He said they were beaten and tear-gassed as punishment and given tranquilizers to quiet them without medical supervision. The judge ordered the state to close two of its reform schools and convert the rest to halfway houses and group homes. Texas officials responded that the total cost of such changes makes them impossible, and the state is appealing. Eventually the U.S. Supreme Court will be asked to pronounce a judgment on the conditions of juvenile incarceration that would apply to every state.

But the fact that young offenders are often treated badly is sometimes overwhelmed by anger and fear as violent juvenile crime spreads through the nation. "I don't care what kind of a background this kid comes from or how misguided his parents were," says Larry K. Schwartstein, a prosecutor of juvenile cases for the City of New York. "Why should a person be afraid to walk the streets in broad daylight? Why should the innocent victim be the one removed from the community?" New York Gov. Hugh Carey put the problem succinctly last winter. "A 15-year-old killer may be too young to send to prison," he said, "but he is too dangerous to return to the streets."

TOUGH TACTICS

Many states are searching for a new line between the point at which a teenager can still be rehabilitated and the time when he should be treated like an adult criminal. Most states cut off juvenile treatment at the age of 18, and allow courts to waive youngsters to adult courts at 16 for such serious felonies as murder and rape. Two years ago Georgia decided that capital felons could be tried in adult courts at 13, and this year New Mexico lowered to 15 the age at which defendants could be tried for first-degree murder. In California, the waiver age of 16 for serious crimes is discretionary, but the Los Angeles district attorney's office is pushing to make it mandatory.

But merely lowering the age at which all juveniles become adults in the eyes of criminal law may serve little purpose. "Kids today have a greater wealth of knowledge about adult life than children years ago," says child psychologist Lee Salk, "but this sophistication doesn't mean that youngsters are better able to cope with their impulses."

What most law-enforcement officials would prefer is firmer treatment of the hard-core delinquents, who commit a disproportionate share of all juvenile crimes, especially the violent crimes. In a major study published three years ago, University of Pennsylvania criminologist Marvin Wolfgang and his colleagues found that of 10,000 Philadelphia boys born in 1945, only one in six had ever been arrested for more than one offense. Six per cent of these, however, had committed five or more crimes and that group accounted for 66 per cent of all violent crimes.

Law-enforcement officials contend that the hardened teen-age criminal must learn that he will not be coddled but will pay a quick, sure price for repeated, violent crimes. "I don't put the blame for crime on discrimination or poverty or TV," says Brooklyn assistant police chief Jules Sachson. "I put it squarely where it belongs, on the lack of a deterrent. These kids are getting more violent because

they know they can get away with it. We would stop it tomorrow by putting them away to stay."

Tough tactics for the few, however, do not reach the occasional or potential young offenders, and authorities have not given up on them. "If you can't rehabilitate a 13-, 14- or 15-year-old, who can you rehabilitate?" asks Charles Schinitsky, head of the New York Legal Aid Society's juvenile-rights division. At California's Hidden Valley Ranch School, near San Francisco, youngsters are put through a 90-day evaluation period before they are guided into a rehabilitation program. In New York, which like other states has been accused of warehousing its charges, the Division for Youth is attempting to increase preventive counseling. But though local, state and Federal officials are all groping for answers, few have confidence that they will be found soon.

TOURING THE TROUBLE SPOTS

Last year, over stiff opposition from the White House, Congress passed the first comprehensive Federal law to deal with juvenile crime. Chiefly, the act authorizes Federal grants to develop community programs aimed at preventing delinquency. "The only way to deal with the problem is to start early enough," says Indiana Sen. Birch Bayh, whose juvenile-delinquency subcommittee pushed the measure. The Ford Administration, giving the program low priority, has reluctantly committed only $25 million, one-third of the budget request. Juvenile crime costs the U.S. $12 billion annually, responds Bayh, and "if we think we're saving money this way, we're kidding ourselves."

How would a community crime-prevention program work? Detroit has hired 25 civilian youth advisers, all with college experience, who tour potential trouble spots learning to know the kids better. These advisers work with probation officers in counseling first and second offenders and their parents. Cleveland has started a touring panel, made up of a policeman, judge, lawyer and teacher, that discusses the law and answers questions for junior-high-school students. San Francisco last year established a "diversion" plan that treated 77 youthful auto thieves, only four of whom have since committed another crime. Under the plan, the youth and his parents signed a contract enrolling the offender for six months in a community counseling program sponsored by agencies such as the YMCA. The pilot project was successful enough that the city is extending it this year to nearly 300 delinquents. But the money will run out by the end of the year and the program may die.

NO ANSWERS

One simple way to unclog the juvenile courts would be to eliminate status offenders, who are not criminals, from their jurisdiction. "You can't use courts, judges and lawyers to rehabilitate kids," says Patrick T. Murphy, the former director of Chicago's Legal Aid Society juvenile office. "Obviously some are thugs and belong in prison. Why charge youngsters with delinquency, though, just because they got into a fight, ran away or cut school?" But retired Judge Justine Wise Polier, an official of the Children's Defense Fund, contends that many families need a court's help. "These parents file status petitions only when they are at their wits' end," Polier says, "when they are terrified that the children are going to destroy themselves or commit a really serious crime." The issue is now causing fierce debate in the entire juvenile-justice system, but no solutions are in sight, partly because if the courts are no longer to deal with these children, no one really knows who will.

For the moment, no one is sure what to do about almost anything in the juvenile-justice system. "I'm not going to tell you it's not hopeless," says University of Virginia Law School dean Monrad G. Paulsen, "because it may be hopeless." "The juvenile-justice system suffers from lack of a constituency," he says New York's Luger. "Nobody gives a damn until some kid commits murder or sodomy in their neighborhood and then there's hell to pay."

On some propositions, everyone can agree. Juvenile crime must be controlled. Violent young criminals must be punished. Children who suffer from forces over which they have no control must be treated. Youngsters must have protection by the law and from the law. Yet down every avenue, so many interests clash—so many factors interplay—that the solutions remain tantalizingly out of reach. "These are no quick answers," warns Justice Joseph B. Williams, chief of New York City's Family Court. "All of a sudden, the juvenile-justice system is supposed to come up with an answer that wipes out all the experience in a child's

life and all that has been done to him. I don't think any system can do that." Juvenile justice, troubled as it is by its own failures, is just like the youngsters—as much victim as offender.

[From the Juvenile Justice Digest, Oct. 1, 1976]

1976 Crime Control Act Passes, LEAA Extended for 3 Years and Bayh Amendment Approved

Levi: Bayh amendment will cause "disproportionate earmarking of funds" for juvenile justice

Despite continued opposition from the Ford administration, the fight to establish a secure and ample funding mechanism for the prevention and control of juvenile delinquency took a giant step forward this week in Washington, D.C.

The congressional conference committee charged with ironing out differences between the House and Senate versions of the proposed Crime Control Act of 1976 on Tuesday authorized a three-year, $2.48 billion extension of the Law Enforcement Assistance Administration.

Importantly, the committee agreed to the adoption of the Senate amendment to the Act which directs the LEAA to allocate 19.5 percent of all Crime Control Act funds to combating juvenile delinquency, over $132 million in fiscal year 1977.

Last May, the Senate passed a bill extending LEAA for five years and authorizing $5.4 billion in expenditures. Early last month, the House passed a bill extending the LEAA for one more year and authorizing $1.1 billion in expenditures.

In last-minute action this week, the full House and Senate approved the conference committee version and sent it on to the White House for President Ford's signature. The Congress recesses today for the November election. Ford has 10 days to sign the bill, which he is expected to do in light of his current stand on the crime issue.

"An essential aspect"

The juvenile amendment to the Crime Control Act of 1976 was introduced on July 21 by Sen. Birch Bayh (D-IN), (see story, Vol. 4, No. 14, p1). Sen. Bayh said at the time that "an essential aspect of the Juvenile Justice and Delinquency Prevention Act is the 'maintenance of effort' provision.

"It requires LEAA to continue at least the fiscal year 1972 level of support (about $112 million) for a wide range of juvenile programs, and assures that the 1974 Act's primary aim, to focus new . . . efforts on prevention, would not be the victim of a 'shell game', whereby LEAA merely shifts traditional juvenile programs to the new (Office of Juvenile Justice and Delinquency Prevention)."

Maintenance of effort dollars

Application of the 19.5 percent formula to the $678 million in Crime Control Act funds already allocated to the LEAA for fiscal year 1977, amounts to $132.21 million.

Because of the federal changeover to a calendar fiscal year, the Congress was in the peculiar position this week of authorizing $880 million for LEAA for fiscal year 1977, even though it had already approved the allocation of $678 million for that purpose.

The $132 million must be spent by the LEAA as outlined by the 'maintenance of effort' provision of the 1974 Juvenile Act. Such funds are to be spent by the LEAA on juvenile delinquency prevention, over and above all money allocated to fund the Office of Juvenile and Delinquency Prevention.

The Congress authorized the expenditure of $800 million by the LEAA in fiscal year 1978 and fiscal year 1979, bringing the total authorization up to $2.48 billion.

Juvenile Justice Digest learned from a Capitol Hill source that President Ford's top law enforceemnt official, Attorney General Edward H. Levi, on Sept. 27 sent a hand-delivered letter to the House-Senate conference committee, urging it to not approve the Bayh amendment to the Crime Control Act of 1976.

In the letter, Levi said acceptance of the amendment would bring about a "disproportionate earmarking of funds for juvenile justice to the detriment of other important LEAA programs."

Part 3—The National Advisory Committee for Juvenile Justice and Delinquency Prevention

PUB. LAW 93-415 SEPTEMBER 7, 1974

ADVISORY COMMITTEE

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be

reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Members of the National Advisory Committee were appointed on March 19, 1975. Members include:

FOR 3-YEAR TERM

J. D. Anderson, Omaha, Nebraska; President, Guarantee Mutual Life Co., Omaha, Nebr. (He has been designated Chairman of the Committee).

Allen F. Breed, Lodi, Calif.; Director, Department of Youth Authority, Sacramento, Calif.

John Florez, Salt Lake City, Utah; Director, Office of Equal Opportunity, University of Utah, Salt Lake City, Utah.

Albert Reiss, Jr., Woodbridge, Conn.; Chairman, Department of Sociology, Yale University, New Haven, Conn.

Cindy Ritter, Mound City, S. Dak.; Youth Program Assistant, Extension Office, State Department of South Dakota, Mound City, S. Dak.

Flora Rothman, Bayside, N.Y.; Chairwoman, Task Force on Justice for Children, National Council of Jewish Women, Bayside, N.Y.

Bruce Stokes, Newark, Del.; Teacher Coordination of Distributive Education, Thomas McKean High School, Wilmington, Del.

FOR 2-YEAR TERM

William Bricker, Scharsdale, N.Y.; National Director, Boys Club of America, NYC.

Richard Curt Clement, Toms River, N.J.; Chief of Police, Dover Township Police Department, Toms River, N.J.

Wilmer S. Cody, Birmingham, Ala.; Superintendent of Schools, Birmingham, Ala.

Robert Bradley Martin, Memphis, Tenn.; State Representative, Tennessee General Assembly, Memphis, Tenn.

Edwin Meese, III, San Diego, Calif.; Vice President for Administration, Rohr Industries, Inc., San Diego, Calif.

George H. Mills, Hauula, Hawaii; Medical Director, The Kamehameha Schools, Kapalama Heights, Hawaii.

Wilfred W. Nuernberger, Lincoln, Nebr.; Judge, Separate Juvenile Court of Lancaster County, Nebr.

FOR 1-YEAR TERM

C. Joseph Anderson, Terre Haute, Ind.; Judge, Vigo County Circuit Court, Terre Haute, Ind.

Augustine Chris Baca, Albuquerque, N. Mex.; Executive Director of the Southwest Valley Youth Development Project, Albuquerque, N. Mex.

Alyce C. Gullattee, District of Columbia; Assistant Professor of Psychiatry and Family Planning, Howard University College of Medicine, Washington, D.C.

William P. Hogoboom, Pasedena, Calif., Assistant Presiding Judge, Los Angeles County Superior Court, Pasadena, Calif.

A. V. Eric McFadden, Boston, Mass.; Special Assistant to Mayor White of Boston, Mass.

Joan Myklebust, Longview, Wash.; recently resigned Group Life Counselor 1, Maple Lane School for Girls, Olympia, Wash.

Michael W. Olson, Pittsburgh, Pa.; 16-year-old youth representative; Pittsburgh, Pa.

FIRST ANNUAL REPORT

OF THE

NATIONAL ADVISORY COMMITTEE ON

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

1356(a)

EXECUTIVE SUMMARY

The National Advisory Committee has its origins in the 1974 Juvenile Justice and Delinquency Prevention Act, which also created LEAA's Office of Juvenile Justice and Delinquency Prevention and its research arm, the National Institute for Juvenile Justice and Delinquency Prevention. Charged with advising the LEAA Administrator and the new office on all Federal juvenile delinquency programs, the Advisory Committee's 21 members, appointed by the President, represent a wide range of personal and professional backgrounds. By law, seven Committee members must be younger than 26 years of age when appointed, thereby giving substantial representation to youth.

During its first year, the Advisory Committee established organizational and communications procedures, creating three major subcommittees: the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice; the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and the Advisory Committee on the Concentration of Federal Effort. The last group works with the Coordinating Council on Juvenile Justice and Delinquency Prevention. Also created by the 1974 legislation, the Coordinating Council is composed of Cabinet-level representatives and their designees, and is responsible for coordinating all Federal programs in this area.

Among the major issues the Advisory Committee and its subcommittees considered during the first year were the following:

1. Developing a national policy and standards for juvenile justice and delinquency prevention;

2. Recommending research priorities for the National Institute;

3. Implementing the congressional intent of key provisions of the 1974 Act, such as deinstitutionalizing status offenders;

4. Identifying and coordinating the various programs, agencies, and other government units that address problems associated with juvenile delinquency and youth crime; and

5. Developing an appropriate organization, structure, and role for the Committee, and focusing on its relationships with other relevant agencies.

During its first year of operation, the National Advisory Council proposed recommendations that included the following:

1. Terms such as "juvenile delinquency" and "shelter facilities" should be uniformly defined by those working in the field;

2. Delinquency prevention should be as high a priority as juvenile justice efforts;

3. Congress should provide full funding for the 1974 Act, including funds for appropriate staffing of the National Advisory Committee and Coordinating Council. In addition funds for LEAA juvenile justice and delinquency prevention programs under the act should be maintained at 1972 levels as a minimum;

4. The U.S. Attorney General should participate in the work of the Coordinating Council;

5. To comply with the program analysis and evaluation requirements of the act, LEAA should develop automated procedures for uniformly collecting data on all Federal juvenile delinquency programs;[1]

6. The National Institute should conduct intensive research into causal factors relating to youth crime and delinquency;

7. The Advisory Committee should carefully monitor the Concentration of Federal Efforts program required by the act, and the Committee should be more involved in setting priorities for the Special Emphasis programs of the LEAA Office of Juvenile Justice and Delinquency Prevention; and

8. State advisory groups should be established with planning funds if a State does not qualify for action money under the 1974 Act. In addition, States and localities should be encouraged to develop supportive services for status offenders, to prevent their involvement with juvenile courts.

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[1] "Federal juvenile delinquency program" refers to any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent (Public Law 93-415, section 103, September 7, 1974).

INTRODUCTION

Between 1960 and 1974, juvenile arrests for all crimes rose 138 percent. At the same time, many juveniles in trouble were not receiving the attention and treatment they needed. Congress, in order to confront the problem of rising juvenile crime rates, enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (hereafter the Act). This legislation created within LEAA the Office of Juvenile Justice and Delinquency Prevention, the implementing body for day-to-day program development and management, along with a research arm, the National Institute for Juvenile Justice and Delinquency Prevention (hereafter the Institute).

The Act also created the Coordinating Council on Juvenile Justice and Delinquency Prevention (hereafter the Coordinating Council) and the National Advisory Committee on Juvenile Justice and Delinquency Prevention (hereafter the Advisory Committee). The first group is composed of Cabinet-level and other Federal officials* and is responsible for coordinating all Federal programs in this field.

THE NATIONAL ADVISORY COMMITTEE

The Act charges the Advisory Committee with making recommendations annually to LEAA on "planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs."

Responsibilities

Specifically, the responsibilities of the Advisory Committee include the following:

1. Advising the LEAA Administrator on objectives, priorities, and standards for all Federal juvenile delinquency programs;

2. Helping the Administrator prepare reports that analyze and evaluate Federal juvenile justice and delinquency prevention programs;

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*Specifically, the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Labor; the Director of the National Institute on Drug Abuse; the Assistant Administrator of the National Institute for Juvenile Justice and Delinquency Prevention; and representatives of other Federal agencies designated by the President.

3. Making recommendations on the development of an annual comprehensive plan for Federal programs, one that emphasizes delinquency prevention and the diversion of young people from the traditional juvenile justice system;

4. Advising LEAA on implementation of the Act; and

5. Assisting the Coordinating Council in the overall concentration of Federal efforts in the juvenile justice/delinquency prevention field.

Membership

The group's 21 members are appointed by the President from among those with expertise regarding youth, juvenile delinquency, or the administration of juvenile justice. Under the law, 7 Advisory Committee members must be younger than 26 years of age when appointed. This provision brings to the group the views and special concerns of the young in formulating public policy, and in the design and development of programs for delinquency prevention and justice for young people.

Advisory Committee membership is further strengthened by the requirement that a majority cannot be full-time Federal, State, or local government employees. Initially, members were appointed for terms of 1, 2, or 3 years. Subsequent members are being appointed for terms of 4 years.

Subcommittees

The chairman of the Advisory Committee is authorized to designate subcommittees on specific issues. During the first year, the group created the following subcommittees:

1. The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (the Standards Committee);

2. The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention (the National Institute Committee); and

3. The Advisory Committee on the Concentration of Federal Effort (the Concentration of Federal Effort Committee).

FIRST-YEAR ACTIVITIES AND ACHIEVEMENTS

During its first year, the Advisory Committee held five 2- to 3-day meetings, which provided orientation for members on all Federal programs related to juvenile justice and delinquency prevention.* At its first meeting, the Committee voted to hold subsequent gatherings in key cities within the federally-established regions throughout the country. Members felt this would give them an opportunity to meet with local groups and individuals in the juvenile justice field and gain valuable insights from the various regions.

Advisory Committee meetings were well attended by local youth and by representatives from public and private agencies and volunteer groups. The sessions were open, with ample opportunity for discussion and idea sharing between members and the public.

MAJOR ISSUES

Early on, members felt that the major concern to be addressed was developing a set of policy issues on the problem of youth crime. Specifically, the Advisory Committee focused on the following matters, which are discussed below in detail:

1. Developing national standards in the juvenile offense area;

2. Recommending research priorities for the Institute;

3. Monitoring implementation of the Act;

4. Overseeing the coordination of appropriate Federal programs; and

5. Developing and refining the Advisory Committee's organization, structure, role, and working relationships with others in the field.

Standards

Developing national standards for the administration of juvenile justice at all governmental levels is a major Advisory Committee concern. The standards subcommittee is reviewing the work of similar groups and, where possible, will endorse existing standards rather than developing a wholly new set of prescriptions.

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*See appendixes for a list of speakers and topics at the 1975-76 meetings.

The standards group will submit its final report by March 31, 1977, including recommendations on how to adopt the measures presented. Those standards will focus on several major issues, including:

1. Jurisdiction and organization of courts handling juvenile matters;

2. The right of juveniles to counsel;

3. Criteria and procedures at the intake level in juvenile cases; and

4. Structure of dispositional decisionmaking (i.e., What should be the sentencing structure in delinquency cases? What criteria should be used to decide case disposition?).

Research

The Act also calls for research, evaluation, and training programs in the youth crime field. In focusing on that goal, the Advisory Committee subcommittee for the Institute has been working to develop priorities. These include not only training, research, and evaluation activities, but also an information clearinghouse effort. The subcommittee has also stressed the need for more research in the specific area of preventing delinquency, to supplement research on dealing with the problem once it occurs.

Among the other major issues considered by this subcommittee was the need for the Institute to do the following:

1. Closely coordinate the Institute's program with other Federal agencies involved in delinquency research;

2. Develop data on the flow of youths through the juvenile justice system and through alternatives to that system (e.g., youth service bureaus);

3. Research the factors associated with the development and maintenance of juvenile delinquency careers and the transition of youth offenders into adult criminals; and

4. Explore alternative research designs and methodologies for evaluating the effectiveness of action programs in the juvenile area. In this connection, the subcommittee believes that the Institute should make a matter of public record its expectation of failure in some of its evaluation attempts. The basis of this judgment is that the state-of-the-art of evaluation research is unrefined, and the expertise available to develop evaluation approaches in this field is limited.

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Implementing the Act

In terms of implementing key provisions of the Act, the Advisory Committee was particularly concerned with the goal of deinstitutionalizing status offenders--those young people whose offenses would not be considered criminal if the offenses (e.g., truancy, running away from home, incorrigibility) were committed by adults. The difficulty in mobilizing local resources to create acceptable options to detention has been a major obstacle to date; the Advisory Committee therefore considered ways to encourage the development and funding of community-based alternatives through LEAA program initiatives.

Of particular interest to the Committee is the Special Emphasis Grants Program of the Office of Juvenile Justice and Delinquency Prevention. To encourage deinstitutionalization, the Office funded 12 projects under this program as of December 1975. These grants totaled $11.9 million; all are aimed at removing status offenders from jails, detention centers, and correctional institutions over a period of 2 years. Some 23,748 juveniles in five States and six counties will be affected. Grants were awarded for a 2-year period and range up to $1.5 million. The average cost of services is $420 per child.

Federal Coordination

The Advisory Committee, the Coordinating Council, and the Office form the core of the Concentration of Federal Effort activities established in response to legislative requirements to analyze, evaluate, monitor, and coordinate Federal juvenile delinquency programs.

Five Advisory Committee members make up the liaison subcommittee to the Coordinating Council. This group attends Council meetings and has helped develop policy options for Council consideration. Future goals of the subcommittee include establishing an inventory of all Federal activities in the field of juvenile delinquency and youth crime, and developing a monitoring procedure to determine the effectiveness of existing Federal efforts.

A major issue growing out of the Advisory Committee's work on the Coordinating Council was that of defining the term "juvenile delinquency." This issue emanated from a paper prepared by Professor Franklin E. Zimring, of the University of Chicago School of Law. The paper, which dealt with the "state-of-the-art" in Federal priorities and programing, was discussed at the Advisory Committee's third meeting in October 1975. Zimring's work, which identified 11 research priorities for the Coordinating Council, also generated discussion within the Advisory Committee on the need to emphasize delinquency prevention as much as juvenile justice efforts.

In other Federal coordination work, the Advisory Committee reviewed and commented on the First Analysis and Evaluation of Federal Juvenile Delinquency Programs, prepared by the Office of Juvenile Justice and Delinquency Prevention. This publication described current Federal juvenile delinquency programs, policies, and priorities. The group also reviewed the First Comprehensive Plan for All Federal Juvenile Delinquency Programs, prepared by the Office with the assistance of members of the Coordinating Council.

Organization, Role, and Relationships

Establishing procedures, internal and external working relationships, and communication links constitutes a major part of any group's first-year activities. Thus the Advisory Committee worked out its role in relation to the Office, the Institute, and the Coordinating Council. Also addressed were relationships between the three subcommittees and the full committee, and among the subcommittees themselves. To accomplish their specific tasks, the subcommittees met separately, usually for a period of 1 or 2 days prior to meetings of the full body.

The special concerns and orientation needs of the Advisory Committee's youth members were met, at their suggestion, by a special meeting in Washington conducted by LEAA officials.

On an important "relationship" issue, there was agreement that the Advisory Committee could take an independent stand on any question, even if its view differed from LEAA's. Further, in the event of disagreement between the group and its critical standards subcommittee, the full body can submit its comments and recommendations along with the standards subcommittee report.

The Advisory Committee recognized that while the responsibility to implement the Concentration of Federal Effort requirement rests with agencies in Washington, the actual powers to coordinate are at the regional, State, and local levels. Members therefore met with local representatives and discussed the problems facing regional, State, and local officials. These problems include lack of coordination among juvenile justice programs, inconsistent Federal guidelines, and conflicting deadlines.

To help solve these problems, the Committee suggested development of an experimental program within one jurisdiction, to allow for maximum flexibility at the lowest possible level within the jurisdiction; to simplify redtape, guidelines, and requirements; and to test coordinating mechanisms to the absolute limits of the planning process. This program should have impact upon all Federal youth programs operating within that jurisdiction, with the goal of determining those changes necessary to

improve the flow of resources from the Federal Government to the local areas of need.

OTHER CONCERNS

Along with these major issues, the Advisory Committee identified other important concerns, including the need to do the following:

1. Encourage and actively solicit the views of youth members of the Advisory Committee;

2. Develop a larger national constituency and forge new relationships with appropriate Federal, State, and local agencies. This could perhaps be done by developing a State-level model;

3. Encourage Federal agencies to become more involved in research and in leadership roles, rather than simply putting more money into existing programs;

4. Help State law enforcement planning directors assume the increased responsibility and leadership required by the Act;

5. Develop greater flexibility in the guidelines for deinstitutionalizing status offenders, to allow for local differences and political realities; and

6. Press for funding in certain critical areas, including:

   a. Summer employment and other opportunities for youth--At its first meeting in April 1975, the Advisory Committee adopted a resolution that Federal money for State and local employment programs be released.

   b. Deferred funding for the 1974 Act--The Advisory Committee resolved to support congressional restoration of this money, which was subsequently restored.

RECOMMENDATIONS

The following recommendations were developed during the first year of the Advisory Committee's existence:

1. The Office of Juvenile Justice and Delinquency Prevention should continue its efforts to develop a uniform set of definitions for such terms as "juvenile delinquency" and "shelter facilities";

2. The various agencies and bodies working in the juvenile justice/delinquency prevention field should make delinquency prevention as well as juvenile justice a high priority in their programs and activities;

3. Congress and the President should support full funding for the 1974 Act, including money for appropriate staffing of the Advisory Committee and Coordinating Council;

4. The "maintenance of effort" provision of the Act, which calls for maintaining funds for LEAA juvenile justice/delinquency prevention programs at the 1972 level as a minimum, should be retained in the reauthorization of LEAA by Congress;

5. All actions that tend to merge provisions for implementing the 1968 Omnibus Crime Control Act and the 1974 juvenile delinquency law should be discouraged;

6. The U.S. Attorney General should participate in the work of the Coordinating Council, to assure the involvement of policymaking officials from other executive departments;

7. LEAA should develop an integrated reporting and information system to collect, analyze, and evaluate uniformly data on all juvenile justice/delinquency prevention programs at the local, State, and Federal levels;

8. The Institute should launch more intensive research into causal factors relating to youth crime and delinquency and should monitor a longitudinal cohort study of delinquency and the factors that correlate with delinquency;

9. The Advisory Committee, through its appropriate subcommittee, should carefully monitor the program to concentrate and coordinate Federal efforts in the juvenile crime field;

10. The Advisory Committee should be more involved in setting priorities for the Special Emphasis programs;

11. Planning money should be made available annually to each State for the establishment and continued existence of a State Advisory Group, even if a State does not qualify for action money under the Act. Such a group could be a strong force in developing programs to support the Act's purposes;

12. States and localities should develop supportive services for status offenders (truants, runaways, youths with family problems). Juvenile courts should not be involved in such cases unless all other community resources have failed; and

13. To facilitate the Concentration of Federal Effort requirement of the Act, the Office of Management and Budget should be added to the Coordinating Council membership.

MEETINGS OF THE NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION APRIL 1975 - MAY 1976

First Meeting: April 24 - 25, 1975 — Arlington, Virginia

Swearing in Ceremony and Principal Address	Judge Harold R. Tyler, Deputy Attorney General of the United States

Briefings

Speaker	Topic
Richard W. Velde, LEAA Administrator	LEAA--Objectives and Programs
Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Task Group*	1974 Juvenile Justice & Delinquency Prevention Act
Birch Bayh, Member, United States Senate, Chairman, Subcommittee to Investigate Juvenile Delinquency	Luncheon Address
John Greacen, Deputy Director, National Institute of Law Enforcement and Criminal Justice	Status of the Institute

Second Meeting: July 17 - 18, 1975 — Chicago, Illinois

Frederick P. Nader, Acting Deputy Assistant Administrator, OJJDP	Task Group Activities, Special Emphasis Program
Emily Martin, Director, LEAA Special Emphasis Program	Conceptualization and Strategy of Program
John Greacen, Acting Director, National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP)	National Institute Activities
Thomas Albrecht, LEAA Law Enforcement Specialist	Concentration of Federal Effort

* Later to become the Office of Juvenile Justice and Delinquency Prevention. (OJJDP)

Charles Murray, American Institutes of Research	Federal Juvenile Justice and Delinquency Programs: Developing Reporting and Information Systems
Frank Zimring, University of Chicago School of Law	Federal Programs and Their Impact on Juvenile Delinquency
Mike Sherman, Hudson Institute	Long Range Planning in Law Enforcement

Third Meeting: October 30 - 31, 1975 Denver, Colorado

Speaker	Topic
Frederick P. Nader, Acting Deputy Assistant Administrator, OJJDP	Activities since July
John Greacen, Acting Director, NIJJDP	Relationship Between NAC and Advisory Group on Standards

Review and Discussion of Zimring paper, "Dealing with Youth Crime"

Reports of the Subcommittees

Wilfred Nuernberger, Chairman, Advisory Committee on Standards

Albert Reiss, Jr., Chairman, Advisory Committee for the National Institute

John Florez, Chairman, Advisory Committee on the Concentration of Federal Effort

Fourth Meeting: January 29 - 30, 1976 San Francisco, California

Reports of the Subcommittees by the Chairmen

Speaker	Topic
Lamar Empey, Professor of Sociology, University of Southern California	Presentation: Juvenile Delinquency Prevention
Frederick P. Nader, Acting Deputy Assistant Administrator, OJJDP	Review of the draft outline of of the Comprehensive Plan

Paul Williams, Director, Office of Administrative and Program Services in Housing Management, Department of Housing and Urban Development (HUD)	Youth in Public Housing
Gary Weissman, Chief, Offender Programs, Department of Labor	Labor Department Programs for Youth
Carl Hampton, National Institute on Drug Abuse	Youth and Hard Drugs
Ray Manella, Office of Youth Development (OYD), Department of Health, Education, and Welfare (HEW)	Coordination of Efforts with HEW
James Howell, Acting Director, NIJJDP	Coordination Strategies
Richa[illegible]. Velde, Administrator, LEAA	LEAA Program Authority
Walter Whitlach, President, National Council of Juvenile Court Judges	The Role of the Juvenile Court
Don Galloway, Coordinator, Law and Justice Services, Los Angeles County	Project IMPACT

• Fifth Meeting: May 5 - 7, 1976 Seattle, Washington

Speaker	Topic
Milton Luger, Assistant Administrator OJJDP	Update on the activities of the Office of Juvenile Justice and Delinquency Prevention
John Wilson, Office of General Counsel, LEAA	Review of positions of public interest groups on the reauthorization of the Crime Control Act and the Juvenile Justice and Delinquency Prevention Act
John Rector, Staff Director and Chief Counsel, Senate Subcommittee on Juvenile Delinquency	Current legislation from the perspective of congressional committee and subcommittee activities

Donald Gibbons, Professor of Sociology and Urban Studies, Portland State University, and Director of the National Education Development Project	Diversion of Youth from the Criminal Justice System
Jeanne Weaver, OYD-HEW	Review of OYD's Runaway Youth Program

Panel discussion by Washington State officials regarding activities within the Seattle Region:

Ed Pieksma, Seattle Regional Office
Patricia Anderson, Washington State Juvenile Justice Advisory Committee
Ajax Moody, Oregon State Supervisory Board
Robert Arneson, Director, Idaho State Planning Agency

Judge Anderson to Attend Meeting in Virginia

(By Carolyn Toops)

Vigo Circuit Court Judge C. Joseph Anderson, who was appointed by President Gerald Ford last month to serve on the 21-member National Advisory Committee for Juvenile Justice and Delinquency Prevention, will attend the committee's first meeting on April 24 and 25 in Arlington, Va.

The meeting was called by the chairman, J. D. Anderson, president of Guarantee Mutual Life Insurance Co., Omaha, Neb. Judge Anderson is the only Hoosier to be named to the group. His name had been submitted by Senator Birch Bayh (D-Ind.) The committee was established by Public Law 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974, sponsored in the Senate by Sen. Bayh.

Rep. John Myers (R-7th Dist. Ind.) concurred with Anderson's appointment in a letter to the White House.

The committee will make recommendations to the Administrator of the Law Enforcement Administration (LEAA) at least annually as to planning, policy, priorities, operations and management of all Federal juvenile delinquency programs.

Through subcommittees, the committee will also:

—serve as an Advisory Committee for the National Institute of Juvenile Justice and Delinquency Prevention.

—serve as an Advisory Committee to the LEAA Administrator on standards for the administration of juvenile justice.

Advise, at the Administrator's option, on other particular functions or aspects of juvenile justice.

The LEAA operates within the U.S. Department of Justice. Richard W. Velpe is the Administrator.

The committee is required to meet at least four times annually. Members were appointed by the president because of their knowledge and experience in areas of juvenile justice and delinquency prevention. At least seven members must be under the age of 26 at the time of their appointment, and a majority cannot be public officials.

Members of the Coordinating Council on Juvenile Justice and Juvenile Delinquency will be ex-officio members of the committee.

The Juvenile Justice and Delinquency Prevention Act of 1974 authorizes a $380 million program over three fiscal years designed to combat juvenile delinquency and improve juvenile justice. Far-ranging new grant programs were also authorized to combat delinquency and assist runaway youth by the legislation.

Vigo Judge Named to Panel

Washington (AP).—President Ford has named Vigo Circuit Court Judge Joe Anderson to the 21-member National Advisory Committee on Juvenile Justice and Delinquency Prevention, Sen. Birch Bayh, D-Ind., announced yesterday. The committee was established under Bayh's Juvenile Justice and Delinquency Act signed into law last year.

Minutes of the First Meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention: April 24 and 25, 1975

Those in attendance

National Advisory Committee members

Mr. J. D. Anderson, Chairman, Omaha, Nebr.; Judge C. Joseph Anderson, Terre Haute, Ind.; Mr. Augustine C. Baca, Albuquerque, N. Mex., Mr. Allen F. Breed, Sacramento, Calif.; Mr. William R. Bricker, New York, N.Y.; Mr. Richard C. Clement, Toms River, N.J.; Dr. Wilmer S. Cody, Birmingham, Ala.; Mr. John Florez, Salt Lake City, Utah; Dr. Alyce Gullattee, Washington, D.C.; Judge William P. Hogoboom, Los Angeles, Calif.; Mr. Robert B. Martin, Memphis, Tenn.; Mr. A. V. Eric McFadden, Boston, Mass.; Mr. Edwin Meese III, Chula Vista, Calif.; Dr. George H. Mills, Hauula, Hawaii; Ms. Joan Mykelbust, Long-

view, Wash.; Judge Wilfred W. Nuernberger, Lincoln, Nebr.; Mr. Michael Olson, Pittsburgh, Pa.; Dr. Albert Reiss, Jr., New Haven, Conn.; Ms. Cindy Ritter, Mowbridge, S. Dak.; Mrs. Flora Rothman, Bayside, N.Y., and Mr. Bruce Stokes, Wilmington, Del.

Law Enforcement Assistance Administration staff members

Mr. Richard W. Velde, Administrator, LEAA; Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Task Group, LEAA; Mr. John Greacen, Deputy Director, National Institute of Law Enforcement and Criminal Justice, LEAA; and Mr. Thomas Albrecht, Juvenile Justice and Delinquency Prevention Task Group, LEAA.

MINUTES

A reception and banquet was held the evening of April 24, 1975, at which the Committee members became acquainted and were subsequently sworn in by Deputy Attorney General Harold R. Tyler, Jr. Mr. Tyler was the principal speaker and discussed the role of the Committee, the aim of the Juvenile Justice and Delinquency Prection Act, and some of the problems it is meant to address.

The first official meeting of the National Advisory Committee on Juvenile Justice and Delinquency Prevention (NAC), established by Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93–415), was held on April 25, 1975, at the Ramada Inn, Arlington, Virginia. In attendance were the 21 NAC members, representatives from the Law Enforcement Assistance Administration (LEAA) and other Federal agencies with delinquency related programs, and interested representatives from public and private groups as well as the general public.

Mr. J. D. Anderson, NAC Chairman, called the meeting to order and introduced Mr. Richard W. Velde, Administrator of LEAA. After swearing in NAC member Allen Breed, and presenting him with his Presidential Commission, Mr. Velde presented an overview of the history, purpose, administration and activities of LEAA. Mr. Velde described the work of the NAC as follows:

1. To assist LEAA in the preparation of the reports and recommendations to the President and Congress.
2. To provide advice, counsel and recommendations on the formulation of the LEAA Juvenile Justice and Delinquency Prevention program.
3. To assist in the development of standards for the Administration of Juvenile Justice.
4. To provide advice, counsel and recommendations to the Institute for Juvenile Justice and Delinquency Prevention in the development of their program.

Mr. Velde pointed out that the NAC activities will impact state and local criminal justice agencies, professionals, managers and the general public, as well as LEAA, as various approaches are developed to deal with the problems of juvenile justice and delinquency prevention.

Following Mr. Velde's presentation, Chairman Anderson asked the members to introduce themselves and to show a brief summary of the experiences and special interests within the juvenile justice field.

At the conclusion of the member introductions, Chairman Anderson introduced Mr. Frederick Nader, Acting Assistant Administrator of the LEAA Juvenile Justice and Delinquency Prevention Task Group. This Task Group, the staff of which was introduced to the Committee members, has responsibility for the development and implementation of objectives and programs within LEAA. Mr. Nader made a presentation on P.L. 93–415, including a comparison with the enabling legislation for LEAA, the Crime Control Act of 1973.

A luncheon for the members was highlighted by an address by Senator Birth Bayh of Indiana. Senator Bayh serves on the Senate Appropriations Committee, the Senate Judiciary Committee, the Constitutional Rights Subcommittee, and chairs the Subcommittee to Investigate Juvenile Delinquency. In his remarks the Senator offered his congratulations to the members on their appointments, along with his encouragement and support for their efforts. He described some of the areas which he hoped the Committee would address including efforts to increase public awareness of the legislation which he feels will contribute to full implementation of the statute.

During the afternoon session, Mr. Nader and Mr. John Greacen, Deputy Director of the National Institute of Law Enforcement and Criminal Justice (NILECJ), provided the Committee an update of the current funding level, activities and programming within LEAA for juvenile justice. It was reported

that under the Crime Control Act of 1973, LEAA had allocated a certain amount of resources to juvenile justice. Prior to the passage of the new authority, these resources were managed by separate divisions within the LEAA organization. The creation of the Task Group consolidated these resources, and they are being utilized to develop and implement those programs and activities required by P.L. 93-415 which are at the same time mandated by the Crime Control Act of 1973.

Following these presentations the Committee discussed their statutory responsibilities to, serve as subcommittees for 1) The Development of Standards for the Administration of Juvenile Justice, and 2) The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention. The Committee then proceeded to discuss its overall role as seen by the various members. Several additional activities for the Committee were suggested, including involvement in the funding process, public information, and coordination of the Federal effort in conjunction with the Coordinating Council on Juvenile Justice and Delinquency Prevention. Before leaving this topic, each member completed a questionnaire designed to indicate their specific interest in sub-committee activities.

A motion was made to have Mr. Anderson communicate to the President that the NAC is concerned that "Any government funds to be made available this summer for youth employment, youth programs or youth opportunities, be released as soon as possible, so that private and public agencies implementing these programs will have time to put them into effect." The motion was recorded and passed by the full Committee.

The Committee agreed to have its next meeting on July 17 and 18, 1975, at a location to be determined.

The meeting was adjourned at 4:05 P.M.

J. D. ANDERSON, *Chairman.*

MINUTES OF THE SECOND MEETING OF THE NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JULY 17 AND 18, 1975

ATTENDEES

National Advisory Committee members

Mr. J. D. Anderson, Chairman, Omaha, Nebr.; Judge C. Joseph Anderson, Terre Haute, Ind.; Mr. Augustine C. Baca, Albuquerque, N. Mex.; Mr. Allen F. Breed, Sacramento, Calif.; Mr. William R. Bricker, New York, N.Y.; Mr. John Florez, Salt Lake City, Utah; Dr. Alyce Gullattee, Washington, D.C.; Mr. Robert B. Martin, Memphis, Tenn.; Mr. A. V. Eric McFadden, Boston, Mass.; Dr. George H. Mills, Hauula, Hawaii; Mrs. Joan Kjer, Lacey, Wash.; Mrs. Cindy Moser, Mobridge, S. Dak.; Judge Wilford W. Nuernberger, Lincoln, Nebr.; Mr. Michael Olson, Pittsburgh, Pa.; Dr. Albert Reiss, Jr., New Haven, Conn.; Mrs. Flora Rothman, Bayside, N.Y., and Mr. Bruce Stokes, Wilmington, Del.

Law Enforcement Assistance Administration Staff Members:

Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Task Group, LEAA; Mr. John Greacen, Acting Deputy Assistant Administrator, National Institute for Juvenile Justice and Delinquency Prevention, LEAA; Mr. Thomas Albrecht, Juvenile Justice and Delinquency Prevention Task Group, LEAA; Dr. Sherman Day, Director, National Institute of Corrections, LEAA; Mr. Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention, LEAA; and Ms. Emily Martin, Director, Special Emphasis Program, LEAA.

MINUTES

The second official meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC), established by Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) was held on July 17 and 18, 1975, at the Chicago Marriott Motor Hotel in Chicago, Illinois. In attendance were 17 NAC members, representatives from the Law Enforcement Assistance Administration (LEAA) and other Federal agencies with delinquency related programs, and interested representatives from public and private groups, as well as the general public.

Mr. J. D. Anderson, NAC Chairman, called the meeting to order. After the minutes of the first meeting of the NAC were unanimously approved, Mr. Anderson introduced Mr. Frederick Nader, Acting Assistant Administrator of the LEAA Juvenile Justice and Delinquency Prevention Task Group. Mr. Nader presented both a review of the activities of the Task Group since the first NAC meeting, and a detailed picture of activities planned to comply with the requirements of the Act. Mr. Nader's presentation included the following areas:

1. Special Emphasis Program Guidelines and Program Plans
2. A discussion with Committee members on definitions of such terms as status offender vs. criminal offender

Following Mr. Nader's presentation and a question-and-answer period, Chairman Anderson then introduced Ms. Emily Martin, Director of LEAA's Special Emphasis Programs. Ms. Martin explained that, over the last six months, the task group has been conceptualizing a strategy for carrying out the objectives of the Special Emphasis Grant Programs. These programs, as described in the Act, must be aimed at the development of new and effective approaches in the area of juvenile delinquency. The Act requires (1) the development and maintenance of community-based alternatives and deinstitutionalization, (2) diversion from the juvenile justice system, and (3) improvement of the capability of public and private agencies to deal with the problem of juvenile delinquency.

Based on these requirements, the staff has chosen four priority initiative areas for Special Emphasis Grants. These are, in order of proposed guideline development and funding: status offenders; diversion; reduction of serious crime; and prevention of juvenile delinquency. Guidelines for the Status Offenders Program have been issued, and full applications are due in LEAA by August 15; an award is expected to be made by the end of October.

Chairman Anderson then introduced Mr. John Greacen, Acting Deputy Assistant Administrator of the National Institute for Juvenile Justice and Delinquency Prevention. Mr. Greacen described the activities of the Institute since the last meeting. These activities included:

1. Working towards the establishment of a publications program for the Institute.
2. A grant award for planning for evaluation of the diversion program.
3. Laying groundwork for the development of a major initiative in the areas of serious crime and prevention.
4. Beginning a standards program.
5. Developing an evaluation clearinghouse.
6. Creating an assessment center.
7. Beginning a longitudinal cohort study of delinquency and factors correlated with it.

Following a short question-and-answer period, Mr. Frederick Nader then returned to review state activities. He discussed the $25 million fund allocation to LEAA, explaining that $15 million must be obligated by August 15, and the remaining $10 million by December 31. He then described those requirements which states must meet if they are to receive funding for various LEAA programs.

After a luncheon break the committee meeting resumed. Ms. Emily Martin returned to discuss in some detail the Status Offender Program, the first of the Special Emphasis Program initiatives. Included in her discussion was a review of the entire grant review process within LEAA. Again, Ms. Martin responded to questions from the members.

Chairman Anderson then called on Mr. Thomas Albrecht to report on the concentration of Federal effort for the identification of Federal priorities. He explained the major responsibilities of the three primary organizations involved in the coordination—LEAA, the NAC, and the Coordinating Council on Juvenile Justice and Delinquency Prevention. Also included in Mr. Albrecht's report was a review of the first meeting of the Coordinating Council, along with a brief overview of several contracts awarded by LEAA.

In connection with these contracts, Mr. Albrecht introduced Dr. Charles Murray of the American Institutes of Research. Dr. Murray is preparing a report on Federal activity in the area of juvenile justice and delinquency prevention; among other things, his report will discuss the nature of Federal effort in this area, the relationship of these efforts to priorities, and the coordination of expenditures and program activities. The ultimate goal will be to develop an integrated reporting and information system which will eventually include routinely collected data on all projects at the local, state and Federal levels, including outcome information.

Mr. Albrecht then introduced Dr. Frank Zimring of the University of Chicago, School of Law. Dr. Zimring is preparing a "Bright Paper" for the Coordinating Council. This paper is intended to summarize current knowledge about the relationship of delinquency to various types of Federally supported program activities, and will identify some substantive areas of current importance. Based on this paper, the Coordinating Council will then be in a position to select a limited number of items on which to focus its attention over the next two years.

Finally, Mr. Albrecht introduced Mr. Mike Sherman of the Hudson Institute. Mr. Sherman presented a report on a study in progress entitled "Long Range Planning in Law Enforcement, 1975–85." The goals of the study are (1) to identify and project basic social and economic trends which may influence LEAA's mission over the next five to ten years; (2) to formulate and evaluate, alternatives for the future, and (3) to analyze policy implications, both for juvenile and adult enforcement in these projections.

This first day of the second meeting was then adjourned. On the second day, July 18, members met together briefly to receive directions for the conduct of three subcommittee meetings. Four major tasks were outlined by Chairman Anderson:

1. All members of each subcommittee will have a common understanding of the tasks.
2. Subcommittee objectives will be established.
3. Activities will be planned.
4. A time frame for completion of activities and tasks will be set.

At this juncture, members separated into different meeting rooms for four hours of subcommittee discussions.

After lunch the full committee met again as a whole. A representative from each subcommittee then reported on his or her committee's activities, as follows:

1. *Subcommittee for the National Institute for Juvenile Justice and Delinquency Prevention.*—Reported by Dr. Albert Reiss:

The subcommittee dealt with the areas of evaluation, information functions, system models, training, evaluation clearinghouse, assessment center, and coordination with other law enforcement institutes.

They then developed a series of recommended activities to be carried out under each of these areas.

2. *Subcommittee on Standards.*—Reported by Judge Wilford Nuernberger:

The subcommittee reviewed its charge, as stated in the legislation, including the requirement of a report no later than one year after passage of the Act. Subcommittee members felt that the due date of September 7 for such a report would be difficult to meet, given the fact that the subcommittee only met for the first time on this late date in July.

In their first report, the members plan to:

Recommend a time extension within which to submit a comprehensive report on standards and goals.

Request legislative changes which would establish this body as an on-going committee which will submit annual reports.

Recommend establishment of an administrative staff to review data on standards, and the budgeting of Federal money to support this staff.

Indicate a plan for submission of some standards within six months, and a detailed report by September 1976.

The subcommittee members see their responsibility as one of approving standards and making recommendations to the LEAA Administrator.

3. *Liaison with the Coordinating Council.*—Reported by Mr. John Florez:

The subcommittee members see a two-fold role: One, serving as a "watch dog" to monitor and audit the activities of the Coordinating Council; and two, keeping the public aware of critical issues in the area. In terms of reports, the committee plans a September 30 report in the form of a state-of-the-act paper, based on what is now taking place in the Federal system. By October 30, there will be a report on Dr. Zimring's work, followed by a December 15 report analyzing his paper and discussing the next phase of activities.

At the conclusion of these subcommittee reports, members then agreed to schedule the third NAC meeting for October 30 and 31, 1975, at a location to be determined. Members also discussed their ideas on future meeting agenda, including a request for receipt of relevant background materials in advance of the meeting to allow for review and familiarity with all information.

The meeting was adjourned at 4:30 p.m.

MINUTES OF THE THIRD MEETING, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OCTOBER 30–31, 1975

The third meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) was held on October 30 and 31, 1975, at the Airport Hilton Inn in Denver, Colorado. All 21 members of the NAC were in attendance.

Also in attendance were Mr. Milton Luger, Assistant Administrator (designee), Office of Juvenile Justice and Delinquency Prevention; Mr. Frederick P. Nader, Acting Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention; Mr. John Greacen, Acting Deputy Assistant Administrator, National Institute for Juvenile Justice and Delinquency Prevention; Mr. Thomas Albrecht, Law Enforcement Specialist; Mr. Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention; Ms. Emily Martin, Director, Special Emphasis Programs; Ms. Marjorie Miller, Staff Assistant; Mr. Paul Williams, Director, Office of Administrative and Program Services in Housing Management, DHUD; Mr. Ray Manella, Office of Human Development, DHEW; and Mr. Gary Weissman, Chief, Offenders Program DOL.

The meeting, which was open to the public, was also attended by approximately 20 additional interested persons, representing public and private groups concerned with juvenile justice and delinquency prevention.

After the minutes of the second NAC meeting were approved unanimously, Chairman Anderson introduced Mr. Frederick P. Nader, Acting Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention. Mr. Nader began his report with a description of the "First Annual Report on the Office of Juvenile Justice and Delinquency Prevention." He then reviewed other OJJDP activities, plans, and related events. This review included: the announcement of the nomination of Mr. Milton Luger to serve as Assistant Administrator for Juvenile Justice and Delinquency Prevention; the signing by the President, on October 21, of LEAA's FY76 budget authorization; and, the pending reauthorization of LEAA. Finally, Mr. Nader described recent Special Emphasis Program activities.

Following Mr. Nader's presentation and a question-and-answer period, Chairman Anderson then introduced Mr. John Greacen, Acting Deputy Assistant Administrator, National Institute for Juvenile Justice and Delinquency Prevention. Mr. Greacen presented to the Committee a response to their July request for clarification of the relationship between the Standards Committee and the full NAC. He explained that, after discussions with General Counsel, LEAA staff had prepared a detailed statement of procedures which would govern the operation of the Standards Committee. This statement was reviewed and modified by the Standards Committee during its October 29 meeting. These modified procedures state that any standards developed by the Committee on Standards must be submitted to the entire NAC for general endorsement.

The Committee conducted a lengthy discussion of Dr. Franklin Zimring's recently prepared policy analysis paper, entitled "Dealing with Youth Crime." Mr. Nader began the discussion by summarizing the major purposes of the document. Committee members then presented their views on the paper. In general, members felt that it was too general in nature and too limited in scope. Mr. Nader explained to the members that the paper was not yet in its final form, and that Professor Zimring had indicated his desire for additional time, in order to include some additional ideas and points.

In this connection, Mr. Albrecht reported that the Coordinating Council subcommittee members will meet with Professor Zimring prior to the January NAC meeting to discuss not only the contents of the paper, but also to develop an appropriate Council work plan based on the paper's ideas. Mr. Martin then suggested that all Committee members should prepare their comments, criticisms, and suggestions on the paper and forward them to Mr. Albrecht. Their input would provide committee members with more specific information on which to base their questions and discussions with Dr. Zimring.

Committee members spent the afternoon of October 30 in subcommittee meetings. When the full Committee reconvened on the morning of October 31, subcommittee chairmen reported on each subcommittee's activities. Their reports are summarized as follows:

Judge Wilfred Nuernberger, Chairman, Subcommittee on Standards

The Subcommittee reviewed the Zimring Paper in detail, concluding that it was a "thought-provoking" document which they "believe will be helpful to the standards group in its work. The group then considered several standards, approved five, and deferred action on several others.

A written report on the activities of the subcommittee, as well as the standards which it approves, will be prepared and distributed to all NAC members.

Dr. Albert Reiss, Jr., Chairman, Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention

Subcommittee members agreed that one of their major tasks will be to develop policies designed to assist Institute staff in the development of a funding program.

Subcommittee members expressed their concern over the lack of knowledge of program and policies in other parts of the world. They plan to enlist foreign scholars and practitioners to inform the Committee of foreign activities.

At the next subcommittee meeting, members plan to discuss prevention policy and to develop a policy statement dealing with goals and strategies for delinquency prevention.

Mr. John Florez, Chairman, Liaison with the Coordinating Council for Juvenile Justice and Delinquency Prevention

The committee developed a work plan based on its mandate to bring about coordination and concentration of Federal effort, with the overall goal of maximizing Federal resources toward the reduction of youth crime.

Members agreed that the Zimring Paper offers some policy options around which the Coordinating Council can operate. It is now LEAA staff responsibility to further refine these policy options and present them to the Council.

The full Committee then moved to a discussion of the development of youth involvement in the NAC. Mr. Nadar related a conversation held with the younger NAC members; these members feel that many Committee discussions are conducted in unfamiliar terms. These members would welcome an opportunity to meet with LEAA staff in Washington, in order to learn more about the substantial issues in delinquency. Hopefully, this would lead to more active youth participation on the Committee. Chairman Anderson urged LEAA to arange such a gathering for those members.

The Committee members agreed to conduct the next NAC meeting in San Francisco on January 29–30, 1976. This meeting will be devoted to the preparation of the first comprehensive plan. Committee members then attended workshops on delinquency prevention programs operating within the Region.

Chairman Anderson adjourned the third meeting of the NAC at 4:30 p.m. on Friday, October 31, 1975.

MINUTES OF THE FOURTH MEETING, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JANUARY 29–30, 1976

The fourth meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) was held on January 29, 30, 1976, at the Trave-Lodge, in San Francisco, California. All 21 members of the NAC were in attendance.

Also in attendance, from LEAA, were: Mr. Milton Luger, Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention; Mr. Frederick P. Nader, Acting Deputy Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention; Dr. James Howell, Acting Director, National Institute for Juvenile Justice and Delinquency Prevention; Mr. Thomas Albrecht, Law Enforcement Specialist; and Mr. Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention. Representatives of other Federal agencies in attendance were: Mr. Paul Williams, DHUD; Mr. James A. Hart, DHEW; Mr. Ray Manella; Mr. Gary Weissman, DOL; and Mr. Carl Hampton, NIDA.

The meeting, which was open to the public, was also attended by approximately 40 additional interested persons, representing public and private groups concerned with juvenile justice and delinquency prevention.

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To officially open this fourth meeting, Chairman J. D. Anderson asked the chairman of each NAC subcommittee to review the activities of their respective committees, each of which had held meetings prior to the opening of the full Committee meeting. These committee reports are summarized as follows:

Dr. Albert Reiss, Jr., Chairman, Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention

The committee members discussed policies and objectives appropriate for the Institute, and reviewed the Institute's plan for FY76. Members felt that too little emphasis is being placed on delinquency prevention, and too much on juvenile justice. In their view, the NAC and its other subcommittees can do much to help create a greater balance of effort between delinquency prevention and juvenile justice. At the same time, members offered suggestions designed to encourage the development of closer working relationships between the various committees.

Following Dr. Reiss' report, Dr. Lamar Empey, of the University of Southern California, presented a brief summary of his remarks made during his presentation at the January 28 meeting of the Institute Committee.

Judge Wilfred Nuernberger, Chairman, Committee on Standards

At their January 29 meeting, committee members approved twelve standards, and held discussions on three additional standards. They plan to prepare a discussion paper dealing with an implementation strategy for adoption of the standards.

The members also discussed the matter of coordination of standards and the need to work with the Coordinating Council committee on the development of this implementation policy. Finally, the group voiced their concern over the lack of coordination between the various groups throughout the country which are dealing with standards. The committee will develop a statement dealing with coordination of the various standard-setting activities concerned with juveniles.

Mr. John Florez, Chairman, Liaison with the Coordinating Council for Juvenile Justice and Delinquency Prevention

Subcommittee members agreed that the most recent meeting of the Coordinating Council was very encouraging. Agency representatives to the Council provided useful feedback as a result of their review of LEAA's policy issue paper. In addition, a sense of leadership has developed within the Council, along with greater involvement by its member agencies.

One of the items to be discussed at the next Council meeting is the questions of coordination of state and local governments. What role can the NAC play, and how can LEAA begin effecting that coordination? The committee urged the Chairman to communicate their interest in coordination of Federal effort to the White House.

Following the committee reports, Mr. Frederick P. Nader, Acting Deputy Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, presented a review of the draft outline of the Comprehensive Plan for Federal Juvenile Justice and Delinquency Prevention Programs. As described by Mr. Nader, the goal of this Comprehensive Plan will be to pull together all available Federal, state, and local resources, so that the targeted population will receive the full benefit of those resources. Mr. Nader described in detail the various sections of the Plan, which was to be completed in late February and submitted to Mr. Velde, who in turn would then submit it to the President and the Congress.

Representatives of other Federal agencies then shared with the NAC their respective agency perceptions of the Concentration of Federal Effort. Those agencies represented were the Department of Housing and Urban Development, the Department of Labor, the National Institute on Drug Abuse, and the Department of Health, Education and Welfare.

To open the Friday session of the meeting, Chairman Anderson introduced Mr. Richard W. Velde, Administrator of LEAA. Mr. Velde reviewed the status of LEAA's reauthorization and proposed five-year extension. Included in his remarks was an explanation of budgeting considerations related to the reauthorization.

Judge Walter Whitlach, President of the National Council of Juvenile Court Judges, also addressed the Committee. Judge Whitlach praised the purposes and the members of the Committee, and then offered some reflections on the juvenile

justice system of today. Following Judge Whitlach's address, and a question-and-answer period, Mr. Don Galloway, Director of Project IMPACT, in Los Angeles County, California, provided the Committee with a comprehensive description of this LEAA-funded project.

After Mr. Galloway's presentation, Chairman Anderson introduced Mr. John Rector, Staff Director and Chief Counsel for the Senate Subcommittee on Juvenile Delinquency. Mr. Rector delivered brief remarks dealing with the history of the Juvenile Justice and Delinquency Prevention Act.

Chairman Anderson praised outgoing NAC Member, Mr. A. Chris Baca, for his outstanding contributions to the Committee, and announced that the remaining six members of the NAC, originally appointed to one-year terms, will be recommended for reappointment to full four-year terms. The Committee then unanimously approved the adoption of a resolution commending Mr. John M. Greacen for his invaluable contributions to the Committee and to the National Institute for Juvenile Justice and Delinquency Prevention.

After a discussion of dates for the convening of the next two regular NAC meetings, and a few brief announcements, Chairman Anderson adjourned the fourth meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

MINUTES OF THE FIFTH MEETING

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

May 5 - 7, 1976
Seattle, Washington

The fifth meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) was held on May 5, 6, and 7, 1976, at the Seattle Hilton Hotel in Seattle, Washington. Eighteen of the twenty-one members of the NAC were in attendance.

In attendance from LEAA, were: Mr. Milton Luger, Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP); Mr. Frederick P. Nader, Acting Deputy Assistant Administrator, OJJDP; Dr. James Howell, Acting Director, National Institute for Juvenile Justice and Delinquency Prevention; Mr. Thomas Albrecht, OJJDP; Mr. Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention; Ms. Betty Chemers, National Institute for Law Enforcement and Criminal Justice; and, Mr. John Wilson, Office of General Counsel. Representing other Federal agencies were: Mr. Paul Williams, HUD; Ms. Irene Pindle, Department of Labor; and Ms. Jeanne Weaver, HEW.

The meeting, which was open to the public, was also attended by LEAA Region X staff members, including Mr. Bernard Wincowski, Regional Administrator, and by approximately 20 additional interested persons, representing public and private groups concerned with juvenile justice and delinquency prevention.

To open this fifth meeting, NAC Chairman J. D. Anderson called on Mr. Milton Luger to present an update of the activities of the Office of Juvenile Justice and Delinquency Prevention since January. Mr. Luger reviewed the current status of State involvement in the Juvenile Justice program. He then detailed activity in the Special Emphasis program, including a review of those discretionary initiatives planned for the next 2 years. Finally, Mr. Luger detailed two requests for proposals (RFPs) to be released shortly, which will provide an estimated $3 million for technical assistance to LEAA grantees.

Following Mr. Luger's report, the Committee established the following schedule for future meeting dates:

July 14 - 15:	Executive Committee Omaha, Nebraska

August 26 - 28:	Meeting VI Durham, New Hampshire
December 8 - 10	Meeting VII New York City
February 16 - 18: (1977)	Meeting VIII Atlanta, Georgia

Chairman Anderson then asked the chairman of each NAC subcommittee to review the activities of those groups, each of which had held meetings prior to the opening of the full committee meeting. These committee reports are summarized as follows:

- Judge Wilfred Nuernberger, Chairman, Advisory Committee on Standards:

  The Standards Committee has completed work on a general implementation statement. The full Committee was asked to review the draft and submit written comments to the subcommittee for consideration. During the Seattle meeting, the Standards Committee reviewed and approved 19 draft or revised standards in the areas of court jurisdiction, noncriminal misbehavior, intake criteria and procedures in delinquency and noncriminal behavior cases, detention criteria and procedures in delinquency cases, and the dispositional criteria and dispositional alternatives available to the family court.

  Following completion of standards in the adjudication area, the committee will focus on prevention standards, followed by those for intercession, supervision, services, and administration.

  Finally, the committee recommended that there should be incorporated into the Juvenile Justice Act a provision that (1) embodies the initial recommendation of the Standards Committee that it play an ongoing role in overseeing the implementation effort, and (2) reassesses the standards in light of experience and additional research.

- Dr. Albert Reiss, Jr., Chairman, Advisory Committee for the National Institute:

  The Institute Committee's main activity was to review the National Institute program plan report, with the goal of suggesting ways to place less emphasis on past accomplishments and funding, and more emphasis on future program objectives. Attention was also given to: (1) issues involved in evaluating the juvenile justice and delinquency prevention discretionary programs and plans; (2) Institute-sponsored basic research,

particularly in the prevention area; and (3) issues related to the development of assessment centers for the gathering, assessment, synthesis, and dissemination of knowledge in the juvenile delinquency field.

- Mr. John Florez, Chairman, Advisory Committee on the Concentration of Federal Effort:

  The Committee feels that significant progress has been made to date by the Coordinating Council and that the member agencies are now communicating with one another. However, while the responsibility to implement the Concentration of Federal Effort rests with the agencies in Washington, the actual powers to coordinate are at the Regional, State, and local levels. To enhance coordination at the various levels, the Committee recommends that the Office of Management and Budget be considered for involvement with the Council.

  State planning agency representatives from Region X met with the subcommittee and identified some of their problems, including conflicting deadlines, inconsistent Federal guidelines, and insufficient coordination among various Federal juvenile programs. To help solve these problems, the Committee suggested the development of an experimental program within one jurisdiction, to allow for "maximum flexibility at the lowest possible level within the jurisdiction; simplification of redtape, guidelines, and requirements; and to test our coordinating mechanisms to the absolute limits of the planning process." This program should be designed to impact on all Federal programs for youth operating within that jurisdiction, with the goal of determining those changes necessary to improve the flow of resources from the Federal Government to the local areas of need.

Following the Committee reports and a brief discussion of the draft First Annual Report of the NAC, Chairman Anderson called on Mr. Luger to discuss the reauthorization of the Juvenile Justice and Delinquency Prevention Act. Mr. Luger explained that there are difficulties in reporting on proposed modifications and changes to the Act. Until the final bill has been presented by the Administration to the Congress, staff is constrained from commenting on it. Mr. Luger then introduced Mr. John Wilson, of LEAA's Office of General Counsel, who presented a review of positions taken by public interest groups on the reauthorization of both the Crime Control Act and the Juvenile Justice and Delinquency Prevention Act.

Following Mr. Wilson's report, Mr. John Rector, Staff Director and Chief Counsel for the Senate Subcommittee on Juvenile Delinquency, was

introduced to speak on both bills from the perspective of congressional committee and subcommittee activities.

Following dinner on the evening of May 6, the Committee heard an address by Dr. Donald Gibbons, Professor of Sociology and Urban Studies at Portland State University, and Director of the LEAA-funded National Education Development Project. Dr. Gibbons spoke on the diversion of youth from the criminal justice system.

To open Friday's session, Mr. Lugar elaborated on his earlier review of planned Special Emphasis grant initiatives. Mr. Nader followed with a detailed discussion of the diversion initiatives, including the guideline definition of diversion, funding requirements, and proposed evaluation criteria.

At the conclusion of Mr. Nader's report, four regional representatives presented a panel discussion of activities within the Seattle region. The panel, introduced by Mr. Ed Pieksma, Juvenile Justice Specialist in LEAA's Seattle Regional Office, included: Dr. Patricia Anderson, Chairman, Washington State Juvenile Justice Advisory Committee; Mr. Ajax Moody, Chairman, Juvenile Delinquency Committee, Oregon State Supervisory Board; and Mr. Robert Arneson, Director, Idaho State Planning Agency. All panel members discussed their State's activities and identified problems with respect to their involvement with the Juvenile Justice Act. A lengthy question-and-answer period followed the panel discussion.

Following luncheon, Ms. Jeanne Weaver, of the Office of Youth Development, HEW, presented a review of the Runaway Youth Program that office administers. Ms. Weaver concluded her talk with a slide presentation on runaway youth.

Following discussions on various topics by Committee members and LEAA staff, Chairman Anderson reported on a Committee resolution as follows:

> The participation of regional representatives and State Planning Agency representatives has made a great contribution to the value and effectiveness of our meeting. We should continue to solicit local input and participation in future meetings.

Chairman Anderson officially adjourned the fifth meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention on Friday, May 7, 1976, at 3:30 p.m.

LIST OF SUBCOMMITTEES AND MEMBERS

Advisory Committee on the Concentration of Federal Effort

C. Joseph Anderson

William R. Bricker

John Florez (Chairman)

Robert Bradley Martin

Edwin Meese, III

Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice

Allen F. Breed

Richard C. Clement

Alyce C. Gullattee

A. V. Eric McFadden

Wilfred W. Nuernberger (Chairman)

Advisory Committee for the National Institute

Augustine Chris Baca

Wilmer S. Cody

William P. Hogoboom

Albert Reiss, Jr. (Chairman)

Flora Rothman

BIOGRAPHIES OF COMMITTEE MEMBERS

J. D. ANDERSON
Chairman

Mr. Anderson, Chairman of the National Advisory Committee, is 61 and a resident of Omaha, Nebraska. He is married and the father of four children, ages 21 to 33; he also has two grandsons.

Mr. Anderson has been involved in the life insurance management business for the last 38 years, and is President of Guarantee Mutual Life Company in Omaha. Previously, he was both a high school teacher and principal. He has been active in community affairs and in the YMCA, YWCA, Boy Scouts, and the Boys Clubs of America. A former Chairman of the Social Services Committee, he is currently a member of the Executive Committee of the Boys Town Board, and a member of the Board and the Executive Committee of the National Chamber of Commerce. In addition, he is Chairman of the Committee on Crime Prevention and Control for the National Chamber.

Chairman Anderson feels that it is important to coordinate and unite the many local, State, and national juvenile justice programs. These should be redirected to become an even more effective force for dealing with the problems of juvenile delinquency.

C. JOSEPH ANDERSON

Mr. Anderson, of Terre Haute, Indiana, is 35 and the father of three children.

A graduate of Indiana University Law School, and a former high school teacher, he currently serves as County Circuit Court Judge, a position to which he was elected 5 years ago. His prior experience includes serving for 2 years as Deputy Prosecutor, followed by election to the Indiana House of Representatives.

In addition to his judicial activities, Judge Anderson is actively involved in an LEAA-funded, comprehensive community-based treatment facility for juveniles in Terre Haute.

Judge Anderson feels that the behavioral sciences must develop to the point where we will be in a position to detect in early years a child who may have a pathological disorder that could lead to crime.

AUGUSTINE CHRIS BACA

Mr. Baca, 26 years old, lives in Albuquerque. A graduate of the Upward Bound Program, he holds bachelor's and master's degrees in Public Administration. He is currently the Executive Director of the Southwest Valley Youth Development Project, a community-based developmental program aimed at diverting youth from the juvenile justice system. He also serves as Vice-Chairman of the Juvenile Justice Council in Albuquerque, and is a member of the State Study Team on Juvenile Delinquency Prevention and the Region VI Children and Youth Services effort.

Mr. Baca has a personal interest in the family and the immediate community as preventive forces for juvenile delinquency. He is also interested in examining institutional factors that precipitate juvenile delinquency.

ALLEN F. BREED

Mr. Breed is 54 years old, married, and has three daughters. He lives in Lodi, California. Since 1968, he has served as Director of the California Youth Authority, and as Chairman of the Parole Board for Youthful Offenders in California. He has been involved in the field of juvenile corrections at nearly all levels since 1945.

Mr. Breed urges that the "system" be developed to the point where baseline standards are used for delinquency prevention and programs. He feels that any plans for prevention must contain strategies necessary to carry them out.

WILLIAM R. BRICKER

Mr. Bricker, 50 years old, resides in Scarsdale, New York, with his wife and three children. He is the National Director of the Boys Clubs of America, and also serves as Chairman of the National Collaboration for Youth, an organization of 12 private youth service organizations. Before moving to New York and his present position, he served on the Milwaukee Children's Court Advisory Board, the Wisconsin State Council for Juvenile Prevention, and the Mayor's Youth Council.

Mr. Bricker has been involved in police-youth-community relations and has worked with some early LEAA-funded programs, including outreach crisis intervention. He would like to see greater emphasis on private agency involvement, and public, private, Federal, State, and local collaboration to address delinquency problems better. He also feels there is a need for activity in the areas of identification and labeling.

RICHARD C. CLEMENT

Mr. Clement is the Chief of the Dover Township Police Department in Toms River, New Jersey. He is 50 years old, married, and the father of four children. Chief Clement is the immediate past president of the International Association of Chiefs of Police.

Chief Clement feels that the public needs to hear more about good, effective operating programs. He also encourages the development of more humane institutions, through public and private cooperation.

WILMER S. CODY

Dr. Cody is 38 years old and resides in Birmingham, Alabama. He is married, the father of two children, and currently serves as the Superintendent of Schools of Birmingham. Before assuming this position, he worked for both the U.S. Office of Education and the National Institute of Education, and served for 4 years as Superintendent of Schools in North Carolina. He was also an elementary school teacher and principal.

Dr. Cody has been actively involved in designing alternative schools for dropouts, with particular attention to those with legal problems. He has worked on developing administrative guidelines and procedures designed to change the methods school systems use to deal with youth, in terms of their rights both before and after any court involvement.

Dr. Cody feels that behavior must be viewed not only from the internal perspective, but also from the social context in which the person lives.

JOHN FLOREZ

Mr. Florez, a native of Salt Lake City, is an Assistant Professor at the University of Utah School of Social Work, and also Director of Equal Opportunity at the University. Previously, he was a probation officer, worked in day care centers for emotionally disturbed children, settlement house worker, civil rights worker, and assistant director with the National Urban Coalition.

Mr. Florez is interested in more effective use of existing programs, and feels that coordination and accountability are essential elements if any improvement is to occur.

ALYCE C. GULLATTEE, M.D.

A resident of Washington, D.C., Dr. Gullattee is 46 years old, and has three children and eight grandchildren. She received a bachelor's degree in Zoology and Physics from the University of California. She is now a physician with specialty training in psychiatry.

Dr. Gullattee currently serves as Assistant Professor of Psychiatry and Family Planning at Howard University's School of Medicine, and also teaches psychiatry in law for Howard's Law and Medical Schools. Since 1968, she has served as a consultant to the Juvenile and Domestic Relations Court in Arlington, Virginia. Previously, Dr. Gullattee worked at Southern University in Louisiana with deaf children who were also emotionally disturbed and had delinquency problems. In Santa Monica, California, she was involved in the rights of delinquents who were in difficulty with both the school system and the police.

While in medical school, Dr. Gullattee founded the Student National Medical Association. In Santa Barbara, California, she founded, with her husband, the Cavaliers and Cavallettes, a program for delinquent boys and girls, designed as an alternative to detention. In Washington, D.C., she has worked with the National Council of Negro Women and the D.C. Juvenile Court to establish an LEAA-funded project designed as an alternative to detention for juvenile girls who are nonstatus offenders.

Dr. Gullattee's major areas of interest with respect to the Committee include:

1. Humane disposition and alternatives to detention for all juveniles, with emphasis on transitional living alternatives;

2. Education as a creative alternative to incarceration;

3. Signal behavior detection and intervention programs;

4. Biofeedback as a method of behavior control; and

5. Patricide.

WILLIAM P. HOGOBOOM

Judge Hogoboom, father of five children, is a California native who practiced law for nearly 20 years before his judicial service. As a judge, he has been involved primarily in the family judicial aspects of the Los Angeles County Superior Court, where he is Assistant Presiding Judge. He also teaches law, and is a member of the National Council of Juvenile Court Judges. He has served on the local LEAA planning board's Executive Committee and Diversion Subcommittee; the latter group, which

he chaired, has jurisdiction over a dozen diversion projects funded by LEAA.

Judge Hogoboom brings to the Committee the view that his State has depended far-too much on the detention of minors and not enough on alternative methods of handling them. He is a proponent of early detection and intervention with potential delinquents.

Judge Hogoboom hopes that out of this Committee will come a greater degree of interagency cooperation and training. He also thinks community involvement is a key to success, and that the diversity of the Committee's membership is beneficial.

JOAN M. KJER

Joan M. Kjer was born and raised in Washington State, and holds a bachelor's degree in Sociology from Central Washington State College. While in college, she did independent study and work in a detention home in Yakima, Washington. She recently moved to North Bend, Oregon, after working for 14 months as a counselor at Maple Lane, a Washington State correctional institution for delinquent girls.

Ms. Kjer is very interested in developing new programs, with special emphasis on creating new diversion efforts to keep juveniles out of the criminal justice system and in the community.

ROBERT BRADLEY MARTIN

A graduate and member of the Board of Memphis State University, Mr. Martin is 23 years old and married. He is currently serving a second term as a member of the Tennessee House of Representatives, where he is Vice-Chairman of the Joint Republican Caucus. He has served as Minority Chairman of the Committee on State and Local Government, as Vice-Chairman of the Select Committee on Public Education, and as a member of the full Education Committee. He is also in private business.

Representative Martin has been active throughout the State in the development of programs for disabled and mentally retarded children. He has been involved in the development of legislation to implement the 18-year-old age of majority in Tennessee, and has worked in the area of pretrial release.

Representative Martin offers to the Committee an understanding of the limitations of State and local governments in the field of delinquency prevention, and also of their desire to assume more responsibility in this area.

A. V. ERIC McFADDEN

Mr. McFadden is a 20-year-old student at Harvard College in Boston, Massachusetts. While on leave from the College in 1974, he worked with the Mayor of Boston as an advisor on community development and human service delivery. He also taught in a Boston area preparatory school.

While in high school in Newport, Rhode Island, Mr. McFadden was involved in student rights and student government. He was president of a student movement to institute the 18-year-old age of majority in Rhode Island, and also helped to create a Youth Crafts Program.

Mr. McFadden is concerned with the effectiveness of Federal youth-related programs, especially when they reach the local level. He is very interested in improving methods of program evaluation, and in assuring the necessary technical assistance for all such programs.

EDWIN MEESE, III

Mr. Meese, a native of California, is 43 years old, married, and the father of three children. Before assuming his present position as Vice President of Rohr Industries, he served for 6 years as a Public Recreation Advisor to youth councils and youth groups, as well as a legal advisor to a county youth opportunity board.

An attorney who served in the District Attorney's office, Mr. Meese was for 8 years the Legal Affairs Secretary in the Governor's Office in California. This was followed by service as Executive Assistant to the Governor.

In 1968, Mr. Meese founded the California Council on Criminal Justice. He participated in legislative activity which led in 1961 to revisions in the California juvenile court laws. He has organized and led public agency coordinating councils in the juvenile justice field, and has taught courses in community colleges and in law school.

Mr. Meese hopes that this Committee will help to encourage the development of interagency coordination and cooperation. He also hopes that the juvenile justice system will be updated so that it is capable of meeting the modern needs of both the youth and the community. Finally, he urges expanding the capabilities of State and local governments, and limiting the Federal Government's role.

GEORGE H. MILLS, M.D.

Dr. Mills is a native Hawaiian, educated in Hawaii's public and private schools. He completed his undergraduate work at Colorado College, and received his degree as a Doctor of Medicine at Boston University.

For the past 10 years, Dr. Mills has worked with the Kamehameha School, a private school with 2,600 students, all of Hawaiian ancestry. He practiced internal medicine for 15 years. He was elected to the Hawaii State Senate, where he sat on the Judiciary Committee and the Committee on Human Resources. He also supported the Medical Consent Bill for Minors, and was a member of the Advisory Committee to the Department of Social Services in Hawaii. Currently he is a member of the Judicial Council of the American Medical Association.

Dr. Mills is deeply concerned with the labeling of youth as delinquents, and with the inadequacies of the criminal justice systems for juveniles. He feels that there is too little understanding of due process for youth, and that this issue should concern everyone--teachers, parents, and professionals.

WILFRED W. NUERNBERGER

For the past 14 years, Judge Nuernberger has served as a Juvenile Court Judge in Lincoln, Nebraska. He is also on the Commission of the National Institute of Judicial Administration for Juvenile Justice Standards and Goals of the American Bar Association. In addition, he serves on various State commissions dealing with State laws.

Judge Nuernberger has been both President of the National Council on Juvenile Court Judges, and Chairman of the Juvenile Delinquency Task Force of the National Committee on Criminal Justice Standards and Goals. He was responsible for drafting model legislative programs with the Council of Judges of the National Council on Crime and Delinquency.

Judge Nuernberger is particularly concerned with the juvenile court system and the way it handles juvenile offenders. He feels it is important to determine other ways to handle these youths and their problems.

MICHAEL W. OLSON

Mr. Olson is a 16-year-old high school student in Pittsburgh, Pennsylvania. He currently lives in a group home and has lived in foster homes and institutions since the age of 9.

Mr. Olson has committed various offenses, including auto theft and running away from home. Speaking from personal experience, he feels more

emphasis should be placed on group homes for delinquents, and that status offenders should not be placed in institutions. He hopes that his personal experiences will be of help to the Committee.

ALBERT REISS, JR.

Dr. Reiss received his Ph.D. from the University of Chicago. Currently a Professor of Sociology at Yale Law School, Dr. Reiss taught previously at the Universities of Chicago, Iowa, Wisconsin, Vanderbilt, and Michigan. He also worked with the Illinois Board of Public Welfare in its efforts to design the first statewide basic program for juveniles.

Dr. Reiss has been associated with the National Crime Commission Task Force on Crime, and also with the National Advisory Commission on Civil Disorders. Author of many books and articles, he has spent a great portion of his life in the fields of sociology and criminology.

Dr. Reiss urges the Committee to examine delinquency treatment and prevention programs outside the United States.

CINDY RITTER

Cindy Ritter is 20 years old and lives in Mound City, South Dakota. Born and raised on a dairy farm, Ms. Ritter is now a sophomore majoring in psychology at South Dakota State University. She is also employed by the State Extension Office in Mound City, working with youth through the age of 18.

Before entering college, Ms. Ritter was a "cowgirl" and was chosen a National Teenage Quality Field Representative.

Ms. Ritter feels that not all juveniles in trouble should be placed in detention homes. She hopes she will be able to contribute to the Committee and learn from it.

FLORA ROTHMAN

Mrs. Rothman is Chairwoman of the Juvenile Justice Task Force for the National Council of Jewish Women. This task force is responsible for operating an action program now in 100 cities, which includes family and group homes.

Mrs. Rothman has been actively involved with local and State coalitions designed to inform communities about their needs, and also to promote agency and public coordination. She is deeply concerned about the protection of the rights of youth, as well as the design and delivery of

services to them. She feels that little change can occur in laws, service design, or budgets wirhout citizen understanding or involvement in these processes. She hopes that services can be designed to be available to all who need them, without any labeling.

BRUCE STOKES

Bruce Stokes, a 23-year-old native of Leominister, Massachusetts, currently is a first-year teacher of Distributive/Vocational Education at McKean High School in Wilmington, Delaware. He also serves as Faculty Advisor for the Distributive Education Club of America (DECA). In addition, he is a member of a national task force for a federally funded program to recruit high school dropouts, place them in full-time evening positions, and prepare them for their GED examination.

Mr. Stokes was a Distributive Education student in high school and served as Vice President of DECA. At the University of Delaware, he was Vice President of the college division of DECA. In 1973, he was a White House intern.

Mr. Stokes hopes to promote vocational education for youth. He also is interested in improving the use of youth organizations as strong influences for changing negative attitudes in youth.

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FOR IMMEDIATE RELEASE SEPTEMBER 22, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced the appointment of two persons as members of the National Advisory Committee for Juvenile Justice and Delinquency Prevention for terms expiring March 18, 1980. They are:

Harold Peter Goldfield, of Arlington, Virginia, Law Clerk, Office of the Counsel to the President, The White House. He succeeds Joan Myklebust, whose term has expired.

Marion W. Mattingly, of Bethesda, Maryland, homemaker and active civic leader. She succeeds A.V. Eric McFadden, whose term has expired.

The Committee was established by Public Law 93-415 of September 7, 1974, to make recommendations to the Administrator of the Law Enforcement Assistance Administration at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. The Advisory Committee meets at the call of the Chairman, but not less than four times a year.

The Committee consists of the Attorney General, Secretary of HEW, Secretary of HUD, Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention and the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, or their respective designees and 21 members appointed by the President.

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FORD APPOINTS NEW NATIONAL ADVISORY COMMITTEE MEMBERS, DECEMBER 1976

President Ford has named five persons to 4-year terms on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

This 21-member committee created last year advises LEAA on planning, policy, priorities, operations, and management of the Federal Government's juvenile delinquency programs. The committee chairman is J. D. Anderson, Omaha insurance executive.

The following are profiles of the new appointees:

JUDGE LAWRENCE SEMSKI

Judge Lawrence Semski is the only full-time family court judge in Mississippi. He has been instrumental in creating a number of youth programs and serves on the recently formed Mississippi Model Youth Court Code Committee.

He is a member of the public information and resolution committees of the National Council of Juvenile Court Judges and is active in the Mississippi Judicial College and the Conference of Mississippi Judges.

He received degrees in business and law from the University of Mississippi.

BERNADETTE CHAVIRA

Bernadette Chavira is a law student at the University of New Mexico and works as a tutor at the school of law. Ms. Chavira received her undergraduate degree from New Mexico Highlands University where she majored in Chicano Studies.

She has worked as a teaching assistant for the Council on Legal Educational Opportunities for the Southwest Region, University of Utah School of Law. She is a member of the Student Bar Association, the Graduate Student Association, the Mexican American Law Student Association and the recruitment committee of the University of New Mexico.

MICHAEL W. OLSON

Michael W. Olson was reappointed to the advisory committee after serving a one-year term. He is a recent high school graduate and currently lives in a group home in Pittsburgh. He has lived in foster homes and institutions since the age of nine. Mr. Olson, an ex-offender (auto theft, running away from home), feels more emphasis should be placed on group homes for delinquents and that status offenders should not be sent to institutions.

REV. GEORGE W. SMITH

The Rev. George W. Smith is serving his fourth term on San Diego's board of education. When he was elected to the board in 1963 he became its first black member. Rev. Smith, pastor of the Golden Hill United Presbyterian Church, is one of the founders and directors of the Pacific Coast Bank. He also is a founder of Smitow and Associates, a nonprofit consulting firm.

He received his B.S. degree from Knoxville, Tenn., College and a Master of Divinity degree from the Pittsburgh Theological Seminary.

GLEN L. BOWER

Glen L. Bower is an attorney in Effingham, Ill., and has been associated with the law firm of Ealy & Bower since 1974. He received a B.A. degree in government from Southern Illinois University at Carbondale and his law degree in 1974 from the Illinois Institute of Technology/Chicago Kent College of Law.

Part 4—The Coordinating Council on Juvenile Justice and Delinquency Prevention

PUB. LAW 93-415 [88 STAT. 1116] SEPT. 7, 1974

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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

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

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

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

(d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b) (5) of this title.

(e) (1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

MINUTES OF THE FIRST MEETING OF THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, APRIL 22, 1975

ATTENDEES

Department of Justice

Attorney General Edward H. Levi, Chairman.
Richard W. Velde, Administrator, LEAA.
Thomas Madden, General Counsel, LEAA.
Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Task Group, LEAA.

John Greacen, Deputy Director, National Institute for Law Enforcement and Criminal Justice, LEAA.

Thomas Albrecht, Juvenile Justice and Delinquency Prevention Task Group, LEAA.

Department of Health, Education, and Welfare

Stanley Thomas, Assistant Secretary for Human Development, Department of Health, Education, and Welfare.

James Hart, Commissioner, Office of Youth Development, Department of Health, Education, and Welfare.

Department of Labor

Donald Crowell, Special Assistant to the Secretary, U.S. Department of Labor.

Special Action Office for Drug Abuse Prevention

Dr. Robert Dupont, Director, Special Action Office for Drug Abuse Prevention.

Department of Housing and Urban Development

Paul Williams, Director, Office of Administrative and Program Services, Department of Housing and Urban Development.

Mr. Velde called the first meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) to order at 10:00 A.M.

Mr. Velde provided an overview of the Law Enforcement Assistance Administration (LEAA), including the additional responsibilities contained in the Juvenile Justice and Delinquency Prevention Act of 1974, P. L. 93-415.

Mr. Nader distributed the final report of the Interdepartmental Council to Coordinate the Federal Juvenile Delinquency Programs and proceeded to describe the role and responsibilities of the new Coordinating Council and its relationship to LEAA. P. L. 93-415 Sec. 206 (c) requires that: "The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and the development of objectives and priorities for all Federal juvenile delinquency programs and activities." In addition, the Council is to be involved in the analysis and evaluation of Federal juvenile delinquency programs (Sec. 204 (b) (5)) and the development of an annual comprehensive plan for Federal juvenile delinquency programs (Sec. 204 (b) (6)).

Mr. Nader suggested that the Council use a combination of full time staff and contract services to accomplish its work. Mr. Velde suggested that since the work of this body is closely related to the work of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC), created by Sec. 207 of P. L. 93-415, the staff of the Council should provide support to the NAC as well. Attorney General Levi agreed that there should be a strong relationship between the Council and the NAC.

The requirement to evaluate Federal juvenile delinquency programs was discussed with questions of definition and scope of work raised as issues to be resolved. The work of the previous Coordinating Council produced a compilation of approximately 125 delinquency prevention programs, and was cited as one effort to define the magnitude of the Federal effort. Mr. Thomas made a suggestion that delinquency preventiton programs not be considered by the Council as a way to narrow its work focus to a manageable size, limiting the scope of activities to juveniles involved in the juvenile justice system. The language of P. L. 93-415 includes delinquency prevention as a major thrust, however, thereby necessitating the inclusion of delinquency prevention within the scope of Council activities.

Attorney General Levi suggested that before proceeding to evaluation of Federal juvenile delinquency programs, a conceptual model which describes an ideal, and components which are judged to be necessary to reach that ideal be developed, against which we may measure, or evaluate, program effectiveness. With the help of experts in the field, the Council could begin to decide upon questions of emphasis, further inquiry, knowledge gaps and remedial steps.

Mr. Thomas agreed with the need to set goals and objectives, indicating their usefulness in identifying real problems encountered in reaching a desired end.

Dr. Dupont suggested that the Council conduct a budget analysis of Federal juvenile delinquency programs, and develop a compendium of grants awarded under these programs as was done by SAODAP for Federal drug programs. This analysis and compendium of projects would provide information useful to the Council in executing its responsibility to Congress, as well as to persons interested

in pursuing particular subject matters, such as grantees, jurisdictions or other characteristics. We also recommended, for data management purposes that the Council define juvenile as being under 18 years of age.

Attorney General Levi agreed that this inductive approach to determining which activities are worthwhile has value, and that it might contribute to the information necessary in order to decide what activities should be emphasized.

He stressed the need to set well reasoned limits on Council activities in order to maximize the impact of the Federal effort. He pointed out that the role of the Federal Government is limited, and that what impact we may have will be largely determined by what we decide to emphasize. The Attorney General further suggested that the Council undertake two activities; 1. to conduct a budget analysis of the distribution of Federal funds for delinquency and youth development programming among the various Federal agencies and their programs and a cross-indexed compendium of all grant activities supported by these programs, and; 2. an analysis from a policy perspective of the extent of our knowledge about the effectiveness of various types of program efforts to curb or prevent delinquency, leading toward the identification of a limited number of critical issues or program areas in which work should be undertaken during the next two years. The Council agreed to this strategy.

The meeting was adjourned at 12:30 PM.

MINUTES OF THE SECOND MEETING: THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUNE 30, 1975

ATTENDEES

Department of Justice

Richard W. Velde, Administrator, LEAA.

Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention, LEAA.

John M. Greacen, Acting Director, National Institute for Juvenile Justice and Delinquency Prevention, LEAA.

Thomas F. Albrecht, Juvenile Justice and Delinquency Prevention, LEAA.

Marjorie Miller, Juvenile Justice and Delinquency Prevention, LEAA.

Department of Health, Education, and Welfare

Dr. Robert L. Dupont, Director, National Institute for Drug Abuse.

Rabbi Morton Kantor, Deputy Commissioner, Office of Youth Development.

Carl Hampton, Chief, Criminal Justice, National Institute for Drug Abuse.

Department of Housing and Urban Development

Paul Williams, Director, Office of Administrative and Program Services.

Department of Labor

Abraham Weiss, Assistant Secretary for Policy, Evaluation, and Research.

Mr. Velde called the second meeting of the Coordinating Council to order at 10:00 a.m.

The minutes of the first meeting were accepted following explanation of a question raised by Mr. Weiss regarding the scope of program responsibilities under the Council. It was explained that the statutory language describing juvenile delinquency programs, ". . . any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent.", provides the substantive framework for programmatic responsibilities. The broad universe of Federal juvenile delniquency programs, identified by the U.S. Bureau of the Census will be updated and analyzed for the first annual report to the President and the Congress.

Following the acceptance of the minutes, Mr. Velde summarized the following recent developments:

1. On June 12, 1975, the President signed P.L. 94-32 which provided supplementary appropriations in the amount of $25M to LEAA for purposes of implementing the Juvenile Justice and Delinquency Prevention Act of 1974. The appropriation is composed of two parts:

a. $15M of the new money which must be obligated by October 31, 1975. The funds are subject to the statutory requirements of the Act which include the allocation of funds to the states in formula grants.

b. $10M of reprogrammed funds can only be used for administrative expenses, state planning costs and Special Empasis treatment programs. This money must be obligated by December 31, 1975.

2. The Office of Juvenile Justice and Delinquency Prevention was officially created on June 25, 1975. Frederick P. Nader was appointed the Acting Assistant Administrator of the Office; John M. Greacen was appointed the Acting Director of the National Institute for Juvenile Justice and Delinquency Prevention.

Following discussion of these activities, Mr. Nader made a presentation of activities undertaken to accomplish the two major tasks which were endorsed at the first Council meeting.

The first task was the development of a budget analysis to reflect funding distribution by program, and a compendium of grant activities which these programs support. To accomplish this, a contract has been finalized with the American Institutes for Research (AIR). AIR will perform a series of analytical tasks designed to facilitate the development of: (1) the first annual report to the President and the Congress which is due September 30, 1975, and (2) the first comprehensive plan for Federal juvenile delinquency programs which is due March 30, 1976. Copies of the work statement for the AIR contract were distributed and discussed. It was agreed that a letter from the Attorney General to the Secretary of each member department explaining the scope of work and requesting assistance would expedite the AIR data collection effort.

The second task was the development of a policy analysis regarding the extent of our knowledge about the effectiveness of various types of program efforts to curb or prevent delinquency, leading toward the identification of a limited number of critical issues or program areas in which work should be undertaken during the next two years.

John Greacen explained that Professor Franklin Zimring, University of Chicago Schol of Law, has been retained to develop this paper. Professor Zimring will be assisted by an Advisory Committee composed of:

Allen F. Breed, Director, California Youth Authority.

Professor Lamar T. Empey, University of Southern California.

Professor Albert J. Reiss, Yale University.

Professor James F. Short, Stanford University.

Professor James Q. Wilson, Harvard University.

Professor Marvin E. Wolfgang, University of Pennsylvania.

In addition, Norval Morris, Dean of the University of Chicago Law School, and Professor Margaret Rosenheim and Charles Shireman of the School of Social Work at the University of Chicago, will provide comments and critiques of his work.

The paper will be finalized on October 31, 1975.

Following discussion of Professor Zimring's policy analysis, Mr. Nader explained the activities of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC). The NAC met for the first time on April 24 and 25 in Arlington, Virginia. Following this meeting, the Chairman of the NAC, in a letter to Attorney General Levi, expressed a strong interest in developing a subcommittee of the NAC to perform a liaison function with the Council. In response to this request, he was encouraged to appoint a subcommittee for this purpose at his earliest convenience.

Mr. Nader then suggested that during future Council meetings there should be information exchange from the departments and agencies represented. After discussion, it was agreed that in the future there would be presentations made by the member departments giving an overview of their relevant youth activities and the overall policies, objectives and priorities for these activities.

The meeting was adjourned at 11:30 a.m.

MINUTES OF THE THIRD MEETING: THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, SEPTEMBER 29, 1975

ATTENDEES

Department of Justice

Richard W. Velde, Administrator, LEAA.

Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention, LEAA.

John M. Greacen, Acting Director, National Institute for Juvenile Justi and Delinquency Prevention, LEAA.
Thomas F. Albrecht, Juvenile Justice and Delinquency Prevention, LEAA.
Marjorie Miller, Juvenile Justice and Delinquency Prevention, LEAA.

Department of Health, Education, and Welfare

James Hart, Commissioner, Office of Youth Development.

Department of Labor

Abraham Weiss, Assistant Secretary for Policy, Evaluation and Research.

National Institute on Drug Abuse

Col. Richard Bucher, Special Assistant to the Director.

Department of Housing and Urban Development

Paul Williams, Director, Office of Administrative and Program Services.
Morton Leeds, Director, Special Concerns Staff.
Troy Chapman, Acting Director, Office of Housing Programs.
Dorothy Gilfert, Community Services Specialist, Housing Consumer Programs Division.

National Advisory Committee for Juvenile Justice and Delinquency Prevention

C. Joseph Anderson, Judge of the Vigo County Circuit Court, Terre Haute, Indiana.
John Florez, Director, Office of Equal Opportunity, University of Utah.
Robert B. Martin, House of Representatives, Nashville, Tennessee.

American Institutes for Research

Dr. Charles Murray, Project Director.

The Third Council meeting was convened by Frederick P. Nader at 10:10 a.m.; the minutes were accepted as submitted. Mr. Nader introduced the attending members of the National Advisory Committee (NAC) and explained that the attending members represented a subcommittee, approved by the Administrator of LEAA and appointed by NAC Chairman, Mr. J. D. Anderson, which will attend Council meetings and provide liaison between the two groups. All in attendance then introduced themselves; the meeting then proceeded.

The nomination by President Ford of Milton Luger to be the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention (OJJDJ) was announced.

Presentation by the Department of Housing and Urban Development

Paul Williams, Troy Chapman, Morton Leeds.

The HUD presentation outlined some of the youth problems related to public housing projects.

There are currently some 1.4 million low-rent units under management.

76% of the household heads are female.

58% of the 3.2 million tenants are minors.

HUD stimulates on-site youth programs and encourages service clubs to extend local service opportunities to tenants.

The Target Project Program provides funds to upgrade conditions in public housing projects.

The modernization program, focused on older projects, emphasizes security and protection.

The management improvement program is designed to determine and transfer methods to improve maintenance, security and management techniques.

Security through housing design and the organization of youth activities are crime prevention techniques of great interest.

The First Annual Report to the President and Congress

Richard W. Velde, Frederick P. Nader, Charles Murray.

The Report, due September 30th, was distributed and discussed. The Report includes the activities of the OJJDP and analysis of the Federal role in juvenile delinquency and juvenile delinquency prevention. The analysis includes:

A profile of the current effort.
Priority needs and spending patterns.
An assessment of Federal evaluation efforts.
Information needs.

There were 117 Federal programs studied, with aggregate expenditures of nearly $20 billion.

The programs were categorized as follows:

Delinquency Treatment.
Youth at Risk.
Related law enforcement and criminal justice.
Related general.

The budget analysis, conducted to trace Federal spending in juvenile justice and delinquency prevention on a project by project basis, highlights six priorities in the delinquency treatment area:

Functional priorities, which include services, planning and research, and training.

Intervention priorities in the predelinquency adjudication, and postadjudication phases.

Corrections priorities—residential or nonresidential.

Corrections priorities—community-based group homes or training schools and detention centers.

Research and planning priorities relative to service priorities.

State priorities in the use of block grant action funds.

These findings will be forwarded as required, and will provide the basis for the first comprehensive plan which will be developed prior to March 1, 1976. During discussion of the plan, interactions between the Council and NAC were stressed and the following activities scheduled for October:

The policy analysis paper prepared by Franklin Zimring would be distributed to members of the Council and NAC.

Comments from the Federal departments and agencies administering juvenile justice and delinquency prevention programs would be forwarded to OJJDP and discussed at the next Council meeting which would be held on October 28th.

At the third NAC meeting on October 30 and 31, the Zimring paper would be discussed including the results of the Council meeting.

MINUTES OF THE FOURTH MEETING: THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OCTOBER 28, 1975

ATTENDEES

Department of Justice

Richard W. Velde, Administrator.
Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention, LEAA.
Milton Luger, Assistant Administrator—Designee, Juvenile Justice and Delinquency Prevention, LEAA.
John M. Greacen, Acting Director, National Institute for Juvenile Justice, and Deilnquency Prevention, LEAA.
Thomas F. Albrecht, Juvenile Justice and Delinquency Prevention, LEAA.
Marjorie Miller, Juvenile Justice and Delinquency Prevention, LEAA.
John Wilson, Office of General Counsel, LEAA.

Department of Heatlh, Education, and Welfare

James Hart, Commissioner, Office of Youth Development.

Department of Housing and Urban Development

Paul Williams, Director, Office of Administrative and Program Services.

National Institute on Drug Abuse

Robert L. Dupont, M.D., Director.

National Advisory Committee for Juvenile Justice and Delinquency Prevention

William Bricker, Boys' Clubs of America, New York.
John Florez, Director, Office of Equal Opportunity, University of Utah.
Robert B. Martin, House of Representatives, Nashville, Tennessee.

University of Chicago School of Law

Franklin Zimring, Professor.

The fourth meeting of the Coordinating Council was held on Tuesday, October 28, 1975. The minutes of the third meeting were accepted with the following amendment introduced by Mr. John Florez: "There is a concern on the part of the National Advisory Committee that membership of the Council be comprised of individuals who exercise significant decision making authority as specified in the statute."

The policy analysis paper prepared by Franklin Zimring was distributed to member Departments in early October with a format for review.

The purpose of the fourth Council meeting was to:

Review and discuss comments from member departments regarding the Zimring paper.

Discuss policy options for the Council.

Formulate steps for the development of the comprehensive plan for Federal juvenile delinquency programs, due March 1, 1976.

Comments on the Zimring paper were received from DHUD and DOL. As a result of the discussion, the following conclusions were reached:

Proposed Action Objectives

Comments from *all* departments and agencies within the purview of the Council which administer juvenile justice and delinquency prevention programs will be collected, xeroxed, and disseminated to members of the Council and the NAC.

There is a need for establishing a policy on juvenile justice and delinquency prevention in order to allow agencies and departments to identify appropriate areas of concern, identify relevant programmatic issues, and build a basis for sound planning by the Council.

The priorities of Federal agencies administering juvenile justice and delinquency prevention programs must be matched against the priorities of the Juvenile Justice legislation.

Programmatic decisions will not be acted upon, pending the development of a Federal policy statement.

The question of private sector involvement as required by the statute, and the relationship of this requirement to the Zimring paper was raised.

Proposed Research Objectives

The role of Federal research is to address *National* needs, ultimately facilitating leadership at all levels.

There is general agreement on all 11 suggested research priorities; the suggested research priorities do not reflect a ranking of priorities.

While certain of the research priorities can be addressed by OJJDP, others are appropriate for interagency coordination through the Council.

The youth crime compilation, as well as other priorities discussed, will supplement the legislation by increasing the knowledge base for juvenile justice and delinquency prevention.

The proposed annual compilation on youth crime will utilize relevant data resources developed by the various Federal agencies, identify areas where data is lacking or where conflicting definitions decrease the utility of the data which does exist, provide a resource for improved Federal planning, and cultivate a new audience of consumers with relevant data.

The suggestion that an interagency agreement be established was made. NIJJDP will be responsible for querying agencies to make sure the 11 research objectives are accomplished.

The following activities will be conducted prior to the next Council meeting:

Data regarding issues raised by Zimring will be collected from all Departments and agencies administering juvenile justice and delinquency prevention programs, and disseminated for review.

A policy statement will be prepared by OJJDP for Council review.

Reactions will be collected from the NAC.

A time frame will be defined which will establish the March 1st plan as an end product.

The January NAC meeting will be devoted to input on the Zimring paper, and on definitions of roles and time frames for the March plan.

Research priorities identified by Franklin Zimring:

1. An annual compilation on youth crime and juvenile justice.
2. Short-term studies of offender careers in two cities.
3. A double replication of the Wolfgang cohort study in two cities.
4. A major prospective cohort study.
5. Special studies of youth violence.
6. Special studies of the relationship between delinquency and economic opportunity.
7. Special studies of the relationship between delinquent gangs and youth criminality.
8. Special studies of the relationship between hard narcotics and delinquency.

CONTINUED

15 OF 19

9. A comparative study of juvenile justice system processing in five jurisdictions.
10. Studies of the impacts of different justice intervention techniques.
11. A comparative study of juvenile delinquency prevention strategies.

MINUTES OF THE FIFTH MEETING: THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JANUARY 27, 1976

ATTENDEES

Department of Justice

Milton Luger, Assistant Administrator, Juvenile Justice and Delinquency Prevention, LEAA.
Frederick P. Nader, Acting Deputy Assistant Administrator, Juvenile Justice and Delinquency Prevention, LEAA.
Dr. James Howell, Acting Director, National Institute for Juvenile Justice and Delinquency Prevention, LEAA.
Thomas F. Albrecht, Juvenile Justice and Delinquency Prevention, LEAA.

Department of Health, Education, and Welfare

James Hart, Commissioner, Office of Youth Development.
Robert McGee, Social Science Analyst, Office of Youth Development.
Carl Hampton, Chief, Criminal Justice, National Institute on Drug Abuse.

Department of Housing and Urban Development

Paul Williams, Director, Office of Administrative and Program Services.

Department of Labor

Abraham Weiss, Assistant Secretary for Policy, Evaluation and Research.
Gary Weissman, Chief, Offender Program.

National Advisory Committee for Juvenile Justice and Delinquency Prevention

C. Joseph Anderson, Judge of the Vigo County Circuit Court, Terre Haute, Indiana.
William Bricker, Boys' Clubs of America, New York.
John Florez, Director, Office of Equal Opportunity, University of Utah.
Robert B. Martin, House of Representatives, Nashville, Tennessee.

The fifth meeting of the Coordinating Council was convened at 10:00 a.m. and the minutes of the fourth meeting were accepted as submitted.

The meeting was opened with a review of the comprehensive planning responsibilities and reporting requirements under the Juvenile Justice Act. Of immediate concern is the responsibility of the Administrator of LEAA for the annual preparation of a comprehensive plan for all Federal juvenile delinquency programs with the first plan to be submitted to the President and Congress prior to March 1, 1976. The following activities have been undertaken to facilitate the preparation of the comprehensive plan:

The establishment of a subcommittee of the National Advisory Committee which attends Coordinating Council meetings and provides citizen input;

The commissioning of a "bright paper" by Professor Franklin Zimring to provide suggested direction and focus to the activities of the Coordinating Council;

The determination of research priorities for the Coordinating Council;

The development and dissemination of a policy statement to provide a framework for comprehensive Federal planning.

The ingredients of the comprehensive Federal plan were outlined and the Council reviewed the proposed basic sections. The first section will be introductory, including an overview of:

The historical context of the JJDP Act of 1974, including problems previously encountered in coordinating Federal juvenile delinquency programs;

Responsibilities of the LEAA Administrator to develop and implement policy, objectives and priorities for Federal juvenile delinquency programs;

The Federal juvenile delinquency program universe as described in the *First Annual Report;*

Comprehensive planning requirements;

Recent activities in the Concentration of Federal Effort, including the Coordinating Council and the National Advisory Committee.

The second section will be the plan itself, which contains concrete steps to be taken by the Federal government over the next year. In addition to the policy statement mentioned earlier, which is the foundation of the plan, the following components of the Federal plan will be included:

The development of an information system; Research and evaluation; Training; Standards development; Federal program coordination; Management and staffing; and Coordinating State planning.

Following this presentation, it was requested that Departmental comments, prepared in response to the policy statement, be shared. Summarily, the following comments and issues were raised:

HUD

Public housing projects have a 50% juvenile population; there is a need to develop joint funding and to address coordination at the local level.

DOL

The policy paper was reviewed without substantive changes by both the Employment Training Administration and the Employment Standards Administration. Two experimental demonstration projects funded by the Employment Training Administration in delinquency prevention were discussed in detail. The Employment Standards Administration is involved with HEW in the Work Experience and Career Exploration Project which allows 14 and 15 year old youth to work part-time and attend school part-time. The aim of this program is to minimize dropping out.

HEW

OYD

There is a need to coordinate the broad range of agencies within member departments, including research activities. Council members need to identify activities of mutual interest to focus upon and discuss in terms of joint programming.

NIDA

Traditionally, the drug abuse priority has been on the treatment of addiction, primarily heroin. Thus, NIDA has focused on the older offender. There is a need for NIDA to examine priorities to determine whether its legislative mandate would permit greater emphasis on juveniles.

Comments were followed by a general discussion of Federal programming and the concentration of efforts.

As the discussion progressed, there was a recognition of (1) the broad range of programmatic activities represented by the Council; (2) the lack of coordination between these activities; and (3) the opportunity, through the Council, for coordinated planning, design, implementation and evaluation in juvenile justice and delinquency prevention programming. Follow-up meetings were scheduled to discuss joint programming between the Target Project Program (HUD) and the Special Emphasis Diversion Program (OJJDP).

The coordination of research was discussed as a priority concern. Two methods were suggested (1) the designation of a liaison person from the research staff of each agency represented on the Council; and (2) expansion of the Interagency Panel for Research and Development on Adolescence. Dr. James Howell was designated to develop these alternatives further.

The reauthorization of the JJDP Act which would be forthcoming was discussed and it was noted that proposed amendments would have to be filed with the Justice Department. Each Council member was requested to review the statute and submit suggested modifications.

The meeting was adjourned at 12:15 p.m.

Part 5—Juvenile Justice and Delinquency Prevention Act Appropriations

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 2, 1976.

Hon. JOHN O. PASTORE,
Chairman, State, Justice, Commerce, the Judiciary Subcommittee, Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to you to recommend that the fiscal year 1977 State, Justice, Commerce and Judiciary Appropriation Bill provides $100 million for implementation of the Juvenile Justice and Delinquency Prevention Act. This recommendation is $50 million less than the authorization for fiscal 1977.

With your assistance and support, Mr. Chairman, the juvenile justice program was funded at a level of $40 million for fiscal 1976. The Administration proposes to reduce that appropriation by 75 percent in 1977, $10 million—a step which would undermine much of the process that has already been made.

The juvenile justice program, initiated in 1974, is the foundation of a nationwide campaign against juvenile delinquency. Its goal is to direct attention to the prevention of crime—rather than responding to criminal acts after the fact. We believe that it represents the most constructive and cost-effective approach to reducing crime.

Over one-half of all serious crimes are committed by young people. Young people have the highest recidivism rate of any age group—upwards of 85 percent. Each dollar spent to prevent crime by a young person represents many dollars saved—in terms of property loss and the public costs of processing and incarcerating offenders, not to mention the incalculable costs of human suffering and wasted lives.

It is noteworthy that one of the most cost-effective aspects of the program is the coordination of efforts by private groups as well as state and local governments. A very modest amount of federal assistance has resulted in significant volunteer efforts by private groups such as the Big Brothers of America, the Boy Scouts, Girl Scouts, YMCAs and YWCAs.

Lack of adequate funding will severely hamper juvenile crime prevention efforts. Understaffed state and local agencies lack the expertise and resources to provide effective correctional assistance and services to young offenders. No other federal program provides the coordination and direction which is necessary to mount a comprehensive effort against juvenile crime.

We hope that you will agree on the need to adequately fund the Juvenile Justice and Delinquency Prevention Act so that we may help hundreds of thousands of young people to lead productive lives and reduce the rate of crime in our society. Thank you for your consideration.

Sincerely,

BIRCH BAYH,
CHARLES MCC. MATHIAS, JR.

[From the Congressional Record, July 29, 1975]

SENATOR BAYH CONTINUES FIGHT FOR DELINQUENCY FUNDING

SUPPORT FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION APPROPRIATIONS

Mr. BAYH. Mr. President, today the Senate will consider an appropriation of funds for a measure which far too long has been denied proper implementation—the Juvenile Justice and Delinquency Prevention Act of 1974.

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

Mr. President, the need for adequate implementation of this legislation is all too obvious for those concerned with the rising tide of crime in America; a frightening phenomena that is largely the result of a rapidly escalating crime level among our young people.

While youths between the ages of 10 and 17 make up 16 percent of our population they account for fully 45 percent of all persons arrested for serious crime. Fifty-one percent of those arrested for property crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

The seriousness of the present situation was dramatically underscored in testimony submitted just recently at our subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $590 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted, and robbed in the hallways, playgrounds, and classrooms of American schools at an ever-escalating rate. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country.

Who can dispute the need for immediate action? The recently released Federal Bureau of Investigation report on trends in crime for 1974 presents additional confirmation of the rising tide of criminal activity in America. Serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data 45 years ago. The increase for the first quarter of 1975 has reached 18 percent.

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

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

Mr. President, this is not the first occasion on which I have found it appropriate to emphasize these tragic and startling statistics. For more than 4 years as chairman of the Subcommittee on Juvenile Delinquency, I have stressed these concerns, but more importantly the failure of the Federal Government to adequately respond to juvenile crime and to make the prevention of delinquency a Federal priority.

The Juvenile Justice and Delinquency Prevention Act is the product of these many years of work. It was developed and supported by bipartisan groups of citizens throughout the country and was sent to the President by strong bipartisan majorities of 88 to 1 in the Senate and 329 to 20 in the House.

The act recognizes that our present system of juvenile justice is failing miserably. It is based on our findings that the present system is geared primarily to react to youth offenders rather than to prevent the youthful offense. It is likewise, predicted on conclusive evidence that the system fails at the crucial point when a youngster first gets into trouble.

The juvenile who takes a car for a joy ride or the youngster who thinks shoplifting is a lark are often confronted by a system of justice completely incapable of dealing with them in a constructive manner.

I am all too aware of the limited alternatives available to the juvenile judges in communities across this Nation when they are confronted with the decision of what to do with a juvenile involved in an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the

environment which created these problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious offenders where the youth will invariably emerge only to escalate his level of law violations into more serious criminal behavior.

In addition to the dilemma we now face as to what we do with the young troublemaker, we are also confronted with thousands of children who have committed no criminal act in adult terms. In fact, almost 40 percent of all children involved in the juvenile justice system today have not done anything which could be considered a violation of criminal law. Yet these children—70 percent are young girls—often end up in institutions with hardened juvenile offenders and adult criminals. Instead of receiving counseling and rehabilitation outside the depersonalized environment of a jail, these youngsters are commingled with youthful and adult offenders. There should be little wonder that three of every four youthful offenders commit subsequent crimes.

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

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

Mr. President, the recidivism rate among youthful offenders under 20 is the highest among all groups and has been estimated at between 75 and 85 percent in testimony before our subcommittee. Obviously, past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private to deal more effectively with juvenile crime and delinquency prevention. Moreover, this legislation provides a workable program for delinquency prevention. A recently released General Accounting Office report found that if this act were properly implemented it "should help prevent and control juvenile delinquency."

In order to properly implement this very promising program, Mr. President, we need a sufficient appropriation of money. As Elmer Staats, Comptroller General of the United States, testified at a recent hearing of our subcommittee:

"Since juveniles account for almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any stratgey to reduce the Nation's crime."

Because the Juvenile Justice Act represents such a promising approach to these problems, I find it particularly distressing that the President has consistently expressed opposition to its implementation. Despite the fact that he signed this act into law last September, he has, to this date, failed to nominate a director for this program and has omitted any funds for activities under the act from his fiscal budget request for 1976. I can think of few more blatant examples of false economy and misplaced priorities than the fact that while juvenile crime in this country is costing Americans $12 billion annually, the administration continues to be steadfastly opposed to the expenditure of one red cent to reduce that loss.

In spite of such opposition we are making progress in our effort to make juvenile crime prevention a national priority. Though disappointed by the Office of Management and Budget decision withdrawing its November approval of $20 million for the program—on the ground according to Paul O'Neill, Deputy Director, OMB, that "at the time of the 1976 budget review the President indicated that he did not want to provide funding to implement this program"—last month the Senate approved $35 million in the second fiscal year 1975 supplemental bill to permit LEAA to begin to address the congressional mandate of the Juvenile Justice and Delinquency Prevention Act. Though later compromised to $25 million in conference with the House of Representatives which had provided $15 million, it was a start.

The $75 million contained in today's fiscal year 1976 appropriation bill is indeed significant. The House committee has earmarked $40 million for the program and its Members should be commended for their commitment to move forward with the program, but I believe that the Senate amount as I indicated to the distingiushed chairman, Senator PASTORE, eariler this year is more commensurate with the growing delinquency problems and could be wisely spent by public and private agencies this year.

This level of second year funding, when coupled with the recent startup moneys, represents a significant step toward fulfillment of the act's commitment to prevention of delinquency—before the initial serious act or at least at that point—as an integral part of the Federal Government's fight against crime.

I am deeply appreciative of the interest and strong support for this program expressed by the distinguished chairman, Senator McCLELLAN, and Senator PASTORE, the distinguished subcommittee chairman.

I urge my colleagues to give the bill favorable consideration and hope that the House of Representatives will agree with our view that prevention of delinquency and efforts to curb juvenile crime demand immediate and adequate funding.

Mr. President, I ask unanimous consent that the appropriate section of the report—page 23—regarding the fiscal year 1976 appropriation for the Juvenile Justice and Delinquency Prevention Act as well as the pertinent part of the supplemental regarding the second supplemental appropriation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"FISCAL YEAR 1976

"Law Enforcement Assistance Administration

"SALARIES AND EXPENSES

"1975 appropriation	$887,171,000
"1976 budget estimate	769,784,000
"House allowance	769,638,000
"Committee recommendation	861,638,000

"The Committee recommends an appropriation of $861,638,000, a decrease of $25,533,000 below the 1975 appropriation $91,854,000 over the budget estimate, and $92,000,000 over the House allowance. The Committee recommendation would provide $40 million for the Law Enforcement Education program, $75 million for the Juvenile Justice program, and the budget request level for ongoing LEAA State block grant and other activities.

"Under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Law Enforcement Assistance Administration is charged with the responsibility for assisting State and local governments in reducing crime and improving the quality of the criminal justice system. This appropriation also includes funds to carry out Title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

"The House, in its action on the bill, earmarked $40 million for the Law Enforcement Education Program, the same as the 1975 level, and an increase of $17 million over the President's budget request which had recommended a 45% reduction in law enforcement education programs. The effect of the House action would have been to finance the $17 million restoration of the Law Enforcement Education Program by forcing an offsetting $17 million reduction on ongoing LEAA activities—including block grants to States—which have already been reduced in the budget request by $110 million. The Committee recommendation would restore the Law Enforcement Education Program to last year's $40 million level without reducing ongoing LEAA activities below the budget request.

"In similar fashion, the House earmarked $40 million for the Juvenile Justice program, an increase of $15 million over the 1975 level and $40 million over the President's budget request which had recommended zero for the Juvenile Justice program. The effect of the House action would have been to finance the $40 million funding level for the Juvenile Justice program by forcing an offsetting $40 million reduction on ongoing LEAA activities—including block grants to States—which have already been reduced in the budget request by $110 million. The Committee recommendation would provide $75 million for the Juvenile Justice program without reducing ongoing LEAA activities below the budget request.

"The Committee's recommendations reflect concern about the recent 17% year-to-year increase in serious crime, the possible serious adverse effects on public safety that further reductions in LEAA activities may have on the financial

stability of hard pressed State and local police departments—many of which are being forced to lay off police officers—and the fact that over half of the serious crime in this country is committed by youths under the age of 19.

"The bill includes $217,960,000 for LEAA to carry out these programs at essentially the same level as the 1976 Committee recommendation during the transition quarter.

"FISCAL YEAR 1975—SUPPLEMENTAL

"The Committee recommends $35,000,000 for the Law Enforcement Assistance Administration, an increase of $20,000,000 over the House allowance, of which $10,000,000 shall be derived by transfer of 1971–74 reversionary funds.

"The Juvenile Justice and Delinquency Prevention Act of 1974 authorized $75,000,000 to implement the provisions of the new legislation. Unfortunately, the Administration has not requested an appropriation to carry out the new program. Late last year, the Law Enforcement Assistance Administration requested Committee approval to reprogram up to $20,000,000 to implement this program. This reprograming was readily approved by both Appropriations Committees of Congress. Nevertheless, the Office of Management and Budget has yet to release the funds.

"The problem of Juvenile Delinquency Prevention is most serious. Almost one-half the serious crimes committed in this country are by youths under 18 years of age.

"The Committee agrees with the House that because of the OMB delay with regard to the reprogramed funds, it is necessary for the Congress to reaffirm its earlier reprograming decision by appropriating additional funds to implement the new Juvenile Delinquency legislation. In order to increase the efficient and effective expenditure of funds, the Committee has extended the availability for $25,000,000 in new budget authority until August 31, 1975. These funds would be used principally for State formula grant allocations based on population with a minimum grant of $200,000 to each State. The Committee has also included language in the bill to divert $10,000,000 in 1971–74 reversionary funds to be applied toward the implementation of the new legislation. These funds would be used primarily to accelerate the special emphasis prevention and treatment programs, provide some increased State planning, and develop the necessary administrative mechanism to insure the success of the new program. The Committee has provided that reversionary funds shall remain available until December 31, 1975, primarily to insure the stability of the development of a professional staff to administer the program and would expect the grants awarded from reversionary funds to be obligated much earlier in the fiscal year. The Committee strongly believes that a staff of at least 51 positions are required to mount the program effectively and has included sufficient funds to support such a staff."

FORD BUDGET SURVEY FOR FISCAL YEAR 1977 FOR LEAA

Federal Funds

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

General and special funds

Salaries and expenses

For grants, contracts, loans, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, including departmental salaries and other expenses in connection therewith, to remain available until expended.

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $204,960,000, to remain available until expended.] (*42 U.S.C. 3701 et seq., as amended by Public Law 93–83, 87 Stat. 197; 42 U.S.C. 5601; Public Law 93–415; 88 Stat. 1109, Department of Justice Appropriation Act, 1976.*)

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

	1975 actual	1976 estimate	Transition quarter estimate	1977 estimate
Program by activities:				
Direct program:				
1. Grants for development and implementation of comprehensive plans	56,413	60,500	15,600	64,344
2. Matching grants to improve and strengthen law enforcement:				
(a) Allocation to States according to population	476,862	462,065	124,398	434,524
(b) Allocations to States, localities, or private nonprofit organizations as determined administratively	82,196	112,000	30,000	76,252
(c) High crime area program				5,000
3. Aid for correctional institutions and programs	120,011	130,278	27,000	109,670
4. Technical assistance	8,700	20,233	3,791	12,220
5. Research, evaluation, and technology transfer	39,646	39,526	11,005	33,390
6. Educational assistance and special training programs	45,818	49,098	21,457	24,810
7. Data systems and statistical assistance	23,888	30,497	7,954	24,962
8. Juvenile justice and delinquency prevention program		16,000	6,945	31,340
9. Management and operations	21,045	26,437	6,773	25,464
Total direct program	874,579	919,634	254,923	831,900
Reimbursable program	172	146	10	46
Total program costs, funded[1]	874,751	919,780	254,933	832,021
Change in selected resources (undelivered orders)	−13,258	−32,442	−49,641	−109,044
Total obligations	861,493	887,338	205,292	722,994
FINANCING:				
Receipts and reimbursements from: Federal funds	−172	−146	−10	−40
Unobligated balance available, start of period	−65,665	−91,515	−15,000	−15,000
Unobligated balance available, end of period	91,515	15,000	15,000	
Budget authority	887,171	810,677	205,282	707,944
Budget authority:				
Appropriation	895,000	809,638	204,960	707,944
Transferred to other accounts	−7,829			
Transferred from other accounts		34		
Appropriation (adjusted)	887,171	809,672	204,960	707,944
Supplemental new requested for civilian pay raises		1,005	322	
Relation of obligations to outlays:				
Obligations incurred, net	861,322	887,192	205,282	722,944
Obligated balance, start of period	1,088,399	1,096,147	1,063,894	1,014,263
Obligated balance, end of period	−1,096,147	−1,063,894	−1,014,462	−897,688
Adjustments in expired accounts	−711			
Outlays, excluding pay raise supplemental	852,863	918,538	254,400	839,632
Outlays from civilian pay raise supplemental		907	350	70

[1] Includes capital outlay as follows: 1975, $108,000; 1976, $60,000; transition quarter $20,000; 1977, $65,000.

The Crime Control Act of 1976 and the Juvenile Justice and Delinquency Prevention Act of 1974 place within the Law Enforcement Assistance Administration (LEAA) responsibility to provide assistance to States and local units of government to reduce crime and juvenile delinquency, improve and strengthen the quality of the criminal justice system—police, courts, and corrections—and provide resources and leadership for the development, implementation, and coordination of a comprehensive juvenile justice and delinquency prevention program.

1. *Grants for development and implementation of comprehensive plans.*—The funds awarded under this program are used to support State planning agencies (SPAs) which prepare and adopt, in cooperation with regional planning units (RPUs) and local units of government, an annual State comprehensive law enforcement and criminal justice plan based on the States' evaluation of their own criminal justice systems. During 1977 SPAs and RPUs will focus on enhancing their evaluation capabilities and identifying the needs for technical assistance to subgrantees.

2. *Matching grants to improve and strengthen law enforcement.*—Upon approval of LEAA of an annual comprehensive plan, State planning agencies are awarded block grants based on a population formula. These funds are used to strengthen and expand the skills, techniques, and programs available to the criminal justice community for the reduction and prevention of crime and delinquency and the detection, apprehension, adjudication, and rehabilitation of offenders.

Discretionary grants are the means by which national priorities and programs are emphasized. These grants afford LEAA the opportunity to provide leadership by placing emphasis on specific program areas and testing innovative strategies to resolve continuing problems. These funds are used to support projects aimed at upgrading all components of the criminal justice system. During 1977 discretionary funds will be used to continue the Drug Enforcement Administration task forces, juvenile justice activities, and other ongoing efforts such as the career criminal program and citizens' initiative efforts.

A new high crime area program will address the immediate and urgent problems associated with an increase in crime which is concentrated in the larger cities and counties. Jurisdictions with major problems of serious crime will be provided assistance in crime analysis, problem definition, and in the selection, development, and application of precisely tailored programs aimed at improving the effectiveness of the criminal justice system in reducing crime.

3. *Aid for correctional institutions and programs.*—The funds awarded under this program will provide up to 90% of the cost of development and implementation of programs and projects for the improvement of adult and juvenile correction programs and practices including construction, acquisition, and renovation of correctional institutions and facilities. At the discretion of LEAA, 50% of the funds provided under this program for correctional improvements are distributed to States in the form of block grants to implement programs identified in the State's annual comprehensive plan. During 1977 the program will continue to focus on the development and upgrading of community-based facilities and programs and the improvement of probation and parole systems.

4. *Technical assistance.*—These funds are available to provide technical assistance to States and units of local government, public or private agencies, organizations, institutions, or international agencies in matters relating to the improvement of law enforcement and criminal justice. Through this program, agencies are provided assistance and kept abreast of developments in various fields.

5. *Research, evaluation, and technology transfer.*—Support is provided for research, development, technology transfer and evaluation of techniques, systems, equipment, and devices to reduce and prevent crime and strengthen and improve operation of the criminal justice system. During 1977, evaluation and replication programs will be emphasized.

6. *Educational assistance and special training programs.*—During 1977 this program will provide special training in the prosecution of organized crime for prosecuting attorneys; training in the latest criminal justice techniques and methods including the advanced criminal justice practices training program and the SPA/RPU training effort; financial support for approximately 1,000 interns; and support to a number of institutions to strengthen criminal justice curricula.

7. *Data systems and statistical assistance.*—This activity collects, evaluates, publishes, and disseminates statistics and other information on crime conditions and the progress of law enforcement and criminal justice; provides technical and financial assistance to States and local jurisdictions in the application of statistical procedures and information systems and plans, coordinates, and operates all data systems activities within LEAA. During 1977 the statistics program will continue onging statistical series; the systems development program will assist States and local jurisdictions with the implementation of comprehensive data systems; and the system analysis program will focus on providing assistance to States on management information systems.

8. *Management and operations.*—This activity includes funds for the administrative operations of the Law Enforcement Assistance Administration. During 1977, planning for the high crime area program will be completed and program implementation will begin.

The planned distribution of budget authority requested for 1977 as compared to funds appropriated in 1976 is as follows (in thousands of dollars):

	1976	Transition quarter	1977
1. Grants for development and implementation of comprehensive plans	60,000	12,000	60,000
2. Matching grants to improve and strengthen law enforcement:			
(a) Allocations to States according to population	405,412	84,660	345,666
(b) Allocations to States, localities, or private nonprofit organizations as determined administratively	71,544	14,940	61,000
(c) High crime area program			50,000
3. Aid for correctional institutions and programs	95,478	21,000	81,333
4. Technical assistance	13,000	2,500	13,000
5. Research, evaluation, and technology transfer	32,423	7,006	32,029
6. Educational assistance and special training programs	43,250	40,600	5,000
7. Data systems and statistical assistance	25,971	6,103	24,452
8. Juvenile justice and delinquency prevention	39,300	9,700	10,000
9. Management and operations	24,299	6,773	25,464
Total	810,677	205,282	707,944

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 3, 1975.

HON. BIRCH BAYH.
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for a statement from OMB regarding the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice. This confirms a telephone conversation between your office and OMB's Congressional Relations staff.

In signing the Juvenile Justice and Delinquency Prevention Act into law, President Ford stated:

"This bill represents a constructive effort to consolidate policy direction and coordination of all Federal programs to assist States and localities in dealing with the problems of juvenile delinquency. The direction of our Federal programs has been fragmented for too long. This restructuring of present operations and authority will better assist State and local governments to carry out the responsibilities in this field, which should remain with them."

Since the Act was signed into law, the Law Enforcement Assistance Administration has initiated efforts to implement those aspects of the Act which are consistent with Presidential policy guidance. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been established and is operational at this time. The responsibilities of this office include the implementation of overall policy and the development of objectives and priorities for all Federal programs and activities relating to prevention, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In addition, the Coordinating Council on Juvenile Justice and Delinquency Prevention has been established, and has met several times to consider recommendations for increased coordination of all Federal juvenile delinquency programs.

The President strongly supports the current OJJDP involvement in planning, evaluation, and overall coordination of Federal juvenile delinquency programs. It is his desire to assess past experience in this field, and then establish a firm basis for future actions, hopefully in a way that avoids the mistakes of past Federal efforts to cope with this problem. This policy will provide a more effective approach in successfully combating juvenile delinquency.

As to funding for FY 1977, the budget review process is currently under way, and the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration will receive consideration as a part of the overall examination of the budget estimates for the Department of Justice. The President's budget recommendations on this and other Federal programs will be transmitted to the Congress in January.

Sincerely yours,

PAUL H. O'NEILL,
Deputy Director.

DEPARTMENT OF JUSTICE NEWS RELEASE

JANUARY 21, 1976

Deputy Attorney General Harold R. Tyler, Jr., announced today that the Department of Justice budget request for Fiscal Year 1977 is $2,150,378,000 and

51,822 positions, essentially the same levels budgeted for Fiscal Year 1976. The Fiscal 1976 budget totaled $2,168,386,000 and 51,878 positions.

Mr. Tyler said that the Department's budget request was prepared on the basis of a very rigorous internal review to provide for an effective program within the President's policies of fiscal restraint.

The budget, he said, is based on these principal initiatives:

Increased recognition of the role of U.S. Attorneys in Federal litigation.

The need for improved corrections programs and facilities for Federal prisoners and initiation of a Federal leadership role to improve corrections programs at all levels of government.

Provision of a balanced, sharply-defined drug enforcement effort, in response to recommendations of the Domestic Council's White Paper on Drug Abuse.

Balancing of resources to deal with the illegal alien problem.

Greater efficiency in the use of investigative resources and greater emphasis on high-priority crimes.

A cautious, more evaluative approach to financial assistance for state and local criminal justice improvement programs.

Mr. Tyler said that an additional 291 positions and $11,350,000 are requested for U.S. Attorneys' offices, bringing their total resources to 3,585 positions and $100,648,000. This increase is required to allow the U.S. Attorneys to catch up with substantial increases in their workload, to restore balance between criminal and civil litigation, and to respond to major initiatives against white collar crime. Mr. Tyler also noted that the U.S. Attorneys are expected to assume a greater role in Federal litigation.

An increase of 87 positions and $2,758,000 is requested for the U.S. Marshals to provide for improved court security and protection of sensitive witnesses, Mr. Tyler said. The increase would raise the U.S. Marshals' budget to 2,163 positions and $59,428,000.

The total budget request for the Federal Prison System is 8,296 positions and $304,127,000, an increase of 161 positions and $67.254,000, Mr. Tyler said.

The largest component of the increase is $46,535,000 for planning and construction of new prison facilities, raising the total request for this activity to $59,095,000. The 1977 budget would provide for the planning of Metropolitan Correctional Centers in Detroit and Phoenix, and for construction of an adult facility at Otisville, New York, and a youth facility at Talladega, Alabama.

Many prison facilities are overcrowded and outdated, Mr. Tyler said. Construction of new facilities is necessary to alleviate those conditions and to provide humane conditions and an environment conducive to effective rehabilitation.

The second component of Prison System increases is 135 positions and $15,722,000 for the salaries and expenses of the Bureau of Prisons, raising the budget for that function to 8,233 positions and $208,160,000. This will provide for meeting the higher costs of housing Federal prisoners, improved programs for prisoners, and better institutional management. It will also permit the activation of youth centers at Memphis, Tennessee, and Bastrop, Texas, and a new dormitory at LaTuna, Texas.

Mr. Tyler said the third component of the Prison System increase, 26 positions and $4,997,000, is to establish the new National Institute of Corrections as a separate entity. The Institute, authorized by the Juvenile Justice and Delinquency Prevention Act, will work to improve corrections programs in the United States by supporting research and demonstration, training, and technical assistance projects.

The budget for the Drug Enforcement Administration reflects an increase of 102 positions and $6,286,000, for a total request of 4,365 positions and $159,287,000. High level conspiracy investigations will be stressed in accordance with the President's drug enforcement strategy and the Domestic Council's White Paper on Drug Abuse. Mr. Tyler also said that there would be increased emphasis on regulatory and compliance activities to prevent diversion of legal substances to the illicit market. Research efforts will focus on improved capability to monitor and determine sources of illegal drugs. Improved productivity for investigators and agents also will be stressed.

The Immigration and Naturalization Service budget contains 8,721 positions and $221,581,000, an increase of $7,972,000 and a decrease of 111 positions from the current year. This request reflects an effort to improve the balance of the INS program by emphasizing enforcement activities and providing a major increase for detention and deportation activities. It also provides for further development of the alien documentation system.

The Federal Bureau of Investigation budget is 19,744 postions and $466,777,000, a reduction of 522 postions and $15,015,000 below the current year. Mr. Tyler said the FBI priorities in 1977 are the White Collar Crime program, the General Interstate Crime program, and the Organized Crime program. The FBI will stress increased productivity and a higher quality in its investigative caseload. The 1977 budget changes the FBI's State and local training program to provide that 50 percent of the cost will be financed on a reimbursable basis.

The Law Enforcement Assistance Administration budget is 830 positions and $707,944,000—eight positions higher and $102,733,000 lower than the current year. This request reflects a more cautious approach to State and local assistance programs at a time when their impact on crime and criminal justice problems must be reassessed. Mr. Tyler noted, however, that outlays for LEAA will be more than $839,000,000 in 1977, providing for Federal support to State and local programs at higher levels than the budget authority. Mr. Tyler also said that the budget provides some $50 million for the President's High Crime Area Program, and that end-of-year funding for 1976 will insure full support for participants in the Law Enforcement Education Program for the 1976–77 academic year.

The Antitrust Division's request is 876 positions and $23,426,000, an increase of 20 positions and $1,227,000 over the current year. These increases provide for the litigation of the IBM, AT&T, and tire company cases, the publication of consent decrees required by the Antitrust Procedures and Penalties Act, and an increase in programs to reduce private interference with the free market system.

There are relatively minor increases and decreases in other areas of the Department—including: General Administration, General Legal Activities, Fees and Expenses of Witnesses, and the Community Relations Service.

Attached are tables showing funds and positions requested in the Fiscal Year 1977 budget, as well as comparable figures for Fiscal 1976.

DEPARTMENT OF JUSTICE, FISCAL YEAR 1977 PRESIDENT'S BUDGET POSITIONS AND BUDGET AUTHORITY
[In thousands of dollars]

Bureau, division, office	Fiscal year 1976		Fiscal year 1977		Increase		Percent increase amount
	Positions	Amount	Positions	Amount	Positions	Amount	
General administration: [1]							
Attorney General	19	$664	19	$682	----------	$+18	+2.7
Deputy Attorney General	36	872	39	1,005	+3	+133	+15.3
Office of Policy and Planning	15	436	25	629	+10	+193	+44.3
Office of Public Information	18	463	18	477	----------	+14	+3.0
Office of Legislative Affairs	21	548	21	559	----------	+11	+2.0
Office of Management and Finance	483	11,891	463	11,891	−20	----------	0.0
Pardon Attorney	10	241	10	247	----------	+6	+2.5
Board of Immigration Appeals	41	1,042	41	1,098	----------	+56	+5.4
Board of Parole	138	3,391	154	3,699	+16	+308	+9.1
Watergate Special Prosecution Force	90	2,091	----------	----------	−90	−2,091	−100.0
Total, general administration	871	21,639	790	20,287	−81	−1,352	−6.2
General legal activities: [2]							
Solicitor General	45	1,818	47	1,962	+2	+144	+7.9
Tax Division	459	11,537	459	11,916	----------	+379	+3.3
Criminal Division	720	18,838	702	19,083	−18	+245	+1.3
Civil Division	480	12,536	480	13,043	----------	+507	+4.0
Land and Natural Resources Division	237	6,952	245	7,053	+8	+101	+1.5
Office of Legal Counsel	42	1,225	39	1,180	−3	−45	−3.7
Civil Rights Division	367	9,203	367	9,328	----------	+125	+1.4
Total, general legal activities	2,350	62,109	2,339	63,565	−11	+1,456	+2.4
Antitrust Division [3]	856	22,199	876	23,426	+20	+1,227	+5.5
U.S. attorneys and marshals:							
U.S. attorneys [4]	3,294	89,298	3,585	100,648	+291	+11,350	+12.7
U.S. marshals [5]	2,076	56,670	2,163	59,428	+87	+2,758	+4.9
Total, U.S. attorneys and marshals	5,370	145,968	5,748	160,076	+378	+14,108	+9.7
Fees and expenses of witnesses [6]	----------	16,480	----------	19,177	----------	+2,697	+16.4
Community Relations Service [7]	113	4,039	113	4,131	----------	+92	+2.3
Total, legal activities	8,689	250,795	9,076	270,375	+387	+19,580	+7.8

DEPARTMENT OF JUSTICE, FISCAL YEAR 1977 PRESIDENT'S BUDGET POSITIONS AND BUDGET AUTHORITY—Con.
[In thousands of dollars]

Bureau, division, office	Fiscal year 1976		Fiscal year 1977		Increase		Percent increase amount
	Positions	Amount	Positions	Amount	Positions	Amount	
Federal Bureau of Investigation [8]	20,266	481,792	19,744	466,777	−522	−15,015	−3.1
Immigration and Naturalization Service [9]	8,832	213,609	8,721	221,581	−111	+7,972	+3.7
Federal Prison System: [10]							
Salaries and expenses	8,098	192,438	8,233	208,160	+135	+15,722	+8.2
National Institute of Corrections [11]			26	4,997	+26	+4,997	0
Buildings and facilities [12]	37	12,560	37	59,095		+46,535	+370.5
Support of U.S. prisoners [13]		31,875		31,875			
Total, Federal Prison System	8,135	236,873	8,296	304,127	+161	+67,254	+28.4
Law Enforcement Assistance Administration [14]	822	810,677	830	707,944	+8	−102,733	−12.7
Drug Enforcement Administration [15]	4,263	153,001	4,365	159,287	+102	+6,286	+4.1
Total, appropriation	51,878	[16] 2,168,386	51,822	2,150,378	−56	−18,008	−.8

[1] A program increase of 16 positions for the Board of Parole is to provide additional hearing examiners, legal counsel, and related support staff to accommodate an inordinate increase in parole hearings caseload and to assure proper due process to Federal prisoners. 3 positions are transferred from the General Legal Activities appropriation to the Office of the Deputy Attorney General for activities under the Freedom of Information and Privacy Acts. 10 positions are transferred from General Legal Activities to the Office of Policy and Planning for the development of criminal justice policy. The budget proposes decreases of 20 positions in the Office of Management and Finance and 90 positions to phase out the Office of Watergate Special Prosecution Force.

[2] Program increases are requested for the conduct of Supreme Court litigation (Solicitor General) and the development of an automated caseload and collection data system. 8 positions are transferred from Criminal Division to Land and Natural Resources Division for Indian resource matters. 13 positions are transferred to the General Administration appropriation for the development of criminal justice policy and the handling of requests under the Freedom of Information and Privacy Acts.

[3] Program increases of 20 positions are requested for the conduct of the Department's program to reduce private interference with the free market system, particularly the litigation of the IBM A.T. & T. and the Firestone and Goodyear cases, and the development of the Department's automated caseload and collection data system.

[4] U.S. attorney program increases are requested for the conduct of the increasing criminal and civil litigation caseloads in the 94 U.S. attorney districts (291 positions), the development of an automated litigation caseload and collection data system, an automated legal information retrieval system, and the advocacy training of U.S. attorney personnel.

[5] U.S. marshals program increases are requested for the provision of improved courtroom security for the Federal judiciary (41 positions) Federal witnesses (46 positions), and the regionalization of the U.S. Marshals Service.

[6] Program increases are requested for the payment of Federal witness fees and expenses.

[7] An uncontrollable increase of $92,000 is needed to meet higher costs of office space, travel, and payroll for existing personnel.

[8] The budget request includes increases of $13,800,000 needed to cover price increases and additional costs authorized by recent legislation and $1,900,000 to fund temporary agents who will be recruited and trained in fiscal year 1977 to replace agents who will be required to retire in fiscal year 1978 due to the enactment of the Law Enforcement and Firefighter's Retirement Act. Decreases are $5,000,000 for equipment, $8,200,000 for administratively uncontrollable overtime; 272 positions and $7,900,000 for State and local training to be offset by 50 percent reimbursement for such training from participating agencies; 250 positions and $4,700,000 due to expectations of increased productivity and $4,900,000 for nonrecurring equipment items from the 1976 budget.

[9] Decreases are $4,800,000 and 330 positions for investigations, inspections, and non-enforcement programs; $2,100,000 for administratively uncontrollable overtime; and $3,000,000 in shared administrative support transferred to the Department of State. Increases are 204 positions and $10,300,000 for detention and deportation of illegal aliens; 15 positions and $2,000,000 for support operations; and $1,600,000 for the alien documentation program.

[10] Major increases are requested for activating 2 new youth centers at Memphis, Tenn., and Bastrop, Tex., and a farm dormitory at La Tuna, Tex. (63 positions), the implementation of functional unit management (40 positions), the conversion of Public Health Service medical positions to civil service status (42 positions), and cost increases in utilities, food and other items associated with the maintenance of the current program level. There is also a transfer of 10 positions to the National Institute of Corrections.

[11] A new appropriation is requested in 1977 to fund the National Institute of Corrections. This program provides grants to universities, correctional agencies, and nonprofit corporations for training, technical assistance, research and evaluation, standards, and policy development in corrections.

[12] Funds are requested for planning and site acquisition costs for metropolitan correctional centers in Detroit, Mich. and Phoenix, Ariz. ($5,590,000), for construction of a Northeast adult facility in Otisville, N.Y. ($21,700,000) and a Southeast youth center in Talladega, Ala. ($18,700,000), and for modernization and repair of existing facilities ($13,200,000)

[13] No increase is requested.

[14] Decrease of $102,700,000 results largely from a $59,700,000 decrease in the amount requested for part C block grants; and additional decrease of $24,700,000 occurs for law enforcement and corrections programs, which are allocated administratively. A requested decrease of $38,300,000 for educational assistance reflects elimination of LEEP funding; a $40,000,000 appropriation for the transition quarter of fiscal year 1976, however, will insure full support for LEEP participants during the 1976-77 academic year. A decrease of $29,300,000 is reflected in requested support for new juvenile justice programs; if Congress approves deferral of $15,000,000 for these purposes from the fiscal year 1976 appropriations $25,000,000 will be available in fiscal year 1977. An increase of $50,000,000 and 8 positions is requested to support the President's high crime area program.

[15] Increases of 21 positions and $5,00,000,000 are for compliance and regulation, investigation, and evaluation of the regulatory programs. The tactical, operational, and strategic intelligence capabilities have an increase of 77 positions and $2,000,000. There are 4 positions and $2,000,000 for criminal enforcement including conspiracy training and a $1,000,000 transfer from the Law Enforcement Assistance Administration for Diversion Investigation Units. There are $8,000,000 in obligatory increases and $6,000,000 in fiscal year 1976 items not recurring in fiscal year 1977. Decreases of $7,000,000 for equipment, $1,900,000 for administratively uncontrollable overtime and $1,100,000 for the reduction of average salary and grade are proposed for the DEA. The policy decision for shared administrative support to be funded by the Department of State is reflected in a decrease of $2,000,000.

[16] Includes $35,737,000 proposed supplemental for calendar year 1975 pay increase costs.

STATEMENT TO SENATOR PASTORE'S SUBCOMMITTEE ON APPROPRIATIONS REGARDING FY 1977 BUDGET FOR THE JUVENILE JUSTICE AND DELINQUENCY OFFICE

NATIONAL FEDERATION OF STATE YOUTH SERVICE BUREAU ASSOCIATIONS,
White Plains, N.Y., March 26, 1976.

Hon. JOHN PASTORE,
Chairman, Senate Appropriations Subcommittee on State, Justice, Commerce, Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: The National Federation of State Youth Service Bureau Associations is a newly-formed national organization of youth service bureaus. At our recent Board of Directors meeting in Chicago, we adopted policy recommendation concerning the appropriation level of the Juvenile Justice and Delinquency Prevention Act (P.L. 93-415).

It is our recommendation that the Juvenile Justice and Delinquency Prevention Act be funded at a minimum of $75 million for Fiscal Year 1977. Without an adequate funding base, the Act will not be able to realize its goals and objectives. We believe the Act to be a progressive piece of federal legislation; one that deserves a sound financial base to carry out its mandates of deinstitutionalization, promotion of community-based treatment approaches, removal of juveniles from adult correctional facilities.

We urge you as chairman of this committee to consider this recommendation and to advocate for a higher level of appropriation.

Sincerely,

HENRY L. KUYKENDALL,
Chairman.

NATIONAL SHERIFFS' ASSOCIATION,
Washington, D.C.

Subject: L.E.A.A.

It is an honor to be permitted to comment on various budget proposals for the Law Enforcement Assistance Administration.

The National Sheriffs' Association, with 50,000 members in all states, representing all facets of the American criminal justice system, is very familiar with the LEAA and the beneficial results of certain LEAA-funded projects. For this reason, we are very interested in doing all possible to see that these laudable endeavors are permitted to continue.

We therefore respectfully request that the following proposals be considered. Suggestions to cut huge sums from the Law Enforcement Assistance Administration would, in our opinion, have seriously deleterious results and would adversely affect the nation's fight against crime.

We disagree with the President's proposed budget which would allocate $708,000,000 with no provision for funding for the Law Enforcement Education Program and would provide only $10,000,000 for the Juvenile Justice Program, with this latter amount to come from the aforementioned total allocation.

We agree with the House that the Law Enforcement Education Program should be continued and we agree with the House that the Juvenile Justice Program would be seriously underfunded through the President's recommended budget.

We do not agree, however, that the House proposal of $600,000,000 with $40,000,000 of that allocated to the Law Enforcement Education Program and another $40,000,000 allocated to the Juvenile Justice Program is sufficient to accomplish the desired and needed goals.

In this age of demand for more education and a higher level of professionalization in all branches of the criminal justice system, we feel that the Law Enforcement Education Program should receive $40,000,000 for its share during the year under consideration.

Because our best hope for curbing crime in the future is by increasing our emphasis on youthful offenders, preventing their delinquency so far as possible, and rehabilitating juveniles while they are in their formative years, we believe that $100,000,000 should be allocated to this exceedingly worthwhile program, i.e., Juvenile Justice.

We believe these two programs to be of sufficient merit to warrant these expenditures in addition to otherwise unallocated Law Enforcement Assistance Administration funding.

We also urge that $600,000,000 be allotted for LEAA programs other than the two specific programs mentioned before.

This would make for a total of $740,000,000 for the fiscal year and would be a more realistic figure.

While we realize that it is not possible to allocate all funds requested for any program, no matter how laudable, we do feel this is the minimum figure required by LEAA if it is to continue to function effectively and aid the criminal justice system in its efforts to protect citizens frim criminal activity which has and is plaguing the nation.

STATEMENT OF SENATE APPROPRIATIONS COMMITTEE FOR STATE-JUSTICE APPROPRIATION FISCAL YEAR 1977

Mr. Chairman and members of this Committee: I am Fr. T. Byron Collins, S.J., and with me is Fr. William L. George, S.J. We serve as Assistants to Fr. Robert J. Henle, S.J., President of Georgetown University.

Attached is a document—Senate—appropriation Recommendation for LEAA, FY 1977 (Exhibit I).

The amount recommended is $740,000,000 which is within the Senate Budget Committee Resolution passed by the Senate.

The line item for the Juvenile Programs is critical. Mr. Chairman, your wisdom prevailed last year and the Appropriation for this was set at $10 M for this current year.

This program is perhaps the key to making LEAA become a success. Young adults of 22 years and younger are responsible for 61% of crime. The way to reach this age group is through their own local organizations. Attached is a list of some of these that have undertaken the struggle to work with the errent youth in their communities (Exhibit II). A substantial increase in funds is necessary to allow the seeds of this program start to mature. Funds are necessary to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system and have the local communities combat juvenile delinquency by preventing it (Exhibit III).

An instance of such local Community effort is the Jesuit Boys Home on the outskirts of Washington. Jesuit priests, who are full time teachers at Georgetown University and Gonzaga High School, work there. These Jesuits have eight to ten teen agers assigned by courts to them. They have these eight to ten teen agers go to school and get them to get jobs. They give them incentive to have values in life and for life. This grew out of the Juvenile Program. Part of their funds come from the LEAA program. These kinds of programs must grow.

Federal funds must be increased so that Commmunities can get more of these started. These federal funds also generate local money and local money will enable them to continue.

The request to increase the LEAA other monies is necessary so that programs underway won't be completely disrupted. An instance is the three national projects in which Georgetown University Law Center is involved. These programs are the result of many reviews and screenings and they are of national importance.

Thank you.

EXHIBIT 1

Senate appropriations recommendations for LEAA—fiscal year 1977

The financial picture for Law Enforcement Assistance Administration in the President's Budget, the House State Justice Appropriations and the recommendation to the Senate is as follows:

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[Fiscal years]

	Enacted 1976	President, 1977	House, 1977	Recommended
Amount	809,638,000	707,944,000	600,000,000	740,000,000
Program allotments:				
Regular	729,638,000	697,944,000	520,000,000	560,000,000
Juvenile	40,000,000	10,000,000	40,000,000	100,000,000
LEEP	40,000,000	0	40,000,000	40,000,000
Total	809,638,000	707,944,000	600,000,000	740,000,000

EXHIBIT II

Organizations endorsing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—DISTRIBUTION OF JUVENILE JUSTICE FORMULA FUNDS AT THE $10,000,000 FISCAL YEAR 1976 AND THE $10,000,000 FISCAL YEAR 1977 LEVELS

State	1976	1977	Difference
Alabama	$366,000	$113,208	−$252,792
Alaska	200,000	113,208	−86,792
Arizona	200,000	113,208	−86,792
Arkansas	200,000	113,208	−86,792
California	1,968,000	113,208	−1,852,792
Colorado	229,000	113,208	−115,792
Connecticut	303,000	113,208	−189,792
Delaware	200,000	113,208	−86,792
Florida	625,000	113,208	−511,792
Georgia	437,000	113,208	−373,792
Hawaii	200,000	113,208	−86,792
Idaho	200,000	113,208	−86,792
Illinois	1,125,000	113,208	−1,011,792
Indiana	545,000	113,208	−431,792
Iowa	289,000	113,208	−175,792
Kansas	221,000	113,208	−107,792
Kentucky	330,000	113,208	−216,792
Louisiana	411,000	113,208	−297,792
Maine	200,000	113,208	−86,792
Maryland	409,000	113,208	−295,792
Massachusetts	556,000	113,208	−442,792
Michigan	963,000	113,208	−849,792
Minnesota	409,000	113,208	−295,792
Mississippi	250,000	113,208	−136,792
Missouri	460,000	113,208	−846,792
Montana	200,000	113,208	−86,792
Nebraska	200,000	113,208	−86,792
Nevada	200,000	113,208	−86,792
New Hampshire	200,000	113,208	−86,792
New Jersey	707,000	113,208	−593,792
New Mexico	200,000	113,208	−86,792
New York	1,781,000	113,208	−1,617,792
North Carolina	521,000	113,208	−407,792
North Dakota	200,000	113,208	−86,792
Ohio	1,108,000	113,208	−994,792
Oklahoma	248,000	113,208	−134,792
Oregon	207,000	113,208	−86,792
Pennsylvania	1,140,000	113,208	−1,026,792
Rhode Island	200,000	113,208	−86,792
South Carolina	280,000	113,208	−169,792
South Dakota	200,000	113,208	−86,792
Tennessee	392,000	113,208	−279,792
Texas	1,186,000	113,208	1,071,792
Utah	200,000	113,208	−86,792
Vermont	200,000	113,208	−86,792
Virginia	471,000	113,208	−357,792
Washington	344,000	113,208	−280,792
West Virginia	200,000	113,208	−86,792
Wisconsin	469,000	113,208	−355,792
Wyoming	200,000	113,208	−86,792
American Samoa	50,000	28,296	−21,701
District of Columbia	200,000	113,208	−86,792
Guam	50,000	28,296	−21,792
Puerto Rico	349,000	113,208	−235,792
Virgin Islands	50,000	28,296	−21,704
Trust territory	50,000	28,296	−21,704
Total	23,300,000	6,000,000	−17,300,000

TESTIMONY WITH REFERENCE TO LEAA APPROPRIATION BY ANTHONY P. TRAVISONO, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION

SUMMARY OF RECOMMENDATIONS OF THE AMERICAN CORRECTIONAL ASSOCIATION TO THE SENATE SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, THE JUDICIARY

1. The Law Enforcement Assistance Administration is one of the most vital agencies within the Department of Justice. Currently there are groups calling for the agency to be dismantled. Our Association, which represents correctional administrators and the correctional professionals throughout the nation, is, quite the contrary, calling for its strengthening.

2. The LEAA is the only major national agency to which corrections can turn to for help. It was designed to provide assistance to the correctional and other criminal justice components of state and local governments. Without this organization many state and local agencies would not receive funds which might otherwise flow through the general revenue sharing process. Corrections does not generally receive a high priority in the pecking order of essential services.

3. As an example of the increasing need for federal support in recent years, the LEAA has been called upon to help either construct new or renovate older correctional facilities. The field of correction needs several billions of dollars to upgrade the correctional institutions and facilities that presently exist. Currently correctional facilities are also being overburdened by rapidly rising populations. Virtually every state in the nation is experiencing this population explosion.

4. In a state survey conducted in 1975 by the National Clearinghouse on Criminal Justice Planning and Architecture, respondents indicated that their new construction and renovation expenses were in excess of $650 million dollars. This estimate was based upon what one would call a nonexpansive program basically trying to replace old fortress type institutions that are being condemned as not meeting statutory or constitutional requirements. LEAA has only been able to respond to some of these needs either through Block funds or Part C and E funds in the amount of $169 million dollars during the past five years.

5. The LEAA is currently our only hope. It must provide funding assistance, but as importantly, a sense of hope as evidenced through Congressional action that someone is concerned.

Senator Pastore, the attached position paper recently adopted by our Association tells our story in a nutshell. The correctional systems in each of our states are in desperate need of help. That is, immediate and direct help not only in programming and operations, but in construction as well.

The Congress can be proud of what it has allowed the Federal Bureau of Prisons to do recently in the construction of several new facilities which they desperately needed. The states are having major difficulties in approaching their respective Legislatures for appropriate amounts of money to try to achieve the same goals. Hopefully, the LEAA funds will not be reduced this year or in the near future. The correctional community needs your help!

We would respectfully recommend that at a minimum the total annual LEAA appropriation be established at $740 million dollars with:

(*a*) An additional $100 million dollar appropriation of *new money* for juvenile justice.

(*b*) And an additional $40 million dollar appropriation of *new money* for Law Enforcement Education Programs.

If the LEAA appropriation is not in the area of $880 million dollars, the efforts of several years of programming will no doubt be lost, and there will be little or no opportunity for the agency to offer any new correctional programming commitments.

POSITION STATEMENT—THE AMERICAN CORRECTIONAL ASSOCIATION

Correctional systems

The gross over-crowding of correctional institutions in many jurisdictions of the United States poses problems of critical importance to American society. The situation, in some states, has prompted the Courts to intervene and to impose constraints upon the acceptance of new commitments. The courts have also mandated the improvement of correctional facilities, as well as measures to strengthen their staffing and programs. Many jurisdictions, in the face of current

financial exigencies, lack the budgetary resources required to resolve the problems which they face. The matter is further aggravated by the imposition of moratoria on institutional construction by some jurisdictions.

To some degree, the problems which exist are the result of the long-standing failure of the community to support administrators' requests for the funds required to maintain prisoners under conditions which afford the maintenance of minimum standards of health and decency. Nor has adequate support been given to the replacement of obsolete facilities or to the physical up-keep of those which might otherwise continue to serve a useful function.

In recent years, the situation has been seriously compounded by legislative enactments which have increased the numbers of mandatory criminal penalties and longer sentences for serious crime. These have contributed to and will serve, over the years immediately ahead, to add further to the crowding of overtaxed correctional institutions.

While it has long been recognized that the correctional institutions of the United States continue to house large numbers of prisoners who present no serious threat to the safety of the community, adequate resources have not been provided to support alternatives to imprisonment. Nor have the recommendations of national study commissions and other responsible organizations, regarding the development of balanced and integrated programs of correctional services and the revision of criminal codes to provide courts with broader dispositional alternatives, been given adequate attention.

In the face of these considerations, the American Correctional Association urges that the following measures be taken:

(1) All moratoria on institutional construction be lifted.

(2) The Association calls upon all levels of government in the United States to reassess the funding policies of the government with a view to providing financial resources for (a) the support of alternatives to institutionalization, (b) the replacement of absolute institutions, (c) the up-grading of state and local institutions, where appropriate, and (d) the building of new institutional resources which are essential to the protection of constitutional guarantees against cruel and unusual punishment.

(3) The Association further urges that all levels of government establish reasonable criteria for determining that state and local jurisdictions have developed plans and programs for the deinstitutionalization of corrections to an extent consistent with the public safety and that the meeting of such criteria be a prerequisite for funding of capital outlay for capital improvements to existing plants and new institutional construction.

(4) Where necessary, provision be made for long-term and substantial funding of the programs required to provide adequate levels of professional and paraprofessional staffing of all correctional programs.

(5) The Association also calls upon the governments of States to reassess current policies and practices with respect to the utilization of institutions with a view to employing legislative and administrative measures which would result in the reduction of institutional populations in ways which are consistent with public safety.

(6) The Association, through its program of technical assistance, offers to States and local communities resources by which organized and systematic approaches to the resolution of problems related to the over-crowding of institutions may be undertaken and alternative programs up-graded and expanded.

Officially Adopted—Board of Directors, American Correctional Association, St. Louis, Missouri, February 20, 1976.

TESTIMONY

Senator John O. Pastore, Members of the Senate Subcommittee on State, Justice, Commerce, the Judiciary, ladies and gentlemen:

It is my honor and privilege to have this opportunity to appear before you today, and to present, on behalf of the American Correctional Association, testimony regarding the efforts and continuation of the Law Enforcement Assistance Administration. I hope this testimony will assist you in your deliberations.

The American Correctional Association represents approximately 10,000 correctional professionals throughout the United States and Canada, and 38 affiliate professional and geographic organizations. The sole function of ACA is the improvement of correctional policy, programs, and practices.

For both the protection of the public and the restoration of the offender to the community as a productive and law-abiding citizen, modern-day correctional

experts advocate the development of a balanced correctional approach, consisting of both institutional and community programming. Because of the complexity of human behavior, and the often deep-seated and long-term nature of individual criminal patterns, these goals are far more easily stated than achieved.

The American Correctional Association advocates the confinement for those individuals who commit violent crimes and who, in the interest of public safety, must be separated from the general public. Property-crime and other non-violent offenders can most often be diverted from costly confinement through the use of community-based programs. Probation, parole, halfway houses, and other supervised community programs, such as work-release, group homes, crisis centers, and self-help programs are *both* cost-effective and demonstrably more helpful than confinement in the re-direction of criminal careers to productive employment and law-abiding careers.

In order to attain this type of balance within and throughout the correctional systems of the Country, *every* element of the broader criminal justice system must be carefully coordinated and orchestrated. Standards for joint planning, coordination of activities, and evaluation of results must be encouraged and implemented at every level of the criminal justice system. Continuous research and demonstration programs are equally important as a basis for future and more effective policy and practice. All of this requires leadership on a national basis. And the Law Enforcement Assistance Administration has been providing this leadership in an increasingly effective manner.

The battles in the "war on crime" are being fought and will be won. They will be won through the resolve and hard work of local governments, and with the continuation of strong and effective support, encouragement, and assistance from the Law Enforcement Assistance Administration.

LEAA's 1975 annual budget of 888 million dollars represents more than a substantial growth in financial support from the 1969 budget of 63 million dollars. During this same period of time, serious crime in the United States has not only increased substantially—it has increased in spite of our efforts, and at an entirely unacceptable pace. This contradiction between the growth of crime and the resources that have been made available to combat it must be considered in light of the following:

1. One has to wonder what kind of crime rate this Country would now have if, over the past five years, we had not committed major resources to the police, to the courts, and, in a less significant manner, to the correctional systems at each level of government.

2. It is common knowledge that more than half of our serious crime is caused by relatively young people—most often in the 15-34 year old age group. This population "bulge" has produced, undeniably, a major strain on our criminal justice system. It is expected that this age group—as a proportion of our total population—will begin to decline at the end of this decade. LEAA has had no more control over this phenomenon than it has over the gradual, but nonetheless incessant decline of the American family, the American neighborhood, and, of course, the decreasing capacity of governmental units to manage their criminal justice systems.

3. It is interesting to note, too, that we have had real difficulty in this Country in reporting crime accurately. Recent studies, in many instances supported by LEAA, have shown that in some communities as much as 50% of the actual crime experienced has not been reported accurately (or in some cases, at all) to law enforcement agencies. LEAA's studies of unreported crime and the victims of crime have, of course, led to both more and more accurate reporting of crime. Thus, in a sense, LEAA's work has lead directly to a major criticism of its activities.

4. Finally, one must remember that efforts to solve social problems typically result in knowledge that the problem was worse than we thought, and that the solutions are more difficult than we ever imagined.

Turning now to the correctional agencies of the United States and the needs within the broader criminal justice system, it is clear that we have learned "the hard way" that the support of corrections is as vital to the reduction of crime as the support of law enforcement and the courts. The first Crime Control and Safe Streets Act (1968) gave little thought to corrections. Since that time, an awareness has grown that effective crime control will come about through the modernization of all aspects of the criminal justice system—and, of course, at every level of government.

In 1971, Part E funds, earmarked for correctional programs, were added to the LEAA authorization by the Congress. And, since that time, over one billion dollars in block, discretionary, and technical assistance support have been allocated to both juvenile and adult corrections. One billion dollars is a great deal of money. Over this same time period, federal, state, and local corrections throughout the Country, have spent approximately 12½ billion dollars. Thus, LEAA's investment has been less than 10% of a total amount of money required to operate the national correctional apparatus. And if we mean what we say about modernizing corrections as a tool to reduce crime, significantly more resources are going to be required from both LEAA and local governments.

Although Part E addresses the whole area of correctional needs, it does so in a rather fuzzy manner; it should be clarified and sharpened. Provision is made for the development of regional planning agencies in communities of over 250,000 which meet the requirements of being metropolitan areas and/or being of interstate concern.

Yet this is not the only place where the crying need exists. Cities, counties and local government frequently don't have the planning capacity to do a good job. Some jurisdictions—and they are most frequently those in rural or sparsely populated areas—have no planners at all, and certainly no grantsmen who could help them obtain the funding for planners. Their needs are none-the-less as real, and their problems as urgent as those of the more metropolitan areas. Even when planners exist, under the present system they often find themselves with multiple assignments working simultaneously for justice courts, councils of government, county commissioners, and many other separate and discrete agencies and units. Any consideration of Title I changes should make possible relief to these problems.

The basic conceptualization of a single federal authority, providing assistance both in funding and in technological advice to a single central planning authority in each state, in turn providing services to all state and local components of criminal justice, seems to be working admirably. Reports from many state administrators indicate basic satisfaction with and support of the arrangement. The formal position of the National Governors' Conference with regard to Crime Reduction and Public Safety strongly supports continuance of the arrangement; the Association of State Correctional Administrators, an affiliate of the ACA, generally supports the National Governors' Conference in its position. LEAA and its officials have been doing, and are continuing to do a tremendous job in giving help and cooperation to those of us who labor in the corrections field.

In any consideration of LEAA itself, or of the statutory base upon which it is founded, there is a long list of specific and general considerations which must receive account. One of these is the relative merit of block grants vs. discretionary funding. It is the essential stand of ACA, that block grants should be continued. We should shy away from any move to have the federal government deal directly with non-state jurisdictions or individual agencies, on programs and plans. Such a move would very quickly prove to be defeating of the very purposes which the Congress through LEAA, set out to address. The concept of block grants to single State Planning Agencies has been richly demonstrated to be a successful one. It has helped in assuring development of state-wide comprehensive, integrated planning, and in fostering cooperative, broadspan program efforts. Negotiating directly with individual agencies would promptly destroy this teamwork approach. Spending would become a fiscal and program game of catch-as-catch can; individualized, self-seeking uncoordinated local efforts would supplant area-wide, systemwide, planned approaches to issues and concerns.

Several developmental areas in corrections have been aided significantly by the Law Enforcement Assistance Administration. The National Clearinghouse for Criminal Justice Planning and Architecture, serving the entire field of criminal justice, has already played an extremely important role in master planning in the correctional field.

LEAA has also supported the American Correctional Association in the Association's efforts to implement an accreditation program for all agencies in the correctional continuum. The Commission on Accreditation for Corrections, implemented in 1974, will develop and apply national standards throughout the field in an accreditation program designed to increase public protection and to improve the quality of care and rehabilitation of the criminal offender. For the very first time, correctional agencies throughout the Country will be able to measure their performance against nationally accepted standards which are both

realistic and progressive. Without LEAA leadership, this major national effort would still be on the Association's drawing boards.

Grants not only to our Association, but also to the National Council on Crime and Delinquency, University of Georgia, the American Justice Institute, and the National Institute of Corrections, hold great promise in the search for better solutions to a most difficult problem.

Following are a few of these additional major efforts:

1. An assessment of the overall effectiveness of juvenile corrections;
2. An examination and revitalization of prison industries;
3. A study of total manpower needs;
4. The establishment of national standards and goals;
5. The further development of medical services for both jails and institutional medical programs for larger institutions;
6. A survey of needs in correctional education and training;
7. Development of seminars on legal services within corrections; and
8. Conduction of surveys and studies in the areas of correctional economics.

The Law Enforcement Education Program (LEEP) also holds tremendous promise for the development of new leadership throughout corrections. These funds have, for the first time, implemented long-held beliefs that corrections must develop new and strong leadership through participation by the nation's colleges and universities. Corrections has not yet felt the impact of LEEP funds—but soon will. In addition, over the past year, approximately 77% of these funds were allocated to law enforcement. Corrections, in this instance, needs more, not less, such support. At the present time, most corrections agencies have good in-service training programs, but completely lack the pre-service training previously supported through LEEP funds.

LEAA support of community programs in corrections has been clearly commendable. Some 80% of LEAA support of corrections last year was devoted to this aspect of the correctional continuum. Community programs are, of course, most effective in providing to non-dangerous and non-violent offenders real opportunities to stay out of trouble, and to progress as individuals within community settings. Again, providing that such programs are properly funded and supervised, the tax-payer benefits through greatly reduced costs and, of course, the avoidance of debilitating effects of confinement.

All of us would like to believe that most offenders can be supervised in community programs. Unfortunately, there are many offenders who are simply too dangerous and too violent to be supervised and assisted in the community. These individuals present us with no alternative to confinement and, thus, LEAA's continued support of efforts to make our institutions more humane and more effective must be encouraged—not discouraged.

As indicated earlier in this testimony, there are no simple solutions to the most difficult and exasperating problem of criminal behavior. We must provide protection to the community. We must do our best to assist the criminal offender. Both institutional and community programs require continued financial support, and are both resolved to develop the kinds of policies, procedures, and practices that will maximize our performance. At the present time, our jails, training schools, penitentiaries, and prisons are bulging at the sides. On the community side, probation caseloads of 100 offenders represent no probation at all. It is going to be through only continued financial support at all levels of government that any hope resides to effectively "turn the corner" in corrections, and to give the field a reasonable opportunity to combat the problem. To fail to do this would undoubtedly promote increased prison violence, increased street violence, and an inevitably losing battle against crime.

The Law Enforcement Assistance Administration has been striving to bring about some semblance of coordination and effectiveness to what has otherwise been a disjointed, ineffective, and inefficient criminal justice system. The LEAA has also tried to educate and enlighten an apathetic society as to its long-term interest in effective rehabilitation and crime control, as opposed to the totally simplistic notion that punishment alone is a solution to the problem. Many citizens now know that approximately 96% of all offenders confined today will, within a short period of roughly four years, be back on our streets. The kinds of questions we must ask are: "What kinds of people are they going to be?" "Will they have emerged from confinement with real alternatives to street crime?" "Or, will they have merely passed through an overcrowded, ineffective, and inefficient revolving door?"

Following are some recommendations for your consideration:

1. The LEAA must be continued and strengthened.
2. LEAA must be given the highest priority available with reference to budget and overall resources.
3. Part E funds, those monies specifically designated for corrections, must be increased.
4. The current provision that 10% of LEAA support must be provided in "cash match" should be eliminated. Localities are hard pressed as it is to fund correctional programs, and because of the cash match requirements are often precluded from obtaining LEAA support.

The heart of the LEAA program nationally is, of course, a stimulation of appropriate planning, action, and research throughout the criminal justice system. And the LEAA has made great strides in building an organized plan of attack on crime throughout the Country. In addition, the agency's increased emphasis on research, monitoring and assessing the impact of its funds are both necessary and commendable. Yet, in the face of this growing capacity and understanding within LEAA to grapple with the crime problem, LEAA's own administrative budget has been reduced substantially. It is unfortunate. Hopefully, this can be corrected immediately.

It is the fond hope of the Association and its membership that the Law Enforcement Assistance Administration will continue to receive strong support and encouragement from the Congress. The agency is new. The agency is in the midst of a journey, the end of which is not clearly in sight. But if our Country's history contains any lessons truly learned, one such lesson is that resolve, perseverance, and dedication to the task at hand are both uncompromising and unequivocal demands in the solution of national problems.

Senator Pastore, Members of the Senate Subcommittee on State, Justice Commerce, the Judiciary, ladies and gentlemen, the American Correctional Association respectfully recommends the continuance and strengthening of the Law Enforcement Assistance Administration, by appropriating sufficient funds in order to enable them to partially meet the needs of corrections throughout the United States.

STATEMENT OF RALPH TABOR, NATIONAL ASSOCIATION OF COUNTIES BEFORE THE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE & JUDICIARY—MAY 14, 1976

Mr. Chairman, Members of the Committee on Appropriations, Subcommittee on State, Justice and Judiciary—I am Ralph Tabor of the National Association of Counties.

Pending before your subcommittee is an appropriation measure for a program of vital importance to counties—the Law Enforcement Assistance Administration (LEAA). The President's 1977 budget request for the LEAA is far too low. The National Association of Counties urges your subcommittee to take a hard look at the proposed budget and increase funding for LEAA. Over the past few years the effective LEAA funding level has been reduced by 40 percent—at a time when counties can least afford to take up new burdens.

County governments take an active interest in the Law Enforcement Assistance Administration (LEAA) program—we finance and administer much of the criminal-justice system LEAA is trying to improve.

Counties invest tax dollars in every functional area of criminal justice: policing, prosecution, indigent defense, courts, and corrections.

Despite very welcome help from general revenue sharing, criminal justice is the item in most county budgets almost entirely financed by local revenues—about 90 percent in most urban counties. We receive little Federal or State aid for criminal justice, except through LEAA programs. State and Federal assistance helps fund other county functions such as health, social services, and transportation. We could not provide these services to our citizens without help from the progressive taxes imposed and collected by State and Federal Governments. Neither can we expect to improve our criminal-justice programs without State and Federal aid.

*The National Association of Counties is the only national organization representing county government in the United States. Its membership spans the spectrum of urban, suburban, and rural counties which have joined together for the common purpose of strengthening county government to meet the needs of all Americans. By virtue of a county's membership, all its elected and appointed officials become participants in an organization dedicated to the following goals:
improving county governments;
serving as the national spokesman for county governments;
acting as a liason between the nation's counties and other levels of government; and
achieving public understanding of the role of counties in the federal system.

The Bureau of the Census determined that in fiscal year 1973, Federal, State, and local expenditures for criminal justice totaled $13 billion. Only 17 percent of these expenditures came from the Federal Treasury. Over 20 percent came from limited county revenues. Municipalities paid another 40 percent. A total of $8.1 billion in criminal-justice expenditures was financed largely from local property taxes.

Counties share a number of criminal-justice responsibilities with their municipalities the 6 to 60 governments within our boundaries. Cities spend 84 percent of their criminal-justice dollars on police protection. Counties outspend cities in courts, corrections, prosecution and indigent defense and adjudication for that same individual.

The $4 billion spent by LEAA since 1968 is a small fraction—about 5 percent annually—of the total criminal justice outlays of State and local governments. Nevertheless, counties use LEAA funds to initiate innovative criminal-justice programs they could not otherwise afford. Reducing the LEAA appropriation yet again, would defeat LEAA's purposes—to reduce crime and improve the criminal-justice system.

Counties, in this year of fiscal crisis, are in no position to take up the slack of an LEAA decrease. In January 1976, NACo conducted a survey of 15 urban counties. Their combined population $7 billion. Of the total, 9 have already raised or plan to raise taxes in fiscal 1976 over fiscal 1975. Increases ranged from approximately 30 percent in relatively affluent Fairfax County, Virginia (in the absense of additional State funding), and 23 percent in Westchester County, New York, to a 3 percent increase in Hennepin County, Minnesota. Other counties are raising taxes 10 to 14 percent.

Counties are forced to hold the line on spending. Many have had to reduce their operations. For example, King County, Washington, reduced its work force by 12 percent the last 2 years.

In its testimony before the House Subcommittee on Crime, on February 19, 1976, the Government Accounting Office recommended that programs be continued for a minimum of 3 years to allow for proper evaluation. Proper evaluation takes time and personnel. Counties want to participate in evaluation programs, but must have Federal funds to initiate them.

Despite the declining capability of local governments to absorb decreases in Federal funding levels, the President's budget proposes to decrease the appropriation for the Law Enforcement Assistance Administration.

NACo strongly believes that this is not the time to decrease funding—but to restore it to its 1976 level of $810 million and to provide full funding for programs under the Juvenile Justice and Delinquency Prevention Act of 1974.

The cuts effected in the fiscal 1976 budget and the proposed fiscal 1977 budget will reduce LEAA's appropriation level by 21 percent—from $895 million to the President's proposed appropriation of $707.9 million and further cuts by the House Subcommittee on Appropriations down to $600 million increases that figure to 30 percent.

NACO strongly urges Congress to raise the appropriations level for Safe Streets Act programs to the 197- level of $810 million and provide full funding for programs under the Juvenile Justice and Delinquency Prevention Act of 1974.

The Law Enforcement Assistance Administration has distributed approximately $4.5 billion to States, cities, and counties—almost all of it for Safe Streets Act programs. While its yearly budget represents less than 5 percent of all State-local criminal-justice expenditures, much of the money is used to fund innovative programs to improve the local criminal-justice system.

Congress, in establishing LEAA also initiated a new and untried funding mechanism block grants made directly to the States. State planning agencies (created by the Act) receive the block grant. These agencies are charged with development of comprehensive statewide criminal-justice plans. Through various guarantees and pass-through formulas, Congress attempted to insure that adequate funds reached counties and cities.

The system still does not work perfectly—and has come under fire from various groups including NACO, but the funding system itself is not LEAA's biggest problem. The most serious obstacle LEAA faces is lack of funds to carry out its congressional mandate.

LEAA has never been funded at its authorized expenditure level. In fiscal 1976 the agency was cut from $895 million to $810 million for Safe Streets Act programs and juvenile justice programs. This year, in spite of several fiscal problems faced by local governments, the President's budget proposes to reduce this appropriation level even further—to $707 million. This is a drop of almost $200 million in only two years.

LEAA since 1975 has been spending substantially more money than it has been appropriated. Fund flow has always been a LEAA problem. This year, however, LEAA has made great strides toward resolving the problem. By speeding up the planning process, LEAA for the first time reviewed and approved all the States plans prior to the beginning of the fiscal year. Thus, on October 1, monies will immediately begin flowing to the States.

When LEAA spends more than its appropriation, it is not simply drawing down on a large reservoir of unencumbered funds from previous years. In many States the previous year's funds were not "expended" in the technical sense. Most of the funds are already "committed". For example, in one year a county may receive a grant for construction of a new jail. It may take two or more years to spend the money through procedures normally employed by local governments to pay for building a major public works project with Federal assistance.

Therefore, while the outlay figures are substantially higher than appropriations, few new programs are being funded. The drawdown is going largely for previous obligations and to fund ongoing projects in second and third years. Thus, reduced appropriations levels are drying up new money and destroying LEAA's ability to fund new programs. Counties and cities are feeling the pinch. To compound county and city problems, many State plans require variants of a decreasing match formula. These policies, fund a projects first year with 90 percent Federal money, 10 percent State and local. In the second year the ratio drop to 60 or 75 percent Federal funds and in the third year drop to 50 percent Federal money or less. This eases the State problems at the expense of local governments.

In spite of clear language in the Safe Streets Act requiring States to provide "one-half of the non-Federal funding", LEAA permits States to hold their contribution to the non-Federal match to 5 percent. For example, in a State with a decreasing match, a county is forced to pay 30 or 40 percent of the cost of the project in the second year. This funding pattern subverts the "seed money" concept of matching grants. Counties are asked to put substantial revenue into new, unproven programs—while the States' own contribution remains 5 percent. The result of this policy is to stifle creative, unproven programs. Counties are forced to institute only well-known programs or spend the money on "hardware" which does not incur ongoing obligations.

In order to assure the continued development of new projects in the local level, where most criminals come in contact with the criminal-justice system, the National Association of Counties requests that this subcommittee raise the LEAA appropriation for Safe Streets Act programs to $810 million.

LEAA can only succeed if metropolitan and regional planning units can pull all the pieces of the criminal-justice system together—at the local level, where they are administered. NACO's testimony on LEAA reauthorization addresses this issue in more detail. While Congress debates reauthorization, NACO believes that the Appropriations Committee should remove the general counsel's restrictions on the coordinating councils' planning activities. We further believe that the committee should authorize regional panning units, metropolitan planning units, and coordinating councils to add a reasonable figure to grants funded through their agency to cover the cost of evaluation and monitoring. State planning agencies should be able to add such funds for grants to State agencies.

The President's budget not only cuts back on States' block grant allocations but also places new pressures on these reduced resources. The law enforcement education program phaseout and the requirement that local governments bear 50 percent of the cost of their officers' attendance at the FBI academy directs pressure to State and local planners and elected officials to employ block-grant funds to continue these programs.

The LEAA program is a vital source of funds for improvement of the criminal-justice system at the county level. It funds not only innovative programs, but a regional and local criminal-justice planning system never before available. As programs prove successful, the regional planning units can lead the way in their jurisdictions to implement them. Since county and city governments—which administer and pay for the criminal-justice system—work closely with regional and local planning units, they are likely to continue exemplary LEAA-initiated programs. Local governments now continue between 60 and 80 percent of the programs from their own pockets.

Mr. Chairman, LEAA appropriations are of vital importance to counties. NACO urges you to examine the President's budget and return the appropriation to what it was in fiscal 1976—$810 million. Citizens want better criminal justice program. In creating LEAA, Congress recognizes that improving the criminal

justice system is a local effort. Counties are asking Congress to act on that recognition with adequate funding. This $810 figure reflects the thinking of counties, cities and States.

TESTIMONY ON: THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, FISCAL YEAR 1977 APPROPRIATION. SENATE APPROPRIATIONS COMMITTEE ON STATE, JUSTICE, COMMERCE, THE JUDICIARY, JOHN PASTORE, CHAIRMAN. BY MS. BETTY ADAMS, CHAIRPERSON, YOUTH DEVELOPMENT CLUSTER, NATIONAL COUNCIL OF ORGANIZATIONS FOR CHILDREN AND YOUTH, 1910 K STREET, N.W., WASHINGTON, D.C.

Mr. Chairman, on behalf of the Youth Development Cluster of the National Council of Organizations for Children and Youth, I am pleased to accept your invitation to testify in support of funding for the Juvenile Justice and Delinquency Prevention Act of 1974.

With a combined membership of over 150 national, state, and local private organizations, the National Council of Organizations for Children and Youth has as its primary goal the improvement in the quality of life for all children and youth. Its fundamental commitment is to the promotion of adequate family living standards, and of family-oriented services to foster the health, education and well-being of children and youth.

For Fiscal Year 1977, we are requesting that this Act be funded for $100 million.

The Juvenile Justice and Delinquency Prevention Act of 1974 is probably the most significant piece of federal legislation to address troubled youth of the last decade. Simply, its aim is to extend and expand Justice for children. It requires States to remove youth convicted of status offenses (behaviors that are not law violations for adults: runaways, truants, "incorrigibles") from their prisons and detention facilities. It encourages States to engage in programs to prevent youth from entering the justice system in the first place. The Act gives the Law Enforcement Assistance Administration the authority to assist States in these reforms of their juvenile justice systems with critically needed Federal funds.

Forty four (44) States and two Territories have agreed to institute these major reforms. By August 1, 1977, they will have "deinstitutionalized" status offenders, and will stop trying to "help" them by placing them in prison and detention.

Fiscal Year 1977 is the most critical year for getting the necessary resources into the States to make these reforms a reality.

The uncertainty of the level of Federal support for these needed reforms has already had a negative impact. First, the Administration requests no funds, then the President requests a deferral of funds, and finally, requests only $10 million. This has seriously damaged States' planning efforts in implementing these reforms. With uncertain funding, the States are uncertain of what they can accomplish. More seriously, States who have already committed themselves to reform (North Carolina and Maine, among others) are now questioning the seriousness of the federal support and considering withdrawing from the program. Furthermore, those States not participating in the Act cite inadequate federal support as a primary reason.

No one knows exactly how many youth are locked up each year. LEAA data from 1971 report over 600,000 were locked up, mostly in detention. The average daily population of young people in jails was between 12,000 and 13,000. Other surveys have consistently shown that about 75 percent of females and about 25 percent of males are locked up for status offenses. The funding of the Act is not coddling anybody. It is taking youth out of prisons and detention centers who never should have been there in the first place, and providing treatment for them in their communities.

These funds appropriated for the Juvenile Justice and Delinquency Prevention Act are not for "brick and mortar" and are not for hardware. The funds put people to work on critical needs. The Act envisions putting people—particularly young people—to work helping other young people.

During the fifteen months of Fiscal Year 1976 LEAA will receive and obligate $75 million under this Act. In the last three weeks of FY 1975, the Congress appropriated $25 million for the Act, which LEAA obligated during FY 1976. For FY 1976, the Congress appropriated $40 million to the Act. The Transitional Quarter adds almost $10 million, for a total of $75 million that LEAA will

receive and obligate in FY 1976. An appropriation level of $75 million in Fiscal Year 1977 for the Act would only *maintain* the current status quo.

An appropriation level of $75 million in FY 1977 for this Act—half the amount the Act authorizes—is essential if these forty four (44) States and two Territories are to mount effective programs.

Mr. Chairman, as one of the supporters of this Act, you are certainly aware of the overwhelming support it received in both the Senate (88–1) and the House (329–20). The Act has an equally widespread base of support among the public and private sectors who work with youth. The Administration, as you know, has not been supportive.

The Administration did not request any funds for the Act in the first two years, and now asks only $10 million. The Congress removed this legislation from HEW and placed it in LEAA—in part because HEW was spending only $10 million per year—a level of effort that Congress found totally *inadequate*. The Administration's other arguments have also fallen by the wayside. First, they said that they could not "responsibly" spend any amount of funds on a new program, while LEAA geared up to start its efforts. Under the leadership of Milton Luger, Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, whose appointment was confirmed by the Senate early last fall, LEAA has done a commendable and responsible job committing its funds to these needed reforms. The Administration also argued that no new funds were needed under this Act because of funds spent under the Safe Streets Act. At the same time, however, it has worked successfully to eliminate the Maintenance of Effort Requirement on the Safe Streets Act, which required LEAA to continue to fund juvenile justice programs under the Safe Streets Act.

The following Appropriations level appears to have these results:

$10 Million Level: Support that has been Demonstrated as Inadequate.

$40 Million Level: Serious and Damaging Cutbacks in Current and Future Efforts.

$75 Million Level: Maintains Current Level of Available Resources.

$100 Million Level: Allows Some Expansion of Youth Services, as Youth Crime Rise Continues.

Historically, it has been federal support that has produced the necessary change and innovation in services to young people. Youth crime and its prevention must be addressed locally. Federal money is critical to starting those reforms THIS YEAR. The deinstitutionalization of status offenders is the most comprehensive prevention effort against juvenile justice systems that produce ever more criminals that the federal government has ever embarked upon. It demands your support now. We urge you to fund the Juvenile Justice and Delinquency Prevention Act for $100 Million.

MEMBERS OF NCCCY'S YOUTH DEVELOPMENT CLUSTER

AFL–CIO, Department of Community Services.
AFL–CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescent Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.

Boys' Clubs of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the USA.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.
Wooden, Kenneth.

[Excerpts From Calendar No. 913, Rept. 94-964, 94th Cong., 2d sess., pages 1, 24, and 25]

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1977

JUNE 21 (legislative day, JUNE 18), 1976.—Ordered to be printed

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Mr. PASTORE, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 14239]

The Committee on Appropriations, to which was referred the bill, (H.R. 14239) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1977, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made.

AMOUNT IN NEW BUDGET (OBLIGATIONAL) AUTHORITY

Amount of bill as passed House	$6, 541, 128, 000
Amount of Senate bill over comparable House bill	329, 612, 000
Amount added by Senate for items not considered by House	7, 951, 453
Total bill as reported to Senate	6, 878, 691, 453
Amount of appropriations, 1976	6, 489, 650, 000
Amount of budget estimates, 1977, as revised	6, 312, 870, 453
The bill as reported to the Senate:	
Over the appropriations for 1976	+389, 041, 453
Over the estimates for 1977	+565, 821, 000

LAW INFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

1976 appropriation	$809, 638, 000
1977 budget estimate	707, 944, 000
House allowance	738, 000, 000
Committee recommendation	809, 638, 000

The Committee recommends an appropriation of $809,638,000, the same amount as the 1976 appropriation $101,694,000 over the budget estimate, and $71,638,000 over the House allowance. The Committee recommendation would provide $40 million for the Law Enforcement Education Program (LEEP), and $100 million for programs authorized by the Juvenile Justice and Delinquency Prevention Act of 1974.

The Committee has heard convincing testimony on the value of the programs funded under the Law Enforcement Assistance Program. Witnesses giving testimony in support of LEAA, LEEP, and Juvenile Justice included members of Congress and such diverse organizations as the American Correctional Association, the Conference of Chief Justices', the American Bar Association, the National Sheriffs' Association, the National Council of Organizations for Children and Youth, the National Association of Counties, the National Conference of State Criminal Justice Planning Administrators, the National District Attorneys Association, the National Governors' Conference, the International Association of Chiefs of Police, the National Conference of State Legislatures, the National League of Cities—U.S. Conference of Mayors, the National Council of Jewish Women (with a statement endorsed by 34 organizations) and others.

In addition, in the last 6 months, both House and Senate Judiciary Committees have held extensive hearings, inquiring into all aspects of the LEAA program. Its strengths and weaknesses were discussed in detail. Subsequently, both Committees moved forward to reauthorize and reform the LEAA program. In view of the critical analysis and reform being promoted by the authorizing Committees and the strong support for the LEAA program expressed in testimony before the Committee, the Committee is recommending a continuation of the overall LEAA program at the current level with increased emphasis on the new and inovative programs authorized by the Juvenile Justice and Delinquency Prevention Act.

The recommendation would permit LEAA to fund all programs proposed in the budget request, provide an increase over the budget request of $90 million in Juvenile Justice Programs, reestablish the LEEP program at the same funding level provided in 1976 and allow LEAA to maintain other programs nearer their established levels.

The Committee is concerned about the plight of several states which have encountered administrative difficulties in the implementation of the provisions of the Juvenile Justice and Delinquency Prevention Act. The Committee is encouraged by the efforts of the authorizing committee to develop an agreement on a workable solution in cooperation with the Administrator of LEAA. The Committee will expect the LEAA to quickly implement the new agreement so that the funds can be released and the states can get about the business of providing needed delinquency prevention services.

The Committee is also aware of the need for staff for the National Advisory Committee for Juvenile Justice and Delinquency Prevention. To insure that this

Advisory Committee can adequately perform its function of advising the LEAA Administrator with respect to Federal juvenile crime prevention programs, the Committee recommends that the Advisory Committee be assigned, at least, two full time staff positions: a professional and a clerical.

The Committee urges the continuing of the National Street Law Institute in the District of Columbia with funding in the amount of $500,000 in Part C Discretionary Funds or Part E Discretionary funds, and the National program of the Interdisciplinary Criminal Justice Management. Training project with funding of $329,500 in Part C Discretionary Funds and the National Project on Plea Bargaining with funding of $524,800 in Part D research funds. These national projects are successfully underway and should be continued in accordance with testimony provided before the Committee.

The Committee also urges that $1 million be used for improved judicial processing of alcohol-related offenses. Funds should be made available to law enforcement agencies around the country for the purpose of providing badly-needed training and education in the implementation of new procedures required by the Uniform Alcoholism and Intoxication Treatment Act. More than half the States have now adopted the Act, or its basic provisions. At the same time, however, there has been created a large need for retraining and education of law enforcement officials, including judicial officers, in what the new act means and how to enforce it.

The Committee has received testimony on the provision of LEAA funds for the construction of a correctional facility in Jefferson Parish, Louisiana. The Committee understands that a commitment of $2.5 million was made as long ago as August, 1972, though no funds have been made available to date because of unresolved design issues. The Committee urges the Administrator of LEAA to provide the committed funding in the amount of $2.0 million for the Jefferson Parish, Louisiana facility.

Of the funds appropriated, the Administrator of LEAA is urged to consider utilizing up to $2.5 million for an innovative project consolidating criminal justice activities in the Texarkana-Arkansas-Texas area.

[Excerpts From H.R. Rept. 94–1309, 94th Cong., 2d sess., pages 1, 2, 3, 6, and 7]

MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY

JUNE 28, 1976.—Ordered to be printed

Mr. SLACK, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 14239]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14239) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1977, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 11, 17, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 22, and 23, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$20,400,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$160,890,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$753,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$360,000,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,725,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$63,500,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$62,912,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,470,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$566,270,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,239,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$54,696,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$11,350,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$125,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 20, 24, 26, and 29.

JOHN M. SLACK,
NEAL SMITH,
JOHN J. FLYNT, Jr.,
BILL ALEXANDER,
YVONNE BRATHWAITE BURKE,
GEORGE MAHON,
ELFORD A. CEDERBERG,
MARK ANDREWS,
Managers on the Part of the House.

JOHN O. PASTORE,
JOHN L. MCCLELLAN,
MIKE MANSFIELD,
ERNEST F. HOLLINGS,
WARREN G. MAGNUSON,
THOMAS F. EAGLETON,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
ROMAN L. HRUSKA,
HIRAM L. FONG,
EDWARD W. BROOKE,
MARK O. HATFIELD,
TED STEVENS,
MILTON R. YOUNG,
JACOB K. JAVITS,
Managers on the Part of the Senate.

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TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 4: Appropriates $20,400,000 instead of $20,100,000 as proposed by the House and $20,481,000 as proposed by the Senate. The amount allowed includes funds for 18 additional positions for the U.S. Parole Commission.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which is as follows:

> In addition to funds provided under this Act, unobligated balances from the amount appropriated for the Watergate Special Prosecution Force in 1976 shall remain available until September 3, 1977.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 6: Appropriates $64,090,000 as proposed by the Senate instead of $63,565,000 as proposed by the House.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

Amendment No. 7: Appropriates $160,890,000 instead of $158,850,000 as proposed by the House and $161,905,000 as proposed by the Senate. The increase over the House amount will provide full-year funding for 100 new positions provided for United States attorneys in the Second Supplemental Appropriation Act for 1976, as well as funds for 51 additional positions.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 8: Appropriates $753,000,000 instead of $738,000,000 as proposed by the House and $809,638,000 as proposed by the Senate. Of the total amount appropriated, $40,000,000 is to be made available for the Law Enforcement Education Program (LEEP), $75,000,000 for the Juvenile Justice and Delinquency

Prevention Program, and $15,000,000 for encouraging community participation in crime prevention.

DEPARTMENT OF JUSTICE

GENERAL PROVISIONS

Amendment No. 9: Deletes proposal of the Senate which would prohibit the use of funds for the withdrawal or modification of the designation of the Department of the Treasury as the United States representative to INTERPOL.

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[Excerpts From Congressional Quarterly, July 10, 1976]

STATE-JUSTICE FUNDS CLEARED; VETO POSSIBLE

Without debate in either chamber, Congress July 1 cleared for the President a bill (HR 14239) appropriating $6,680,314,453 in new budget authority for the Departments of State, Justice and Commerce, the judiciary and related agencies for fiscal 1977.

The possibility of a presidential veto loomed over the bill because of congressional insistence on funding several programs at much higher levels than the administration had requested. Among the possible sticking points in HR 14239 which could provoke a veto were appropriations of:

$386.7-million for Economic Development Administration programs, $137.8-million more than had been requested by the administration. The final figure was a compromise between the initial $325-million approved by the House and the $482-million approved by the Senate. (*Initial House, Senate passage, Weekly Report p. 1743*)

$753-million for Law Enforcement Assistance Administration programs, $45-million more than the administration had requested.

$781-million for the Small Business Administration, $150-million more than was requested by the administration.

The House agreed to the conference report on June 30 by a 360–42 roll-call vote. (*Vote 373, Weekly Report p. 1770*) Initially, the House on June 18 had approved $6,541,128,000 in total funding for HR 14239. The conference version appropriated $139,186,453 more.

The Senate approved the conference report July 1 by voice vote. The final version appropriated $8,473,000 less than the Senate had approved June 21.

In brief discussion in both chambers, members pointed out that the bill contained funding for the Board for International Broadcasting which supervised Radio Liberty broadcasts to the Soviet Union. They noted that negotiations were underway to renew a lease on Radio Liberty transmitter facilities in Spain and expressed concern for the success of the negotiations.

PROVISIONS

[As cleared for the President, H.R. 14239 appropriated the following amounts for fiscal 1977]

Agency	Budget request	Final appropriations
State Department:		
Administration of foreign affairs	$626,690,000	$624,690,000
International organizations and conferences	342,420,453	337,430,453
International commissions	17,069,000	17,059,000
Educational exchange	68,500,000	68,500,000
Subtotal, State Department	1,054,679,454	1,047,679,453
Justice Department:		
General administration	20,668,000	20,400,000
Legal activities	271,925,000	272,657,000
Federal Bureau of Investigation	466,777,000	493,977,000
Immigration and Naturalization Service	221,581,000	234,000,000
Federal Prison System	304,127,000	302,012,000
Law Enforcement Assistance Administration	707,944,000	753,000,000
Drug Enforcement Administration	159,287,000	161,175,000
Subtotal, Justice Department	2,152,309,000	2,237,221,000

PROVISIONS—Continued

[As cleared for the President, H.R. 14239 appropriated the following amounts for fiscal 1977]—Continued

Agency	Budget request	Final appropriations
Commerce Department:		
General administration	14,412,000	13,595,000
Office of Energy Programs	2,162,000	2,162,000
Bureau of the Census	91,707,000	90,645,000
Bureau of Economic Analysis	12,491,000	12,300,000
Economic Development Administration	248,864,000	386,725,000
Regional action planning commissions	42,200,000	63,500,000
Domestic and International Business Administration	62,902,000	62,912,000
Minority business enterprise	50,013,000	50,000,000
United States Travel Service	12,220,000	14,470,000
National Oceanic and Atmospheric Administration	573,177,000	585,351,000
National Fire Prevention and Control Administration	10,178,000	12,239,000
Patent and Trademark Office	86,406,000	86,400,000
Science and technical research	68,785,000	68,785,000
Maritime Administration	68,025,000	66,700,000
Subtotal, Commerce Department	1,343,542,000	1,515,784,000
The Judiciary:		
Supreme Court	8,371,000	8,282,000
Court of Customs and Patent Appeals	898,000	898,000
Customs Court	2,705,000	2,705,000
Court of Claims	2,536,000	2,536,000
Courts of Appeals, District Courts and other judicial services	280,700,000	268,990,000
Administrative Office of the U.S. Courts	8,957,000	8,320,000
Federal Judicial Center	7,720,000	7,650,000
Space and facilities	75,969,000	71,980,000
Furniture and furnishings	5,675,000	4,940,000
Subtotal, the Judiciary	393,531,000	376,301,000
Related agencies:		
Arms Control and Disarmament Agency	12,200,000	12,000,000
Board for International Broadcasting	53,385,000	53,385,000
Commission on Civil Rights	9,540,000	9,450,000
Commission on Security and Cooperation in Europe	0	340,000
Equal Employment Opportunity Commission	70,100,000	67,850,000
Federal Communications Commission	51,448,000	54,696,000
Federal Maritime Commission	8,309,000	8,300,000
Federal Trade Commission	53,073,000	52,700,000
Foreign Claims Settlement Commission	800,000	650,000
International Trade Commission	11,539,000	11,350,000
Legal Services Corporation	140,300,000	125,000,000
Marine Mammal Commission	1,000,000	1,000,000
Office of the Special Representative for Trade Negotiations	2,370,000	2,250,000
Privacy Protection Study Commission	750,000	750,000
Renegotiation Board	6,370,000	5,700,000
Securities and Exchange Commission	53,098,000	53,000,000
Small Business Administration	631,000,000	781,000,000
United States Information Agency	263,908,000	263,908,000
Subtotal, related agencies	1,369,190,000	1,503,329,000
Grand total	6,313,251,453	6,680,314,453
Appropriations to liquidate contract authority	403,721,000	388,000,000

NEWS RELEASE FROM SENATOR BIRCH BAYH

Washington, D.C., July 15, 1976.

Legislation, sponsored by Senator Birch Bayh, that will provide $75-million to implement the Juvenile Justice and Delinquency Prevention Act was signed into law yesterday.

Bayh, who authored the Act which became law in 1974, has consistently urged the President to adequately fund the program in order to utilize federal resources in the battle against the growing problem of juvenile crime. The $75-million appropriated by the bill the President has signed is $75-million less than Congress has authorized for fiscal 1977, but $65-million more than the Administration requested.

"The Administrations failure to address the problems of juvenile delinquency, which accounts for over one-half of all serious crime in this country, is the Achilles heel of the Administration's crime program," Bayh said.

Noting that juvenile crime costs Americans an estimated $12 billion a year, Bayh said, "Each dollar spent to prevent crime by a young person represents many dollars saved in terms of property loss and the public costs of processing and incarcerating offenders, not to mention the incalculable costs of human suffering and wasted lives."

"The Juvenile Justice Act for the first time represents a federal commitment to provide leadership, coordination and a framework for using the nation's resources to deal with all aspects of the delinquency problem," he explained. "Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all out effort to lessen juvenile crime."

Bayh repeated his long standing suggestion that LEAA, through its Office of Juvenile Justice and Delinquency Prevention, begin to more adequately address the problems of violence and vandalism in schools which has been the subject of an intensive investigation by his Subcommittee. He urged that a portion of the funds provided by the Appropriation be devoted to this area.

"The Subcommittee's study of these problems, its hearings and reports found numerous positive programs and strategies that can be particularly helpful in preventing school violence and vandalism. I would urge that some of these funds be devoted to the establishment of a Resource Center to provide a clearinghouse mechanism for the dissemination of information concerning the successful strategies and programs developed through the Subcommittee's study."

Bayh also suggested that several pilot projects around the country could be established with the cooperation of school board members, administrators, teachers, students, parents and school security directors.

Bayh stated that the Subcommittee will shortly complete work on the final version of his Juvenile Deliquency In The Schools Act which is a comprehensive amendment to the Juvenile Justice Act designed to assist governmental and private sector cooperation in achieving a safe educational environment.

Part 6—Ford Deferral of Juvenile Justice Funds

TO THE CONGRESS OF THE UNITED STATES

I herewith propose, in connection with the transmittal of my 1977 budget, actions that would reduce Federal spending by more than half a billion dollars over this fiscal year and the two following. These proposals reflect the priorities in my new budget—a reduced rate of growth in Federal spending and choices that seek fairness and balance within that restrained growth.

I am proposing—in accordance with the Impoundment Control Act of 1974—16 new rescissions that total $924 million and reporting six new deferrals of $1,858 million in budget authority. I am also revising—by a net $14 million—the amounts for three rescission proposals now pending before the Congress and increasing by $19 million a deferral previously reported.

The details of the proposed rescissions and deferrals are contained in the attached reports. Further information on each of the rescissions proposed by this message and others pending before the Congress is included in Part III of the appendix to the 1977 budget.

GERALD R. FORD,
The White House, January 23, 1976.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

[In thousands of dollars]

	Item	Budget authority
	Agriculture:	
	Agriculture Stabilization and Conservation Service:	
Rescission No.:		
R76-17A	Forestry incentive program	18,750
	Farmers Home Administration:	
R76-19A	Rural development grants	12,344
R76-29	Rural housing insurance fund	500,000
	Food and Nutrition Service:	
R76-30	Special milk program	40,000
	Commerce:	
	Economic Development Administration:	
R76-31	Economic development assistance programs	4,000
	Corps of Engineers—Civil:	
R76-32	Construction, general	3,600
	Health, Education, and Welfare:	
	Health Services Administration:	
R76-33	Health services	127,804
R76-34	Indian health service	5,294
	Center for Disease Control:	
R76-35	Preventive health services	7,690
	Alcohol, Drug Abuse and Mental Health Administration:	
R76-36	Alcohol, drug abuse and mental health	56,500
	Health Resources Administration:	
R76-37	Health resources	69,000
	Office of Education:	
R76-9A	Elementary and secondary education	210,404
R76-38	Indian education	15,000
R76-10A	School assistance in federally affected areas	243,773
R76-39	Assistant Secretary for Human Development	2,000
	Interior:	
	Bureau of Land Management:	
R76-40	Public lands development roads and trails	8,800
	National Park Service:	
R76-41	Road construction	58,500
	State:	
R76-42	Mutual education and cultural exchange activities	8,000

78-464 O - 77 - 93

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS—Continued
[In thousands of dollars]

	Item	Budget authority
	Other Independent Agencies:	
	Community Services Administration:	
R76-43	Community services program	2,500
	Consumer Product Safety Commission:	
R76-27A	Salaries and expenses	6,431
	Selective Service System:	
R76-44	Salaries and expenses	1,775
	Subtotal, rescissions	1,402,165
Deferral No.:		
	Agriculture:	
	Soil Conservation Service:	
D76-95	Watershed and flood prevention	18,000
	Corps of Engineers—Civil:	
D76-96	Revolving fund	700
	Health, Education, and Welfare:	
	Health Services Administration:	
D76-97	Indian health facilities	13,908
	Justice:	
	Law Enforcement Assistance Administration:	
D76-98	Salaries and expenses	15,000
	Labor:	
	Employment and Training Administration:	
D76-99	Advances to the unemployment trust fund and other funds	1,800,000
	State:	
	Refugee and Migration Affairs:	
D76-85A	Special assistance to refugees from Cambodia and Vietnam	28,493
	Treasury:	
	Office of the Secretary:	
D76-25D	State and local government fiscal assistance trust fund	[1] 95,017
	Other Independent Agencies:	
	National Science Foundation:	
D76-100	Salaries and expenses	10,000
	Subtotal, deferrals	1,981,118
	Total, rescissions and deferrals (Budget authority)	3,288,266
	Outlays	95,017

[1] Deferral of outlays only.

SUMMARY OF SPECIAL MESSAGES FOR FISCAL YEAR 1976

[Amounts in thousands of dollars]

	Rescissions	Deferrals
10th special message:		
New items	910,463	1,857,608
Changes to amounts previously submitted	14,011	19,161
Effect of the 10th special message	924,474	1,876,769
Previous special messages	2,402,240	4,514,675
Total amount proposed in special messages	[1] 3,326,714	[2] 6,391,444

[1] In 44 rescission proposals.
[2] In 100 deferrals.

Note: All amounts listed represent budget authority except for $106,850,352 consisting of 2 general revenue sharing deferrals (of outlays only). A supplementary report (D76-25D) is included in this special message for 1 of these deferrals. The other deferral (D76-67) was reported in the 7th 1976 special message.

SUPPLEMENTARY REPORT

Report Pursuant to section 1014(c) of Public Law 93-344.

This supplementary report updates rescission proposal No. R76-17 transmitted to Congress on November 29, 1975, and printed as House Document No. 94-311 and Senate Document No. 94-137.

This report covers the Department of Agriculture's Forestry incentives program. The outlay savings resulting from this rescission are now expected to develop sooner than previously estimated. Accordingly, the transition quarter outlay savings have been increased by $1.5 million and those for 1977 by $2.3 million.

Deferral No. D76–98

DEFERRAL OF BUDGET AUTHORITY

REPORT PURSUANT TO SECTION 1013 OF P.L. 93–344

Agency: Department of Justice.
Bureau: Law Enforcement Assistance Administration.
Appropriation title and symbol: Salaries and Expenses—15X0400 (Juvenile Justice and Delinquency Prevention Program).
OMB identification code: 11–21–0400–0–1–754.
Grant program: Yes.
Type of account or fund: No-year.

New budget authority (Public Law 94–121)	$809, 638, 000
Other budgetary resources	66, 660, 863
Total budgetary resources	876, 298, 863
Amount to be deferred: Entire year	15, 000, 000

Type of budget authority: Appropriation.

Justification and estimated effects

Deferral of $15 million for juvenile justice and delinquency prevention programs in the Law Enforcement Assistance Administration (LEAA), Department of Justice, is proposed through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. Funds for this program are authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 94–415) and appropriated in the amount of $40 million for 1976 in the State, Justice, Commerce, the Judiciary, and Related Agencies Appropriation Act of 1976.

Because of the failure of past Federal efforts to cope with the juvenile delinquency problem, the Administration is opposed to rapid expansion of new LEAA programs in this area before adequate program planning and evaluation has occurred and made possible the identification of potentially successful program emphases and directions. Therefore, the Administration's objectives in 1976 are (1) to establish mechanisms for program and policy development, (2) to assure effective interagency coordination, and (3) to experiment with innovative and promising techniques. These planning steps are essential before consideration should be given to launching major new funding programs in this area with State and local governments.

In addition to the $40 million appropriation for 1976, the Congress provided $25 million in a late 1975 supplemental appropriation which is also available for obligation in 1976. Those funds, which were obligated during the first six months of the current fiscal year, are being used to develop program and evaluation capabilities at the Federal and State levels, begin research and evaluation programs of the National Institute of Juvenile Justice and Delinquency Prevention, and develop program initiatives in the following areas: deinstitutionalization of juvenile status offenders, delinquency prevention, delinquency diversion, and treatment of serious youthful offenders.

These separate appropriations provide a total of $65 million available for obligation in 1976, allocated as follows:

[In millions of dollars]

	From 1975 appropriations	From 1976 appropriations	Total
Formula grant allocations to States	10.6	23.0	33.6
Special emphasis grants	10.7	9.8	20.5
National Institute of Juvenile Justice and Delinquency Prevention	3.2	6.0	9.2
Coordination and administration	.5	1.2	1.7
Total	25.0	40.0	65.0

In addition to these appropriations, the Juvenile Justice and Delinquency Prevention Act of 1974 mandates that funding of juvenile delinquency programs from other LEAA grant programs not be reduced below the fiscal year 1972 level (Title V, Part C, Section 544). LEAA estimates that more than $100 million was spent on these programs in 1972.

In order to assure that thorough planning and evaluation occur before major new funding programs are initiated, the Administration is proposing to moderate the rate of growth in this program by deferring $15 million of the $40 million appropriated for 1976 until 1977. Even with this proposed deferral, new obligations of $50 million will occur in 1976, allocated as follows:

[In millions of dollars]

	Total available for obligation	Proposed deferral	Recommended total
Formula grant allocations to States	33.6	−7.5	26.0
Special emphasis grants	20.5	−3.9	16.6
National Institute of Juvenile Justice and Delinquency Prevention	9.2	−3.5	5.7
Coordination and administration	1.7		1.7
Total	65.0	−15.0	50.0

The major impact of this deferral will be to moderate the rate of growth in new formula and discretionary grant programs in 1976 to permit a more reasonable and orderly commitment of the additional funds. The resulting funding level represents almost a 50% expansion in Federal financing for juvenile delinquency programs over a period of one year. Committing larger amounts over the remaining five months of the fiscal year cannot be done with any assurance that the additional monies will be efficiently utilized or effectively targeted at priority problems. Guidelines under which the new programs are to operate have not yet been developed in some cases. The requested deferral will permit a more prudent startup of new programs and the resulting funding level will be adequate to carry out LEAA statutory responsibilities under the 1974 Act and to establish a sound basis for determining future program directions and emphases.

OUTLAY EFFECT

(Estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with the 1977 budget):	
1. Without deferral	919.0
2. With deferral	918.0
3. Current outlay savings	1.0
Outlay savings for the transition quarter	2.0
Outlay savings for 1977	6.8
Outlay savings for 1978	5.2

[Excerpts From the Congressional Record, March 4, 1976]

RESOLUTION DISAPPROVING DEFERRAL OF CERTAIN BUDGET AUTHORITY

Mr. SLACK. Mr. Speaker, I call up House Resolution 1058, disapproving the deferral of certain budget authority, and ask unanimous consent that it be considered in the House.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the resolution as follows:

"H. RES. 1058

"*Resolved*, That the House of Representatives hereby expresses its disapproval of proposed deferral D76-98, as set forth in the President's special message of January 23, 1976 (H. Doc. 94-342), transmitted to the Congress under section 1013 of the Impoundment Control Act of 1974."

The SPEAKER. The gentleman from West Virginia (Mr. SLACK) will be recognized for 1 hour.

Mr. SLACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we submit for consideration to the House, House Resolution 1058 disapproving the deferral of $15 million in budget authority available to the Law Enforcement Assistance Administration for the juvenile justice and delinquency prevention program.

The appropriation act for 1976 included $40 million to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974. The proposed deferral of $15 million of that amount would reduce the 1976 availability to $25 million. The disapproval of this proposal will mean that $40 million will remain available for the program as appropriated.

This program is carried out through formula grants to States, special emphasis grants and funding of the National Institute of Juvenile Justice and Delinquency Prevention.

Mr. Speaker, I recommend the adoption of House Resolution 1058.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I just came out of our subcommittee, and while I happen to be personally opposed to this deferral, I recognize that it is inevitable. Therefore, I will not take any further time.

Mr. BIAGGI. Mr. Speaker, I rise in support of this resolution which will disapprove the President's request to defer $15 million in budget authority to help administer the juvenile justice and delinquency prevention program. Failure to approve this resolution today will have very tragic effects on the efforts being made by this Nation to reduce the staggering increases in juvenile crime across this Nation.

The Juvenile Justice and Delinquency Prevention Act was approved by Congress 2 years ago. It represented a most ambitious legislative effort designed to combat the growing incidences of juvenile crime in this Nation. The problem has grown to such a point that it is now estimated that more than half of the crimes committed in this Nation are being committed by persons under the age of 25.

It seems somewhat contradictory that this administration which is so concerned with curbing crime would recommend cutbacks in funds for the Nation's foremost program to combat juvenile crime. Its effects would be felt nationally. I was advised this morning by the chairman of the New York State Juvenile Justice Advisory Board that upholding the President's budget deferral request would result in a 43-percent cutback in funds under the act for the State of New York which has one of the highest levels of juvenile crime in the Nation.

Let us not let the distorted economic priorities of this administration sabotage our efforts to control juvenile crime in this Nation. Hundreds of local communities and organizations have applied for funds under this act to establish meaningful programs to help combat the juvenile crime problem. It would seem tragic to prevent these programs from even beginning. I urge approval of this resolution today for it will be a demonstration of this Congress commitment to rid this Nation of the juvenile crime problem.

Mr. MEZVINSKY. Mr. Speaker, in response to President Ford's deferral decision on funds for the LEAA, we must ask ourselves a fundamental question: Can we afford to fully fund an effort to counter juvenile crime and rehabilitate juvenile offenders?

The President argues that we cannot afford to spend $15 million of the money this Congress appropriated for juvenile justice and delinquency programs. Fifteen million dollars is $2 million less than the average cost of one carrier-based naval warplane. Can we buy ourselves more security with the purchase of one fighter plane or with full funding of a program which checks the appalling rise in juvenile crime and salvages the young lives of thousands of American youths? The answer should be obvious.

I would like to see the President confront the citizens of any of our communities and tell them face to face that we must cut back on efforts to cope with juvenile delinquency. I would like to see him tell the parents of those children that we must spend more on the training of foreign soldiers and less on the rehabilitation of their sons and daughters. I would like to have him tell this House how $15 million can better be spent than on efforts to prevent murders, burglaries, and drug offenses committed by teenagers and preadolescents; to have him tell us why we cannot afford to direct those children toward a better way of life and a full contribution to society.

No one questions the obvious fact that we must control the Federal budget and spend our tax dollars wisely. I can think of no wiser investment than one which contributes to the safety of our streets and the early rehabilitation of young lawbreakers.

We owe it to those who look to Congress for leadership to insist that every reasonable effort be made to protect our citizens from juvenile crime and to rehabilitate youthful offenders.

Mr. SLACK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

[Excerpts From Senate Doc. No. 94–170, 94th Cong., 2d sess., pages 1, 3, and 17]

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY, APRIL 1976

COMMUNICATION

FROM THE

DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET EXECUTIVE OFFICE OF THE PRESIDENT

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY FOR FISCAL YEAR 1976 AS OF APRIL 1, 1976, PURSUANT TO SECTION 1014 (e) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

APRIL 14, 1976 (pursuant to order of JANUARY 30, 1975).—Referred to the Committees on Appropriations, the Budget, Government, Operations, Agriculture and Forestry, Commerce, Public Works, Banking, Housing and Urban Affairs, Interior and Insular Affairs, Finance, Armed Services, Labor and Public Welfare, Aeronautical and Space Sciences, Foreign Relations, and the Judiciary and ordered to be printed.

TABLE B.—*Status of 1976 deferrals*

	Amount[1] *(in millions of dollars)*
Deferrals proposed by the President	8,740.8
Routine Executive releases: (—$2,211.2M) and adjustments (—$244.8M)[2] through Apr. 1, 1976	—2,466.7
Overturned by the Congress:[3]	
Agriculture:	
Agricultural Research Service: Construction (D76-68) (overturned Dec. 4, 1975)	—7.6
Animal and Plant Health Inspection Service: Construction-Fleming Key animal import center (D76-69) (overturned Dec. 10, 1975)	—6.3
Agricultural Stabilization and Conservation Service: Agriculture conservation program (D76-70) (overturned Dec. 19, 1975)	—90.0
Farmers Home Administration: Rural water and waste disposal grants (D76-72) (overturned Dec. 19, 1975)	—50.0
Soil Conservation Service:	
Watershed and flood prevention (D76-73) overturned Dec. 19, 1975)	—22.5
Resource conservation and development (D76-74) (overturned Dec. 19, 1975)	—5.0
Forest Service: Youth Conservation Corps (D76-101) (overturned Mar. 9, 1976)	—23.7
Health, Education, and Welfare: Health Services Administration: Indian health facilities (D76-39, D76-97) (overturned Mar. 9, 1976)	—14.9
Interior:	
Bureau of Reclamation: Construction and rehabilitation (76-13) (overturned Dec. 4, 1975)	—1.9
Bureau of Indian Affairs Construction (D76-103) (overturned Mar. 9, 1976)	—10.9
Justice:	
Law Enforcement Assistance Administration: Juvenile justice and delinquency prevention (D76-98) overturned Mar. 4, 1976)	—15.0
EPA (all overturned Dec. 19, 1975):	
Research and development:	
Air research (D76-79)	—2.0
Water research (D76-80)	—4.6
Abatement and control:	
Air control agency grants (D76-81)	—3.8
Water quality control agency grants (D76-82)	—10.0
Clean lakes grants (D76-83)	—15.0
Other independent agencies: Community Services Administration: Emergency energy conservation (D76-49) (overturned Nov. 3, 1975)	—16.5
Total deferrals overturned by the Congress[3]	—298.7
Currently before the Congress	[4] 5,975.4

[1] Detail does not add to total due to rounding.

[2] Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts. An amount equal to $793,000,000 included in the "Adjustments" column of attachment B to this report represents superseded deferrals. This amount is not included in the "Adjustments" entry above because these adjustments are included in calculating the amount shown on the line "Deferrals proposed by the President."

[3] Does not include $10,000,000 in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

[4] Includes $96,100,000 of outlays in 2 Treasury deferrals—D76-25 and D76-67.

STATUS OF DEFERRALS, FISCAL YEAR 1976

[Amounts in thousands of dollars]

Bureau/account	Deferral No.	Amount transmitted in special message: Superseded	Amount transmitted in special message: Current	Date of action	Releases resulting from subsequent actions taken by—: OMB/agency	Releases resulting from subsequent actions taken by—: House	Releases resulting from subsequent actions taken by—: Senate	Adjustments	Amount deferred as of Apr. 1, 1976
DEPARTMENT OF JUSTICE									
Law Enforcement Assistance Administration, Salaries and expenses	D76-98	----------	15,000	Jan. 23, 1976	----------	----------	----------	----------	----------
				Mar. 11, 1976	----------	[1] —15,000	----------	----------	0
Total			15,000		----------	—15,000	----------	----------	0

[1] Impoundment resolution, H. Res. 1058, passed the House on Mar. 4, 1976, rejecting this deferral.

Part 7—Juvenile Justice and Delinquency Prevention Act and the Budget Resolution Debate and Controversy

[Extract From the Congressional Record, April 30, 1975]

SENATOR BAYH COMMENTS ON BUDGET COMMITTEE RECOMMENDATIONS

Mr. BAYH. Mr. President, I wish to compliment the Senator from Maine on the fine job he and members of the committee have done in preparing the resolution and report which are before us today. I would like to take a moment, if I may, to ask the Senator a few questions in regard to the committee's treatment of spending for law enforcement and justice.

I understand that the committee has recommended budget authority and outlays in this area in addition to what the administration requested. Is that correct?

Mr. MUSKIE. Yes, the Senator is correct. The committee recommends $3.3 billion in budget authority and $3.4 billion in outlays for law enforcement and justice compared to administration requests of $3.2 and $3.3 billion.

Mr. BAYH. Does the committee have any recommendation as to how those funds should be spent?

Mr. MUSKIE. No. It will be up to the various authorizing and appropriating committees and the whole Senate to determine how the funds shall be spent.

Mr. BAYH. Am I correct in saying, then, that nothing in the report or resolution would prohibit funding of the juvenile delinquency prevention program which was enacted last year and which I believe is so critical in our fight against crime?

Mr. MUSKIE. The Senator from Indiana is absolutely correct.

Mr. BAYH. I thank the Senator.

Mr. WILLIAMS. Mr. President, the Senate has before it today Senate Concurrent Resolution 32, the first such concurrent resolution on the budget of the United States. The preparation of this concurrent resolution is mandated by the Congressional Budget Act of 1974 and represents the first exercise under that act of the greatly increased congressional responsibility in the development and formation of the budget of the United States.

When the Budget Act was adopted, I was pleased that the Congress would now assume a higher level of responsibility for the planning and evaluation of budget priorities, in addition to the actual appropriation of funds. I have always believed that the Congress must play a role in both functions in order to be fully effective in the planning and policy decisions affecting the Nation's priorities. While this body has always formulated the substance of many new programs which represent, in the aggregate, the national direction, the priorities to be accorded these various programs, through the budgeting of funds for their implementation, has not received the same systematic and thorough congressional attention.

While the Congress has traditionally controlled the appropriations process, the initial development of these funding levels has been left almost entirely to the executive branch. Because of this control over the submission of appropriations requests by the executive branch, Congress role was never fully carried out.

The appropriations process on the other hand, which has always been a legislative prerogative, is designed to evaluate the line-item appropriations requests for the various programs involved. It is not an effective method for evaluating the macroeconomic effects of the budget. Those decisions must be made period to the appropriations process.

It is precisely these decisions on national priorities that we are making here today as we consider Senate Concurrent Resolution 32.

I have carefully reviewed the report accompanying Senate Concurrent Resolution 32, and I would like to commend Senator MUSKIE, chairman of the Budget Committee, and the other members of the committee. It is never easy to plow new ground, and this was the first opportunity for the Senate Budget Committee, as established by the Congressional Budget Act, to evaluate the budget priorities of the national budget for the coming year. The committee has obviously taken

its task to heart, and the results of their work are evident in the thoughtful and thorough analysis reflected in the committee's report.

But it is not only the Budget Committee which has new and significant responsibilities under the new Budget Act. Each standing committee of the Senate and the House of Representatives must similarly examine the various programs for which it has responsibility. This examination must include an evaluation of all existing and anticipated programs under each committee's jurisdiction, and an evaluation of the necessary funding levels to be assigned to each. These recommendations are then submitted to the Budget Committee as that committee's determination of the necessary funding levels to continue these various programs.

Last fall, after an initial consultation with the members of the Budget Committee to elicit their views on what they felt would be needed from each committee, I instructed the staff of the Labor and Public Welfare Committee to begin an immediate evaluation and analysis of existing programs within the committee's jurisdiction with the view toward developing a comprehensive financial and budgetary picture of our multifarious programs. I felt the need to begin this process early, because the Labor and Public Welfare Committee has responsibility for the largest number of domestic programs, all of which represent items of major national significance.

The results of our detailed study contains both an analysis of the current levels of existing programs in the Departments of HEW and Labor, and an examination of anticiapted new programs and their recommended funding levels needed to produce minimum results in these various areas. In this regard, Mr. President, I carefully pointed out to the Budget Committee that many of the anticipated programs were vital to stimulate the current stagnant economy and to provide for a countercyclical force to the current recession.

With respect to these counter-cyclical programs, Mr. President, I regret that I am disappointed with Senate Concurrent Resolution 32. The Budget Committee resolution provides only $4.5 billion for temporary, emergency, job-development programs. I feel that this is woefully short of the amount that my examination and study has shown will be needed to develop counter-cyclical employment programs. I simply cannot reconcile the committee's figure of $4.5 billion in this area of the national priorities with the current state of the economy.

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
COMMITTEE ON THE JUDICIARY,
March 11, 1976.

FRANCIS C. ROSENBERGER,
Chief Counsel and Staff Director,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR FRANCIS: Attached is the completed Budget Committee form "Report on Legislation Affecting Budget Authority and Outlays" for fiscal year 1977 as it pertains to our Subcommittee, which incidentally is only in the category of Continuing Programs.

Senator Bayh's priority interest is that the Juvenile Justice and Delinquency Prevention Act, Public Law 93-415 be adequately funded. The Act authorized $125 million for fiscal year 1976; the President requested no funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January the President proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested $10 million of the $150 authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the President's deferral by approving a Resolution offered by Mr. Slack, the Chairman of the State, Justice, Commerce and Judiciary Subcommittee. In view of the strong initial support for the authorizing legislation (Senate, 88-1), House, 329-20) and continuing support for the program, in spite of persistent, Administration opposition, Senator Bayh will seek at least $100 million for fiscal year 1977. Even this is an extremely modest investment relative to the ever-escalating ravages of juvenile crime and the clearly demonstrated need for federal leadership.

I appreciate your courtesy in this matter and hope that my slight delay in responding is not unpardonably inconveniencing.

Sincerely,

JOHN M. RECTOR,
Staff Director and Chief Counsel.

Enclosure.

REPORT ON LEGISLATION AFFECTING BUDGET AUTHORITY AND OUTLAYS—SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, COMMITTEE ON THE JUDICIARY

Continuing programs	Type of bill		Status of program		Function code	Type of BA			In millions of dollars; fiscal years					
									New BA	Outlays resulting from column (10) in—				
	Spending	Auth.	New	Existing		Ent	Oth	S/L	1977	1977	1978	1979	1980	1981
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1. The Juvenile Justice and Delinquency Prevention Act (Public Law 93–415):														
(a) Title II, The Office, Federal assistance for State and local programs and the National Institute (account No. 11–21–0400).	----------	X	----------	X	750	----------		X	150	150	----------			
(b) Title III, The Runaway Youth Act (account No. 09–80–1636).	----------	X	----------	X	500	----------		X	10	10	----------			
(c) Title V, pt. B, The National Institute of Corrections (account No. 11–20–1004).	----------	X	----------	X	750	----------		X	Open	10	----------			
2. Controlled Substances Act Extension (Public Law 93–481) amending (Public Law 91–513) to extend Drug Enforcement Administration (account No. 11–22–1100).	----------	X	----------	X	750	----------		X	200	175	----------			
Subcommittee total for continuing programs.	----------		----------		----------	----------		----------	360	345	----------			

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., February 24, 1976.

JOHN RECTOR,
Chief Counsel, Subcommittee on Juvenile Delinquency, Senate Committee on the Judiciary.

DEAR JOHN: I am enclosing the material to be completed and returned to me by March 8 for submission to the Senate Budget Committee by March 15 as required by the Congressional Budget Act of 1974.

Enclosed are copies of letters from Senator Edmund S. Muskie, Chairman, and Douglas J. Bennett, Jr., Staff Director, Senate Committee on the Budget, outlining details to be followed in your completion of these forms.

Any questions on the preparation of the reports should be directed to Mr. Bennett at 224–0642, Sid Brown at 224–0560, Mike West at 224–0561, or John Giles at 224–0642.

Sincerely yours,

FRANCIS C. ROSENBERGER.

VIEWS OF THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE—FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1977, 94TH CONGRESS, SECOND SESSION

March 15, 1976.

STATE, JUSTICE, COMMERCE, THE JUDICIARY

For fiscal year 1977 the Subcommittee recommends a budget authority target of $7.0 billion, an increase of $750 million over the President's budget request. The Subcommittee recommends that the target for outlays be set at $8.8 billion, which is $1.9 billion more than the President's request.

The increased budget authority target of $750 million is necessary for the following reasons.

First, the fiscal year 1977 President's budget proposes over $100 million worth of reductions in the law enforcement assistance program, including reductions in the law enforcement education program, the juvenile justice and delinquency prevention program, and the State block grant program. The budget also proposes reductions in the staff and training programs of the Federal Bureau of Investigation and cutbacks in the Legal Services Corporation. Inasmuch as most of these proposals have already been considered and rejected by the Congress during the processing of the fiscal year 1976 budget, it is unlikely that the Congress would change its position and agree to these proposals during the processing of the fiscal 1977 budget. A more realistic view is that the Congress will add about $150 million to the 1977 budget request to restore the proposed cuts and provide for some small increases in selected law enforcement programs such as the Legal Services Corporation.

Secondly, the fiscal year 1977 President's budget proposes a decrease of $529 million for the economic development assistance programs of the Department of Commerce. The proposed change from $820 million in fiscal year 1976 to $291 million in fiscal year 1977 is a year-to-year reduction of about 65 percent. In contrast, the Congress, despite the sustained veto of the Public Works Employment Act of 1975, still may authorize additional amounts for antirecession employment programs. In any event, the Senate is likely to restore appropriations for the ongoing tried and proven EDA programs to at least the level contained in last year's Senate bill. This could add about $600 million to the President's budget.

The outlay increase of $1.9 billion over the President's request includes $1.5 billion associated with a possible fiscal year 1976 public works employment supplemental appropriations bill for which provision has already been made in the 1976 second concurrent resolution.

TABLE 2.—COMMITTEE ON APPROPRIATIONS: RECOMMENDATIONS FOR 1977 BUDGET AUTHORITY BY FUNCTION

[In billions]

	Functional budget category	Budget authority				
		1976 request	1977 request	1977 committee recommendation	Difference	Subcommittee contributing to difference
050	National defense	102.3	114.9	114.9	----------	
150	International affairs	6.5	9.7	9.7	----------	
250	General science space and technology.	4.4	4.6	4.6	----------	
300	Natural resources, environment and energy.	19.2	9.7	11.6	+1.9	Agriculture (+0.2), Interior (+1.2), Public Works (+0.5).
350	Agriculture	4.1	2.3	2.3	----------	
400	Commerce and transportation	18.6	17.9	19.1	+1.2	Transportation (+0.9), Treasury (+0.3).
450	Community and regional development.	4.8	5.8	6.6	+.8	Agriculture (+0.1), HUD (+0.1), Labor, HEW (+0.3), State, Justice (+0.3).
500	Education, employment, training and social services.	19.7	15.9	21.8	+5.9	Labor, HEW (+5.6), State, Justice (+0.3).
550	Health	32.3	38.0	39.7	+1.7	Interior (+0.1), Labor, HEW (+1.6).
600	Income security	140.3	157.7	162.1	+4.4	Agriculture (+0.2), HUD (+0.1), Labor-HEW (+4.1).
700	Veterans benefits and services	19.9	17.7	18.1	+.4	HUD (+0.4).
750	Law enforcement and justice	3.3	3.3	3.5	+.2	State, Justice (+0.2).
800	General government	3.5	3.5	3.7	+.2	Treasury (+0.2).
850	Revenue sharing and general purpose fiscal assistance.	9.5	7.3	7.3	----------	
900	Interest	34.8	41.3	41.3	----------	
	Allowances	.2	2.6	2.6	----------	
	Undistributed offsetting receipts	−15.2	−18.8	−18.8	----------	
	Miscellaneous adjustments			−.1	−.1	
	Total	408.4	433.4	[1] 450.0	[1] +16.6	

[1] Excludes at least $1,000,000,000 required if Congress overrides the proposed pay cap on Federal salaries. These amounts are shown in table 1.

Calendar No. 699

94TH CONGRESS
2d Session

SENATE

REPORT
No. 94-731

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1977 AND THE BUDGET FOR THE TRANSITION QUARTER

REPORT

OF THE

COMMITTEE ON THE BUDGET
UNITED STATES SENATE

TO ACCOMPANY

S. Con. Res. 109

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1977 (AND REVISING THE CONGRESSIONAL BUDGET FOR THE TRANSITION QUARTER BEGINNING JULY 1, 1976)

Together With

ADDITIONAL, MINORITY, AND SEPARATE VIEWS

APRIL 3, 1976.—Ordered to be printed

Filed, under authority of the order of the Senate of April 1, 1976

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1976

[S. Con. Res. 109, 94th Cong., 2d Sess.]

CONCURRENT RESOLUTION setting forth the congressional budget for the United States Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976).

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

(1) the appropriate level of total budget outlays is $412,600,000,000;

(2) the appropriate level of total new budget authority is $454,900,000,000;

(3) the amount of deficit in the budget which is appropriate in light of economic conditions and all other relevant factors is $50,200,000,000;

(4) the recommended level of Federal revenues is $362,400,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $15,300,000,000; and

(5) the appropriate level of the public debt is $711,500,000,000, and the amount by which the temporary statutory limit on such debt should be accordingly increased is $65,300,000,000.

SEC. 2. Based on the appropriate level of total budget outlays and total new budget authority set forth in paragraphs (1) and (2) of the first section of this resolution, the Congress hereby determines and declares, pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1976, the appropriate allocation of the estimated budget outlays and new budget authority for the major functional categories is as follows:

(1) National Defense (050):
  (A) New budget authority, $113,000,000,000.
  (B) Outlays, $100,900,000,000.

(2) International Affairs (150):
  (A) New budget authority, $9,100,000,000.
  (B) Outlays, $7,000,000,000.

(3) General Science, Space, and Technology (250):
  (A) New budget authority, $4,600,000,000.
  (B) Outlays, $4,500,000,000.

(4) Natural Resources, Environment, and Energy (300):
  (A) New budget authority, $18,000,000,000.
  (B) Outlays, $15,600,000,000.

(5) Agriculture (350):
  (A) New budget authority, $2,300,000,000.
  (B) Outlays, $1,900,000,000.

(6) Commerce and Transportation (400):
  (A) New budget authority, $16,100,000,000.
  (B) Outlays, $18,600,000,000.

(7) Community and Regional Development (450):
  (A) New budget authority, $7,400,000,000.
  (B) Outlays, $7,600,000,000.

(8) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $22,400,000,000.
(B) Outlays, $21,400,000,000.
(9) Health (550):
(A) New budget authority, $40,400,000,000.
(B) Outlays, $37,600,000,000.
(10) Income Security (600):
(A) New budget authority, $163,700,000,000.
(B) Outlays, $140,100,000,000.
(11) Veterans Benefits and Services (700):
(A) New budget authority, $20,000,000,000.
(B) Outlays, $19,300,000,000.
(12) Law Enforcement and Justice (750):
(A) New budget authority, $3,300,000,000.
(B) Outlays, $3,400,000,000.
(13) General Government (800):
(A) New budget authority, $3,700,000,000.
(B) Outlays, $3,600,000,000.
(14) Revenue Sharing and General Purpose Fiscal Assistance (850):
(A) New budget authority, $7,300,000,000.
(B) Outlays, $7,400,000,000.
(15) Interest (900):
(A) New budget authority, $40,400,000,000.
(B) Outlays, $40,400,000,000.
(16) Allowances:
(A) New budget authority, $600,000,000.
(B) Outlays, $700,000,000.
(17) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$17,400,000,000.
(B) Outlays, −$17,400,000,000.

SEC. 3. The Congress hereby determines and declares, in the manner provided in section 310(a) of the Congressional Budget Act of 1974, that for the Transition Quarter beginning on July 1, 1976—

(1) the appropriate level of total budget outlays is $102,200,000,000;

(2) the appropriate level of total new budget authority is $95,800,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $16,200,000,000;

(4) the recommended level of Federal revenues is $86,000,000,000; and

(5) the appropriate level of the public debt is $646,200,000,000, and the amount by which the temporary statutory limit on such debt should be accordingly increased is $19,200,000,000.

Calendar No. ____

94TH CONGRESS
2d Session

SENATE

REPORT
No. 94-731

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1977

and the

BUDGET FOR THE TRANSITION QUARTER

APRIL 3, 1976.—Ordered to be printed

Filed, under authority of the order of the Senate of April 1, 1976

Mr. MUSKIE, from the Committee on the Budget, submitted the following

REPORT

[To accompany S. Con. Res. 109]

together with

ADDITIONAL, MINORITY, AND SEPARATE VIEWS

The Committee on the Budget submits the following report, accompanying its First Concurrent Resolution on the Budget setting forth the Congressional Budget for the United States Government for the fiscal year 1977 (and revising the Congressional Budget for the Transition Quarter beginning July 1, 1976), pursuant to the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

Chapter 1. OVERVIEW

The interests of the people of the United States—economic, social, and national—will best be served during fiscal 1977 by a budget which:

—continues the economic recovery begun this year at a steady pace so that the Nation can keep moving toward full employment and a balanced budget;
—avoids actions, such as increases in payroll taxes, that will increase the rate of inflation;
—maintains antirecession programs and Federal support for health, education, and other social services at or near current policy levels;

78-464 O - 77 - 94

—permits real growth in defense expenditures to assure that no world power misreads the U.S. determination to protect the interests of its own people and its allies; and

—accelerates research on new sources of energy and on conservation programs, and promotes the recovery of existing domestic energy resources.

The level of spending required to meet these goals is $454.9 billion in budget authority, and $412.6 billion in outlays, with revenues of $362.4 billion. This will result in a deficit of $50.2 billion and a public debt of $711.5 billion.

The First Resolution on the Budget sets targets to guide the work of Congress as it considers spending and revenue legislation for the coming year. The Second Resolution, which must be adopted by September 15, sets binding totals and may include a reconciliation provision to adjust spending and revenue legislation to these totals. This year, for the first time, Congress will vote not only on budget totals, but on figures for each budget function. In general, these functional totals are intended to represent broad priorities, and do not imply judgments as to the mix of programs which the authorizing committees and Appropriations Committees may subsequently wish to include within the established targets. Individual Budget Committee members did make certain judgments and assumptions about how funds might be distributed within each category as a basis for establishing the target figure, and Members of the Senate will undoubtedly wish to do the same during debate on the budget resolution; but the authorizing committees and Appropriations Committees have the ultimate responsibility for making recommendations as to that distribution.

The Committee's outlay recommendation would result in an overall savings of $8.8 billion compared with what would be spent under "current policy"—that is, under the laws and policies contemplated in the Second Concurrent Resolution on the Budget for fiscal 1976, adjusted for inflation and changes in the size and composition of beneficiary groups.

The Committee's spending recommendations compare with the President's adjusted budget request of $430.6 billion in budget authority and $395.2 billion in outlays. The Committee's projected deficit is within a billion dollars of the President's projected deficit when adjustments are made to put the two budgets on a comparable base:

	In billions of dollars
President's January budget deficit	43.0
Plus:	
Increase projected by the President's March budget update	1.6
Adjustment for more accurate estimates of offshore oil receipts	2.0
Increased Postal Service funding requirements	1.3
Correction for underestimates of required funding for existing human resources programs	1.4
President's adjusted deficit	49.3

The pattern of spending in the Committee's budget differs in many areas from that proposed by the Administration, but not in defense. The Committee recommends reducing the President's defense proposals by only $0.3 billion in budget authority and $0.2 billion in outlays.

The Committee essentially approved the Administration's national defense figures because a majority of its members believes that prudence and world conditions require some real growth in strategic and tactical forces.

The Committee voted unanimously, however, to require the Defense Department to be prepared to discuss its fiscal 1978 budget requests in terms of specific missions that would be accomplished and the relation of those missions to U.S. interests in the world at large and in various areas in the world. It is the Committee's judgment that without such mission-oriented budget discussions, it is not possible effectively to analyze the relationship between military spending and U.S. objectives and other priorities.

Economic Objectives and Assumptions

The Committee wishes to emphasize that the most tragic mistake the Nation could make at this point would be to repeat old errors of fiscal and monetary judgment that would choke off the hard won recovery we are now experiencing. Assuming an accommodative monetary policy and continued strength in the private sector, the Committee's fiscal recommendation is consistent with a real economic growth rate of 6 percent. This is a higher growth rate than the President's budget would yield and one that would assure a continued reduction in the unemployment rate. This fiscal policy is consistent with recommendations received by the Committee from several witnesses. For example, Herbert Stein, Chairman of the Council of Economic Advisers under President Nixon, testified before the Committee: "I think the economy could stand more growth than is now likely with the President's proposed budget policies." Mr. Stein said also he did not believe the Administration's proposed budget, coupled with anticipated monetary policy, could produce the rate of growth in the economy and the private sector job opportunities which Administration economists had predicted. The Joint Economic Committee, which recommended an annual growth target of 7 percent, noted in its annual report that the Administration's proposed budget could produce real economic growth of only about 3 or 4 percent.

Other witnesses who supported budgetary policies consistent with a higher growth rate include Paul McCracken, Chairman of the Council of Economic Advisers under President Nixon, who recommended a growth rate of 6 to 7 percent; Charles Schultze, former Director of the Bureau of the Budget, who proposed a rate of growth of 7 percent; and Walter Heller, former CEA chairman, who proposed a growth rate of 7 to 8 percent.

Even though the economy has turned around, the Committee notes that once again this year the Federal deficit, although considerably smaller than last year's, is due entirely to the revenue losses and increased eligibility for unemployment insurance and food stamps resulting from less than full employment. The Committee emphasizes that economic recovery is essential to putting America back to work and balancing the budget. While the Committee believes the budget recommended is consistent with a steady recovery path, the Committee will revise its recommendation if the economic forecast changes significantly.

Jobs

The fiscal 1976 budget, the first to be enacted under the new budget process, began the Nation's recovery from the most painful recession since the 1930's. That budget expanded the President's proposed tax reductions, altered the Administration's priorities by channeling an additional $4.5 billion into antirecession programs and deferred new long-range programs in favor of short-term programs that would help stimulate employment and ease the burden of unemployment.

The fiscal 1977 budget, which the Committee now recommends, is designed to continue the recovery without accelerating inflation.

Unemployment has fallen at a rapid rate in the last 12 months, from 8.5 to 7.5 percent. Since March of 1975 there has been an increase in employment of 2,671,000 and a decrease in unemployment of 750,000. The improvement has been just as significant for heads of households. Last March 3 million household heads were unemployed; 2.7 million were unemployed this March.

Inflation Control

Inflation has diminished even more rapidly. As of February, the Consumer Price Index (CPI) had increased 6.3 percent in the preceding 12 months and at a 4.4 percent rate in the preceding 3 months. A year ago the comparable figures were 11.1 percent and 8.3 respectively. The Committee welcomes this evidence that unemployment and inflation can decline simultaneously. Avoiding a resurgence of rapid inflation is crucial to further recovery from high unemployment. The recommended fiscal policy will reduce inflationary expectations and forestall any pressure from excess demand.

Just as importantly, the Committee has sought to discourage actions that would increase prices and the inflation rate in any sector of the economy. It does not recommend reductions in postal subsidies or operating subsidies to mass transit because the reductions would lead to higher price levels. It recommends a budget level for health that implies a reduction in the rate of inflation in this sector. It recommends acceptance of the President's proposed cap on pay increases for Federal employees.

Coordinated Fiscal and Monetary Policy

The Committee believes that the combination of fiscal restraint and positive moves to avoid inflation will permit adequate stimulus from the Federal Reserve Board to insure continued recovery. The Board should strive for a real economic growth rate of at least 6 percent, and 7 percent real growth would be even more satisfactory. Economic growth at this rate is required if, as Federal Reserve Chairman Arthur Burns told the Committee, the country should not have to wait 2 years to see unemployment fall to 5.5 percent.

The Committee's fiscal recommendations should be viewed as part of a coordinated fiscal and monetary policy that will lead to the lowest possible interest rates and deficit consistent with the goal of continued substantial declines in unemployment and the absence of an accelerated rate of underlying inflation. Both fiscal and monetary policy should be directed to these broad goals rather than to any arbitrary numerical targets for the policy instruments.

State and Local Government

Federal grants-in-aid are an important source of support for State and local government. Such grants have increased from 9.6 percent of Federal outlays in 1966 to 16.8 percent in 1976, and have been an important contribution to meeting the increasing needs of State and local governments over the postwar period—a growth which took that sector from 5.3 percent of GNP in 1946 to 15.0 percent of GNP in 1976.

The proposed resolution for fiscal 1977 includes $69.1 billion for grants to State and local governments, close to the current policy estimate of $69.8 billion and above the President's request of $60.5 billion. This figure constitutes a slowing of the rate of growth of Federal assistance dollars to State and local government but avoids an actual reduction of assistance dollars as implied by the President's budget.

The resolution contains $1.0 billion for countercyclical revenue sharing—a significant innovation in Federal stabilization policy. During the economic downturn of 1974–75, the efforts of State and local governments to balance budgets through reduced expenditures and increased taxes offset over one-third of the Federal Government's efforts to stabilize the economy through fiscal stimulus. Countercyclical revenue sharing is timed and targeted to counteract this destabilizing effect of State and local government actions. The proposed $1.0 billion is modest compared to the estimated $6.0 billion gap between income and outlays which State and local governments face for every percentage point increase in unemployment above full employment, but it contributes toward coordinated, built-in stabilization across the public sector.

Other key elements affecting State and local governments are inclusion of general revenue sharing, rejection of the President's proposal for phasing out public service jobs, and an assumption that savings proposed as part of the grant consolidations proposed by the President cannot be achieved in fiscal 1977. Revenue sharing is provided at $6.6 billion for fiscal 1977, which is equal to current policy levels and slightly above the President's request of $6.5 billion. Extension of the Law Enforcement Assistance Administration is provided for at the $0.8 billion level recommended by the President.

FEDERAL GRANTS AND FEDERAL, STATE, AND LOCAL OUTLAYS

[Percent]

	Fiscal year—		
	1966	1976[1]	1980[2]
Federal outlays as a percent of GNP	18.6	23.5	20.0
State-local govsrnments outlays as a percent of GNP	11.5	15.0	12.9
Total government outlays as a percent of GNP[3]	28.3	34.6	30.1
Federal grants to State-local governments as a percent of Federal outlays	9.6	16.8	14.1
Federal grants to State-local governments as a percent of State-local outlays	15.6	26.3	21.9
Composition of Federal grants to State-local governments:			
General revenues	1.5	12.2	----------
Block grants	0	11.9	----------
Categorical grants	98.5	75.8	----------

[1] Current policy level.
[2] Hypothetical projection based on 4.5-percent unemployment in 1980 with current policies.
[3] Avoids double counting of grants.

REVENUES

The Committee recommends a revenue target for fiscal 1977 of $362.4 billion. The President in his budget recommends $351.3 billion in revenues for fiscal 1977.

This total includes a recommendation that the temporary tax reductions enacted in December 1975 be extended at least through fiscal 1977. The Committee also recommends as a target the enactment of legislation concerning tax expenditures and related provisions that will result in a net increase of $2 billion in fiscal 1977 revenue collections. The Committee recommends against any increase in payroll taxes not already mandated under existing law.

[The following table indicates the impact of these recommendations on projected revenue collections under current law (the overall revenue estimate for tax collections under current law is based upon information provided by the Senate Finance Committee, the Joint Committee on Internal Revenue Taxation, and the Treasury Department, updated to reflect the Budget Committee's economic assumptions) :]

Fiscal Year 1977 Revenues

	Billions
Tax law as of January 1, 1976	$377.7
Extension of December 1975 temporary tax reductions	[1] —17.3
Net increase from tax expenditure legislation	+2.0
Total	362.4

[1] This includes treatment of the entire cost of the earned income credit as a tax reduction.

The Budget Act requires that the report accompanying the First Concurrent Resolution allocate the level of Federal revenues recommended in the resolution among the major sources of such revenues. The following allocation is provided pursuant to this requirement:

	Billions
Individual income tax	$160.9
Corporation income tax	57.8
Social insurance taxes	106.6
Excise taxes	17.8
Estate and gift taxes	6.0
Customs duties	4.3
Miscellaneous revenues	7.0
Net increase from tax expenditure legislation	2.0
Total	362.4

The estimate of $326.4 billion is based on the following GNP, profits, and personal income assumptions:

ECONOMIC ASSUMPTIONS

[In billions of dollars]

	Calendar year—	
	1976	1977
GNP	1,690	1,885
Profits	160	185
Personal income	1,390	1,540

Congressional Budget Monitoring

The Federal budget, as submitted by the President, is divided into 17 functional categories which bring together programs that share policy objectives such as defense, health and income security. Although such subdivisions are necessary to compare spending priorities, they do not, in many cases, match the traditional spending bills reported by subcommittees of the Appropriations Committees or of other committees which consider spending legislation. Last year this gap led to some confusion as to the relationship between individual spending bills and the Budget Resolution.

To solve this problem, the Budget Act provides a so-called "crosswalk" process which takes effect this year for the first time. Under this process, the Statement of Managers which accompanies the conference report on the Budget Resolution allocates the new budget authority and outlays contained in the Budget Resolution among committees with spending responsibility. The committees themselves then further subdivide these amounts among their subcommittees or programs. The act requires that the results of this "crosswalk" procedure be reported to the Senate by each affected committee as soon as is practicable after the adoption of the Budget Resolution. In that way, the Senate will have a clear idea of how committees responsible for spending legislation have allocated their shares of the budget totals before spending bills reach the floor.

Tax Expenditures

Tax expenditures are revenue losses that occur as a result of Federal tax provisions that grant special tax relief to encourage certain kinds of activities by taxpayers or to aid taxpayers in special circumstances. The net result of these provisions is equivalent to a simultaneous collection of revenue and a direct budget outlay of an equal amount.

The Budget Act requires that the Budget Committee and the Congress examine tax expenditures as a part of overall Federal budgetary policy. Section 301(d)(6) of the act specifically requires the Committee to publish a tax expenditure budget as part of this report. The tax expenditure budget lists, by major functional category, each tax expenditure and its estimated revenue cost.

The tax expenditure budget in the following table lists 82 tax provisions. The estimated revenue losses associated with the provisions total more than $105.0 billion for fiscal 1977. Although for a number of technical reasons the grand total is of limited use in policy analysis, the sum does give some general indication of the magnitude of tax expeditures as compared with the Budget Committees' recommended outlays for fiscal 1977 of $412.6 billion.

The Committee believes it is as important to control the growth of tax expeditures as it is to control the growth of direct spending programs. Tax expenditures must be subject to the same standards of review as are spending programs if the new congressional budget process is to have a positive effect over the complete spectrum of Federal budget management.

As one step toward establishing revenue review, the Budget Committee recommends, as a target, the enactment of legislation which would result in a net increase of $2.0 billion in fiscal 1977 revenue collections by changes in existing tax expenditure and related provisions.

Tax expenditures often are enacted with phased-in or deferred effective dates. As with some spending programs, such new tax expenditure provisions may have a relatively small influence on revenues in the year in which they are enacted. Their budgetary impact is similar to that of a direct outlay "wedge" which is a small slice of a spending program that is approved with a limited initial outlay that will increase in subsequent years. For this reason, it is particularly important that the long-term budegtary effects of new tax expenditures be carefully considered at the time of enactment. The "wedge" effect also is important in the context of reducing tax expenditures. Because the termination of a tax expenditure provision may involve the choice of an effective date at some time in the future or may be phased over a number of years, revenue gains from a termination of or reduction in tax expenditures may be much smaller in the year of enactment than they will be when they become fully effective. The impact of reducing tax expenditures should not be minimized because the revenue gain may be small in the year of enactment.

TAX EXPENDITURE ESTIMATES, BY FUNCTION,[1] FISCAL YEARS 1975–81

[In millions of dollars]

	Corporations							Individuals						
	1975	1976	1977	1978	1979	1980	1981	1975	1976	1977	1978	1979	1980	1981
National defense:														
Exclusion of benefits and allowances to Armed Forces personnel								650	650	650	650	650	650	650
Exclusions of military disability pensions								70	80	90	100	110	120	130
International affairs:														
Exclusion of income earned abroad by U.S. citizens								130	145	160	175	195	205	220
Exclusion of gross-up on dividends of LDC corporations	55	55	55	55	55	55	55							
Deferral of income of domestic international sales corporations (DISC)[2]	1,130	1,340	1,420	1,460	1,495	1,580	1,735							
Deferral of income of controlled foreign corporations	590	525	365	365	365	365	365							
Special rate for Western Hemisphere trade corporations	50	50	50	50	50	50	50							
Natural resources, environment and energy:														
Exclusion of interest on State and local government pollution control bonds	75	110	170	220	265	300	330	35	50	55	100	125	145	160
Expensing of exploration and development costs	500	650	840	1,045	1,285	1,540	1,850	120	155	195	245	305	365	435
Excess of percentage over cost depletion	2,010	1,080	1,020	1,015	1,110	1,215	1,325	465	500	575	625	640	670	695
Pollution control: 5-yr amortization	30	20	15	5										
Capital gain treatment of royalties on coal and iron ore	10	15	20	20	25	25	30	40	45	50	60	65	75	85
Capital gain treatment of certain timber income	145	155	165	175	190	200	215	60	60	65	70	75	80	85
Agriculture:														
Expensing of certain capital outlays	135	105	115	120	130	135	150	475	355	360	370	380	390	400
Capital gain treatment of certain income	30	30	40	40	45	50	50	455	490	565	655	705	760	820
Cooperatives: deductibility of noncash patronage dividends and certain other items	395	410	455	485	520	555	595							
Commerce and transportation:														
Investment credit	4,860	6,850	7,585	8,045	8,480	8,890	9,310	950	1,410	1,530	1,635	1,750	1,870	1,995
Depreciation on buildings (other than rental housing) in excess of straight line	220	275	280	300	325	350	375	220	215	215	235	250	275	300
Asset depreciation range	1,280	1,435	1,630	1,825	2,000	2,095	2,135	125	155	175	195	220	230	235
Dividend exclusion								315	335	350	370	385	405	425

See footnotes at end of table.

TAX EXPENDITURE ESTIMATES, BY FUNCTION,[1] FISCAL YEARS 1975–81—Continued

[In millions of dollars]

	Corporations							Individuals						
	1975	1976	1977	1978	1979	1980	1981	1975	1976	1977	1978	1979	1980	1981
Commerce and transportation—Continued														
Capital gain: corporate (other than farming and timber)	695	760	900	1,015	1,090	1,170	1,260							
Capital gain: individual (other than farming and timber)								5,090	5,455	6,255	7,360	7,905	8,490	9,145
Financial institutions: excess bad debt reserves	880	815	570	635	730	900	1,060							
Exemption of credit unions	115	125	135	145	155	165	175							
Deductibility of interest on consumer credit								1,185	1,040	1,075	1,195	1,325	1,475	1,635
Expensing of research and development expenditures	635	660	695	725	755	785	815							
Corporate surtax exemption	3,345	5,020	6,185	6,745	7,300	7,865	8,455							
Deferral of tax on shipping companies	70	105	130	155	180	205	230							
Railroad rolling stock: 5-yr amortization	55	30	10	5										
Excess 1st yr depreciation	175	145	165	180	200	220	240	100	80	85	95	105	115	130
Exclusion of interest on State and local industrial development bonds	120	150	195	235	270	315	355	55	75	90	110	130	150	170
Deductibility of nonbusiness State gasoline taxes								820	575	600	665	735	815	910
Expensing of construction period interest and taxes	985	1,020	1,065	1,110	1,150	1,190	1,230	525	545	570	595	620	645	670
Capital gains at death[4]								6,450	6,720	7,280	8,120	9,015	10,005	11,105
Deferral of capital gain on home sales								805	845	890	935	980	1,030	1,080
Credit for purchase of new homes									625	100				
Deductibility of mortgage interest on owner-occupied homes								5,405	4,545	4,710	5,225	5,800	6,440	7,150
Deductibility of property taxes on owner-occupied homes								4,510	3,690	3,825	4,245	4,710	5,230	5,805
Depreciation on rental housing in excess of straight line	115	120	125	135	145	155	170	405	430	455	480	510	545	580
Community and regional development: Housing rehabilitation: 5-yr amortization	40	35	25	20	15	10	10	65	55	40	25	15	15	15
Education, training, employment and social services:														
Exclusion of scholarships and fellowships								200	210	220	235	245	255	270
Parental personal exemption for student age 19 and over								670	690	715	735	760	780	805
Deductibility of contributions to educational institutions	205	215	280	325	355	390	430	440	450	500	555	610	670	735

Deductibility of child and dependent care expenses								295	330	420	460	510	560	615
Child care facilities: 5-yr amortization	5	5	5	5										
Credit for employing AFDC recipients and public assistance recipients under work incentive program	10	10	10	10	10	10	10							
Deductibility of charitable contributions (other than education)	260	265	350	400	445	490	535	3,465	3,020	3,125	3,470	3,845	4,275	4,740
Health:														
Exclusion of employer contributions to medical insurance premiums and medical care								3,275	3,665	4,225	4,730	5,300	5,935	6,650
Deductibility of medical expenses								2,315	2,020	2,095	2,325	2,580	2,865	3,175
Deductibility of charitable contributions (primarily for health services)	125	130	175	200	220	240	265	920	800	830	920	1,025	1,135	1,260
Income security:														
Exclusion of social security benefits:														
Disability insurance benefits								275	315	370	415	470	525	595
OASI benefits for aged								2,740	3,045	3,525	3,965	4,460	5,020	5,645
Benefits for dependents and survivors								450	495	565	635	715	805	905
Exclusion of railroad retirement system benefits								170	185	200	215	230	245	260
Exclusion of unemployment insurance benefits								2,300	3,305	2,855	2,655	2,470	2,295	2,135
Exclusion of workmen's compensation benefits								505	555	640	705	775	855	940
Exclusion of public assistance benefits								105	115	130	145	165	185	210
Exclusion of special benefits for disabled coal miners								50	50	50	50	50	50	50
Exclusion of sick pay								315	330	350	370	385	405	425
Net exclusion of pension contributions and earnings:														
Employer plans								5,225	5,745	6,475	7,120	7,835	8,620	9,480
Plans for self-employed and others								390	770	965	1,065	1,180	1,300	1,440
Exclusion of other employee benefits:														
Premiums on group term life insurance								740	805	895	965	1,050	1,135	1,230
Premiums on accident and accidental death insurance								50	55	60	65	70	80	85
Income of trusts to finance supplementary unemployment benefits								5	5	5	5	5	5	5
Meals and lodging								265	285	305	320	335	350	365
Exclusion of capital gain on home sales if over 65								40	45	50	55	60	65	70
Excess of percentage standard deduction over minimum standard deduction								1,385	1,465	1,560	1,635	1,720	1,805	1,895
Additional exemption for the blind								10	20	25	25	25	25	25

See footnotes at end of table.

TAX EXPENDITURE ESTIMATES, BY FUNCTION,[1] FISCAL YEARS 1975–81—Continued

[In millions of dollars]

	Corporations							Individuals						
	1975	1976	1977	1978	1979	1980	1981	1975	1976	1977	1978	1979	1980	1981
Income security—Continued														
Additional exemption for over 65								1,100	1,155	1,220	1,280	1,340	1,410	1,480
Retirement income credit								130	120	110	100	90	80	70
Earned income credit[2]								------	1,455	1,390	1,335	1,280	1,230	1,180
Exclusion of interest on life insurance savings								1,545	1,695	1,855	2,025	2,210	2,410	2,625
Deductibility of casualty losses								280	300	330	355	380	405	430
Maximum tax on earned income								400	480	580	695	835	1,000	1,205
Veterans' benefits and services:														
Exclusion of veterans' disability compensation								540	590	595	595	595	595	595
Exclusion of veterans' pensions								25	30	30	30	30	30	30
Exclusion of GI bill benefits								255	330	280	265	255	240	230
General government: Credits and deductions for political contributions								40	40	65	40	50	50	85
Revenue sharing and general purpose fiscal assistance:														
Exclusion of interest on general purpose State and local debt	2,675	2,890	3,150	3,375	3,630	3,925	4,300	1,130	1,280	1,390	1,490	1,605	1,735	1,880
Exclusion of income earned in U.S. possessions	245	240	285	305	325	350	375	----------						
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes and gasoline)								8,490	6,505	6,680	7,415	8,230	9,140	10,140
Interest: Deferral of interest on savings bonds								525	605	685	765	845	925	1,005

[1] All estimates are based on the tax code as of Jan. 1, 1976, except for temporary provisions applying to the investment credit, surtax exemption earned income credit and the standard deduction which are assumed to continue through 1981.

[2] The calendar year aggregate income sales ratio of DISC's is estimated to be 0.08 in 1975, 0.075 in 1976, 0.07 in 1977, 0.065 in 1978, and 0.05 thereafter.

[3] Includes both the portions that represent reductions of tax liabilities and the portions that represent payments in excess of tax liabilities. The former are $290,000,000, $280,000,000, $270,000,000, $255,000,000, $245,000,000, and $235,000,000 for 1976 through 1981, respectively. The latter are $1,165,000,000, $1,110,000,000, $1,065,000,000, $1,025,000,000 $985,000,000, and $945,000,000 for 1976 through 1981 respectively.

[4] The administration estimates this tax expenditure net of reduced estate tax receipts. As a result, the tax expenditure for capital gains at death declines to $4,800,000,000, in fiscal year 1975, $5,000,000,000, in fiscal year 1976 and $5,400,000,000 in fiscal year 1977.

Source: Staffs of the Treasury Department, the Joint Committee on Internal Revenue Taxation, and the Congressional Budget Office.

Budget Projections

Section 301(d)(6) of the Budget Act requires an estimate of total outlays, budget authority, revenues and surpluses or deficits for each of 5 future years, including the year for which the Budget Resolution is adopted. The Committee has not found it possible this year to translate its fiscal 1977 recommendations into accurate future-year projections. This is due primarily to the Committee's decision not to construct its recommendations on a line-by-line basis, in recognition of the responsibilities and jurisdictions of other standing committees. The Committee believes that over the next year the state of the art for budget estimating will improve so as to permit projections while adhering to the Committee's approach to the construction of budget targets.

Some comparisons, however, are possible. The Congressional Budget Office has calculated the 1980 implications for Federal spending under current policy. The Budget Committee staff has calculated 1980 levels of spending both in terms of budget authority and outlays that would result from adoption of its recommendations.

The 1980 savings under the Committee's proposals as compared with the 1980 projections of current policy are $1.7 billion in budget authority and $0.1 billion in outlays.

These projections are based on an estimate that under current policy. 1980 budget authority would be $581.3 billion and 1980 outlays would be $530.3 billion. Under the Committee's proposals, 1980 budget authority would be $579.6 billion and outlays would be $530.4 billion.

Chapter 2. BUDGET PROGRAMS BY FUNCTION

This chapter of the report discusses the Budget Committee's recommended targets for each of the 17 functional categories of the budget. The individual functional sections also contain tables listing the major program elements of each function and departures from current policy levels recommended by the President or suggested by the Senate authorizing committees, the Senate Appropriations Committee, or other sources.

The reader will note that "current policy" levels form an important focal point in these materials. The term "current policy" as used herein means the budget authority and outlay levels that would occur if the capital Federal programs assumed in the capital Second Concurrent Resolution on the Budget for fiscal 1976 (H. Con. Res. 466), adopted by the Congress on December 12, 1975, were to continue at the levels specified for fiscal 1976 as adjusted for inflation and changes in numbers and kinds of beneficiaries. The current policy levels contained in this report have been compiled by the Congressional Budget Office on the basis of the following assumptions (which are contained in CBO's "5-Year Budget Projections Report" issued on January 26, 1976):

—The statuory authority for many Federal programs will expire within a few years. These authorizations are assumed to be routinely renewed, except for programs that are clearly of a one-time nature (temporary study commissions, for example). General revenue sharing and several temporary employment assistance programs are assumed to be renewed.

—The costs of a few Federal programs (notably general revenue sharing) are specified by existing law; also, there are statutory ceilings on outlays for some programs, such as social services grants. These programs are assumed to remain at their statutory levels.

—Some Federal programs—such as interest on the public debt, medicare and medicaid, social security, and unemployment insurance—are open-ended in the sense that their costs are determined primarily by population changes or economic factors (or by State and local governments, which establish benefit levels for unemployment insurance and public assistance). Estimates were made of the impact on these programs of specific economic assumptions and anticipated population changes.

—Existing laws provide for automatic cost-of-living adjustments of some sort for virtually all Federal programs that provide direct benefit payments to individuals except veterans programs (for which benefit adjustments are legislated periodically). Even where cost-of-living adjustments are not automatic, however, they are assumed to occur for these programs.

—For other programs (direct Federal operations and many grants to State and local governments), program levels are discretionary and outlays depend on the amount the Congress chooses to authorize and appropriate each year. There is no requirement that appropriations for such programs receive inflation adjustments. Since much of the budget responds automatically to inflation, however, inflation adjustments have been included for these programs as well in order to provide a consistent baseline against which to measure changes in both discretionary and nondiscretionary programs.

—The projections assume no change in military or civilian Federal employment and virtually no change in the real volume of procurement from fiscal year 1976 levels. Federal pay scales are assumed to be adjusted annually in accordance with the Federal Pay Comparability Act of 1970 while costs of Federal procurement are assumed to rise in proportion to inflation in the private sector of the economy. The projections assume a 12-percent increase in October 1976 for general schedule and military pay. This includes a 3.7-percent "catch-up" from the October 1975 pay adjustment, which was below comparability with the private sector.

—The economic assumptions on which these projections are based are those for "Path B" of the CBO 5-Year Projections Report—the more conservative of the 2 paths projected. The details of these economic assumptions are contained in the CBO Report and an accompanying working paper.

In summary, the current policy spending projections assume that all current programs assumed in the Second Budget Resolution for fiscal year 1976 will continue (except where they are clearly temporary), that allowance will be made for inflation in all programs (except where ceilings are imposed by law), and that open-ended claims on the Federal Treasury such as interest on the public debt and social

security payments will respond to assumed economic and population changes in essentially the same way they have responded to such changes in the past. In several cases, the numbers contained in this report have been updated from the earlier CBO report to reflect later developments.

The "Senate committees" entries in these materials reflect the totals that would obtain if the specific suggestions by these committees were adopted. It should be noted that not all of the authorizing committees have made suggestions for all parts of the budget, and the totals listed reflect the fiscal year 1977 current policy levels as adjusted at the margin by the suggestions of these committees. In the case of the Appropriations Committee, it should be noted that the levels suggested are essentially related to ongoing programs and do not generally reflect possible requirements for new programs.

The "President's budget" estimates in these materials include changes in the "spring update" of the budget transmitted to Congress on March 25, 1976. It should be noted that the authorizing committees and the Appropriations Committee estimates in Table 1 of each functional section do not reflect the spring update changes because they were filed with the Budget Committee before March 25, 1976.

In the case of all the tabular materials in this chapter, details may not add to totals due to rounding.

BUDGET AUTHORITY AND OUTLAYS—SUMMARY BY FUNCTION

[In billions of dollars]

	Function	Fiscal year 1975 actual	Fiscal year 1976 current policy	Fiscal year 1980 current policy	Fiscal year 1977				
					Current policy	President's budget [1]	Appropriation Committee	Authorizing committees	Budget Committee recommendation
050	National defense:								
	Budget authority	91.9	100.5	131.2	109.4	113.3	114.9	114.1	113.0
	Outlays	86.6	92.9	126.1	102.1	101.1	101.1	102.8	100.9
150	International affairs:								
	Budget authority	4.4	6.0	11.2	9.3	9.7	9.7	9.3	9.1
	Outlays	4.4	5.4	9.5	7.0	6.9	6.8	7.1	7.0
250	General science, space, and technology:								
	Budget authority	4.0	4.4	5.7	4.9	4.6	4.6	4.6	4.6
	Outlays	4.0	4.3	5.6	4.7	4.5	4.5	4.5	4.5
300	Natural resources, environment, and energy:								
	Budget authority	16.5	19.2	12.8	10.7	9.7	11.6	20.4	18.0
	Outlays	9.5	11.9	16.5	15.2	13.8	15.1	17.3	15.6
350	Agriculture:								
	Budget authority	5.9	4.1	3.2	2.4	2.3	2.3	2.4	2.3
	Outlays	1.7	3.0	3.1	2.0	1.9	2.2	2.1	1.9
400	Commerce and transportation:								
	Budget authority	32.4	18.8	18.8	15.1	17.9	19.1	17.2	16.1
	Outlays	16.0	17.9	19.2	18.6	16.4	18.1	19.3	18.6
450	Community and regional development:								
	Budget authority	5.4	9.5	8.3	8.2	5.9	6.6	9.0	7.4
	Outlays	4.4	7.0	7.8	8.6	5.7	7.1	9.3	7.6
500	Education, training, employment, and social services:								
	Budget authority	15.5	20.3	24.1	21.5	16.0	21.8	29.8	22.4
	Outlays	15.2	20.6	23.1	21.2	17.6	20.0	26.9	21.4
550	Health:								
	Budget authority	29.9	33.7	52.9	40.2	38.0	39.7	41.9	40.4
	Outlays	27.6	33.0	52.9	38.8	35.5	35.4	42.7	37.6
600	Income security:								
	Budget authority	159.3	137.9	232.5	183.5	[2] 157.3	[2] 161.5	168.6	163.7
	Outlays	108.6	128.0	186.0	144.9	[2] 136.5	[2] 140.8	143.9	140.1

BUDGET AUTHORITY AND OUTLAYS—SUMMARY BY FUNCTION—Continued
[In billions of dollars]

	Function	Fiscal year 1975 actual	Fiscal year 1976 current policy	Fiscal year 1980 current policy	Fiscal year 1977				
					Current policy	President's budget [1]	Appropriation Committee	Authorizing committees	Budget Committee recommendation
700	Veterans benefits and services:								
	Budget authority	16.7	19.8	21.4	20.0	17.7	18.1	20.9	20.0
	Outlays	16.6	18.9	20.9	19.7	17.2	17.5	20.4	19.3
750	Law enforcement and justice:								
	Budget authority	3.0	3.3	4.2	3.6	3.3	3.5	4.0	3.3
	Outlays	2.9	3.4	4.4	3.7	3.4	3.5	3.8	3.4
800	General government:								
	Budget authority	3.1	3.6	4.5	3.9	3.5	3.7	4.4	3.7
	Outlays	3.1	3.6	4.5	3.9	3.4	3.6	4.3	3.6
850	Revenue sharing and general purpose fiscal assistance:								
	Budget authority	7.1	9.5	8.1	7.3	7.3	7.3	8.2	7.3
	Outlays	7.0	7.2	8.1	7.4	7.4	7.4	8.0	7.4
900	Interest:								
	Budget authority	31.0	34.2	59.2	40.9	41.3	41.3	41.2	40.4
	Outlays	31.0	34.2	59.2	40.9	41.3	41.3	41.2	40.4
	Allowances:								
	Budget authority			1.6	2.0	1.7	2.6	2.0	.6
	Outlays			1.8	2.2	1.5	2.3	2.2	.7
950	Undistributed offsetting receipts:								
	Budget authority	−14.1	−14.9	−18.4	−16.7	−18.8	−18.8	−15.9	−17.4
	Outlays	−14.1	−14.9	−18.4	−16.7	−18.8	−18.8	−15.9	−17.4
	Total:								
	Budget authority	412.1	409.9	581.3	466.2	430.6	449.4	484.1	454.9
	Outlays	324.6	376.4	530.3	424.2	395.2	408.1	439.9	412.6

[1] As revised in Spring update, Mar. 25, 1976.
[2] Adjusted to exclude earned income tax credit.

* * * * * * *

(750) LAW ENFORCEMENT AND JUSTICE

Major Functional Objectives

Law Enforcement and Justice programs seek to provide law enforcement and prosecution through police protection and the apprehension, prosecution, detention, and rehabilitation of criminals; the administration of justice through the Federal courts; and Federal financial assistance to State and local criminal justice systems.

Major Factors Influencing the Present Shape of the Function

Federal programs for the reduction of crime and for judicial services have increased sixfold during the last decade. A major share of this increase arises from the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 which created the Law Enforcement Assistance Administration. This program has increased from fiscal year 1969 outlays of $29 million to fiscal year 1976 outlays estimated at $919 million. The President has requested a 5-year renewal of the

program for fiscal years 1977–81 and outlays of $844 million in fiscal year 1977. Without LEAA expenditures, this function would have outlays of about $2.5 billion for law enforcement and prosecution, judicial, and correctional and rehabilitation programs. For the most part the non-LEAA increase is due to substantial pay adjustments which have increased personnel costs over the last decade.

TABLE 1.—FUNCTION 750: LAW ENFORCEMENT AND JUSTICE—FUNCTIONAL SUMMARY

[In billions of dollars]

	Budget authority	Outlays
Fiscal year 1975 actual	3.0	2.9
Fiscal year 1976 current policy	3.3	3.4
Fiscal year 1980 current policy	4.2	4.4
Fiscal year 1977:		
Current policy	3.6	3.7
President's budget	3.3	3.4
Appropriations Committee	3.5	3.5
Authorizing committees	4.0	3.8
Budget Committee recommendation	3.3	3.4

Committee Recommendation

The Committee recommends $3.3 billion in budget authority and $3.4 billion in outlays, which would be $0.3 billion below current policy in both budget authority and outlays, the same as the President's budget.

TABLE 2.—FUNCTION 750: LAW ENFORCEMENT AND JUSTICE—MAJOR PROGRAM ELEMENTS

[In billions of dollars]

	Fiscal year—			
	1975 actual	1976 current policy	1977 President's budget	1977 current policy
Law enforcement assistance administration:				
Budget authority	0.9	0.8	0.7	0.9
Outlays	.9	.9	.8	1.0
Federal law enforcement and prosecution:				
Budget authority	1.6	1.9	1.9	2.1
Outlays	1.6	1.9	1.9	2.1
Federal judicial activities:				
Budget authority	.3	.3	.4	.3
Outlays	.3	.3	.4	.3
Federal prisons and related activities:				
Budget authority	.2	.3	.3	.3
Outlays	.2	.3	.3	.3
Total:				
Budget authority	3.0	3.3	3.3	3.6
Outlays	2.9	3.4	3.4	3.7

TABLE 3.—FUNCTION 750: LAW ENFORCEMENT AND JUSTICE—PROPOSED DEPARTURES FROM CURRENT POLICY

[In billions of dollars]

Spending proposals	Fiscal year 1977		
	Current policy base	Proposed change	Proposed level
Recommendations by the President: Legislative proposals: Reductions in Law Enforcement Assistance Administration:			
Budget authority	0.9	−0.2	0.7
Outlays	1.0	−.2	.8
Suggestions by Senate authorizing committees:			
LEAA—extends present program—recommendation of authorization level of $1.3 000,000,000, and an increase in Juvenile Justice and Delinquency Prevention (Judiciary Committee):			
Budget authority	.9	+.4	1.3
Outlays	1.0	+.1	1.0
Judicial activities—recommendation of an increase of $38,000,000 above the President's request (Judiciary Committee):			
Budget authority	.3	[1]+	.4
Outlays	.3	[1]+	.4
Legal Services Corporation—recommendation of an increase of $43,000,000 above current policy (Labor and Public Welfare Committee):			
Budget authority	.1	[1]+	.1
Outlays	.1	[1]+	.1
Equal Employment Opportunity Commission and Office of Civil Rights—increases of $25,000,000 above current policy (Labor and Public Welfare Committee):			
Budget authority	.1	[1]+	.1
Outlays	.1	[1]+	.1
Antitrust enforcement increase of $20,000,000 above current policy, and Victims of Crime (no estimate of cost of new legislation given) (Judiciary Committee):			
Budget authority	(1)	[1]+	(1)
Outlays	(1)	[1]+	(1)
Major Senate Appropriations Committee suggestions for existing programs: Program level—the committee proposed an increase of $150,000,000 above the President's proposed budget authority to restore proposed cuts and to provide for small increases in selected law enforcement programs:			
Budget authority	3.6	−.1	3.5
Outlays	3.7	−.2	3.5

[1] Less than $50,000,000.

(21) Chiles amendment to set function 450 (community and regional development) total at $6.4 billion in budget authority and $6.6 billion in outlays. Rejected: 9 nays—5 yeas.

Yeas:	Nays:
Chiles	Muskie
Nunn	Magnuson
Dole	Moss
McClure	Mondale
Domenici	Cranston
	Bellmon
	Beall
	Buckley
	(Proxy)
	Hollings

(22) Buckley motion to set function 450 (community and regional development) totals at $7.4 billion in budget authority and $7.6 billion in outlays. Accepted by voice vote.

(23) Mondale motion to set totals for education in function 500 (education, training, employment, and social services) at $12.1 billion in budget authority and $9.4 billion in outlays. Accepted: 8 yeas—7 nays.

Yeas:
- Muskie
- Magnuson
- Moss
- Mondale
- Cranston
- Bellmon
- Beall

(Proxy)
- Abourezk

Nays:
- Chiles
- Nunn
- McClure
- Domenici

(Proxy)
- Hollings
- Dole
- Buckley

APRIL 1, 1976

(24) Cranston amendment to set function 750 (law enforcement and justice) totals at $3.5 billion in budget authority annd $3.6 billion in outlays. Rejected: 10 nays—3 yeas.

Yeas:
- Magnuson
- Moss
- Cranston

Nays:
- Muskie
- Hollings
- Chiles
- Biden
- Nunn
- Bellmon
- Dole
- Beall
- Buckley
- Domenici

(25) Cranston amendment to set function 750 (law enforcement and justice) totals at $3.4 billion in budget authority and $3.5 billion in outlays. Rejected: 8 nays—5 yeas.

Yeas:
- Muskie
- Magnuson
- Moss
- Cranston
- Beall

Nays:
- Hollings
- Chiles
- Biden
- Nunn
- Bellmon
- Dole
- Buckley
- Domenici

(26) Bellmon motion to accept the President's budget figures for function 750 (law enforcement and justice) of $3.3 billion in budget authority and $3.4 billion in outlays. Accepted by voice vote.

(27) Muskie motion to accept totals for function 800 (general government) of $3.7 billion in budget authority and $3.6 billion in outlays. Accepted by voice vote.

(28) Buckley motion to reduce the totals for function 850 (revenue sharing and general purpose fiscal assistance) by $1.0 billion in budget authority and $1.0 billion in outlays which would yield $6.3 billion in budget authority and $6.4 billion in outlays. Defeated by voice vote.

(29) Muskie motion to set function 850 (revenue sharing and general purpose fiscal assistance) totals at $7.3 billion in budget authority and $7.4 billion in outlays. Accepted: 14 yeas—0 nays.

Yeas
Muskie
Magnuson
Moss
Mondale
Hollings
Cranston
Chiles
Nunn
Bellmon
Dole
Beall
Buckley
Domenici
(Proxy)
McClure

Nays:

(30) Buckley motion to set allowances totals at $0.6 billion in budget authority and $0.7 billion in outlays. Accepted by voice vote.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., April 9, 1976.

DEAR COLLEAGUE: For more than 5 years as Chairman of the Subcommittee to Investigate Juvenile Delinquency, I have emphasized the necessity for adequate funding for crime prevention initiatives, while at the same time the federal government, in spite of double digit crime rates, has failed to properly respond to juvenile crime and to make the prevention of delinquency a federal priority.

The Juvenile Justice and Delinquency Prevention Act, Public Law 93-415, was developed and supported by bipartisan groups of dedicated citizens throughout the country and was sent to the President by strong bipartisan majorities, including an 88-1 vote in the Senate. This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past federal crime policy.

Despite stiff Administration opposition to this Congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January the President proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the President's deferral by approving a Resolution offered by Mr. Slack, the Chairman of the State, Justice, Commerce and Judiciary Appropriations Subcommittee.

Unfortunately the First Concurrent Resolution on the Budget—Fiscal Year 1977, S. Con. Res. 109, rejects the recommendations of both the Judiciary Committee and the Appropriations Committee for adequate funding of the Juvenile Justice Act and adopts instead the President's requests for the Law Enforcement and Justice Function (750) of $3.3 billion budget authority and $3.4 billion for outlays.

By an 8 to 5 vote the Budget Committee acted in effect to limit funding to $10 million or 25% of the current level of services which effectively kills this new program. We must not let this record stand.

To prevent the demise of the Juvenile Justice Act I introduced an amendment to increase the Law Enforcement and Justice Function by $100 million. I urge you to consider favorably this amendment and reiterate the most salient conclu-

sion of GAO's Elmer Staats, that since juveniles account for almost half the arrests for serious crimes in the nation, adequate funding of the juvenile Justice and Delinquency Prevention Act of 1974 would be essential in any strategy to reduce the nation's crime.

I hope you will cosponsor this important amendment to S. Con. Res. 109. I have enclosed a copy of the amendment for your review. If you have any questions or would like to cosponsor the amendment, please call John M. Rector, Staff Director and Chief of the Subcommittee at 4–2951.

Sincerely,

BIRCH BAYH,
Chairman.

Enclosure.

BAYH JUVENILE JUSTICE AMENDMENT TO SENATE CONCURRENT RESOLUTION 109

Mr. BAYH. Mr. President, this is not the first occasion on which I have found it necessary to emphasize the folly of the Nixon-Ford Administrations' unwavering opposition to adequate funding for crime prevention initiatives. For more than 5 years as Chairman of the Subcommittee to Investigate Juvenile Delinquency, I have stressed these concerns, but more importantly the failure of the federal government, in spite of double digit crime rates, to properly respond to juvenile crime and to make the prevention of delinquency a federal priority.

The Juvenile Justice and Delinquency Prevention Act (P.L. 93–415) is the product of this effort. It was developed and supported by bipartisan groups of dedicated citizens throughout the country and was sent to the President by strong bipartisan majorities, including an 88–1 v[illegible]e in this body. This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private non-profit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past federal crime policy.

Despite stiff Administration opposition to this Congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a v[illegible]ice vote, rejected the Ford deferral by approving a Resolution offered by Mr. Slack, the Chairman of the State, Justice, Commerce and Judiciary Appropriation Subcommittee.

Unfortunately the first Concurrent Resolution on the Budget-Fiscal Year 1977, S. Con. Res. 109, rejects the recommendations of both the Judiciary Committee and the Appropriation Committee for adequate funding of the Juvenile Justice Act and adopts instead the Ford requests for the Law Enforcement and Justice Function (750) of $3.3 billion budget authority and $3.4 billion for outlays.

I am deeply disturbed that the Ford budget emasculating this important albeit modest, crime prevention program has primarily, and hopefully unwittingly, been incorporated in S. Con. Res. 109.

To prevent the demise of the Juvenile Justice Act I am offering an amendment to increase the Law Enforcement and Justice Function by $100 million. I urge my colleagues to consider favorably this amendment and reiterate the most salient conclusion of GAO's Elmer Staats that since juveniles account for almost half the arrests for serious crimes in the nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be essential in any strategy to reduce the nation's crime.

BAYH JUVENILE JUSTICE AMENDMENT TO BUDGET RESOLUTION

Adds $100 million to law enforcement and justice function.

Would urge this money be used to fund the Juvenile Justice and Delinquency Prevention Program in LEAA.

More than one half of all serious crimes are committed by young people, who have the highest recidivism rate of any age group. This program is designed to prevent runaways, truants, and first offenders from becoming lifetime criminals.

General Accounting Office concludes funding is essential to any effort to reduce crime.

Senate appropriated $75 million for fiscal 1976.

Congress appropriated $40 million for fiscal 1976.

$150 million authorized for fiscal 1977.

$100 million recommended by both the Judiciary Committee and the Appropriations Subcommittee on State, Justice, and Commerce (Sen. Pastore, Chairman).

Budget Committee reduces current funding by 75 percent to only $10 million and in effect kills the Juvenile Justice program.

If this amendment is approved the law enforcement and justice function of the First Concurrent Budget Resolution would still be $200 million below the funding level for this year (fiscal 1976).

NEWS RELEASE FROM SENATOR BIRCH BAYH

APRIL 19, 1976.

Senator Birch Bayh (D-Ind) said today that he will offer an amendment to the First Concurrent Budget Resolution which would cut fiscal 1977 defense budget authority by $2.6 billion and outlays by $500 million.

"In recent months, there has been much discussion about increased Soviet military expenditures. Misleading figures and comparisons have created a sense of near panic and a loud cry for drastically increased expenditures by the United States. I believe this atmosphere is reflected in the Budget Committee's acceptance of the Administration's defense budget with little question and only very minor cuts," Bayh said in a letter to his Senate colleagues,

Bayh pointed out that his amendment was not restrictive and allowed for an increase of $9.9 billion in budget authority from fiscal year 1976 levels. "Even with my amendment, the Pentagon budget would be $1 billion above the current policy budget and outlays would still be $7.5 billion higher than those of fiscal 1976," Bayh said.

He added that in seeking to reduce the President's budget request he had not advocated cutting any specific line item.

"I am confident that by insisting on increased efficiency in our military programs and by properly ordering priorities within the defense budget, this reduction can be accomplished easily without jeopardizing security," explained Bayh.

Bayh noted that a recent internal memorandum from the Office of Management and Budget revealed that the military spending was padded by $3 billion in "cut insurance . . . as a cushion for Congressional action."

"Certainly, Congress must at least eliminate that cushion," Bayh said. "My amendment, coupled with cuts made by the Budget Committee would do so."

[From the Congressional Record, April 9, 1976]

BAYH JUVENILE JUSTICE BUDGET AMENDMENT: $100 MILLION NEARLY APPROVED—SHORT BY 4 VOTES

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 1977

The Senate continued with the consideration of the concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the U.S. Government for the fiscal year 1977, and revising the congressional budget for the transition quarter beginning July 1, 1976.

AMENDMENT NO. 1588

Mr. BAYH. Mr. President, in an effort to expedite the process here, I ask unanimous consent that my amendment be called up, the amendment dealing with the Juvenile Justice Act.

The PRESIDING OFFICER. The clerk will report.

[The legislative clerk read as follows:]

The Senator from Indiana (Mr. Bayh) proposes an amendment.

[The amendment is as follows:]

On page 1, line 7, strike out "$412,600,000,000" and insert in lieu thereof "$412,700,000,000."

On page 1, line 9, strike out "$454,900,000,000" and insert in lieu thereof "$455,000,000,000".

On page 2, line 3, strike out "$50,200,000,000" and insert in lieu thereof "$50,300,000,000".

On page 4, line 10, strike out "$3,300,000,000" and insert in lieu thereof "$3,400,000,000".

On page 4, line 11, strike out "$3,400,000,000" and insert in lieu thereof "$3,500,000,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the amendment by Mr. Bayh not begin running until Monday.

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

Mr. BAYH. Mr. President, this is not the first occasion on which I have found it necessary to emphasize the folly of the Nixon-Ford administrations' unwavering opposition to adequate funding for crime prevention initiatives. For more than 5 years as chairman of the Subcommittee to Investigate Juvenile Delinquency, I have stressed these concerns, but more importantly the failure of the Federal Government, in spite of double-digit crime rates, to properly respond to juvenile crime and to make the prevention of delinquency a Federal priority.

The Juvenile Justice and Delinquency Prevention Act (P.L. 93-415) is the product of this effort. It was developed and supported by bipartisan groups of dedicated citizens throughout the country and was sent to the President by strong bipartisan majorities, including an 88 to 1 vote in this body. This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy.

Despite stiff administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million: and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by Mr. Slack, the chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

Unfortunately the first concurrent resolution on the budget—fiscal year 1977, Senate Concurrent Resolution 109—rejects the recommendations of both the Judiciary Committee and the Appropriation Committee for adequate funding of the Juvenile Justice Act and adopts instead the Ford requests for the law enforcement and justice function (750) of $3.3 billion budget authority and $3.4 billion for outlays.

By an 8-to-5 vote the Budget Committee acted in effect to limit funding to $10 million or 25 percent of the current level of services which effectively kills this new program. We must not let this record stand.

JUVENILE JUSTICE AND DELINQUENCY PROGRAM

Mr. PASTORE. Next I would like to call attention to the innovative program authorized by the Juvenile Justice and Delinquency Prevention Act. This program is directed toward reducing the high crime rate among the Nation's youth. Over 50 percent of the serious crimes in this country are committed by youths 19 years of age or younger. This program is strongly supported by the Comptroller General, Elmer Staats. In testimony before the Senate Judiciary Committee, Mr. Staats reported findings of a General Accounting Office investigation:

". . . that any effective Federal strategy to reduce crime should include funding of the Juvenile Justice Act."

Moreover, the applications for the use of the funds far exceed available resources so that only a limited number of high quality projects will be able to be funded with the $40 million provided by the Congress in fiscal year 1976. Despite this, the Budget Committee and administration are proposing a 75-percent reduction in funding for this program. I ask unanimous consent that

a State-by-State table be placed in the Record at this point showing the adverse funding consequences that would result from the recommendations of the Budget Committee in this area.

[There being no objection the table was ordered to be printed in the Record, as follows:]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—DISTRIBUTION OF JUVENILE JUSTICE FORMULA FUNDS AT THE $40,000,000 FISCAL YEAR 1976 AND THE $19,000,000 FISCAL YEAR 1977 LEVELS

State	Fiscal year— 1976	1977	Difference
Alabama	$366,000	$113,208	−$252,792
Alaska	200,000	113,208	−86,792
Arizona	200,000	113,208	−86,792
Arkansas	200,000	113,208	−86,792
California	1,966,000	113,208	−1,852,792
Colorado	229,000	113,208	−115,792
Connecticut	303,000	113,208	−189,792
Delaware	200,000	113,208	−86,792
Florida	625,000	113,208	−511,792
Georgia	487,000	113,208	−373,792
Hawaii	200,000	113,208	−86,792
Idaho	200,000	113,208	−86,792
Illinois	1,125,000	113,208	−1,011,792
Indiana	545,000	113,208	−431,792
Iowa	289,000	113,208	−175,792
Kansas	221,000	113,208	−107,792
Kentucky	330,000	113,208	−216,792
Louisiana	411,000	113,208	−297,792
Maine	200,000	113,208	−86,592
Maryland	409,000	113,208	−295,792
Massachusetts	556,000	113,208	−442,792
Michigan	963,000	113,208	−849,792
Minnesota	409,000	113,208	−295,792
Mississippi	250,000	131,208	−136,792
Missouri	460,000	113,208	−346,792
Montana	200,000	113,208	−86,792
Nebraska	200,000	113,208	−86,792
Nevada	200,000	113,208	−86,792
New Hampshire	200,000	113,208	−86,792
New Jersey	707,000	113,208	−593,792
New Mexico	200,000	113,208	−86,792
New York	1,731,000	113,208	−1,617,792
North Carolina	521,000	113,208	−407,792
North Dakota	200,000	113,208	−86,792
Ohio	1,108,000	113,208	−994,792
Oklahoma	248,000	113,208	−134,792
Oregon	207,000	113,208	−93,792
Pennsylvania	1,140,000	113,208	−1,026,792
Rhode Island	200,000	113,208	−86,792
South Carolina	283,000	113,208	−169,792
South Dakota	200,000	113,208	−86,792
Tennessee	393,000	113,208	−279,792
Texas	1,185,000	113,208	1,071,792
Utah	200,000	113,208	−86,792
Vermont	200,000	113,208	−86,792
Virginia	471,000	113,208	−357,792
Washington	344,000	113,208	−230,792
West Virginia	200,000	113,208	−86,792
Wisconsin	469,000	113,208	−355,792
Wyoming	200,000	113,208	−86,792
American Samoa	50,000	28,296	−21,704
District of Columbia	200,000	113,208	−86,792
Guam	50,000	28,296	−21,704
Puerto Rico	349,000	113,208	−235,792
Virgin Islands	50,000	28,296	−21,704
Trust territory	50,000	28,296	−21,704
Total	23,300,000	6,000,000	−17,300,000

CONCLUSION

Mr. President, despite the reservations I have enumerated, I plan to vote for the first concurrent resolution, inasmuch as I agree with many of the recommendations and I am supportive of the concept of the Congress making an overall examination of the anticipated Federal income, Federal expenditures and so forth. However, I do have serious reservations about the Budget Committee's recommendations in the area of law enforcement and justice at a time when crime is up 9 percent over last year—and I wanted the Members to be aware of

my reservations and the reasons for those reservations. I also want to put the Members on notice that I plan to look into these issues carefully when the matter comes before the State, Justice, Commerce, Judiciary Appropriations Subcommittee which I chair. Our subcommittee plans to scrutinize the budgets and closely interrogate the witnesses and if we find that the restoration of the cutbacks proposed by the Budget Committee and the administration are justified, I fully intend to recommend that the necessary additional funds be included in the 1977 State, Justice, Commerce, Judiciary appropriations bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Nebraska (Mr. Hruska).

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

[The statement follows:]

STATEMENT BY MR. HRUSKA

As Ranking Minority member of the State, Justice, Commerce, Judiciary and Related Agencies Appropriations Subcommittee, I want to associate myself with the remarks made by my distinguished Chairman, the Honorable John O. Pastore, in opposing the First Concurrent Resolution on the Budget—Fiscal Year 1977—S. Con. Res. 109.

With respect to law enforcement and justice, the recommended amounts proposed by the Budget Committee will represent a 37 percent reduction in discretionary funds for LEAA. Last year the Department of Justice suffered a $100 million reduction, the bulk of which was taken out of the LEAA budget. If the level recommended for LEAA by this budget resolution is approval, we will be inflicting even deeper cuts into the federal government's efforts to assist states and localities in the reduction of crime and delinquency.

This huge reduction comes at a time when the crime rate across the United States remains high while the courts and jails are overcrowded and overworked. One wonders whether the victims of crime would approve the reductions proposed in this Resolution. I want to here and now advise my colleagues that the recommendation of this Resolution will force the termination of the law enforcement education program which has been so successful in training our law enforcement officers.

Furthermore, many Senators as well as many citizens have been concerned with the juvenile delinquency problem, and they should be aware that the proposals of the Budget Committee will force a 75 percent reduction in the appropriations of those sums we wanted to apply to this new program to combat the crime rate caused by under-aged citizens.

Finally, S. Con. Res. 109 will require those already hard pressed and financially troubled local units of government to finance and assume a much greater burden of the cost of training local law enforcement officers. When local law enforcement officers are denied Federal assistance to improve their training and education, we shall all suffer—each and every one of us.

Once again, Mr. President, I want to associate myself with the remarks of Chairman Pastore in opposing the recommended reductions for law enforcement and justice.

Mr. BAYH. Mr. President, as one who is an enthusiastic supporter of the congressional budget concept, I must admit to some reluctance to participate in the amendment of the committee resolution. However, as I interpret it, and I think any reasonable interpretation of the budget law would suggest, this is a congressional budget, a Senate and House budget, not merely a budget formulated by the committees thereof.

I say that without any reflection on the distinguished members or the distinguished chairman of that committee who have labored long and hard and have a difficult task of attempting to be all things for all people.

I rise to present this amendment as forcefully as I know how, not in disrespect for the committee or its chairman, nor the process, but realizing that in the fulfillment of the duties assigned the Budget Committee it is impossible for them to have the expertise necessary to understand how certain budgets presented by the Executive, will impact on significant policy decisions that have been made by this Congress, certainly those such as this one with the strong bipartisan support of Members of the Senate.

I am glad to be joined in this effort by the distinguished ranking minority member of the Judiciary Committee and past ranking member of the Juvenile Delinquency Subcommittee, of which I have the honor to be the chairman (Mr.

Hruska). He and I share a concern for what may ensue if this amendment is not successful.

I would like to also add that our effort is supported by the distinguished senior Senator from Rhode Island (Mr. Pastore), who is the chairman of the Appropriations Subcommittee which has jurisdiction over this matter.

Since 1970 when I had the privilege of being appointed chairman of the Juvenile Delinquency Subcommittee we have conducted a lengthy and thoughtful assessment of what should be done about juvenile delinquency. There is much talk about crime. Indeed, the papers over the weekend and last week brought forth glaring evidence of escalating crime that is not new to this Senator. It has been evident for a long while. Although there have been numerous political speeches about crime, very little effort has been directed at what we can actually do about it. Certainly, I think most of us realize we are not going to speak it out of existence.

Our study disclosed some rather dramatic facts. Over a several-year period it was obvious to us that half of the serious crimes that we read about in the newspapers were committed not by three-time losers in their middle ages, but half of the serious crimes that confront us today are committed by young people. Young people have the highest recidivism rate, upwards of 85 percent. A crime is committed, the culprit is caught and convicted. The law works its will, and all too often the small number of repeaters responsible for most serious crime are in short order back on the street committing subsequent crimes.

The problem, it seems to me, at the risk of oversimplifying it in the brief time allotted me today, is that we wait until too late in the lifetime of young human beings before we start doing anything.

One of the first lessons we are taught by our parents is that old adage of an ounce of prevention being worth more than a pound of cure. Yet we do not direct our attention to preventing crime. We respond after the fact. We respond to the event instead of trying to prevent it, instead of dealing with the problems of the offender early enough to prevent further offenses.

Second, our juvenile justice system, and indeed our criminal justice system in most instances, makes matters worse, particularly as young people are impacted. We take someone who will not go to school, who runs away from home, and incarcerate them with others who are experienced criminals, and some wonder why these youngsters commit second and more serious offenses.

In 1974 we passed the Juvenile Justice Act and Delinquency Prevention Act which had strong bipartisan support—88-to-1 in this body and 329 to 20 in the House. With the help of Senators Hruska and Mathias and others a veto was averted. It was signed by the President. Last September the program finally, with modest funding, was launched. The effort of this legislation is to try to prevent crime, to try to intervene at a time in youths' lives when we can have an affect.

We reorganized the Federal juvenile system. We placed 39 separate agencies together under one organization in the new office. The thrust was prevention.

For the first time in history we recognized the significant contribution to be made by private agencies—Boy Scouts, Girl Scouts, YMCA's and YWCA's—those agencies dealing with young people's problems. That it was time public agencies coordinate and not compete with private volunteer efforts to prevent crime.

The thrust of amendment No. 1588 is to add $100 million to law enforcement and justice function that was considered by the Budget Committee. The major portion of this money is to be used to fund the juvenile justice and delinquency program of LEAA. However, I have no objections if the Appropriations Committee, and the appropriate authority, determines that some of the $110 million is directed to other worthwhile enforcement functions, such as the FBI, LEAA, Immigration and Naturalization.

I think it is important to focus exactly on what this amendment is designed to do. It is designed to prevent runaways, truants, and first offenders from becoming lifetime criminals. Mr. Elmer Staats of the General Accounting Office has concluded that funding of the act is essential to any Federal effort to reduce crime. And yet in this budget, despite the fact that crime is going up, the budget that we are now considering has $300 million less money devoted to fighting crime than is presently being spent.

We are not asking the Senate to spend more money. If this amendment is adopted, we are still going to save $200 million. But if this amendment is not adopted and if the Congress adopts the President's budget of only $10 million for this crime prevention effort, we are, in effect, going to invite the demise of the program. The President's approach would kill the whole program.

We are presently spending $40 million which was appropriated for fiscal year 1976. The President's budget would cut that by 75 percent, down to $10 million. We have authorized authority for this year's budget of $150 million. We are asking for two-thirds of that amount in this amendment. Last year this body appropriated $75 million.

So I urge my colleagues, if they are concerned about crime, and if they are concerned about our young people, to join us in this effort.

Mr. President, in addition to the strong support from the ranking Republican member of the Committee on the Judiciary, I am especially pleased to have the strong support of the ranking Republican member of the subcommitte (Mr. Mathias), whose statement I am pleased to present, and ask unanimous consent that his remarks and an attachment be printed in the Record following mine.

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

[The statement follows:]

STATEMENT OF SENATOR MATHIAS

As a co-author of the Congressional Budget and Impoundment Act of 1974, I recognize the necessity of handling the Federal budget in a rational manner in order to ensure wiser spending and lower deficits. Moreover, as a member of the Senate Appropriations Committee—which has increased power over the annual Federal budget under the 1974 act—I am well aware of the importance of adhering to the strict procedures set forth under this law, especially in light of the depressed state of our economy.

Despite my understanding of the need to abide by the strictures set forth under this legislation, I am compelled to join my colleague, Senator Bayh, chairman of the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency—of which I am ranking minority member—in offering an amendment to increase the budget outlay contained in S. Con. Res. 109 for the law enforcement and justice function (750) by an addition of $100,000,000.

My support for this amendment is grounded on my firm belief that absent such additional funding the hopes which accompanied the enactment of the Juvenile Delinquency Act will not become a reality. The failure of Congress to fund the bill at a level approaching its authorization ceiling frustrates the realization of the promises which accompanied the enactment of this legislation although the Juvenile Delinquency Act authorizes funding levels of $75 million, $125 million and $150 million for the first three years of the act's existence, the actual appropriations have fallen far short of these marks. For example, despite the $150,000,000 authorization for fiscal year 1977, the President has requested an appropriation of only $10,000,000.

Despite my belief in the importance of adhering to the guidelines and procedures set forth in the Congressional Budget and Impoundment Act, I cannot stand by while the Congress once again fails to adequately support this program, especially in the light of the fundings Congress itself made when it passed the Juvenile Justice and Delinquency Prevention Act, just over 18 months ago, as the act states in section 101:

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

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

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

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

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

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

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

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

Clearly, unless additional funding is forthcoming the act's goals of providing an effective Federal campaign against juvenile delinquency and thus drastically reducing the juvenile crime rate—now approaching one-half of all crimes—will not be achieved.

For example, there will be a real and substantial impact on child service programs in the States if adequate funding is not provided. In my State of Maryland, for example, State officials in the Community Services Division of the Department of Juvenile Services have indicated to me they are unable to go forward with programs they have developed to deal with problems of truancy and runaway children because the funds contemplated by the act have not been available. This is particularly tragic because more serious juvenile delinquency problems can often be avoided if children are helped at these earlier stages.

Moreover, the effect of Federal funding can be multiplied by the efforts of private service organizations which work with State youth programs. In Maryland, the Maryland Jaycees—which comprise 105 chapters and 5000 members statewide—have done admirable work with runaway and delinquent children. But, as their officials have informed me they could do more if there were adequate Federal funding of the program with which they work.

In conclusion, the case for an increased budget outlay for the Juvenile Justice and Prevention Act of 1974 cannot be denied. This is particularly true at a time 9 States and two jurisdictions find themselves unable to participate in the programs offered under the act, partially as a result of the absence of sufficient Federal funding. Consequently, I urge my colleagues to support this amendment and help bring about the full implementation of the Juvenile Justice and Delinquency Act of 1974.

First Annual Report (September 30, 1976) of the Office of Juvenile Justice and Delinquency Prevention

PART ONE—INTRODUCTION

Youthful crime in this country has increased dramatically over the past decade. This problem is detailed in the statistics:

Arrests of juveniles for serious crime—acts of violence and stealth—increased by 144 percent between 1960 and 1973.

Persons under the age of 18 are responsible for 45 percent of all arrests for serious crime and for 23 percent of all arrests for violent crime.

Some criminal acts are committed predominantly by youths. Burglaries and auto thefts are overwhelmingly youth crimes.

The peak age for arrests for violent crimes is 18, followed by 17 16 and 19. The peak age for arrests for major property crimes is 16, followed by 15 and 17.

The juvenile justice system—society's institutional response to juvenile crime—faces serious problems. It must determine which youths to handle, and how to do this so as to protect the interests of both the youth and society. There are 12 arrests for every 100 juveniles between the ages of 15 and 17; most juveniles arrested have not committed a serious crime and some have not committed a crime at all. A surprising number have been arrested for status offenses—acts such as running away, truancy, promiscuity, and incorrigibility—that would not be crimes if committed by adults. The juvenile justice system often represents the only available resource for these youth.

Studies of the juvenile justice system have shown that it often treats offenders in an inconsistent way: status offenders may be incarcerated and serious repeat offenders may be put on probation. Studies also have shown that treatment programs established by the juvenile justice system have been largely ineffective in changing juveniles' behavior. Major problems in juvenile delinquency prevention are to define more precisely the role and scope of the juvenile justice system and to increase the effectiveness of treatment programs for juvenile offenders.

In addition, there has been little or no coordination among the Federal departments and agencies with delinquency control responsibilities. Instead there has been a lack of uniformity in policy, objectives, priorities, and evaluation criteria

to determine program effectiveness. National leadership in these areas is required.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I shall not take much time. I yield myself 5 minutes.

First of all, let me say, with respect to the opening comments of the distinguished Senator from Indiana undertaking to define the role of the Budget Committee relative to that of the other committees and the individual Members of the Senate, that I do not disagree with this definition at all. Obviously, the process ought to be one to which the entire Senate can contribute as well as the members of the Budget Committee.

With respect to the responsibilities of the members of the Budget Committee in connection with this resolution, it is my view that, with rare exceptions, we ought to support the resolution which a majority of the Budget Committee was able to agree upon and report to the Senate. Otherwise, we will simply invite an open door on every decision that the Budget Committee has made, and, in effect, try to repeal the Budget Committee process on the floor of the Senate. That would be time consuming and, I think, would be a disservice to our objective.

Nevertheless, it is the Senator's prerogative to argue the merits of the particular program which he feels is jeopardized by the overall functional totals of function 750 in the budget resolution before us. I would repeat what I have said before, that the Budget Committee is not a line item committee, that when we adopt a functional total, we are not undertaking to mandate how that total will be distributed among the programs that are covered.

The third point I would make, that perhaps has not been made in the course of this debate, is that the fact that these functional totals are the same as those of the President does not mean we are mandating the distribution within those functions that the President had in mind. All we have done with these functional totals is say that these are the dollars that we think should be available in this function. The details are to be spelled out by the appropriate committees. Those committees should not be inhibited as to details by any personal ideas that the Budget Committee members had, or by the details that the President and the administration have proposed.

This is not a line item committee. We did not undertake a decision on how much money, if any, ought to be allocated to juvenile justice. I want to make that clear, so that the legislative record is clear, whatever the outcome of this amendment.

The President's budget, as I understand it, requests $707 million for the Law Enforcement Assistance Administration. Certainly the Appropriations Committee can allocate more than the $10 million that the President has allocated for juvenile justice out of the $707 million he has requested for the Law Enforcement Assistance Administration. I think the distinguished Senator from Rhode Island had an extensive discussion in the Congressional Record on Friday, in which he pointed out his concern, matching that of the Senator from Indiana and I take it that of the Senator from Nebraska, as to whether or not the amount allowed is too tight to permit adequate funding for the juvenile justice program.

I think that I would be accurate in describing the Budget Committee's attitude on this matter in this fashion: I think several members of the Budget Committee, if not all of them, expressed concern about the amount of money that has been spent under the LEAA program since its inception. There was a feeling that the program ought to be subjected to close scrutiny during this budget year, to determine whether savings in addition to those proposed by the President and the Budget Committee might not be achieved. If sufficient savings cannot be achieved, the committee, of course, ought to make that case and bring it to the Senate with a request for additional funding. But at the moment, our attitude has been that we want to keep the pressure on and force a careful examination of spending programs within the budget.

We have not made any committee judgment on the juvenile justice program. Speaking for myself, I am most sympathetic to the juvenile justice program. I think the case made by the distinguished Senator from Indiana and the distinguished Senator from Rhode Island on Friday is a most persuasive one, because it happens to be in line with my own views about juvenile justice programs.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MUSKIE. May I make one other point?

I understand that in the fiscal year 1976 budget, the year in which we now are, the LEAA estimate is that about $120 million of the LEAA budget is being used by State and local governments for juvenile justice.

I yield to my good friend from Rhode Island.

Mr. PASTORE. Of course, Mr. President, there is a lot to be said on the other side of the coin. As to the idea that we should look into it and scrutinize it, that is exactly what we do before the Appropriations Committee.

The argument is made that we still have crime, in spite of the fact that we have LEAA funds. Well, as I have had occasion to remark to the Senator from Maine, we still have cancer; too, but that does not mean we should relax our efforts in the research to find the answer for it.

The fact still remains that the committee's proposal means 250 less jobs in the FBI, when crime is up. This means that we do not have the funds for the education of our law enforcement officers or the funds that are necessary to keep the juveniles out of the courts. You put them in the courts, you put them in the reform school, you put them in jail, and how much does that cost? I mean, these are the questions.

I listened to Mr. Heller on Meet the Press yesterday. Of course, he does not go along with the administration 100 percent. I think we have become a little too conservative-conscious. I wonder sometimes if this is a response to Ronald Reagan or President Foard, or whether it is really a response to the people of the country. We are here to serve them.

The argument is made that sometimes you can get yourself into a big stalemate.

The PRESIDING OFFICER. The 5 minutes the Senator from Maine yielded himself has expired. Who yields time?

Mr. MUSKIE. I yield the Senator another 2 minutes.

Mr. PASTORE. So I say to my distinguished friend from Maine, I realize what we are up against here, and I realize what happened to the other amendments that came up last Friday; but I would hope we are not precluded one way or the other. No matter what happens on this floor today, we would like to debate this subject.

We have these witnesses come before our committee. We start at 10 o'clock in the morning, and we go until 12:30 in the afternoon. We meet again at 2 o'clock, we go until 5 o'clock. We listen to Tom, Dick, and Harry. Then we get out on the floor here, and we are told that the Budget Committee thought, in its good judgment, that the chances are that the LEAA money is being wasted.

Now, who told them that? Where did they get the information? They did not hear one witness; who told them? The administration.

Has this Congress become the patsy for the administration? Must we sustain their budget? That is exactly what we are doing.

When the thing was real hot, to use the vernacular, they would not give us 10 cents for juvenile delinquency. I do not mean my remarks to be an affront to the distinguished Senator from Maine—that is why he is going to give me more time—but all I want to say, gentlemen, is that we work hard on these budgets.

I realize what the situation is, and that everyone wants to keep within the context of the estimates submitted by the administration. But what did they do on defense? They ask for every dollar, and they do not want one nickel cut. The administration knew that they had to raise it by 15 percent on defense, for the simple reason that if they did not, they knew Congress would not do it. So what do they do? They cut the social programs. They take it out on the juveniles, they take it out on the FBI, the elderly, and the sick.

They take it out on more jobs for people out of work because they know that is going to be the debate in the Chamber.

They did that with us on aid-to-education in impacted areas. They would never put 10 cents up for impacted areas. They did that because they knew that Congress would put it in. Then President Ford would go before the people on television, and he will say: "Look what they did to me. They put all that money back in."

And everyone knows that every school committee was looking for that money that had been bankrupted.

Take my own State of Rhode Island. In my own State of Rhode Island, they took everything out of Quonset Point. We expanded our schools. We built the houses. They are all boarded up. The schoolrooms are empty.

And the Government says, "Now, you go fish or cut bait."

That is where we stand, and I hope that does not happen to us.

I repeat again. Maybe we ought to withdraw this amendment. I do not know. We ought to take up this fight at the proper time after we have had the witnesses before us.

As we were told here last Friday, "You come out with the justifications and justify, and we will change our minds."

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. MUSKIE. Mr. President, how much time do I have remaining?

Mr. PASTORE. I think I have said it all.

The PRESIDING OFFICER. The Senator from Maine has 6 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator yield me 1 additional minute?

Mr. MUSKIE. I yield 1 additional minute to the Senator from Rhode Island.

Mr. PASTORE. And this is in conclusion, because I have already reached my crescendo.

I merely state that here we are dealing with human beings. We are dealing with kids. And we are dealing with law enforcement by the FBI.

I am saying right here and now, for every nickel that you save in programs for the prevention of crime, once that crime happens, you spend a dollar. Are we going to end up being penny wise and pound foolish? I hope that does not happen.

I repeat again that I do not know what is going to happen. There are few Senators in the Chamber. The rest cannot hear this argument. Senators will not know the logic being used now, but they will be dropping in, they will be trodding in, and "If I like EDDIE MUSKIE, I will vote to go along with EDDIE MUSKIE; if I like the Senator from Oklahoma, I will go along with him—the fact be darned."

The PRESIDING OFFICER. The Senator's additional minute has expired.

Mr. PASTORE. I thank the Chair for being so generous and kind.

The PRESIDING OFFICER (Mr. NUNN). I thank the Senator from Rhode Island.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 minutes?

Mr. BAYH. I am glad to yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. I rise in support of the amendment offered by the Senator from Indiana, which has been so ably and eloquently supported by the Senator from Rhode Island.

This Senator is not prone to come to the Chamber asking for more funds. He is one who has a record of voting for or advocating fiscal responsibility in its place. Notwithstanding the noble sentiments that are explained here about sustaining the integrity of the budget and so on, Mr. President, it must be remembered that the budget-making process and the process of appropriating money are selected efforts to determine priorities.

It does not mean indiscriminate cutting. It does not mean indiscriminate appropriation. It means a selective process on the basis of priorities.

I suggest, most urgently, that the amendment which would increase the level of the functional category for law enforcement and Justice by $100 million is a high priority. Included in the amendment are funds for the administration of the Juvenile Delinquency Control Act, which was the product really of the energy and talent of the Senator from Indiana. I helped him in the adoption of that legislation because I felt strongly that the thrust of law enforcement should be directed to youths age 16 to 26. The highest percentage of crime is committed by juveniles in that age range.

Without a restoration of funds for this program, it will be starved for the second consecutive year. Last year, the Department of Justice experienced a $100 million cut in funds, most of it visited upon LEAA, and now we have another cut.

This would be a partial restoration, and it should be made. The law enforcement education program—LEEP— is a most desirable program because it trains law enforcement officers.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Who yields time?

Mr. BAYH. Mr. President, I yield time.

Mr. HRUSKA. The LEEP program trains officers and people in the law enforcement field in all of its aspects who in the main will be devoting their talents, resources, and time to dealing with crime in that age bracket to which I have referred.

Mr. President, how can we deny funds for two such worthwhile programs, and continue to consider funds for the Federal Trade Commission's request for a line-of-business reporting program? This program, if funded, would allow the FTC to harass businesses and corporations by requiring line-of-business data. What makes the request for these funds even more outrageous is the fact that this matter is presently tied up in litigation before the courts.

The reason I mentioned this particular item, Mr. President, is to point out to my colleagues the priorities that must be considered when every effort is being made to reduce Federal spending across the board.

I agree with the Senator from Rhode Island. We have painstaking hearings in which we hear the logic, force, and basis for determining priorities. We are not dealing solely with numbers. We are also dealing with human problems and the progress, safety and security of the Nation.

I once again urge our colleagues to support this amendment in the interest of avoiding a pseudo-savings in the budget that is unsupported both in the record of the Judiciary Committee and the Appropriations Committee.

Mr. MUSKIE. Mr. President, I yield myself 2 minutes.

Mr. President, I agree with the distinguished Senators that they have made a most persuasive case. As a matter of fact, I do not challenge their case on the merits at all.

Second, I agree also that this is a tight budget, in light of the Senator's concerns, and I voted personally to put $100 million more in it in the Budget Committee.

The third point I make is that I welcome this debate. In this morning's press I read that we have provided $17 billion more for social programs than the President's budget, $17 billion more, creating the impression that somehow we have been spendthrift in the Budget Committee.

So I am delighted to have Senators of prestige, matching the distinguished Senator from Rhode Island, the distinguished Senator from Nebraska, making the point that even our budget is tight and that meritorious programs are being jeopardized or are underfunded.

I think that is a demonstration of the fact that the budget discipline is working and were it not for these protests of the budget then the public might well be justified in concluding that we have too much fat here.

So I say to our colleagues, and I think my good friend from Rhode Island will understand this, that I have heard persuasive arguments of this kind from every sector of the budget, and it is not easy to say no, especially for one with my voting record and background. I mean, I am persuaded by arguments of the kind I have heard here this afternoon. But I think I have an obligation to defend the discipline imposed by this resolution, and at this point I am willing to——

Mr. BELLMON. Mr. President, will the Senator yield me a minute?

Mr. MUSKIE. I yield a minute to my good friend from Oklahoma.

Mr. BELLMON. Mr. President, I simply point out that in fiscal year 1975 the outlays for functions 750, law enforcement-justice, were $2.9 billion; for fiscal 1976 they were $3.4 billion, a jump of $500 million, and the recommendation of the Budget Committee is to stay at the $3.4 billion figure for fiscal 1977.

Mr. President, I think we have seen the occurrence happen here that we have seen in other categories. Last Friday we had extensive debate about the desirability of adding several hundred million dollars in the veterans function. Later today we are going to have argument in favor of adding money to the agricultural function.

The problem that the Budget Committee has is that there are so many good things that everyone would like to do that we simply cannot afford.

We are trying very hard, as the chairman has said, to apportion the money we have available to do the things that Congress feels are of the highest priority. We sincerely believe that the decisions that the Budget Committee has made are such that it will allow the essential work of function 750 to go ahead, and I urge that this amendment be defeated.

Mr. BAYH. Mr. President, I am not sure how much time remains, I wish to just sum up briefly.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute.

Mr. MUSKIE. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Maine has 2 minutes remaining.

Mr. MUSKIE. I yield those minutes to the Senator from Indiana.

Mr. BAYH. My distinguished chairman and my friend has been very kind. In listening to him and my friend from Oklahoma, we are all very concerned in understanding each other's position. I think it is important to reflect on the policy implicit in the reduction in question. We want to be fiscally prudent. We do not want unnecessary spending. Yet, if this amendment of the Senator from Indiana, supported by my friends from Nebraksa and Rhode Island succeeds, the budget in this component will still be $200 million less than the actual total amount we are spending this year without accounting for the impact of inflation.

When we see the never ending headlines about crimes, I, for one, think we had better take a hard look at whether we are actually being prudent in assessing the overall budget allocation. As crime goes up, do we really want to spend less to prevent it?

I should emphasize that there has been a difference of opinion between the distinguished President of the United States and the Senator from Indiana. Supported by those who have spoken previously and supported by the Senator from Maryland (Mr. Mathias), who, because of a constituency problem is not able to be present, I have been supporting an effort to try to do something about children problems before they become adult problems and society's problems. I am not talking about the young toughs who rob and rape and pillage. We have to treat them appropriately. I am talking, however, about the grade school kids, junior high school kids, with emerging problems. We must deal with them in such a way that will prevent an escalation in the seriousness of their conduct.

We enacted this legislation in 1974. We finally forced the President to accept the $40 million that was passed by the House and the Senate. We passed $75 million last year. The appropriating committee and the authorizing committee request $100 million. The President disagrees. He is even trying to gut and eliminate the $112 million that the Senator from Maine referred to which incidentally is for programs other than prevention. The Senator from Maine has no way of knowing this, but in extending LEAA, the President has one line in S. 2212 that would excise that maintenance of effort section.

If we are concerned about crime, if we are concerned about prevention, if we are concerned about young people, we had better vote "yes" on this and join some 50 organizations such as the Boy Scouts, the Girl Scouts, the Camp Fire Girls, the YWCA, the YMCA, the National Council of Jewish Women, the American Legion Youth Committee—every organization in America that is concerned about the problems of young people and that has supported the Juvenile Justice Act from its inception. They are supporting our effort to return dollars to our communities, so that they can deal with the problems of young people where and when they can be solved—not here in Washington, not in the White House where they have no support, but in their own hometowns.

I ask unanimous consent that the list of many organizations supporting the act appear at this point in the Record.

[There being no objection, the list was ordered to be printed in the Record, as follows:]

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.

National Commission on the Observance of International Women's Year Committee on Child Department Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

Mr. Moss. Mr. President, I rise to speak regarding the amendment which has been offered to increase budget authority and outlays by $100 million in function 750, Law Enforcement and Justice, for fiscal 1977—for juvenile justice activities.

The Budget Committee recommended $3.3 billion in budget authority and $3.4 billion in outlays function 750 for 1977, the same as the President's budget.

I support the stated objective of the amendment. However, the Budget Committee, of course, does not deal in line items and therefore I think it is inappropriate to try to treat line item matters in our consideration of the Budget Resolution today.

The ultimate responsibility for determining the program mix within the budget functional areas—such as this one—is vested in the authorizing and Appropriations Committees. If these committees recommend such a change and it is the will of Congress, I believe that the increase proposed could be accommodated within the resolution.

Accordingly, I am voting against the amendment in the interest of holding down the deficit.

Mr. HUDDLESTON. Mr. President, I am concerned about the possible interpretations of the Budget Committee recommendations regarding the Law Enforcement and Justice category.

The committee has adopted the level of spending recommended by the President. The President's budget is, however, predicated on several serious reductions in important programs, including the juvenile delinquency program, LEAA block grants, LEEP, Legal Services, FBI training for local police and LEAA discretionary grants.

In fact, two of these programs would be decimated under the President's budget. One is the fledgling juvenile delinquency program. Some $40 million was appropriated for this program in fiscal 1976. Through a recission proposal, which was not accepted, the President sought to reduce this amount to $25 million, with the remaining $15 million to be used in fiscal 1977. When the recission was not approved and the entire $40 million made available by the Congress, this left only $10 million in requests for fiscal 1977. Obviously, this would seriously undercut efforts to move ahead on this program.

In the past several years, efforts to combat juvenile delinquency have been spurred across the Nation by the availability of new funds through this program. In Louisville, Ky., for example, funds have been used for Shelter House, which assists runaway children—children whose growing years are not as easy as we would hope and who need help in coping with the world around them. Personally, I do not believe this is a program on which we should skimp.

Under the President's program, the LEEP program would be eliminated. This program provides education and training programs for policemen to enable them to increase their skills and academic training. In fiscal 1975, the last year for which full figures are available, 13 institutions in Kentucky participated in this program.

The PRESIDING OFFICER. The question is agreeing to the amendment of the distinguished Senator from Indiana (Mr. Bayh), Amendment No. 1588. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Missouri (Mr. Eagleton) and the Senator from North Carolina (Mr. Morgan) are absent on official business.

I also announce that the Senator from Kentucky (Mr. Ford) is absent because of death in the family.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Morgan) would vote "nay."

Mr. GRIFFITH. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Maryland (Mr. Mathias), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

I further announce that the Senator from Idaho (Mr. McClure) is absent due to death in the family.

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from Idaho (Mr. McClure). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Idaho would vote "nay."

The result was announced—yeas 39, nays 46, as follows:

[ROLLCALL VOTE NO. 143 LEG.]

Yeas—39: Baker, Bayh, Brooke, Bumpers, Burdick, Case, Clark, Cranston, Culver, Durkin, Hart, Phillip A., Haskell, Hatfield, Hathaway, Hruska, Huddleston, Jackson, Javits, Johnston, Kennedy, Leahy, Long, Magnuson, McGovern, Metcalf, Nelson, Packwood, Pastore, Pearson, Pell, Percy, Randolph, Ribicoff, Scott, Hugh, Stafford, Stevenson, Stone, Taft, and Williams.

Nays—46: Allen, Bartlett, Beall, Bellmon, Bentsen, Biden, Brock, Buckley, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Chiles, Curtis, Dole, Domenici, Eastland, Fannin, Garn, Glenn, Goldwater, Griffin, Hansen, Hart, Gary, Helms, Hollings, Humphrey, Laxalt, Mansfield, McIntyre, Mondale, Montoya, Moss, Muskie Nunn, Proxmire, Roth, Schweiker, Scott, William L., Sparkman, Stennis, Symington, Talmadge, Thurmond, Tower, Weicker, and Young.

Not voting—15: Abourezk, Church, Eagleton, Fong, Ford, Gravel, Hartke, Inouye, Mathias, McClellan, McClure, McGee, Morgan, Stevens, and Tunney.

So Mr. Bayh's amendment (No. 1588) was rejected.

[From The Wall Street Journal, April 13, 1976]

SENATE VOTES BUDGET PLAN THAT ENVISIONS MORE JOBS, LESS INFLATION THAN FORD'S

WASHINGTON.—The Senate adopted budget targets that it hopes will provide more jobs and less inflation than President Ford's spending and tax plans.

The Senate's proposed figure for federal outlays in fiscal 1977, which starts Oct. 1, is $412.6 billion. That is $16.8 billion higher than the President's revised outlays total of $395.8 billion.

Adoption of the budget, by a vote of 62 to 22, came after the Senate had rejected liberal proposals to cut defense outlays and increase spending for jobs, health and other social programs as well as a conservative amendment to reduce spending in several domestic areas.

The budget focus thus switches to the House, whose Budget Committee has approved an even higher spending total, $413.6 billion. The House is due to begin debating that figure April 26, the day Congress returns from its Easter recess, and the outcome is far less sure than it was in the Senate.

ESTIMATE OF REVENUE

The budget resolution adopted yesterday in the Senate assumes federal revenue of $362.4 billion in fiscal 1977 and a deficit of $50.2 billion. Mr. Ford's budget, which contemplates a deeper tax cut and a slightly more sluggish economy, assumes revenue of $351.3 billion and a deficit of $44.6 billion.

The Senate Budget Committee claims, however, that the President has understated spending by some $5 billion and that his budget thus contains about as much red ink as the Senate's. Even so, the panel says, the Senate version is less inflationary and more stimulative to the economy than is Mr. Ford's.

According to an analysis by the panel's staff, the Senate budget would cut the rate of inflation 0.5 percentage point to 0.75 percentage point below what it would be if the President's recommendations were adopted. That is because the Senate budget rejects Mr. Ford's proposals for increasing Social Security and unemployment taxes, increases that would be passed along to consumers in higher costs.

Further, the Senate budget resolution rejects the President's plans to cut state and local aid, reductions that might force state and localities to raise sales taxes to make up the lost revenue. Finally, the Senate budget also rejects Mr. Ford's recommendations to reduce subsidies for the Postal Service and Mass-transit operations, cuts that the committee says would lead to higher postal rates and transit fares.

ECONOMIC STIMULUS

The committee claims its budget would produce 750,000 more jobs than the Ford plan. Half of those would be public-service jobs, which the President wants to phase out. The other half would be private-sector jobs resulting from the additional fiscal stimulus.

Yesterday, by a vote of 58 to 27, the Senate rejected an amendment by Sen. Edward Kennedy (D., Mass.) to fund 300,000 more public service jobs at a cost of $2.2 billion. The Kennedy amendment also would have increased Medicare, Medicaid and several other social programs $1 billion.

Another liberal amendment, by Sen. Birch Bayh (D., Inc.), to cut defense outlays $500 million was beaten, 58 to 25.

Conservatives fared even worse. Sen. James Buckley (R., N.Y.), wanted to cut $6.8 billion from five domestic categories, but his proposal failed, 62 to 23.

The Senate also rejected, 55 to 30, a bid by Sen. Walter Huddleston (D., Ky.), to add $100 million for agriculture.

The closest anyone came to changing the Budget Committee's recommendations was a proposal by Sen. Bayh to add $100 million for juvenile justice. Despite support from liberals and conservatives, that amendment went down to defeat, 46 to 39.

DEFENSE OUTLAYS

The Senate budget would give President Ford practically all the money he wants for defense and more than he requested for social programs. It contains defense outlays of $100.9 billion, up $8 billion from fiscal 1976 and only $200 million less than Mr. Ford's request. In terms of budget authority, some of which isn't used until later years, the increase is more dramatic, to $113 billion in fiscal 1977 from $100.5 billion in the current year and only $300 million less than the President is asking.

Almost all the increase is intended for buying weapons but by the time Congress adopts a fiscal 1977 budget in September, some of the extra weapons money may have been siphoned off for military pay and other items. Both the Senate budget and Mr. Ford's budget assume the Pentagon will be able to achieve—or Congress will enact—savings of $4.5 billion in defense, by holding down increases in pay and pensions, by selling off strategic materials from government stockpiles and by cutting the growth in military construction and research and development.

If Congress and the administration can't achieve these savings—some of which are controversial and especially hard to do in an election year—then the amount remaining for weapons programs will be reduced. The other choices would be to switch funds out of domestic programs to defense, a process many liberals believe has gone too far already, or to increase the budget deficit, something conservatives would oppose.

The Senate resolution adds $800 million to the President's budget for energy development. But it doesn't contain any money for Mr. Ford's $100 billion program to encourage private development of new energy sources. The Budget Committee said this omission isn't meant as rejection of the President's program, however.

The Senate budget also contains $7 billion of spending authority to build sewage treatment plants, money Mr. Ford isn't requesting. It contains $700 million extra to cushion the impact of higher postal rates for newspapers, magazines and certain other second, third and fourth-class mail.

MEDICARE, MEDICAID INCREASES

The Senate also decided to add $1 billion to cover the Postal Service's anticipated deficit, which otherwise would be covered by borrowing and wouldn't show up in the budget.

Without rejecting the concept, it refused to allow for the savings contemplated by Mr. Ford from consolidation into block grants of a large number of categorical disbursements to state and local governments.

The Senate resolution contains big increases for Medicare and Medicaid—programs that benefit old people—but also urges the Senate Finance Committee to find ways to save $1.4 billion in the two programs. That's substantially less than the President wants to save but far more than Sen. Russell Long (D., La.), the Finance Committee chairman, thinks can be saved in an election year.

Yesterday's vote was on spending and revenue targets for the fiscal year that starts Oct. 1. Once the House has acted on its own resolution, a House-Senate conference will have to resolve differences in the two versions. These differences must be resolved by May 15, under the new congressional budget procedures.

During the summer, guided by its budget targets, Congress will work on spending and taxing bills. By Sept. 15, it must adopt a second budget resolution for fiscal 1977, one that sets a binding ceiling on spending and a binding floor under revenue.

After the start of the new fiscal year, any bill that would puncture the spending ceiling or the revenue floor will be out of order, unless Congress goes through the elaborate procedure of revising its budget.

[From the Congressional Record, May 12, 1976]

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1977—CONFERENCE REPORT

Mr. Moss. Mr. President, I submit a report of the committee of conference on Senate Concurent Resolution 109 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Morgan). The report will be stated by title.

[The legislative clerk read as follows:]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 109) setting forth the congressional budget of the United States Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection the Senate will proceed to the consideration of the conference report.

[The conference report is printed in the RECORD of May 7, 1976, beginning at page H4132.]

PRIVILEGE OF THE FLOOR

Mr. Moss. Mr. President, I ask unanimous consent that the following members of the Budget Committee staff be granted privilege of the floor during the debate and vote on conference report on the concurrent resolution: Arnold Packer, Ira Tannenbaum, Sid Brown, Tom Dine, Jim Storey, John McEvoy, Dan Twomey, Lewis Ashley and Doug Bennet.

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

Mr. Moss. Mr. President I ask unanimous consent that the joint explanatory statement of the committee of conference be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

[See exhibit 1.]

THE CONGRESSIONAL BUDGET IS THE FEDERAL BUDGET

Mr. Moss. Mr. President, at the outset I want to emphasize that this budget resolution, when adopted by both Houses, will be the Federal budget.

It is not just a congressional budget.

Under the new Budget Act, it is the budget as far as broad allocations of America's resources are concerned. It represents Congress' judgment as to America's priorities. It is Congress' exercise of its exclusive power of the purse.

I emphasize this point in hopes of avoiding a long summer of futile confrontation between Congress and the White House. It will be most unfortunate if the President, using vetoes and impoundments, tries to reshape this resolution to match his original proposal, which represents one important, but not decisive, input in the continuing evolution of the Nation's fiscal year 1977 budget.

Congress plans to create a million more jobs than the President's proposed budget would have allowed, including 400,000 in a healthier private sector. Will we see a string of vetoes as job-creating programs are enacted through this summer? Congress intends to support greater assistance to education than the President. Will we see another veto of the education appropriation?

Congress proposes not to increase the social security tax. Congress proposes to extend last year's personal and corporate income tax cuts, but not to enact the additional tax cuts proposed by the President. Congress proposes to close $2 billion worth of tax loopholes, and the President does not.

If the President wants political confrontation instead of a sound fiscal policy, these differences can become a battlefield and the public will be the loser. If all parties recognize that Congress, exercising its constitutional power of the purse, has specified these broad national policy directions, the executive branch can do its duty under the Constitution by administering them once they are enacted.

PARLIAMENTARY SITUATION

This conference report is being submitted by the managers on the part of the two Houses in technical disagreement. The technical disagreements are very minor, and it is the intention of the conferees of both Houses to urge adoption of the substitute budget resolution described in the statement of managers accompanying this conference report in disagreement.

The disagreement is not over substance. It is a parliamentary technicality. This result has occurred because the Parliamentarians of the two Houses have ruled that, even on technical matters, a conference report on a budget resolution must in all its particulars remain within the range established by the action of the two Houses. Thus, where numbers are even slightly below or above the range, the conference must report in disagreement. This is what has occurred here.

In one case the conference agreement contains a number that is higher than either House by $3 million.

In two other cases, the conference agreement is lower than either House by a total of $41 million. These three cases are the result of rounding, which is our custom in budget resolutions.

The final case involves the appropriate level for the temporary ceiling on the public debt for the transition quarter which should have been $1 billion higher than considered by either House. This change derives from a reestimate of that debt level rather than a disagreement on spending by the conferees. It is an accountnig question reflecting the temporary debt ceiling level necessary in light of spending actions which have largely already occurred. The deficit level for the transition quarter has not been increased.

So, when the Senate votes today, we will first be voting to confirm the conference report in disagreement. A second vote will then occur to recede to the original House amendment to the Senate budget resolution, with an amendment which is spelled out in the statement of managers accompanying the conference report. Other than this two-step procedure, this consideration of the conference report can proceed as if it had been reported in agreement.

The conference report not only provides targets for the overall budget in fiscal 1977, but also for the 17 budget functions such as Defense, Agriculture and so forth.

Mr. President, I believe that the conference report represents a sound and effective budget for fiscal year 1977. Although it is a tight budget, it will nonetheless provide significant help in reducing our country's continuing unemployment problem while at the same time avoiding the rekindling of inflation.

The conference agreement provides substantial real growth in defense spending and maintains a strong national defense posture. Likewise, the agreement accords a high priority to energy programs.

Mr. President, what follows is a brief description of the major features of the conference substitute.

MAJOR FEATURES OF THE CONFERENCE SUBSTITUTE—BUDGET AGGREGATES

Mr. President, the recommended conference substitute contains aggregate budget totals for fiscal year 1977, as follows:

For revenues, the conferees agreed on a level of $362.5 billion. This is $500 million below the House resolution and $100 million above the Senate resolution.

For budget authority, the conferees agreed on a level of $454.2 billion. This is $100 million above the House and $700 below the Senate.

For outlays, the conferees agreed on a level of $413.3 billion. This is $2.1 billion below the House and $700 million above the Senate.

For the deficit, the conferees agreed on a level of $50.8 billion. This is $1.6 billion below the House and $600 million above the Senate.

For the public debt, the conferees agreed on a level of $713.1 billion. This is $600 million below the House and $1.6 billion above the Senate.

On the key budget authority, outlay, and deficit aggregates, Mr. President, the conference outcome is considerably closer to the lower Senate levels than to the higher House levels, even if all three sets of totals—House, Senate, and conference—are adjusted for comparability in the handling of the postal service deficit, which I will describe later in these remarks, the conference compromise remains closer to the Senate version on outlays and represents an even split between the House and Senate on the deficit.

ECONOMIC ASSUMPTIONS—JOBS WITHOUT INFLATION

The economic task facing the Congress is to reduce unemployment and inflation simultaneously. We believe the budget resolution that emerged from conference as the conference substitute will achieve these objectives if the programs provided for are enacted. The proposed fiscal policy is designed to produce a 6 percent rate of increase in total output without adding to inflation. A congressional budget office analysis confirms that this budget will simultaneously create less inflation and provide a million more jobs than the President's budget.

There are those who believe that more employment leads to more inflation—that adding to employment increases the deficit and that a bigger deficit means higher prices. Recent history clearly illustrates the fallacy of this argument. Inflation and unemployment can be simultaneously reduced if we are careful to avoid actions that increase prices while targeting increased spending where it will create the most jobs per dollar.

The conference substitute specifically earmarks $2.2 billion in outlays for targeted and temporary employment programs including public works, public service employment, and countercyclical revenue sharing. But the conference held the line on spending authority for slow spending or inflationary programs.

The conference substitute resolution before you today is careful in these regards. Both Houses rejected the President's proposed inflationary increase in social security taxes and the conference did not endorse the inflationary increase in unemployment insurance taxes. The resolution calls for an extension of last year's $17.3 billion tax reduction. But it refuses the President's request to enact an increase in regressive and inflationary payroll taxes.

REVENUES

The conference substitute provides for Federal revenues in the amount of $362.5 billion. The total assumes extension through fiscal year 1977 of the general income tax cuts enacted in December 1975 as well as the realization of a net $2 billion increase in revenues through tax reform.

Extension of the 1975 tax reductions is necessary to continue the current economic recovery.

The $2 billion increase in revenue collections from tax reform is a vital step toward control over the growth of tax expenditures, and toward a reduced Federal deficit for fiscal year 1977. Moreover, it will help insure continuation only of those tax preferences that most efficiently encourage job creation and investment, or meet other national needs.

EXPENDITURES

I should emphasize that the Senate Budget Committee does not hold that assumptions used in establishing the spending targets in each function are more than guidelines. These assumptions are simply the rationale used by the respective Houses and then by the conferees in establishing the numerical targets.

The Senate Budget Committee is not a "line item" committee. While we do discuss and make assumptions about major programs as we construct the budget resolution, we do not attempt to arrive at dollar amounts for each budget account because that is not our job. Rather, our job is to set broad functional totals and overall budget aggregates so that a framework can be established within which the other committees of Congress—and the Congress as a whole—can consider individual spending proposals. Through the summer Congress may wish to change the legislative mix within the targets it has now established.

BUDGET FUNCTIONS

NATIONAL DEFENSE: FUNCTION 050

The conference substitute provides $112.5 billion in budget authority and $100.8 billion in outlays. These amounts are less than the Senate resolution provided by $500 million in budget authority and $100 million in outlays.

The national defense budget authority target represents an even split between the Senate and the lower House totals. The outlay target is closer to the Senate amount.

The most significant aspect of the conference substitute on national defense is that it assumes implementation of the legislative and administrative economies proposed by the administration or other reductions and savings necessary to remain within the resolution targets. This means that failure by the Congress to enact the proposed economies will require offsets elsewhere within the national defense function.

Similarly, congressional approval of pending budget amendments or future supplementals will require tradeoffs between high priority and low priority areas to remain within the resolution targets.

INTERNATIONAL AFFAIRS: FUNCTION 150

The conference substitute provides budget authority of $9.1 billion and outlays of $6.6 billion. These amounts include funds for three major areas within the function: foreign aid, State Department administrative costs, and the Export-Import Bank. The conference agreement assumes that budget authority of roughly $5.3 billion and outlays of $4.6 billion will be allocated to foreign aid, an increase in budget authority of $0.2 billion over the House assumption, the managers also estimate that Export-Import Bank activities will require budget authority of approximately $2.9 billion and outlays of $1.2 billion; this is $0.4 billion in budget authority less than the President's estimate and reflects adjusted estimates of Eximbank's actual requirements.

GENERAL SCIENCE, SPACE AND TECHNOLOGY: FUNCTION 250

The conference substitute target provides budget authority of $4.6 billion and outlays of $4.5 billion. These amounts were what both the House and the Senate had agreed to, and were not at issue in the conference.

NATURAL RESOURCES, ENVIRONMENT AND ENERGY: FUNCTION 300

The conference substitute provides budget authority of $17 billion and outlays of $15.7 billion. These amounts are $1 billion in budget authority below the Senate's position and $0.1 billion in outlays above the Senate position.

In agreeing to these amounts, the Senate conferees assume that $6 billion in budget authority and $0.4 billion in outlays are targeted for the EPA construction grant program, including funds for the State reimbursement program and for the Nunn-Talmadge amendments. The Senate conferees also assume that $5.1 billion in budget authority and $4.2 billion in outlays are targeted for energy programs.

The off-budget energy proposals of the administration—the energy independence authority and uranium enrichment—were not discussed at the conference with the House. The Senate conferees make no assumptions regarding these proposals and do not preclude any action on them if they are brought to the Senate floor. Both the off-budget issue and the specific program proposals themselves could then be reviewed as deemed appropriate.

AGRICULTURE: FUNCTION 350

The Senate resolution provided budget authority of $2.3 billion and outlays of $1.9 billion. The Senate figures were slightly higher in budget authority—$38 million—and somewhat lower in outlays—$129 million—than the House figures.

The conference substitute took the Senate figure on budget authority, and the House figure on outlays—rounded to $2 billion. I think that this is a reasonable compromise of the two positions. It also moves the target totals in the direction of accommodating those who have urged that more funding be provided for agriculture research.

COMMERCE AND TRANSPORTATION: FUNCTION 400

The conference substitute provides $18.2 billion in budget authority and $17.7 billion in outlays. This represents an increase of $2.1 billion in budget authority and a reduction of $0.9 billion in outlays from the Senate resolution.

There were three principal areas of compromise.

First, the House resolution had assumed that an additional $5 billion would be provided to stimulate housing in fiscal year 1977 through HUD's emergency mortgage purchase assistance program. The conference included $3 billion, none of which was assumed in the Senate's budget authority target.

Second, the Senate resolution had included $1 billion more than the House in both budget authority and outlays for the Postal Service to fully offset the service's projected fiscal year 1977 operating deficit. The conferees excluded the extra $1 billion from the conference substitute, largely based on the position that the conferees should not prejudice the congressional outcome of pending Postal Service legislation. The conference substitute is not intended to tie the hands of the Post Office and Civil Service Committee in dealing with the appropriate choice between off-budget borrowing and on-budget financing of this year's postal deficit.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

The conference substitute adopts the Senate-passed figures for this function, $7.4 billion in budget authority and $7.8 billion in outlays. The Senate had assumed funds in this function for job-creating purposes such as countercyclical assistance to State and local governments, accelerated public works or other similar programs. The House had included most job-creating funds in the allowances category. As a result of the conference agreement, $2.050 billion in budget authority and $350 million in outlays for job-creating programs remains in the allowance function and could be added to this function, to function 500, or elsewhere as appropriate for the specific purpose of creating jobs.

EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES: FUNCTION 500

The conference substitute includes $24.6 billion in budget authority and $23 billion in outlays. The Senate accepted the House figures for this function.

Within these totals, the conferees agreed that the $11.3 billion in budget authority and $9.4 billion in outlays for education programs assumed in the Senate resolution would be assumed in the conference substitute. This amount allows sufficient funds for initiatives such as full funding for the Education for all Handicapped Children Act, full funding for impact aid hold harmless provisions, full funding for the basic education opportunity grants program at a maximum grant of $1,400 and current participation rates, forward funding for the Vocational Education Act, and an additional allowance to compensate Federal education programs for price increases in prior years.

In addition to targets for education programs, the conferees included $13.3 billion in budget authority and $13.6 billion in outlays for training, employment, and social services programs. In agreeing to these amounts, the Senate conferees accepted an additional $2.2 billion in budget authority and $1.8 billion in outlays for job creating programs over the Senate resolution.

HEALTH: FUNCTION 500

The conference substitute provides $39.3 billion in budget authority and $37.9 billion in outlays. This is a reduction of $1.1 billion in budget authority from the

Senate-passed level and an increase of $0.3 billion in outlays. There were several factors involved in the conference substitute on the health targets, including reestimates based on the latest information.

For medicare, the conferees agreed to a net outlay reduction from current policy of $0.3 billion. This reduction assumes savings through limiting cost increases, but at a lesser rate than in the Senate resolution. This target would provide for new initiatives for health financing programs, but only if savings are sufficient to provide assumed net outlay reduction.

The figure of $9.3 billion adopted for budget authority and outlays for medicaid is the Senate estimate and anticipates a cost savings of $0.3 billion resulting from legislative initiatives or other improvements in program efficiency.

The controllable appropriated health programs are targeted at $7.2 billion for budget authority and outlays. This provides funding 8 percent over the fiscal year 1976 appropriated level.

INCOME SECURITY: FUNCTION 600

The conference substitute contains a budget authority target of $158.9 billion and an outlay target of $139.3 billion. On budget authority, this is $2.1 billion above the House and $4.8 billion below the Senate. The target for outlays exceeds the House resolution by $0.1 billion and is $0.8 billion below the Senate.

The conference substitute allows for full cost-of-living increases for social security and other indexed benefit programs, an increase of $2 billion in budget authority over the House level for subsidized housing programs, and an extension beyond the March 1977 expiration date for programs providing special unemployment assistance for groups lacking permanent unemployment insurance coverage and emergency extended benefits in areas with high unemployment. The conference agreement assumes net reductions of $0.4 billion in budget authority and $0.6 billion in outlays, which can be realized through changes to achieve equity and efficiency in programs such as aid to families with dependent children, supplemental security income, social security, and food stamps, and through elimination of the so-called 1-percent kicker in Federal employee retirement programs.

VETERANS' BENEFITS AND SERVICES: FUNCTION 700

The conference substitute provides $20.1 billion in budget authority and $19.5 billion in outlays. These amounts are $0.1 billion higher in budget authority and $0.2 billion higher in outlays than the amounts previously agreed to by the Senate.

Like the Senate resolution, the conference substitute provides for cost-of-living increases for compensation, pension, and readjustment benefits related to changes in the Consumer Price Index. It is anticipated that the additional room provided in the veterans function by the conferees will be used to fund high priority new initiatives.

LAW ENFORCEMENT AND JUSTICE: FUNCTION 750

The Senate resolution provided budget authority of $3.3 bililon and outlays of $3.4 billion. In the conference substitute, the Senate receded and accepted the amounts provided in the House resolution which are $3.4 billion in budget authority and $3.5 billion in outlays. This moves the target totals in the direction of accommodating those who have urged that more funding be provided for juvenile justice programs.

GENERAL GOVERNMENT: FUNCTION 800

The Senate resolution provided budget authority of $3.7 billion and outlays of $3.6 billion. The House resolution provided budget authority of $3.5 billion and outlays of $3.5 billion.

The conference substitute assumes budget authority of $3.6 billion and outlays of $3.5 billion. The conferees believe these amounts provide enough leeway to meet the reasonable needs of programs in this function.

REVENUE SHARING AND GENERAL PURPOSE FISCAL ASSISTANCE: FUNCTION 850

The Senate resolution provided budget authority of $7.3 billion and outlays of $7.4 billion. The House resolution provided budget authority of $7.347 billion and outlays of $7.351 billion.

The Senate and House resolutions assumed prompt reenactment of general revenue sharing. The only difference between the House and Senate was that the Senate rounded its figures to the nearest $100 million.

The conferees preserved the principle of rounding in the conference substitute, and established budget authority and outlay targets of $7.35 billion.

INTEREST: FUNCTION 900

The Senate resolution provided budget authority and outlays of $40.4 billion. The House resolution provided budget authority and outlays of $41.4 billion.

The conferees agreed on budget authority and outlays of $40.4 billion which they believe are consistent with the economic assumptions underlying the resolution and with appropriate monetary policy and debt management.

ALLOWANCES

The Senate resolution provided budget authority of $600 million and outlays of $700 million, all of which was for anticipated pay raises for civilian agencies. The House resolution provided $5 billion in budget authority and $3 billion in outlays. In addition to the pay raises, the House resolution totals assumed $4.2 billion in budget authority and $2.2 billion in outlays for unspecified job-creating programs that the Congress might subsequently enact.

The conferees agreed on budget authority of $2.850 billion and outlays of $1.150 billion. Of these amounts, $800 million in budget authority and outlays are assumed to be for civilian agency pay raises. The remaining $2.050 billion in budget authority and $350 million in outlays is reserved solely for job-creating programs in addition to the amounts for such programs that are contained in the resolution targets for other functions—particularly function 450—community and regional development—and function 500—education, training, employment, and social services. It is the conferees' assumption that the allowance amounts for job-creating programs would be shifted to the appropriate regular budget functions as Congress enacts legislation for such programs.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

This function consists of those budgetary receipts that are deducted from budget authority and outlays which are not distributed to each individual budget function.

The Senate resolution provided for a deduction from budget authority and outlays of $17.4 billion. The House resolution provided for a deduction of $16.9 billion.

The conferees agreed on a deduction from budget authority and outlays of $17.4 billion. This level is consistent with the interest rate and other assumptions underlying the budget resolution. Within this total, rent and royalty receipts from the Outer Continental Shelf are estimated to be $4 billion—the same level contained in both the Senate and House resolutions. This amount is $2 billion less than estimated by the President.

ALLOCATIONS TO SENATE COMMITTEES UNDER SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

Mr. President, section 302(a) of the Congressional Budget Act provides that the statement of managers accompanying the conference report on the first budget resolution shall include an allocation of the budget totals among the committees of the House and Senate. This is the so-called crosswalk provision. This provision is being implemented for the first time in connection with the first concurrent resolution on the Budget for fiscal year 1977.

The allocations to the Senate and House committees pursuant to section 302(a) are contained in pages 10 to 13 of the conference report on Senate Concurrent Resolution 109. Since the conference report was printed, both Budget Committees have discovered a few relatively minor technical errors in the respective House and Senate tables. There was also one printing error in the Senate table. Therefore, Mr. President, I ask unanimous consent that the allocation tables pursuant to section 302 of the Congressional Budget Act contained in the joint explanatory statement of the managers on Senate Concurrent Resolution 109, which was printed in the RECORD of May 7 at pages H4133 through H4137 and which I have

CONTINUED

16 OF 19

asked to be reprinted at the conclusion of these remarks, be corrected to read as follows and be printed in the RECORD in full at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ALLOCATIONS PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT

Committee	Spending Jurisdiction		Entitlement programs that require appropriations action	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	292.9	273.1	----	----
Aeronautical and Space Sciences	(2)	(2)	(—)	(—)
Agriculture and Forestry	1.5	.2	(7.8)	(8.5)
Armed Services	—.7	—.8	(8.4)	(8.4)
Banking, Housing, and Urban Affairs	3.5	—1.1	(—)	(—)
Commerce	1.0	.1	(.2)	(.2)
District of Columbia	(3)	(3)	(—)	(—)
Finance	176.4	174.8	(30.0)	(24.3)
Foreign Relations	7.1	6.8	(.1)	(.1)
Government Operations	(2)	(2)	(—)	(—)
Interior and Insular Affairs	.9	.8	(4)	(5)
Judiciary	(6)	(7)	(.3)	(.3)
Labor and Public Welfare	3.9	3.9	(3.2)	(2.9)
Post Office and Civil Service	21.2	13.8	(2)	(2)
Public Works	3.9	1.1	(.1)	(2)
Rules and Administration	(8)	(2)	(—)	(—)
Veterans Affairs	1.0	0.5	(14.6)	(13.8)
Joint Committee on Atomic Energy	(2)	(2)	(—)	(—)
Not allocated to committees:				
Allowances (primarily temporary job creating programs)	2.0	.4	----	----
Offsetting receipts	—60.4	—60.4	----	----
Total	454.2	413.3	(64.7)	(58.5)

[1] These amounts are included as part of the spending jurisdiction of the Appropriations Committee.
[2] Less than $5,000,000.
[3] Less than $50,000,000.
[4] Less than $35,000,000.
[5] Less than $20,000,000.
[6] Less than $45,000,000.
[7] Less than $25,000,000.
[8] Less than $40,000,000.

Note: Details may not add to totals due to rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES[1] (SEC. 302)

[In millions]

		Budget authority	Outlays	New entitlement authority
Agriculture Committee		336	176	----
300	Natural resources, environment and energy	122	114	----
350	Agriculture	41	30	----
450	Community and regional development	137	(2)	----
600	Income security	0	—4	(2)
850	Revenue sharing and general purpose fiscal assistance	37	37	----
Appropriations Committee		299,527	276,956	----
050	National defense	113,778	102,404	----
150	International affairs	6,718	7,142	----
250	General science, space, and technology	4,599	4,499	----
300	Natural resources, environment and energy	19,023	16,885	----
350	Agriculture	2,311	2,023	----
400	Commerce and transportation	13,505	19,294	----
450	Community and regional development	7,217	7,817	----
500	Education, training, employment, and social services	24,130	22,526	----
550	Health	22,500	22,646	----
600	Income security	49,970	37,826	----
700	Veterans benefits and services	19,637	19,556	----
750	Law enforcement and justice	3,403	3,510	----
800	General government	6,774	6,710	----
850	Revenue sharing and general purpose fiscal assistance	5,170	3,361	----
900	Interest	0	(2)	----
	Allowances	790	760	----

	Budget authority	Outlays	New entitlement authority
Armed Services Committee	−861	−860	(28)
050 National defense	−861	−860	(28)
400 Commerce and transportation	(2)	(2)	
700 Veterans benefits and services	(2)	(2)	
800 General government	(2)	(2)	
Banking, Currency and Housing Committee	3,124	−1,427	
050 National defense	0	(2)	
150 International affairs	2,925	0	
400 Commerce and transportation	155	−1,464	
450 Community and regional development	27	29	
500 Education, training, employment, and social services	0	7	
550 Health	0	(2)	
600 Income security	6	−1	
700 Veterans benefits	0	−9	
800 General government	4	3	
900 Interest	8	8	
District of Columbia Committee	47	47	
450 Community and regional development	1	1	
750 Law enforcement	6	6	
850 Revenue sharing	40	40	
Education and Labor Committee	30	28	(468)
500 Education, training, employment, and social services	26	25	(468)
600 Income security	3	3	
Government Operations Committee	8,206	10,017	(4,880)
800 General government	1	1	
850 Revenue sharing	8,205	10,016	(4,880)
House Administration Committee	40	4	
250 General science, space, and technology	(2)	(2)	
500 Education, training, employment, and social services	4	4	
800 General government	35	0	
Interior and Insular Affairs Committee	511	425	
300 Natural resources, environment, and energy	119	36	
450 Community and regional development	241	238	
800 General government	2	2	
850 Revenue sharing	149	149	
International Relations Committee	7,107	6,755	
050 National defense	6,916	6,588	
150 International affairs	81	83	
400 Commerce and transportation	4	5	
600 Income security	106	80	
Interstate and Foreign Commerce Committee	3,903	3,857	
400 Commerce and transportation	13	13	
550 Health	2	2	(3)
600 Income security	3,884	3,841	
850 Revenue sharing	4	1	
Judiciary Committee	26	18	
300 Natural resources	(2)	(2)	
600 Income security	3	2	
750 Law enforcement	0	−6	
800 General government	23	23	
Merchant Marine and Fisheries Committee	458	59	
150 International affairs	2	2	
300 Natural resources	105	93	
400 Commerce and transportation	346	−40	
850 Revenue sharing	4	4	

See footnotes at end of table.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEE[1] (SEC. 302)—Continued

[In millions]

	Budget authority	Outlays	New entitlement authority
Post Office and Civil Service Committee	21,188	13,783	(81)
050 National defense	0	0	[3] (52)
400 Commerce and transportation	5	5	
550 Health	0	−68	
600 Income security	16,900	9,564	
800 General government	4,283	4,283	[2]
Allowances	0	0	(35)
Public Works and Transportation Committee	4,409	1,007	
300 Natural resources	34	976	
400 Commerce and transportation	4,282	−2	
450 Community and regional development	94	33	
Science and Technology Committee	19	18	
250 General science	3	3	
300 Natural resources	16	15	
Small Business Committee	1	1	
450 Community and regional development	1	1	
Veterans' Affairs Committee	975	466	(1,397)
700 Veterans benefits	975	466	[3] (1,397)
Ways and Means Committee	163,579	162,062	(469)
500 Education, training, employment, and social services	488	486	(240)
550 Health	22,838	21,361	[3]
600 Income security	95,406	95,369	[3] (229)
800 General government	4	4	
850 Revenue sharing	344	344	
900 Interest	44,500	44,499	
Joint Committee on Atomic Energy	−91	−91	
300 Natural resources	−91	−91	
450 Community and regional development	0	[2]	
Unassigned to committees	2,060	390	
Allowances	2,060	390	
Offsetting receipts	−60,395	−60,395	

[1] Totals may not add due to rounding.
[2] Less than $500,000.
[3] Assumes savings through modification of existing legislation.

Mr. Moss. The conference managers have provided separate allocation tables for the House and Senate to reflect the differing committee jurisdictions in each body and to allow for the differing approaches to certain legislation—for example, the extension of general revenue sharing—that each body may elect. I would like to point out, however, that the allocations reflect a common agreement among the conferees regarding budget priorities that would affect the allocations. Thus, while the committee allocations are different for each body, they are based on the agreements reached in conference.

I should also point out, Mr. President, that the Senate allocation table is designed to comply with the requirements of the Budget Act as set forth in section 302(a). Thus, on the Senate side we have provided only the total budget authority and outlays assigned to each committee and have not further subdivided, these amounts by function. This is different from the House of Representatives. In the next few days, the Senate Budget Committee will provide functional details and other relevant information to each Senate commitee so that they can better understand our thinking with respect to the allocations. But since this information is not called for by the terms of section 302(a), we believe it is better to convey it separately from the conference report itself.

Let me now turn to the Senate committee allocations. The allocations to Senate committees under section 302(a) are in two parts.

The first part deals with committee spending jurisdiction. In this part, the budget totals are allocated among committees on the basis of their jurisdiction over bills and resolutions that directly provide the budget authority contained

in the first budget resolution. Generally, all budget authority provided through the appropriations process is allocated to the Appropriations Committees and all budget authority provided apart from the appropriations process is allocated to the appropriate authorizing committees. With certain modifications, outlays resulting from budget authority follow a similar pattern.

The second part deals with entitlement programs that require appropriations action. Amounts for these programs are allocated both to the Appropriations Committee and to the relevant authorizing committees, although they are counted only once—in the Appropriations Committee spending jurisdiction total. Nevertheless, these amounts are an equally important part of the allocations to the authorizing committees.

Pursuant to section 302(b) of the Budget Act, each committee receiving an allocation under section 302(a) is to report to the Senate as soon as practicable after adoption of the budget resolution, and after consultation with the counterpart committee or committees of the House, how it would subdivide its allocation among its subcommittees—in the case of the Appropriations Committee—or among its subcommittees or programs—in the case of the authorizing committees. In the case of the authorizing committees, this report will be in two parts—one part dealing with programs over which they have spending jurisdiction and the other part dealing with entitlement programs under their jurisdiction which require appropriations action.

Section 401(b)(2) of the Budget Act requires a reference to the appropriations committee in the case of any entitlement that is reported which authorizes new spending authority exceeding the allocation previously made under this crosswalk procedure. The Appropriations Committee must then report within 15 days. Appropriations may report the bill in question with an amendment which limits the total newspending authority provided under that entitlement.

Mr. President, these reports under section 302(b) of the Congressional Budget Act will be used to assess the relationship between the budget resolution and individual spending bills that are considered by the Senate over the summer. While the Budget Act indicates that these reports should be made to the Senate "as soon as practicable" after the budget resolution is agreed to, I stress the importance of receiving them at the earliest possible time. Until these reports are received, it will be difficult for the Senate to assess the relationship of individual legislation to the budget resolution totals. Once they are received, we will have a basis for comparing individual bills against the targets each committee has set for itself. That is what the Budget Act intended and that should be our objective. Through this process, we believe that budget scorekeeping throughout the summer will be more understandable than it has been in the past.

CONCLUSION

I urge Senators to support this conference report and to continue to work with the Budget Committee so we can continue to proceed in an orderly and responsible manner to live within the constraints of this resolution. In my view, this is the best prescription for strengthening the public's confidence in the ability of the Government to cope with and to resolve our financial problems.

I express my sincere appreciation to the ranking minority member, Senator BELLMON from Oklahoma, and to the other Senate conferees for their splendid efforts, cooperation, and loyal support in the conference and in bringing this report to the floor for consideration today. I also commend the staff of the Budget Committee for their superb and indefatigable performance over the months leading up to this report. We have come to expect such efforts from them but we are nonetheless deeply grateful.

Mr. President, I wish to acknowledge the great leadership of the chairman of the Budget Committee. Unfortunately, illness prevented his attendance at the conference, but he is in the Chamber today although not fully recovered from his illness. He guided us through the hearings leading to adoption of the resolution and the floor debate on it, and put everything in place for the conference which ensued with the House of Representatives. Had it not been for his direction and leadership we should have had a very much more difficult job than was ours when we went to conference.

I remark, also, on the exceptional spirit of cooperation among the conferees of the Senate and the House of Representatives. There were some very sharp differences and many offers back and forth but they were always offered in the greatest of good will and the merits of the various offers and counteroffers were examined and debated vigorously. In a relatively short time we came to agree-

ment on figures in a budget that is significant by any standard but yet one that is responsible and responsive to the Nations needs. It is one where the deficit is being appreciably reduced from last year's deficit and where we are staking out the course that we will follow that will not only control it but put us on the road to a budget that balances.

[The material referred to follows:]

EXHIBIT 1

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the United States Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976), report that the conferees have been unable to agree. This is a technical disagreement, necessitated by the fact that in three instances the substitute language agreed to by the conferees includes figures which (for purely technical reasons) would fall outside the permissible range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the Senate will offer a motion in the Senate to recede and concur in the House amendment to the Senate-passed resolution with an amendment (in the nature of a substitute), consisting of the language agreed to in conference, and that upon the adoption of such amendment in the Senate the managers on the part of the House will offer a motion in the House to concur therein.

The managers on the part of the House and the Senate submit the following joint statement in explanation of the action agreed upon by the managers:

The substitute language which is to be offered as described above (and which should be considered the language of the concurrent resolution as recommended in the conference report for purposes of section 302(a) of the Congressional Budget Act of 1974)—hereinafter in this statement referred to as the "conference substitute"—is as follows:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

(1) the recommended level of Federal revenues is $362,500,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $15,300,000,000;

(2) the appropriate level of total new budget authority is $454,200,000,000;

(3) the appropriate level of total budget outlays is $412,300,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $50,8000,000,000; and

(5) the appropriate level of the public debt is $713,100,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased (over amounts specified in section 3(5) for the transition quarter) is $65,900,000,000.

SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1976, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $112,500,000,000.
(B) Outlays, $100,800,000,000.
(2) International Affairs (150):
(A) New Budget authority, $9,100,000,000.
(B) Outlays, $16,600,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $4,600,000,000.
(B) Outlays, $4,500,000,000.
(4) Natural Resources, Environment, and Energy (300):
(A) New budget authority, $17,000,000,000.
(B) Outlays, $15,700,000,000.

(5) Agriculture (350) :
(A) New budget authority, $2,300,000,000.
(B) Outlays, $2,000,000,000.
(6) Commerce and Transportation (400) :
(A) New budget authority, $18,200,000,000.
(B) Outlays, $17,700,000,000.
(7) Community and Regional Development (450) :
(A) New budget authority, $7,400,000,000.
(B) Outlays, $7,800,000,000.
(8) Education, Training, Employment, and Social Services (500) ;
(A) New budget authority, $24,600,000,000.
(B) Outlays, $23,000,000,000.
(9) Health (550) :
(A) New budget authority, $39,300,000,000.
(B) Outlays, $37,900,000,000.
(10) Income Security (600) :
(A) New budget authority, $158,900,000,000.
(B) Outlays, $139,300,000,000.
(11) Veterans Benefits and Services (700) :
(A) New budget authority, $20,100,000,000.
(B) Outlays, $19,500,000,000.
(12) Law Enforcement and Justice (750) :
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,500,000,000.
(13) General Government (800) :
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,500,000,000.
(14) Revenue Sharing and General Purpose Fiscal Assistance (850) :
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,350,000,000.
(15) Interest (900) :
(A) New budget authority, $40,400,000,000.
(B) Outlays, $40,400,000,000.
(16) Allowances:
(A) New budget authority, $2,850,000,000.
(B) Outlays, $1,150,000,000.
(17) Undistributed Offsetting Receipts (950) :
(A) New budget authority, —$17,400,000,000.
(B) Outlays, —$17,400,000,000.

SEC. 3. The Congress hereby determines and declares, in the manner provided in section 310(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

(1) the recommended level of Federal revenues is $86,000,000,000 ;
(2) the appropriate level of total new budget authority is $96,300,000,000 ;
(3) the appropriate level of total budget outlays is $102,200,000,000 ;
(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $16,200,000,000 ; and
(5) the appropriate level of the public debt is $647,200,000,000 and the amount by which the temporary statutory limit on such debt should accordingly be increased is $20,200,000,000.

BUDGET AGGREGATES

Revenues. The House resolution provided for Federal revenues in the amount of $363,000 billion; and to achieve that level it provided that revenues should be decreased by $14,800 billion. The Senate resolution provided for Federal revenues in the amount of $362.4 billion; and to achieve that level it provided that revenues should be decreased by $15.3 billion.

The conference substitute provides for Federal revenues in the amount of $362.5 billion; and to achieve that level it provides that revenues should be decreased by $15.3 billion. This revenue level does not assume increased unemployment insurance taxes, but does not preclude enactment by the Congress of a possible increase in the unemployment insurance tax rate, which would result in an increase in revenues during the fiscal year. The conference substitute assumes, as did both Houses, realization of a net $2 billion increase in revenues through tax reform.

Budget Authority. The House resolution provided for total new budget authority in the amount of $454.071 billion. The Senate resolution provided for new budget authority in the amount of $454.9 billion. The conference substitute provides for total new budget authority in the amount of $454.2 billion.

Outlays. The House resolution provided for total outlays in the amount of $415.435 billion. The Senate resolution provided for outlays in the amount of $412.6 billion. The conference substitute provides for total outlays in the amount of $413.3 billion.

Deficit. The House resolution provided for a budget deficit in the amount of $52.435 billion. The Senate resolution provided for a deficit in the amount of $50.2 billion. The conference substitute provides for a budget deficit in the amount of $50.8 billion.

Public Debt. The House resolution provided for a public debt level of $713,710 billion. The Senate resolution provided for a public debt level of $711.5 billion. The conference substitute provides for a public debt level of $713.1 billion.

ECONOMIC OBJECTIVES AND ASSUMPTIONS

The fiscal policy contained in the conference substitute, in conjunction with a supportive monetary policy, is designed to produce a 6 percent rate of increase in total output (Gross National Product adjusted for inflation). The economic assumptions underlying the revenue and spending targets contained in the conference substitute are as follows:

[Calendar years; dollars in billions]

Item	1976	1977
Gross national product:		
Current dollars	$1,685	$1,885
Constant (1972) dollars	$1,262	$1,338
Incomes:		
Personal income	$1,382	$1,542
Wages and salaries	$893	$995
Corporate profits	$163	$183
Unemployment rate:		
Calendar year average (percent)	7.4	6.5
End of year (percent)	7.0	6.0
Consumer Price Index (percent)	6.0	5.5
Interest rate, 3-mo Treasury bills (percent)	5.3	5.8

FUNCTIONAL CATEGORIES

National Defense (050). The House resolution provided budget authority of $112.000 billion and outlays of $106.600 billion. The Senate resolution provided budget authority of $113.0 billion and outlays of $100.9 billion.

The conference substitute provides budget authority of $112.5 billion and outlays of $100.8 billion. The conference substitute assumes implementation of the legislative and administrative economies proposed by the Administration or other savings necessary to remain within these targets.

International Affairs (150). The House resolution provided budget authority of $9,200 billion and outlays of $6,500 billion. The Senate resolution provided budget authority of $9.1 billion and outlays of $7.0 billion.

The conference substitute provides budget authority of $9.1 billion and outlays of $6.6 billion.

General Science, Space, and Technology (250). The House resolution provided budget authority of $4,600 billion and outlays of $4,500 billion, the same amounts provided in the Senate resolution. The conference substitute provides budget authority of $4.6 billion and outlays of $4.5 billion.

Natural Resources, Environment, and Energy (300). The House resolution provided budget authority of $14,800 billion and outlays of $15,703 billion. The Senate resolution provided budget authority of $18.0 billion and outlays of $15.6 billion.

The conference substitute provides budget authority of $17.0 billion and outlays of $15.7 billion. The conference substitute assumes additional funding for the EPA Construction Grant program over the amounts assumed in the House resolution.

Agriculture (350). The House resolution provided budget authority of $2,262 billion and outlays of $2,029 billion. The Senate resolution provided budget authority of $2.3 billion and outlays of $1.9 billion.

The conference substitute provides budget authority of $2.3 billion and outlays of $2.0 billion. The substitute assumes higher budget authority for agricultural research than contained in the House resolution.

Commerce and Transportation (400). The House resolution provided budget authority of $19,910 billion and outlays of $17,740 billion. The Senate resolution provided budget authority of $16.1 and outlays of $18.6 billion. The conference substitute provides budget authority of $18.2 billion and outlays of $17.7 billion.

The conference substitute assumes $3 billion in budget authority for GNMA mortgage purchases in fiscal year 1977, a reduction of $2 billion from the House resolution, and increases in budget authority for transportation programs over the amounts in the House resolution.

The conferees did not include the full amount for the fiscal year 1977 Postal Service deficit as assumed in the Senate resolution. The managers concluded that they should not now decide the question of on-budget status for the Postal Service deficit in light of the ongoing studies of budget treatment for presently off-budget agencies and programs required by section 606 of the Budget Act.

Community and Regional Development (450). The House resolution provided budget authority of $6,500 billion and outlays of $6,200 billion. The Senate resolution provided budget authority of $7.4 billion and outlays of $7.8 billion. The conference substitute provides budget authority of $7.4 billion and outlays of $7.8 billion. The conference substitute provides amounts over the House resolution which, in combination with other funds provided in the Allowances function, would provide for an accelerated public works program, a counter-cyclical assistance program, or such other job stimulus programs that the Congress may enact.

Education, Training, Employment, and Social Services (500). The House resolution provided budget authority of $24,617 billion and outlays of $23,004 billion. The Senate resolution provided budget authority of $22.4 billion and outlays of $21.2 billion. The conference substitute provides budget authority of $24.6 billion and outlays of $23.0 billion. The conferees point out that the Allowances function contains additional amounts that can be used for public service employment programs.

Health (550). The House resolution provided budget authority of $39,250 billion and outlays of $38,200 billion. The Senate resolution provided budget authority of $40.4 billion and outlays of $37.6 billion. The conference and substitute provides budget authority of $39.3 billion and outlays of $37.9 billion.

The conference substitute assumes that:

(1) Budget authority for Medicare is included at the House estimate of $22.8 billion; outlays of $21.4 billion are $450 million below the total in the House resolution. The outlay total assumes the reduction of $0.5 billion from the House estimate under current law for legislation to limit the increase in costs under the Medicare program. The outlay total also assumes $0.2 billion for anticipated legislation which could provide program initiatives for Medicare beneficiaries.

(2) For the Medicaid program, the House total for budget authority and outlays was $9.4 billion and the Senate total was $9.3 billion. The conferees agreed to a budget authority and outlay level of $9.3 billion. The reduction from the current law estimate of $9.6 billion would be derived through legislation limiting the increase in costs for Medicaid and other improvements in program efficiency.

(3) For all health programs other than Medicare and Medicaid, the conferees agreed to budget authority of $7.2 billion and outlays totaling $7.2 billion for these programs. These totals provide higher amounts for discretionary programs than assumed in the House resolution.

Income Security (600). The House resolution provided budget authority of $156.764 billion and outlays of $139.228 billion. The Senate resolution provided $163.7 billion in budget authority and $140.1 billion in outlays. The conference substitute provides budget authority of $158.9 billion and outlays of $139.3 billion.

The conference substitute provides $2 billion in budget authority for subsidized housing over the amounts in the House resolution.

The conference substitute also assumes enactment of legislation causing net reductions compared to current law of $0.4 billion in budget authority and $0.6 billion in outlays, which can be realized through changes to achieve equity and efficiency in the supplemental security income, Social Security, aid to families with dependent children and food stamp programs, and through elimination of the so-called "one percent kicker" in Federal employee retirement programs.

Veterans Benefits and Services (700). The House resolution provided budget authority $20.459 billion and outlays of $19.975 billion. The Senate resolution provided budget authority of $20.0 billion and outlays of $19.3 billion.

The conference substitute provides budget authority of $20.1 billion and outlays of $19.5 billion. The substitute provides for cost-of-living increases for pension, compensation, and readjustment benefits and reduced amounts from the House resolution for new initiatives.

Law Enforcement and Justice (750). The House resolution provided budget authority of $3.400 billion and outlays of $3.500 billion. The Senate resolution provided budget authority of $3.3 billion and outlays of $3.4 billion. The conference substitute provides budget authority of $3.4 billion and outlays of $3.5 billion.

General Government (800). The House resolution provided budget authority of $3.497 billion and outlays of $3.470 billion. The Senate amendment provided budget authority of $3.7 billion and outlays of $3.6 billion. The conference substitute provides budget authority of $3.6 billion and outlays of $3.5 billion.

Revenue Sharing and General Purpose Fiscal Assistance (850). The House resolution provided budget authority of $7.347 billion and outlays of $7.351 billion. The Senate resolution provided budget authority of $7.3 billion and outlays of $7.4 billion. The conference substitute provides budget authority of $7.35 billion and outlays of $7.35 billion.

Interest (900). The House resolution provided budget authority and outlays of $41.400 billion. The Senate resolution provided budget authority and outlays of $40.4 billion. The conference substitute provides budget authority and outlays of $40.4 billion, reflecting the economic assumptions stated earlier. The conferees consider these assumptions consistent with appropriate monetary policy and debt management.

Allowances. The House resolution provided budget authority of $4.990 billion and outlays og $2.960 billion. The Senate resolution provided budget authority of $0.6 billion and outlays of $0.7 billion.

The conference substitute provides budget authority of $2.85 billion and outlays of $1.15 billion. These amounts include $2.05 billion in budget authority and $350 million in outlays which is reserved only for jobs programs, including accelerated public works, counter-cyclical assistance, public service employment, small business assistance, or such other temporary job stimulus programs that the Congress may enact. The balance of the funds in this function covers amounts requested by the President for pay increases for civilian agencies pending congressional review of a definitive pay proposal to be submitted by the President later this year.

Undistributed Offsetting Receipts (950). The House resolution provided budget authority of —$16.925 billion and outlays of —$16.925 billion. The Senate resolution provided budget authority of —$17.4 billion and outlays of —$17.4 billion The conference substitute provides budget authority and outlays of —$17.4 billion.

FUNCTIONAL TOTALS

[In millions of dollars]

	Function	Fiscal year 1977 budget authority			Fiscal year 1977 outlays		
		Senate	House	Conference	Senate	House	Conference
050	National defense	113,000	112,000	112,500	100,900	100,600	100,800
150	International affairs	9,100	9,200	9,100	7,000	6,500	6,600
250	General science, space, and technology	4,600	4,600	4,600	4,500	4,500	4,500
300	Natural resources, environment, and energy	18,000	14,800	17,000	15,600	15,703	15,700
350	Agriculture	2,300	2,262	2,300	1,900	2,029	2,000
400	Commerce and transportation	16,100	19,910	18,200	18,600	17,740	17,700
450	Community and Regional development	7,400	6,500	7,400	7,800	6,200	7,800
500	Education, training, employment and social services	22,400	24,617	24,600	21,200	23,004	23,000
550	Health	40,400	39,250	39,300	37,600	38,200	37,900
600	Income security	163,700	156,764	158,900	140,100	139,228	139,300
700	Veterans benefits and services	20,000	20,459	20,100	19,300	19,975	19,500
750	Law enforcement and justice	3,300	3,400	3,400	3,400	3,500	3,500
800	General government	3,700	3,497	3,600	3,600	3,470	3,500
850	Revenue sharing and general purpose fiscal assistance	7,300	7,347	7,350	7,400	7,351	7,350
900	Interest	40,400	41,400	40,400	40,400	41,400	40,400
	Allowances	600	4,900	2,850	700	2,960	1,150
950	Undistributed offsetting receipts	—17,400	—16,925	—17,400	—17,400	—16,925	—17,400
	Total	454,900	454,017	454,200	412,600	415,435	413,300

CONGRESSIONAL BUDGET FOR THE TRANSITION QUARTER

The second budget resolution for fiscal year 1976, adopted by the Congress last December, established aggregate targets for spending, revenues, deficit, and debt for the Transition Quarter, which occurs between July 1 and September 30, 1976. As set forth in the Statement of Managers accompanying the Conference Report accompanying that resolution, the Transition Quarter targets (i) were intended to have the same purpose and effect as targets established in a first budget resolution, and (ii) would be established as ceilings, with such revisions as necessary, as part of either a third budget resolution or the first budget resolution for fiscal year 1977.

The aggregate figures for the transition quarter contained in the conference substitute are, in effect, a second budget resolution for the transition quarter. Details of those aggregate figures by function are not included in the conference substitute, consistent with the approach taken in the budget resolutions for 1976.

The Senate resolution provided budget authority of $95.8 billion, outlays of $102.2 billion, revenues of $86.0 billion, deficit of $16.2 billion, and public debt of $646.2 billion. The House resolution provided budget authority of $96.3 billion, outlays of $101.2 billion, revenues of $86.0 billion, deficit of $15.2 billion, and public debt of $646.2 billion.

The conference substitute provides budget authority of $96.3 billion, outlays in the amount of $102.2 billion, revenues of $86.0 billion, deficit of $16.2 billion, and public debt of $647.2 billion.

ALLOCATIONS OF BUDGET AUTHORITY AND OUTLAYS TO HOUSE AND SENATE COMMITTEES

Pursuant to section 302 of the Budget Act, the conferees make the following estimated allocation of the appropriate levels of total new budget authority and total budget outlays for fiscal year 1977 among the committees of the respective Houses:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES (SEC. 302)

[In millions of dollars]

		Budget authority	Outlays	Entitlement authority
Agriculture Committee		336	176	
300	Natural resources, environment, and energy	122	114	
350	Agriculture	41	30	
450	Community and regional development	137	(1)	
600	Income security	0	−4	(2)
850	Revenue sharing and general purpose fiscal assistance	37	37	
Appropriations Committee		299,278	276,735	
050	National defense	113,778	102,404	
150	International affairs	6,718	7,142	
250	General science, space, and technology	4,599	4,499	
300	Natural resources, environment and energy	18,932	16,794	
350	Agriculture	2,311	2,023	
400	Commerce and transportation	13,594	19,294	
450	Community and regional development	7,217	7,817	
500	Education, training, employment, and social services	24,132	22,528	
550	Health	22,500	22,646	
600	Income security	49,970	37,826	
700	Veterans benefits and services	19,387	19,421	
750	Law enforcement and justice	3,403	3,510	
800	General government	6,774	6,710	
850	Revenue sharing and general purpose fiscal assistance	5,170	3,361	
900	Interest	0	(1)	
	Allowances	790	760	
Armed Services Committee		−861	−860	28
050	National defense	−861	−860	28
400	Commerce and transportation	(1)	(1)	
700	Veterans' benefits and services	(1)	(1)	
800	General government	(1)	(1)	

See footnotes at end of table.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES (SEC. 302)—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Banking, Currency and Housing Committee	3,124	−1,427	
050 National defense	0	(1)	
150 International affairs	2,925	0	
400 Commerce and transportation	155	−1,464	
450 Community and regional development	27	29	
500 Education, training, employment, and social services	0	7	
550 Health	0	(1)	
600 Income security	6	−1	
700 Veterans benefits	0	−9	
800 General government	4	3	
900 Interest	8	8	
District of Columbia Committee	47	47	
450 Community and regional development	(1)	(1)	
750 Law enforcement	6	6	
850 Revenue sharing	40	40	
Education and Labor Committee	27	25	
500 Education, training, employment, and social services	24	22	
600 Income security	3	3	
International Relations Committee	7,107	6,755	
050 National defense	6,916	6,588	
150 International affairs	81	83	
400 Commerce and transportation	4	5	
600 Income security	106	80	
Government Operations Committee	8,206	10,017	4,880
800 General government	1	1	
850 Revenue sharing	8,205	10,016	4,880
House Administration Committee	40	4	
250 General Science, space, and technology	(1)	(1)	
500 Education, training, employment, and social services	4	4	
800 General government	35	0	
Interior and Insular Affairs Committee	−172	258	
300 Natural resources, environment, and energy	−564	−647	
450 Community and regional development	241	238	
800 General government	2	2	
850 Revenue sharing	149	149	
Interstate and Foreign Commerce Committee	3,903	3,857	
400 Commerce and transportation	13	13	
550 Health	2	2	(2)
600 Income security	3,884	3,841	
850 Revenue sharing	4	1	
Judiciary Committee	26	18	
300 Natural resources	(1)	(1)	
600 Income security	3	2	
750 Law enforcement	0	−6	
800 General government	23	23	
Merchant Marine and Fisheries Committee	458	59	
150 International affairs	2	2	
300 Natural resources	105	93	
400 Commerce and transportation	346	−40	
850 Revenue sharing	4	4	
Post Office and Civil Service Committee	21,188	13,783	81
050 National defense	0	0	3 52
400 Commerce and transportation	5	5	
550 Health	0	−68	
600 Income security	16,900	9,564	
800 General government	4,283	4,283	(2)
Allowances	0	0	35

* See footnotes at end of table.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES (SEC. 302)—Continued

[In millions of dollars]

Public Works and Transportation Committee		4,321	1,007	
300	Natural resources	34	976	
400	Commerce and transportation	4,193	−2	
450	Community and regional development	94	33	
Science and Technology Committee		19	18	
250	General science	3	3	
300	Natural resources	16	15	
Small Business Committee		1	1	
450	Community and regional development	1	1	
Veterans' Affairs Committee		1,225	601	1,146
700	Veterans benefits	1,225	601	[2] 1,146
Ways and Means Committee		163,579	162,062	469
500	Education, training, employment and social services	488	486	
550	Health	22,838	21,361	240
600	Income security	95,406	95,369	[2] 229
800	General government	4	4	
850	Revenue sharing	344	344	
900	Interest	44,500	44,499	
Joint Committee on Atomic Energy		(1)	(1)	
300	Natural resources	(1)	(1)	
450	Community and regional development	(1)	(1)	
Undistributed to committees		2,060	390	251
700	Veterans benefits and services	0	0	251
	Allowances	2,060	390	

[1] Less than $500,000.
[2] Assumes savings through modification of existing legislation.

SENATE COMMITTEE ALLOCATIONS—PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT

Committee	Spending jurisdiction		Entitlement programs that require appropriations action [1]	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	294.8	272.2		
Aeronautical and Space Sciences	(2)	(2)		
Agriculture and Forestry	.4	.2	(8.9)	(8.5)
Armed Services	—.7	—.8	(8.4)	(8.4)
Banking, Housing, and Urban Affairs	4.0	.4		
Commerce	1.0	.1	(.2)	(.2)
District of Columbia	(3)	(3)		
Finance	176.4	174.8	(30.0)	(24.3)
Foreign Relations	7.1	6.9	(.1)	(.1)
Government Operations	(2)	(2)		
Interior and Insular Affairs	.9	.8	(4)	(5)
Judiciary	(6)	(7)	(.3)	(.3)
Labor and Public Welfare	3.9	3.9	(3.2)	(2.3)
Post Office and Civil Service	21.2	13.8	(2)	(2)
Public Works	4.0	1.2	(.1)	(2)
Rules and Administration	(8)	(2)		
Veterans' Affairs	1.0	.5	(14.6)	(13.8)
Joint Committee on Atomic Energy	(2)	(2)		
Not allocated to committees:				
Allowances (primarily temporary job creating programs)	2.0	.4		
Offsetting receipts	—61.1	—61.1		
Total	454.7	413.3	(65.8)	(58.5)

[1] These amounts are included as part of the spending jurisdiction of the Appropriations Committee.
[2] Less than $5,000,000.
[3] Less than $50,000,000.
[4] Less than $35,000,000.
[5] Less than $20,000,000.
[6] Less than $45,000,000.
[7] Less than $25,000,000.
[8] Less than $40,000,000.

Note: Details may not add to totals due to rounding.

EDMUND S. MUSKIE,
WARREN G. MAGNUSON,
FRANK E. MOSS,
W. F. MONDALE,
ERNEST F. HOLLINGS,
ALAN CRANSTON,
HENRY BELLMON,
J. GLENN BEALL, Jr.,
PETE V. DOMENICI,
Managers on the Part of the Senate.

BROCK ADAMS,
THOMAS P. O'NEILL, Jr.,
JIM WRIGHT,
THOMAS L. ASHLEY,
JAMES G. O'HARA,
ROBERT L. LEGGETT,
PARREN J. MITCHELL,
OMAR BURLESON,
BUTLER DERRICK,
Managers on the Part of the House.

Mr. Moss. Mr. President, I am glad at this point to yield to the ranking minority Member, the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I thank my friend.

Mr. President, the distinguished Senator from Utah (Mr. Moss) has given us considerable detail regarding the conference report on the first concurrent resolution for fiscal year 1977.

I say to the Senate at the outset that Senator Moss was thrown into the breach at the last minute to act as the senior Senate conferee in our negotiations with the House of Representatives, and he did a highly professional job as the leader

of the Senate delegation. I compliment Senator Moss for the way he was able to grasp a very complicated set of issues and present the Senate case with clarity and force. The Senator from Utah had no advance warning regarding this responsibility, and it is to his great credit that he was able to rise to the occasion.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Frank Steindl, Bill Stringer, Ted Haggart, Hayden Bryan, John Walker, Charles McQuillen, Bob Boyd, Reid Nagle, and Franklin Jones of the staff of the Senate Budget Committee be granted the privilege of the floor during the consideration of the conference report on the first concurrent resolution.

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

Mr. BELLMON. Mr. President, it is not my intention to repeat all the details that have already been given regarding this conference report. However, there are one or two issues which I believe deserve additional comment.

I suppose each Member of the Senate can find some feature in the fiscal year 1977 budget which he does not like. In my opinion, the ultimate success of the budget process is more than adequate reason to support the final conclusions reached; but on their merit, I believe these conclusions deserve support as well.

The budget process has been described as "the process of spreading pain to the point just below rebellion." The genius of the budget process may be the fact that no one, absolutely no one, gets his way—we are all part of the give-and-take. I have been asked if there is "restraint" in the budget described by this conference report. Let us look at the totals in this budget. Regarding budget authority, the conference was to decide on a number in the range between the low number $454.1 billion and the high number $454.9 billion. The conference total came out to $454.2 billion, only $0.1 above the bottom of the range. On outlays, the range was $412.6 billion in the Senate resolution, up to the high of $415.4 in the House resolution. The conference decided the total should be $413.3 billion, only $0.7 above the bottom of the range and over $2.1 billion down from the top of the range.

In my opinion, the Senate conferees did a good job of defending the Senate position; and here, again, I compliment the chairman of the Senate conferees, Mr. Moss, for the fine job he did in presenting our case.

Finally, regarding the deficit, the possibilities were between the low of $50.2 billion in the Senate resolution, up to the high of $52.4 billion in the House resolution. The conference decided the number should be $50.8 billion, only $0.6 billion above the low, and a full $1.6 billion below the high possibility. These numbers clearly indicate that the conference came out at the very bottom of the available ranges in budget authority, outlays and deficit.

Mr. President, a major difference in views in the conference concerned jobs, both the number and the composition. I would like to take a few minutes to speak to the jobs question, because that was the principal issue underlying the Senate and House budget differences.

The Senate favored a budget that would have directly provided 375,000 additional jobs, taking into account the substitution effect in public service employment—that is, there will be 375,000 direct additional jobs over and above those State and local jobs which are switched over to Federal funding. The Senate also favored having $1 billion of public employment associated with countercyclical revenue sharing in Function 450.

The House, on the other hand, wanted an employment program that would be directly responsible for approximately 600,000 additional jobs, principally in Function 500, but would not have included any countercyclical revenue sharing provision in Function 450. Of their earmarked "jobs" money, $2.2 billion was placed in the allowances functions, to be allocated later to specific jobs programs.

The conference agreement retained the Senate's position on countercyclical revenue sharing—Function 450—adopted the higher House figure for jobs in Function 500 and moved toward the Senate's position in the allowances function—from the Senate's $0.7 billion to the conference's $1.15 billion, rather than the House's $3 billion. Of the funds in the allowances function, $350 million in outlays—and $2.05 billion in BA—is specifically earmarked for jobs programs.

In the conference, the number of direct jobs over and above the level to which the Senate agreed is 150,000, and this figure takes account of the substitution

effect of public service employment. The total of direct additional jobs for which the conference made provision is 525,000.

The fact that the conference set functions 450 and 500—the two most important direct jobs functions—at their maximums and also provide jobs moneys in the allowances function was meant neither to imply nor mandate that these funds had to be spent. Rather, the conference simply made provision for such jobs programs, should, in the opinion of Congress such programs be needed. It is my opinion that the way the economy is going, these jobs will not be needed.

Fortunately, our decision on jobs spending will not be made until we have the opportunity to examine the details of specific legislation and we will have later economic data as a background for our decision. I believe that it is important to note that the emphasis in the conference on jobs programs focused on "triggered" programs, those programs which turn off and get out of the way as economic recovery continues. Without such a triggering mechanism, I am personally fearful that jobs spending could be the refueling base for future inflation.

If Congress chooses not to enact these jobs programs, then, Mr. President—and I especially want to emphasize this to my colleagues—there is nothing that says that these funds must be spent.

Mr. President, I ask unanimous consent that a table showing the differences between Congress and the President's direct jobs programs be printed in the RECORD at the conclusion of my remarks.

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

[See exhibit 1.]

Mr. BELLMON. Regarding other conference decisions which Senator Moss mentioned, I shall comment on four items. In agriculture research and juvenile justice, the conference clearly indicated an accommodation to supporters of these two programs. Regarding the defense budget, it should be noted that the target will be under great pressure if the President and the Congress do not follow through on the package of pay and compensation economies. We must perform now that we have assumed these efficiencies and economies. Finally, regarding the Post Office, the conferees took note of the fact that key legislation affecting the Post Office is under consideration in both Houses so we assumed the least prejudicial position—continue the existing subsidy but not increase the subsidy to fully cover the expected 1977 deficit until Congress had the opportunity to review the forthcoming legislation.

One final comment: The conference report is in agreement in all substantive matters, but in technical disagreement because the Senate strongly desired to stay with "rounded" numbers and in rounding, the conferees ended up in two functions very slightly outside the range between the numbers brought to the conference by each House. This is not a precedent for future conferences—it merely deals with the rounding of numbers.

As I said earlier, each of us may dislike some element in this budget, but we do now have a budget to guide our spending decisions in fiscal year 1977. In fiscal year 1976, we have proven that we can live with budget ceilings. We must reaffirm this discipline in fiscal year 1977 as we continue toward the ultimate goal of a balanced budget for the Nation.

Again, I thank the Senator from Utah and congratulate him for the fine job he did in bringing this report to the Senate.

EXHIBIT 1

DIRECT JOBS, CONGRESS RELATIVE TO PRESIDENT'S BUDGET

	Senate	House	Conference
Countercyclical revenue sharing	85,000	0	85,000
Public employment [1,2]	290,000	600,000	440,000
Total	375,000	600,000	525,000

[1] Includes CETA, Job Opportunities, Summer Youth and Older Americans programs.
[2] Excludes jobs switched from State and local to Federal funding.

Mr. MOSS. Mr. President, I thank the Senator from Oklahoma. He has done a tremendous job on the Budget Committee, as the ranking minority member. He has worked steadily and impressively throughout the committee's deliberations and with the concurrent resolution that the Senate adopted earlier this year. In-

deed, he was a tower of strength in the conference with the House, where he handled himself and the Senate's business with great distinction. I do appreciate his staunch support.

At this point, Mr. President, I yield to the Senator from Maine (Mr. MUSKIE), who is the distinguished chairman of the committee. Mr. MUSKIE, as I indicated, while he has been ill; but he is present in the Chamber today, and we are pleased to hear from him.

Mr. MUSKIE. Mr. President, I thank my good friend the Senator from Utah for his personal references and for the superb job he did in handling this assignment, with very little notice and with excellent cooperation from his colleagues on the Senate committee on both sides of the aisle, including Senator BELLMON.

Today, the Senate considers the fiscal year 1977 Federal budget concluded last Thusday by the House-Senate conference.

Senate action on this first concurrent resolution for fiscal year 1977 is an important milestone in the new congressional budget process initiated last year. Our adoption and successful implementation of this budget plan will provide the strongest evidence so far that Congress is at long last asserting its full constitutional control over the Federal "pursestrings."

This new congressional budget control is good news for every taxpayer. And this budget, which will produce more jobs with less inflation than the President's original January proposal, is good news for every wage earning family in America.

The budget set forth in the first concurrent resolution provides a fiscal policy which will create 1 million more jobs by the end of next year than the President's January budget proposal would have meant. Congress strong initiative on jobs is particularly welcome to the people of Maine, where unemployment remains in the range of 9 percent, with some 40,000 people still out of work.

Key elements of this job-producing strategy include:

Full extension of the tax reduction enacted in 1975:

Additional funding for such programs as Federal aid to hard hit States and localities, public service and public works employment.

Overall, the effect on such policies will be to reduce the Nation's jobless rate to 6 percent by the end of next year. Our economists estimate that congressional adoption of the administration's budget proposals would keep unemployment in the 7 percent range through that period.

Of equal importance, these new jobs will not mean more inflation for the American consumer—just the reverse. The budget now before you offers the American consumer real hope that the age-old tradeoff between jobs and price stability need not be inevitable.

Two clear-cut cases are the plan's rejection of the President's proposal for increasing payroll and unemployment insurance taxes. Both would have added directly to the cost of labor and the prices consumers pay for goods and services. At the same time, they would have served to reduce the number of avialable jobs.

In achieving these overall fiscal objectives of continued economic recovery without new inflation, the budget plan allocates Federal resources where they are most urgently needed: To those areas which contribute most directly to the Nation's essential security, both military and economic. It allocates some $100.8 billion in outlays for national defense, the largest peacetime level in history. At the same time, it maintains Federal support for programs in health, education, and other social services at current real levels. It provides needed new funds for energy research.

To insure that these high-priority needs are met within the framework of tight fiscal control, the budget plan mandates a series of cost-saving initiatives affecting Federal programs across the board. Target areas for such program efficiencies include: defense, health, and welfare programs.

Key features of the overall fiscal year 1977 budget plan include:

A fiscal strategy designed to produce an additional 1 million jobs;

Full extension of the tax reductions enacted in 1975;

Additional Federal funding of programs targeted to increase available job opportunities;

Rejection of the President's proposal to increase payroll and unemployment insurance taxes;

The sum of $2 billion in new Federal revenues to be derived through legislation directed at "tax expenditures" and related provisions;

A level of Federal expenditures $8 billion below that which would result from

a continuation of congressional budget policies adopted last year—adjusted for inflation and other factors; and

Cost economies in both defense and nondefense programs, including a 5 percent cap on Federal salary increases.

Our success in implementing important cost-savings, as well as the overall budget plan, will determine the effectiveness of the new budget control process. Only if the executive branch meets its constitutional responsibility to "execute" these policy objectives can they be achieved.

But Congress must exercise restraint as well. Spending bills in excess of the budget targets will raise the deficit. Authorizations which put pressure on the Appropriations Committee to exceed the targets will equally jeopardize our success with the budget.

The Budget Committee and its chairman will be examining both the spending and authorization bills closely throughout the rest of the session for compliance with the targets in the budget resolution. We will not hesitate to make very clear to the Senate when those targets are being jeopardized by etiher spending or authorization bills. We will not hesitate to oppose those bills, amendments, and even conference reports which pose a threat to these targets.

If the new Federal budget process prescribed by the Budget Act is to achieve the fiscal discipline that we must have to balance the budget and, within a balanced budget, to address our national priorities in a sensible fashion, we must hold the line on the budget adopted. I pledge you the Budget Committee will do so.

I conclude by adding my warmest personal congratulations to Senator Moss and Senator Bellmon and to my colleagues, who, I am sure, together managed to end this conference much more quickly than it would have ended if I had participated in it.

Mr. Moss. I thank the Senator from Maine for his remarks. We sorely missed him in the conference.

Mr. President, I intend to yield to my other colleagues, but I have a matter to dispose of first.

I want to take a moment to clarify a point with regard to the position of the Senate conference on Senate Concurrent Resolution 109, the first concurrent resolution on the budget.

The point is that the absence of the $1 billion in new budget authority and outlays in the targets under this first concurrent resolution which had been included in the Senate Budget Committee's report under Budget Function 400 in anticipation of pending legislation pertaining to the U.S. Postal Service is not to be construed as prejudicing that bill's consideration in the Senate. The disposition of the managers on the budget resolution who was that alteration in the current accounting for Postal Service deficit should await the second budget resolution, which can take account of the congressional decision of the legislation now under active consideration in the Committee on Post Office and Civil Service.

Mr. President, this point is clarified by an exchange of letters between the chairman of the Post Office and Civil Service Committee (Mr. McGee) and the Committee on the Budget, in whose behalf I responded. I ask unanimous consent that this exchange of correspondence be printed in the Record as part of the history of this presentation.

[There being no objection, the letters were ordered to be printed in the Record, as follows:]

COMMITTEE ON
POST OFFICE AND CIVIL SERVICE,
Washington, D.C., May 10, 1976.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR TED: The attached letter is addressed to Senator Muskie as Chairman of the Budget Committee, but I thought you should have a copy of it.

Sincerely,

GALE MCGEE,
Chairman.

Enclosure.

COMMITTEE ON
POST OFFICE AND CIVIL SERVICE,
Washington, D.C., May 10, 1976.

Hon. EDMUND S. MUSKIE,
Chairman, Committee on Budget,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Statement of Managers accompanying the Conference Committee's report on the First Concurrent Resolution on the Budget raises a question for the authorizing committee which I chair. That question concerns the agreement reached by the conferees with regard to the pending authorization for an additional payment to the U.S. Postal Service Fund.

The Post Office and Civil Service Committee assumes that the Senate's Managers on S. Con. Res. 109 did not agree to tie the hands of the Senate or the Senate Committee on the pending legislation. Yet such a position is not clearly stated in the Statement of Managers.

From the record of the Conference itself, including the wording of the House's counter proposal by Chairman Adams of the House Budget Committee, which was accepted, it appears clear to us that the Senate's consideration of the pending legislation was not to be prejudiced by the failure to include the $1 billion in new budget authority and outlays in the targets under the First Concurrent Resolution.

As you know, the Post Office and Civil Service Committee has been working on this legislation for some time and has already scaled it down somewhat in consideration of the target established by the Senate Budget Committee in its consideration of S. Con. Res. 109. More recently, we have been approached by the Administration and, as a result of discussions involving both the Senate and House Committees, the Office of Management and Budget, and the Postal Service, we have delayed final action on S. 2844 to permit consideration of some alternative provisions.

These developments very likely will mean that the Post Office and Civil Service Committee will be reporting a Resolution for Waiver from the provisions of section 402(a) of the Budget Act when it takes final action on the legislation itself. We are following this course, rather than rushing to judgment on the matter, not only because the bill represents a significant addition to the Budget, but because we seek the best answer for the Postal Service dilemma rather than a controversy which could serve only to prejudice the Service's position.

The alternative to the type of responsible appropriation which was projected in the Senate Budget Committee's report on the First Concurrent Resolution is continued, even increased, backdoor financing. This would further erode the financial base of the Postal Service, mask the true cost from the public, and undoubtedly lead to continued, if not accelerated, cutbacks in service to the public.

The bill we have under consideration does provide for a study of the public service functions of the Postal Service and how and to what extent those should be financed in the future. We do contemplate broadening that provision to also seek recommendations on how to liquidate the Services' accumulated deficit.

If the Committee is to effectively pursue legislation which can pass on its merits in the Congress, aid the Postal Service and postal users, and avoid Executive veto, some kind of reassurance from the Senate Budget Committee that we will not be hamstrung by misunderstandings is needed.

Sincerely,

GALE MCGEE,
Chairman.

COMMITTEE ON THE BUDGET,
Washington, D.C., May 11, 1976.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.

DEAR GALE: As you have requested, I am responding, as Chairman of the Senate Conferees on S. Con. Res. 109, the First Concurrent Resolution on the Budget, to your inquiry regarding the agreement reached by the Conferees on the Budget Resolution with regard to the pending authorization for an additional payment to the U.S. Postal Service Fund.

You are certainly correct that the Managers on S. Con. Res. 109 did not wish to tie the hands of the Senate or the Senate Post Office and Civil Service Committee on the pending legislation. As you note, the Senate's consideration of the pending legislation was not to be prejudiced by the exclusion of the $1 billion in new budget authority and outlays in the targets under the First Concurrent Resolution relating to that legislation. Rather, the Managers concurred in the House view that in light of the present state of the Postal Service legislation, it would be inappropriate for the Budget Committees, in view of their own study on off-budget agencies mandated by Section 607 of the Budget Act, to instruct the Post Office Committees regarding the disposition of the off-budget status of Postal Service debt at this time.

The disposition of the Managers on the Budget Resolution was that alteration in the current accounting for Postal Service deficit should await the Second Budget Resolution, which can take account of the Congressional decision of the legislation you now have under consideration.

Sincerely,

FRANK E. MOSS.

Mr. MOSS. Mr. President, I am very happy to yield to the Senator from New Mexico, a member of the committee and a conferee. Mr. DOMENICI was indeed most active and helpful in the conference.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank my distinguished friend from Utah. I, too, as a member of the Committee on the Budget and a conferee, congratulate Senator Moss on his chairmanship of the Senate side, and my distinguished friend from Oklahoma for his excellent job as ranking Republican member.

I am not going to spend a great deal of time, Mr. President, because most of that which I would have said has been said, perhaps far better than I can, by the distinguished ranking Member from Oklahoma. But a few comments, I think, are in order so that my personal views may be known. I have signed the report, and the signers stand for the committee. My personal views with reference to a few of the decisions, I think, are in order at this time.

First, I most wholeheartedly support the statements by Senator BELLMON with reference to function 050, the military preparedness function in this budget. I am indeed heartened by the fact that the final figures for this function, as far as outlays are concerned, went more toward the Senate side than the House side. I think this evidences a growing American concern for adequately providing for the military preparedness of our country.

With reference to budget authority, I think the compromise that was worked out certainly will adequately provide for the research and development of new weapons systems and the other items that the Senate was so concerned about.

The part that I want to stress and support my ranking member on is that part of the statement where he indicated that it is admitted by all the Senate conferees that these figures, both on budget authority and outlay, with reference to Function 050, actually contemplate some rather substantial economies that are not going to be easy to make. We have quite clearly stated that our figures are predicated upon these economies.

As my distinguished friend from Oklahoma said, we all ought to be cognizant of the fact that if they are not made and if we do not have the courage or if we find some easy way not to do them, then extreme pressure is going to be placed on these two functions, both budget authority and outlays, these two categories within this function, even at the figures we have settled on. It is going to be quite difficult to do what we contemplate unless the economies are met, and I think everybody should understand that to begin with.

From this Senator's standpoint, I would say it another way: If those economies are not met, then these targets cannot be lived with. That is how strongly I feel that every substantial departure from economies would have yielded a substantial change in both budget authority and outlays, at least from this Senator's standpoint, both on the high side.

The other issue of real significance has to do with the subject of jobs or antirecession programs in this budget. The significant fact, as I see it, is that the deficit, even though we compromised with reference to antirecession-triggered programs, is $50.8 billion.

Had we gone along with the House in its original concept, it would have been $52.435 billion. So I think we did a rather good job of not compromising that one in the usual manner, but, rather, bringing it down much closer to our deficit figure.

In that regard, Mr. President, I think that, in terms of the message it sends, the message that this resolution will send is one of confidence, one of dampening the anticipatory inflation that is sort of an expectation. Because, indeed, if we compromised at all, we compromised on the side of controlling deficit spending and the vibrations that should go out. If the first budget experience gave confidence in the future, this one should supplement that and give even more confidence and stability to those who react out in the marketplace, be they consumers or businessmen.

That leaves the issue of what we put in this budget in functions 450, 500, and allowances for antirecessionary programs. I just want to call to my fellow Senators' attention a couple of facts about that.

First of all, none of this antirecession money that went into functions 450, 500, or 900 should be considered to be for permanent programs, programs wherein we create a wedge this year and they are with us forever. Quite to the contrary; they are nonpermanent programs.

Second, the particulars of what antirecession dollars and programs will look like under 450, 500, and allowances are left to future legislative action; and certainly the will of this body and the other body can be worked on those programs as they come before us. I think that means we shall all have an opportunity either to vote against them or to vote for them in a particular way so that they will be most effective and less inflationary.

Third, I think we got the best deal we could from the House on this conference. I think what we have all said clearly indicates that.

Last but not least for those who are concerned, this particular approach to antirecessionary spending leaves the Chief Executive of our country, the President, whoever he may be, with a very strong hand in having his input as to how they actually become law and whether we need them or whether we need the full thrusts that are included within these three principal functions.

So I think, looking at it in toto, it is a resolution that should be accepted. It should bring forth some optimism.

I wholeheartedly agree with my distinguished friend from Maine that it is good news. Budget reform is working. I also agree with Senator Bellmon that the goal of a balanced budget is still on course.

As a junior member of the committee, I still am willing to predict, and I do predict, we will bring to the floor in 1978 for the 1979 fiscal year, based upon the trends which we set here, a balanced budget for the American people. I think that is a giant stride when you consider that we started in the middle of a recession.

I thank my distinguished chairman for yielding me some time.

Mr. Moss. I thank the Senator from New Mexico for his excellent service in the conference and his remarks.

Mr. President, I would now like to yield to the Senator from Idaho (Mr. McCLURE). Although not a conferee on this matter he serves on the Budget Committee and I am very glad to yield to the Senator from Idaho at this time.

Mr. McCLURE. I thank the Senator from Utah for yielding at this point.

I just want to make a few brief remarks which will illustrate a feeling on my part that while the original budget resolution was bad, the conference report is worse, and that sums it up very quickly as far as I am concerned. But let me tell you why I make that comment.

Today we are called upon to accept the conference report on the first concurrent resolution on the budget for fiscal year 1977, and the transition quarter.

Prori budget resolutions have been referred to as "dry runs" inasmuch as they reflected only a partial implementation of the Budget Act. This time, however, the resolution can be used to gauge the effectiveness with which the budget process has functioned to reduce the growth in Federal spending.

It is my intention to measure effectiveness solely in the area of spending control. In this sense this test of effectiveness is a simple one: Are the outlays envisioned in the resolution lower than they would have been in the absence of the budget process?

This is not the only test of the budget process, but it is certainly a key point in the evaluation of that process.

We have been told that in the absence of the restraining influence of the budget process, Federal outlays would have reached a level of $424.4 billion in fiscal year 1977. The concurrent resolution reduces these anticipated outlays to $412.6 billion. Thus, at first glance, it would appear that Federal expenditures have been

reduced by $11.6 billion or 2.7 percent from the level which would have been reached in the absence of restraint.

I wish that were indeed the case. Unfortunately, an examination of the resolution will reveal that restraint was conspicuous only by its absence. If we begin with the current policy expenditure projections of $424.2 billion, we can see that this figure is a realistic upper limit. It is derived fromt he second concurrent resolution for fiscal year 1976. As such, it extends all ongoing programs through fiscal year 1977. It then adjusts those programs for the effects of inflation in much the same manner as a gigantic hold-harmless clause.

It should be noted that all programs are so adjusted whether or not an inflation adjustment is mandated in the law.

Finally, the current policy figure gives full second-year effect to all new legislation which was assumed likely to be passed at the time the second concurrent resolution set expenditure ceilings last November.

Given this relatively rich assessment of the course of future spending, we can proceed to evaluate the actual restrain which is present in the recommended outlay level of $412.6 billion versus an unrestrained $424.2 billion.

The actions of the Budget Committee reflect savings which are pure budget gimmickry. In this category can be found $5.5 billion of the alleged $11.6 billion savings due to so-called restraint. That $5.5 billion was generated by the following actions, and here I refer to the actions in the conference. I recognize that our conferees in the Senate were restrained by the limitations of the art of the possible in dealing with members of the other body, and congressional comity prevents me from saying further about the other body.

Point No. 1: Placing the Post Office operating deficit off budget saved $1 billion. That was "saved" on the face of the resolution.

They did not save it. It just means they have to borrow it, and borrow it off-budget. They did not save anything; they only made the figures look better.

Mr. BELLMON. Mr. President, will the Senator yield on that point?

Mr. MCCLURE. Surely.

Mr. BELLMON. The problem the conference committee had with that figure was that both the ranking Republican member and the Chairman of the Senate Post Office Committee felt it would be a mistake to provide $1 billion of subsidy to the Postal Service and thus encourage them to continue some of the present activities of the Postal Service which the ranking Republican member and the Chairman of the Post Office Committee feel can be cleaned up and stop some of the excessive expenditures of the Postal Service. They felt, to use their words, "to keep their feet to the fire" by forcing them at the present time to borrow money and fund their own deficits would not continue so long as Congress puts up the money.

Mr. MCCLURE. I understand that rationale. I have not served on the Post Office Committee since serving in this body, but I did serve on the Post Office Committee while serving in the other body, and I will say their current analysis may lend more credibility to that hope than the analysis that I was more familiar with earlier. But my expectation is that $1 billion will be spent, and that $1 billion rather than being subsidized by an appropriation here will actually be subsidized by an increase in debt by the Postal Service, and that is an unreal saving. It just does not exist if, indeed, my prediction is correct.

I hope that we can save, but there are some reasons why that has not occurred, and we have not yet begun to confront some of the problems of the Postal Service and that, I hope, we will get into in debate here because I think there are some things that can be done, but we are not going to do that today.

I do believe that taking that $1 billion deficit out of this and assuming they can make the savings or that, on the other side, they will just borrow the money when they are already on capital appreciation and increased debt is an unreal savings. It does not really generate a balanced budget.

The second point: Assuming unrealistically low interest rates which, I believe, is an unlikely event when you project it over the period of fiscal 1977, and that would reduce, in the words of the conferees, interest on the debt by $1 billion, that, in my estimation, is an unreal estimate, and I think the current econometric projections by several models will indicate that interest rates, rather than falling, will continue to rise during that period of time and the interest on national debt savings that are projected in this conference report is unreal.

The third point: Assuming higher OCS receipts than forecast by CBO "saved" $.7 billion, that was done simply in order to keep the figure down. It was not generated from any other source other than the desire of having $.7 billion more to spend in other programs without increasing the apparent size of the deficit.

The fourth point: Technical readjustments and error corrections in function 600 saved $1.9 billion—they are not real savings. They are just paper savings. I worked in various levels of Government as we saw them generate their own problems by making this kind of technical adjustments, and we have some experts in this field who have done an excellent job.

That brings me to the final point: The unrealistic assumptions relating to the New York City debt repayment which "saved" $.2 billion. I think any realistic assessment would indicate that that debt repayment will not occur in the way that has been projected in the conference report.

Thus, $5.5 billion of the $11.6 billion saved through restraint is a fictional saving and, with the exception of the technical adjustments made in function 600, will ultimately appear as outlays in the second concurrent resolution, thus increasing the final deficit in fiscal year 1977.

The remaining $6.1 billion of restraint reflects initiatives not of the Congress but of the administration. The pay cap proposed for Federal workers saved some $1.3 billion over pay levels proposed within the current policy totals.

Therefore, in 1977, as in 1976, Federal employees will receive modest salary increases and in fact continue to suffer reductions in real wages in order to make room for expanding Federal programs. Finally, the President has proposed savings in national defense which the budget has assumed to be realized. To the extent that these planned savings, many of which require legislative action, are not realized, the remaining $4.8 billion in savings associated with restraint are lost.

Thus, there has been no restraint. If we doubt this conclusion, we have only to look at the areas in the budget which have grown rapidly in prior years and now demand firm control. Outlays in functions 500—education, training, employment and social services; 550—health; 600—income security; 700—veterans benefits; are set at levels $3.1 billion in excess of current policy projections. So growth continues in the general areas where growth needs to be controlled.

The budget process represents our best opportunity to gain control of Federal spending. The process has not functioned well in this regard to date. It is unfortunate that the promise of the Budget Act has not yet been realized in the enactment of a resolution which gives evidence of true congressional restraint.

Mr. President, I hope my colleagues will join with me in registering their disagreement with this conference report.

I again thank the Senator from Utah for yielding.

Mr. Moss. I thank the Senator from Idaho for his comments and his work on the Budget Committee.

I am pleased to yield to the Senator from Kansas (Mr. Dole) also a member of the committee who served as a conferee on this matter.

Mr. Dole. I thank the distinguished Senator from Utah.

Mr. President, the budget resolution which has been reported by the Senate-House conferees presents an unbalanced and unacceptable resolution of several issues in that conference.

The most substantial difference between the House and Senate budget resolutions entering the conference was in the amount of funds allowed for public job creating programs. In function 450 and 500, the Senate budget resolution allowed for $5 billion in outlays and $4.7 billion in budget authority for such programs. The House resolution provided for $7.8 billion in outlays and $9.8 billion in budget authority in function 450, 500, and allowances.

In resolving this difference of $2.8 billion in outlays and $5.1 billion in budget authority, the conferees have reported agreement to $2.25 billion in outlays and $4.2 billion in budget authority above the Senate targets. In light of the Senate's rejection of floor amendments seeking to add funds for Government jobs programs, together with my strong individual views as to the wisdom of this approach to dealing with unemployment, I cannot support the conferees' agreement.

It will be noted by some that the budget deficit is not much increased from the Senate's $50.2 billion agreed to in the Senate resolution. The conferees have reported a deficit of $50.8 billion. This is a misleading deficit figure. The conferees managed to increase public jobs programs substantially without seriously affecting the stated deficit by leaving $1 billion of Postal Service spending off the budget. This spending of dollars borrowed by the Federal Government was thereby disguised, but not eliminated.

One of the long-run objectives of the budget process is to present a full and fair accounting of Government activities. The Committee on the Budget has expressed concern about the failure of Congress to fully recognize the real and

financial implications of off-budget Government operations. To take a first step toward remedying this situation the Senate approved the visible on-budget funding of the full Postal Service deficit. The Senate's budget resolution accurately reflected an added billion dollars in outlays and deficit. The conference report is objectionable in it does not reflect this Government related spending and borrowing. If this spending and borrowing is explicitly recognized, the deficit becomes $51.8 billion. This is a disturbing increase over an already large—$50.2 billion—Senate deficit target.

The budget resolution reported by the conference committee has its strong points. The deficit would be much larger in the absence of the recommended $8.1 billion reduction below the current policy level of outlays. The savings in the areas of defense personnel and efficiency and in various social programs that are endorsed by the budget resolution are commendable.

I will continue my vigorous support of the budget process. I must, however, maintain my strong objection to massive programs of Government job creation, whether through public works projects or public service employment. These programs tend to be poorly timed with respect to the economy's need for economic stimulus; they start too late and are difficult to terminate. We are faced with situations, again this year. The conference report on the budget resolution would increase funding for public service and public works programs and for countercylical assistance from roughtly $9.2 billion to $11.3 billion. It allows for an increase from 360,000 to 550,000 public service jobs. These actions are entirely inappropriate at a time when the economy will be recovering and employment increasing vigorously.

I would stress that when considering the budget resolution, the Senate specifically and emphatically rejected additional funds for Government jobs-creating programs. We are all well aware that compromise is to be expected in conference. The conference resolution to this difference is capitulation rather than compromise. It is difficult to justify an affirmative vote for this resolution in light of this result.

Mr. BEALL. Mr. President, I wish to speak briefly on Senate Concurrent Resolution 109, the first concurrent resolution, as reported out of conference last week.

When the budget process began a little over a year ago, many of us praised the idea of Congress responsibly acting to control spending and select priorities, and hoped that the process would function in keeping with those objectives. As the Budget Committee enters its second year of operation, and after much effort and diligence on the part of my fellow Budget Committee members, I think we can say with pride that the budget process is accomplishing its task. Without some form of fiscal control, current services spending would have approached $425 billion for fiscal year 1977, and who knows how much would have been added through new legislation. As it stands now though, the conference committee has restricted spending to $413.3 billion, down almost $10 billion from where current services would have had us. Additionally, the budget process has firmly addressed the equally important question of revenues and the drain which tax expenditures impose thereon.

Mr. President, when I addressed the Senate last month during consideration of the first concurrent resolution as reported out of the Senate Committee on the Budget, I urged the Senate to adopt the resolution, realizing that each of us, given the opportunity, would prefer to see a different mix of priorities and perhaps even a different total, in terms of outlays and the size of the deficit. I support the first concurrent resolution, not because it embodies all that I would like to see in it, but rather because it accomplishes a clear mandate of fiscal restraint which Congress has a duty to carry out.

Again, I express my appreciation to the chairman of the Budget Committee, to the ranking minority member, and particularly to the Members of the Senate who have given their bipartisan support to the objectives of the budgetary process.

Mr. HOLLINGS. Mr. President, the conference report on Senate Concurrent Resolution 109 provides for fiscal 1977 outlays of $413.3 billion, new budget authority of $454.2 billion, revenues of $362.5 billion, and a deficit of $50.8 billion. These figures are much closer to those voted by the Senate than to the ones recommended by the House, and the acting chairman of the Senate conferees, Senator Moss, deserves our thanks for the fine job he performed in getting the House to accept these numbers.

I wish to make several comments on these budget figures. First, when tax expenditures—or the loopholes—are included in the totals, we are dealing with a budget which exceeds one-half of $1 trillion.

Second, these numbers would be even higher than they are if the Committees on the Budget had not exerted restraint. Compared to what would be spent in fiscal 1977 under the laws and policies for which funding was provided last year, we will have over $8 billion if the budget guidelines in this resolution are accepted by the Congress, and we will gain another $2 billion in revenues through tax reforms.

Third, the projected deficit of $50.8 billion is still too high for my preference. But it is largely attributable to the recession. We must strive toward a balanced budget and the way to get these is the road to economic recovery. This resolution will move us down that road at a pace which respects the dangers of inflation.

Finally, I would like to say some words about the allowance for national defense.

The first concurrent resolution provides $112.5 billion in budget authority and $100.8 billion in outlays for national defense in fiscal 1977.

These figures compare with the defense budget allowance for fiscal 1976, in the second concurrent resolution which we adopted last fall, of $101 billion in budget authority and $91.9 billion in outlays.

The increases over last year—$11.5 billion in budget authority and $8.9 billion in outlays—will provide for pay increases for civilian and military employees of the Defense Department and other agencies, for price increases due to inflation, and for real growth in defense purchases of $9.1 billion.

This increase in purchases will pay for improvements in the readiness and skills of our Armed Forces, for the repair, overhaul, and modification of the growing backlog of below standard or inoperable equipment, aircraft, and naval vessels, for additional research and development work, and for increased procurement of weapons systems and equipment for the Armed Forces of the coming decade.

Mr. President, this increase in the budget for defense purchases is unavoidable if we wish to maintain our defense capabilities and provide for the future. We on the Committee on the Budget have reached this judgment after careful study. In support of our conclusion, let me cite several pertinent facts.

Overall, our combat forces are not greatly different in size from those we maintained in the late 1950's and early 1960's, before the Vietnam war.

The weapons systems with which they are equipped, however, tend to be markedly more sophisticated, more capable—and more costly. The trend toward more capable weapons systems—a trend which is responsive to changes in overseas deployments as well as to the military technology and tactics of potential adversaries—inevitably exerts some upward pressure on the defense budget. This trend can be partially offset by force reductions, elimination of obsolete missions and functions, and greater attention to cost factors in the design of new weapons. But it can never be wholly eliminated.

It is reasonable, therefore, to expect that it will cost roughly as much to develop and procure replacements for our present generation of weapons systems as it cost to develop and deploy the existing systems.

However, between 1973 and 1976, the annual average budget for defense investment—in which I include research, development, testing and evaluation, and procurement funding—was 28 percent less than the average in the pre-Vietnam years from fiscal 1962 through fiscal 1965, when measured in constant dollars that exclude the effects of inflation.

For the past 5 years we have been able to hold defense spending down because our forces were largely reequipped during the Vietnam war. Now, however, we must begin to face up to the costs of introducing the next generation of weapons—those that will see service in the 1980's, the 1990's, and beyond. Furthermore, it is clear that the annual shipbuilding rate necessary to sustain a fleet of the present size into the 1990's is higher than the average number of ships we have funded over the last 5 years.

In short, at some point we in Congress will have to face up to the hard choice: Do we spend what it takes to maintain our defenses, or do we decide to have a smaller and different kind of Defense Establishment?

We could go on postponing that choice for another year or two—and the bill for deferred modernization of our forces would grow larger each year. But the prudent thing to do, in my judgment, is to face the matter squarely this year. It is essential that we in the Congress demonstrate to the world this year our commitment to maintaining effective defenses for our Nation. This defense budget gives that signal.

At the same time, I wish to remind the Senate that this is, in fact, a very tight defense budget. The Committees on the Budget are assuming that the Congress

will adopt a range of economics and cost-reduction actions which could save as much as $5.4 billion in fiscal 1977 budget authority. A number of these actions require appro/al of legislation. I ask unanimous consent that a summary of these cost savings be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

Summary of cost savings

[In billions]

Pay comparability	$1.777
Pay raise caps	.701
Eliminate 1 percent kicker	.112
Eliminate commissary subsidy	.110
Eliminate dual compensation	.045
Reduce civilian personnel	.100
Eliminate enlistment bonuses	.044
Cut administrative duty pay of reserves	.002
Reduce National Guard training	.015
Cut Cadet and Midshipman pay	.002
Increase fair market rental	.047
Stockpile sales	.746
Moderate Military Construction starts	.771
Reduce family housing	.127
Moderate R. & D. effort	.258
Reduce petroleum consumption	.200
Reduce Navy reserves	.046
Reduce travel allowances	.120
Eliminate Selective Service registration	.021
Rely on local disaster preparedness	.032
Reduce active duty man-years for military personnel	.092
Other reserve efficiencies	.037
Total savings	5.406

Mr. HOLLINGS. My colleagues will notice that the list contains some unpopular items, such as the pay caps and the reduction in the commissary subsidy. We on the Committee on the Budget are well aware of the difficulty of achieving some of these reductions. It may be that the Congress will prefer to substitute other cost-saving proposals, such as a contributory retirement system and a contributory medical insurance program for the military. The Committee on the Budget are not wedded to this list. But we are firmly wedded to our budget targets. If the cost savings do not occur, then the Congress will have to find other places to cut the defense budget. And the only other feasible place—short of a massive reduction in defense jobs—would be to cut defense purchases.

I believe, as do most of my colleagues on the Committee on the Budget, that the cost-saving actions I have outlined above are greatly preferable to cutting defense purchases, in the light of the undeniable need to press on with the modernization of our forces.

This resolution takes no position on the specifics of the weapons systems that are appropriate for the modernization of our forces. The B–1 is not specifically in here—nor is it specifically excluded. The resolution takes no position on the kind of shipbuilding program we should have, or whether to continue Minuteman III production.

We will shortly have an opportunity to debate these specifics and others, when the regular annual defense authorization and appropriations bills come to the floor.

What this resolution says is that, in our considered judgment, we will require about $112.5 billion in budget authority and $100.9 billion in outlays to cover essential defense programs in fiscal 1977.

We did not arrive at this position lightly. We held hearings on our defense needs over a period of several months, first in the defense task force and then with the full Committee on the Budget. The task force then held a joint hearing with the Manpower Subcommittee of the Senate Armed Services Committee, at the invitation of my distinguished colleague Senator Nunn, to review some of the manpower cost-reduction issues.

We arrived at this decision in a spirit of bipartisanship, for which Senator Bellmon, the ranking minority member, and Senators Dole and Buckley, who

served with me on the defense task force, deserve full credit. These figures are the best we could come up with, and they merit the wholehearted support of the Senate.

Mr. CRANSTON. Mr. President, I rise in support of the conference report on Senate Concurrent Resolution 109, the first concurrent resolution on the Budget for fiscal year 1977.

I believe that the Budget conference, where I was a conferee, has produced a resolution substantially improved over the one which passed the Senate on April 12. I voted for that resolution—but I did so with some reluctance, after supporting four unsuccessful attempts to amend the functional totals to reflect my concerns over needs unmet within three of the functions and an approved level of defense spending which I believed to be excessive.

The leadership and the cooperation of the Senator from Utah (Mr. Moss) and the Senator from Oklahoma (Mr. Bellmon) contributed greatly to the product we have produced.

Senator Moss provided strong leadership for the Senate conferees in the absence of the ailing Budget Committee chairman, Senator Muskie—whose own leadership has done so much to make this new and vitally important Congressional budget process succeed. And Senator Bellmon greatly helped us to arrive at a product which maintained the overall fiscal restraint upon which the Senate properly insisted, while providing accommodation with the views of the House which were frequently similar to my own—as to needs which the Senate-passed resolution did not meet.

I am delighted to say that in those areas in which I expressed my strongest concerns—jobs, veterans, and defense—the conference has improved the original Senate resolution. And, too, the conference has produced a resolution which provides an additional $100 million for law enforcement—to permit adequate funding for juvenile justice and the legal services corporation, for which the Senator from Indiana (Mr. Bayh) gained the support of 39 Senators during the Senate floor debate on the original resolution. It has also provided an additional $100 million in agricultural outlays—to meet the concerns voiced by Senator Huddleston for additional research funds and $300 million in current spending for health programs which both the Senator from Massachusetts (Mr. Kennedy) and the Senator from Louisiana (Mr. Long) unsuccessfully sought during original Senate consideration. And, all of these improvements have been achieved without abandoning the basic framework of an essentially restrained budget.

Mr. President, I originally proposed a floor amendment to raise the amount provided for veterans benefits and services by $800 million, so that we might maintain current services to veterans while achieving needed reforms in veterans pensions, medical services and GI bill benefits. In the long run, these reforms can save us billions of dollars. The budget resolution reported by the conferees raises the amount of outlays available for veterans' benefits and services in fiscal year 1977 by $200 million and the amount of budget authority by $100 million.

I am not entirely sure that the savings in this function, which these new budget targets seem to contemplate, can be realistically achieved—but, I certainly think their achievement is more likely than it was under the original Senate resolution. I remain committed to seeing that veterans programs receive high priority attention under this budget process. But these are difficult economic times and all Federal spending is—and should be—under great restraint.

The most important achievement of this budget conference is with respect to vitally needed jobs. With unemployment still at 7.5 percent and holding—with 7 million Americans who desire employment out of work—the President seems satisfied with those improvements due primarily to congressionally-initiated policies—which the economy has reflected since the deepest part of the recession. The President's budget proposes phasing out all emergency public services jobs by the end of this fiscal year.

This congressional alternative—which I can now conscientiously support—provide for 1 million more jobs by the end of the year than does the President's budget. Of these, approximately 400,000 will occur in the private sector as a result of the stimulative effects and direct expenditures provided by the new congressional budget, while the balance includes at least 520,000 more public service jobs and about 80,000 jobs under the counter-cyclical revenue sharing program which the Congress has approved, but which the President continues to resist. The conference action brings the resolution targets and job creation potential into line with the goal of the unsuccessful Kennedy floor amendment which I strongly supported.

Only by getting Americans back to work—rather than by paying Americans not to work—will we achieve the healthy economy we all desire. And only by getting Americans back to work will we finally be able to balance the budget. I am delighted to report to my colleagues the Labor and Public Welfare Committee today adopted the proposal which I put forward with Senators Javits, Kennedy, Mondale and Williams, that new public service jobs over the present 300,000 nationwide level be targeted on low-income, long-term unemployed persons with family support obligations, working on special projects of up to 12 months duration.

I believe that this budget resolution now represents a strong attempt to give this effort the high priority it deserves.

The conferees have agreed to a modest reduction in the Senate-approved levels of budget authority and outlays for defense. Again these adjustments are less than I personally think appropriate, but certainly this is movement in the right direction. Already there are protests from those who believe that there is never enough spent on defense, complaining that the $112.5 billion in new budget authority included in this resolution for defense spending is not enough.

This resolution clearly contemplates that if those administrative and legislative savings in defense spending proposed by the President are not achieved, other cuts must be made to hold these defense targets. Some are contending that finding alternate items that may prudently be cut will be difficult to do. Mr. President, prudent reductions in military spending will not jeopardize our national security. But, admitting that we cannot find other places where economies can be made in this monstrously huge defense request reflects on our national wisdom and judgment. If this budget process is to work—and I believe it must—it must be applied even-handedly to all parts of the budget, including defense.

In general, I am now convinced that this process has served us well. The conference has achieved substantial improvements in many priorities while holding the deficit $1.6 billion under that which the House previously predicted and only $600 million over that previously contemplated by the Senate. I believe this represents a substantial accomplishment, I am pleased to have been part of this process, and to urge adoption of the conference report.

Mr. Moss. Mr. President, as far as I know, there are no further comments to be made.

As I explained, Mr. President, because we ended in technical disagreement with the House and because we did not remain within the range between the two Houses, it will be necessary to have two votes on this matter.

Heretofore, the yeas and nays were ordered on the conference report.

I ask unanimous consent that the previous order for the yeas and nays on the conference report, Senate Concurrent Resolution 109, be transferred from that question to the motion to be made to concur in the House amendment with an amendment in the nature of a substitute. This has been cleared, by the way, with Senator Harry F. Byrd, Jr., the mover of the yeas and nays.

The PRESIDING OFFICER. (Mr. Curtis). Is there objection?

The Chair hears none. Without objection, it is so ordered.

Mr. Moss. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. Moss. Mr. President, I move that the Senate concur in the House amendment to Senate Concurrent Resolution 109 with an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

[The assistant legislative clerk read as follows:]

The Senator from Utah (Mr. Moss) proposes an amendment:

In lieu of the language proposed to be inserted by the House, insert the following new language:

[The amendment is as follows:]

In lieu of the language proposed to be inserted by the House, insert the following:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

(1) the recommended level of Federal revenues is $362,500,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $15,300,000,000;

(2) the appropriate level of total new budget authority is $454,200,000,000;

(3) the appropriate level of total budget outlays is $413,300,000,000;
(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $50,800,000,000; and
(5) the appropriate level of the public debt is $713,100,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased (over amounts specified in section 3(5) for the transition quarter) is $65,900,000,000.

SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1976, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $112,500,000,000.
(B) Outlays, $100,800,000,000.
(2) International Affairs (150):
(A) New budget authority, $9,100,000,000.
(B) Outlays, $6,600,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $4,600,000,000.
(B) Outlays, $4,500,000,000.
(4) Natural Resources, Environment, and Energy (300):
(A) New budget authority, $17,000,000,000.
(B) Outlays, $15,700,000,000.
(5) Agriculture (350):
(A) New budget authority, $2,300,000,000.
(B) Outlays, $2,000,000,000.
(6) Commerce and Transportation (400):
(A) New budget authority, $18,200,000,000.
(B) Outlays, $17,700,000,000.
(7) Community and Regional Development (450):
(A) New budget authority, $7,400,000,000.
(B) Outlays, $7,800,000,000.
(8) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $24,600,000,000.
(B) Outlays, $23,000,000,000.
(9) Health (550):
(A) New budget authority, $39,300,000,000.
(B) Outlays, $37,900,000,000.
(10) Income Security (600):
(A) New budget authority, $158,900,000,000.
(B) Outlays, $139,300,000,000.
(11) Veterans Benefits and Services (700):
(A) New budget authority, $20,100,000,000.
(B) Outlays, $19,500,000,000.
(12) Law Enforcement and Justice (750):
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,500,000,000.
(13) General Government (800):
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,500,000,000.
(14) Revenue Sharing and General Purpose Fiscal Assistance (850):
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,350,000,000.
(15) Interest (900):
(A) New budget authority, $40,400,000,000.
(B) Outlays, $40,400,000,000.
(16) Allowances:
(A) New budget authority, $2,850,000,000.
(B) Outlays, $1,150,000,000.
(17) Undistributed Offsetting Receipts (950):
(A) New budget authority, —$17,400,000,000.
(B) Outlays, —$17,400,000,000.

SEC. 3. The Congress hereby determines and declares, in the manner provided in section 310(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

(1) the recommended level of Federal revenues is $86,000,000,000;

(2) the appropriate level of total new budget authority is $96,300,000,000;

(3) the appropriate level of total budget outlays is $102,200,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $16,200,000,000; and

(5) the appropriate level of the public debt is $647,200,000,000 and the amount by which the temporary statutory limit on such debt should accordingly be increased is $20,200,000,000.

Mr. MOSS. Mr. President, that is the language to which I referred in explaining the conference report and that is what the yeas and nays have now been ordered on, the amendment which is before us.

I, therefore, move we proceed with the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from California (Mr. Tunney) are necessarily absent.

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. Baker), and the Senator from Michigan (Mr. Griffin) are necessarily absent.

The result was announced—yeas 65, nays 29, as follows:

[Rollcall Vote No. 174 Leg.]

Yeas—65: Bayh, Beall, Bellmon, Biden, Brooke, Bumpers, Burdick, Byrd, Robert C., Cannon, Case, Chiles, Cranston, Domenici, Durkin, Eagleton, Eastland, Fong, Ford, Glenn, Gravel, Hart, Gary, Hart, Philip A., Hartke, Haskell, Hathaway, Hollings, Huddleston, Humphrey, Jackson, Javits, Johnston, Kennedy, Long, Magnuson, Mansfield, Mathias, McClellan, McGovern, McIntyre, Metcalf, Mondale, Montoya, Morgan, Moss, Muskie, Nelson, Nunn, Pastore, Pearson, Pell, Percy, Randolph, Ribicoff, Scott, Hugh, Sparkman, Stafford, Stennis, Stevens, Stevenson, Stone, Taft, Talmadge, Weicker, Williams, and Young.

Nays—29: Abourezk, Allen, Bartlett, Bentsen, Brock, Buckley, Byrd, Harry F., Jr., Clark, Culver, Curtis, Dole, Fannin, Garn, Goldwater, Hansen, Hatfield, Helms, Hruska, Laxalt, Leahy, McClure, Packwood, Proxmire, Roth, Schweiker, Scott, William L., Symington, Thurmond, and Tower.

Not voting—6: Baker, Church, Griffin, Inouye, McGee, and Tunney.

So the motion to concur in the amendment of the House with an amendment in the nature of a substitute was agreed to.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the conference report was adopted.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUNCTION 750: LAW ENFORCEMENT AND JUSTICE

[In billions of dollars]

	Fiscal year 1977	
	Budget authority	Outlays
1st budget resolution target	3.4	3.5
2d budget resolution recommended ceiling	3.5	3.6

DESCRIPTION OF FUNCTION

Law Enforcement and Justice includes Federal law enforcement and prosecution activities, the Judiciary, Federal correctional institutions, and grants to States and localities for law enforcement assistance.

EXPLANATION OF RECOMMENDED CEILING

The Commitee recomends $3.5 billion in budget authority and $3.6 billion in outlays. The recommended levels assume $200 million above the President's budget request to combat crime, to strengthen Federal, State, and local law enforcement and prosecution, and to provide State and local governments increased support for juvenile justice and delinquency prevention programs. The recommended levels also assume larger amounts than requested by the President to provide legal services to individuals who would otherwise be unable to afford adequate legal counsel, as well as sufficient funds to assist the Federal Bureau of Investigation and the Immigration and Naturalization Service to be able better to meet the challenges of rising crime rates and illegal border entries.

MAJOR DIFFERENCES BETWEEN THE FIRST BUDGET RESOLUTION AND RECOMMENDED CEILING

Budget authority and outlays are higher than assumed in the First Budget Resolution due to slight increases in the Law Enforcement Assistance Administration and law enforcement and prosecution programs, and possible requirements for omnibus public safety officer legislation now in conference.

BUDGET SCOREKEEPING REPORT

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, THE JUDICIARY

[In millions of dollars]

	Fiscal year 1977 direct spending jurisdiction	
	New budget authority	Estimated outlays
I. First concurrent resolution allocation	7,000	7,400
II. Action to date:		
a. Enacted in prior years		
b. Enacted this session:		
Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977 (Public Law 94-362)	6,680	[1] 7,163
c. Passed Congress but not signed		
d. Conference agreement		
e. Passed Senate		
f. Reported in Senate		
Total action to date		
III. Current status: Under (—) or over (+) 1st congress resolution allocation [2]	—320	—237
IV. Possible later requirements: [3]		
Coastal zone management legislation	111	75
Federal payment to judicial survivors trust fund	14	14
Omnibus crime legislation and other bills	50	50
Justice Department (general legal activities)	(4)	(4)
Total possible later requirements	175	139
V. Potential status: Under (—) or over (+) 1st congress resolution allocation [2]	—145	—98

[1] Includes $2,240,000,000 of outlays from prior-year authority.
[2] The allocations to subcommittees by the Committee on Appropriations were made to the nearest tenth of a billion dollars. Thus, differences of less than $50,000,000 may be due to rounding.
[3] This listing includes all formal budget requests by the President that have not yet been considered by the Senate, plus other items that in the judgment of the Senate Budget Committee staff may require funding later in the fiscal year. The dollar amounts in this section are tentative and subject to change.
[4] Less than $500,000.

FUNCTION 750—LAW ENFORCEMENT AND JUSTICE

TABLE I.—FUNCTION SUMMARY

[In millions of dollars]

	Budget authority	Outlays
1st concurrent resolution target	3,400	3,500
Potential status as of Aug. 23 [1]	3,490	3,571
Potential status compared to 1st concurrent resolution target	90	71
Congressional Budget Office reestimates included in potential status [2]		−22
2d concurrent resolution ceiling:		
House Budget Committee mark		
Senate Budget Committee mark		

[1] From Senate Scorekeeping Report No. 77–5. Amounts include congressional action to date plus possible later requirements, as well as CBO reestimates (defined below). Possible later requirements are detailed in table II; CBO reestimates are detailed in table IV.

[2] These are reestimates that have occurred since the 1st concurrent resolution because of such factors as changes in economic or demographic conditions, and changes in program implementation by executive branch agencies. They have not been caused by current congressional action.

RELATIONSHIP OF POTENTIAL STATUS TO FIRST CONCURRENT RESOLUTION TARGET

The difference between potential status and the targets is due to slightly greater increases in LEAA and law enforcement and prosecution programs than were assumed in the FCR, and to possible later requirements for the omnibus public safety officer legislation now in conference.

TABLE II.—DETAIL OF POTENTIAL STATUS, BY STAGE OF ACTION

[In millions of dollars]

	Budget authority	Outlays
Action completed [1]	3,410	3,492
Action underway [2]	30	29
Possible later requirements:		
Omnibus crime and other bills [4]	50	50
Total potential status	3,490	3,571
1st concurrent resolution target	3,400	3,500
Other pending issues: [5]		
None		

[1] Enacted in prior years, enacted this session, passed Congress but not signed, or conference agreement.

[2] Passed Senate or reported in Senate.

[3] From Senate Budget Scorekeeping Report. This listing includes all formal budget requests by the President not yet considered in the Senate, plus other items that in the judgment of the Senate Budget Committee staff may require funding later in the fiscal year. The dollar amounts in this section are tentative.

[4] Authorization has passed Senate.

[5] Not included in the Senate Budget Scorekeeping Report at this time, but discussed in the attached statement of issues (table III).

FUNCTION 750—LAW ENFORCEMENT AND JUSTICE

TABLE III.—MAJOR BUDGET ISSUES: NONE

TABLE IV.—DETAIL OF POTENTIAL STATUS BY MAJOR PROGRAM ELEMENT

[In millions of dollars]

	Potential status as of Aug. 23		Which includes CBO reestimates of—	
	Budget authority	Outlays	Budget authority	Outlays
LEAA	803	911		
Federal law enforcement and prosecution	2,024	2,015		−26
Federal judicial programs	368	370		3
Federal prisons and related activities	302	282		1
Offsetting receipts	−7	−7		
Total potential status	3,490	3,571		−22

Part 8—Ford Crime Act (S. 2212) Proposes Repeal of Juvenile Justice Act Vital Maintenance of Effort Sections

[Extract From the Congressional Record, July 29, 1975]

S. 2212. A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AS AMENDED, AND FOR OTHER PURPOSES

By Mr. HRUSKA (for himself and Mr. MCCLELLAN):

S. 2212. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, it is my pleasure to introduce a bill entitled "Crime Control Act of 1976." This act will extend the Law Enforcement Assistance Administration—LEAA—program for 5 more years.

This bill is recommended to the Congress by the administration.

In his crime message to the Congress last month, President Ford emphasized the need to deal more effectively with violent crime in order to fulfill the promise of our Constitution "to insure domestic tranquility."

The President defined the three ways in which the Federal Government can play an important role in combatting crime. They are as follows:

First, it can provide leadership to State and local governments by enacting a criminal code that can serve as a model for other jurisdictions to follow and by improving the quality of the Federal criminal justice system.

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction that cannot be adequately regulated at the State or local level.

Third, it can provide financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhance their ability to enforce the law.

The Crime Control Act of 1976 will implement the third prong of the Federal effort to combat crime. In extending the Law Enforcement Assistance Administration program for 5 years to 1981, there is retained the basic block grant structure of the program under which States and units of local government are given primary responsibility for designing programs to meet their unique criminal justice problems.

Those who have worked with the LEAA legislation from its inception in 1968 through its reauthorization by the Congress in 1971 and 1973, understand that the primary burden of crime control lies with the States.

Congress, recognizing where this responsibility rests, indicated in the Declaration and Findings section of the Omnibus Crime Control and Safe Streets Act of 1968, which initially created LEAA, that "crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively."

The emphasis on State and local control is one of the most important aspects of this act. Inherent in the U.S. Constitution is the fundamental concept that State and local authorities are responsible for securing peace and order. This means that it is the officials who are most responsive and answerable to the will of the local electorate who are held accountable for policing, adjudication, and corrections in our home communities.

Local responsibility and local control are the very essence of self-government. They are an inseparable part of a democratic Federal Republic. They are, indeed, the basic principle underlying the new federalism.

There has been much comment lately to the effect that this country is losing its war on crime. Critics, including some in high places, citing the recent rise of crime rate in cities around the Nation, have laid the blame at the doorstep of the Federal Government.

It should be well known that most crimes committed are of a local nature. This is not to say that the National Government should not assist the States and localities in their effort against crime, for this is what LEAA is all about. In providing such assistance, the Federal Government must restrain itself so as not to control or dictate the policies of local law-enforcement agencies. For to do so could lead down the road toward the establishment of a national police force—a direction which is to be most vigorously resisted. Not only would such a concept be contrary to our fundamental constitutional principles, but to my mind would be of doubtful effectiveness.

In addition to providing funds to local law enforcement authorities, it should be noted that LEAA supplies much technical advice and guidance for State planning purposes. One of the provisions of the 1973 amendments to the act required that certain funds be used for State planning purposes.

Those amendments provided that no approvals be given by LEAA for State plan expenditure of block grant funds "unless and until the administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State." LEAA has done an outstanding job in fulfilling this role.

LEAA has just issued a compendium of 650 programs which have had a significant impact in improving and strengthening criminal justice systems at the State and local level. Over $200 million in LEAA funds were used to support these programs.

The National Advisory Commission on Criminal Justice Standards and Goals which was funded by LEAA sets forth detailed standards for improving and strengthening criminal justice systems in an effort to reduce crime of all kinds, particularly violent crimes. A careful reading of these reports will show that many of the National Advisory Commission standards are based on programs which were funded by LEAA in its first 5 years of operation. In the 2 years since the Commission reports were issued virtually every State in the country has established its own commission to review these standards and to apply them in the expenditure of LEAA funds as well as their State and local funds.

LEAA has committed over $16 million in direct resources to support these studies. In my own State of Nebraska, the Nebraska Commission on Law Enforcement and Criminal Justice using its own resources has reviewed the standards of the National Advisory Commission and has adopted over 50 standards which the Commission is now applying in the expenditure of LEAA funds. Projects falling within the areas covered by the standards will not be funded unless the recipient agrees to meet the standards. No standard was adopted until comments were solicited from all affected agencies with the State.

Richard W. Velde, Administrator of LEAA, has recently established a National Advisory Committee on Criminal Justice and Task Forces on Standards for Organized Crime, civil disorders, terrorism, research and development, and juvenile delinquency to continue and expand the initial activities of the National Advisory Commission on Criminal Justice Standards and Goals.

Mr. President, in order to fairly analyze the present effectiveness of law enforcement in combating crime and the advances which have been made during LEAA's existence, it is essential for us to recall its deplorable status as described by the President's Commission on Law Enforcement in 1967—only 8 years ago. The Commission found at that time a fragmented system of law enforcement made up of nearly 40,000 different jurisdictions which had haphazardly grown up in the nearly 200 years of our country's history. There was a lack of cooperation and reciprocity between these differing jurisdictions and in some situations actual conflict. There was throughout law enforcement a dearth of modern equipment and means of communication, salaries were low, training was meager, and the morale of individual police departments poor.

What had happened was that criminal justice facilities and techniques had not been growing as fast as the problem. By the middle 1960's, America was faced with one of the greatest domestic crises of this generation. Crime had become a threat to our very survival as a democratic, self-government republic.

The Congress, after careful deliberation, came to the conclusion that our local law enforcement and criminal justice agencies were unable to extricate themselves without substantial outside assistance. Until then, American police, courts, and corrections agencies had been almost entirely dependent upon State and local resources, both technical and financial. The congressional response was the Omnibus Crime Control Act—and the establishment of LEAA.

In the past 7 years of its existence, LEAA has contributed much technical guidance and allocated $4.1 billion in the law enforcement field. This expenditure of time and money does not mean that the previous conditions have been totally eliminated. Progress has been made to be sure and we are on the way to achieving our goals. But traces of the many old shortcomings of law enforcement to which the Presidential Commission referred are still in existence.

I believe it should also be noted, Mr. President, that funds which have been expended by LEAA to combat crime, while seemingly large, in fact represent only about 5 percent of the total money spent in this country on law enforcement.

Mr. President, I say to the critics of this program—let us put our effort against crime into proper perspective: the short space of 7 years and some $4.0 billion should not reasonably be expected to cure all of the problems inherent in our ancient system of law enforcement.

I would now like to highlight the significant changes which, the "Crime Control Act of 1976," the bill which I am introducing today, will make in the LEAA program. One of the more significant changes is a provision which will authorize the appropriation of $250 million to concentrate on combatting crime in highly populated urban areas. It is in these areas that the crime problem is the greatest. This provision will serve to codify the high impact cities program established and funded by LEAA in 1971.

The Crime Control Act, if enacted, will also provide increased emphasis on the funding of court programs. LEAA is more than a police program. It is a total criminal justice system program. Funds are provided for a full range of criminal justice activities including crime prevention, juvenile delinquency, police, courts, and corrections.

In 1971 I sponsored an amendment to the LEAA Act which provided increased emphasis on corrections programs, and I am pleased to see that the LEAA Act will now provide further emphasis for court programs.

Other changes include the establishment of an advisory committee by the Attorney General to advise the Administrator on programs for the expenditure of grant funds which the act commits to the discretion of the Administrator of LEAA. This advisory committee should serve to bring a broader perspective to the expenditure of LEAA discretionary funds, and if properly structured could be of great assistance to the Administrator of LEAA.

The Crime Control Act would also authorize the LEAA research arm to conduct research on matters of civil justice which have a direct bearing on the problems of the criminal justice system. This provision recognizes that it is sometimes impossible to reform the criminal justice system without at the same time reforming the civil jutice system. This provision has particular applicability to State and local court systems which perform both civil and criminal functions.

The act would change the name of the LEAA research arm from the National Institute of Law Enforcement and Criminal Justice to the National Institute of Law and Justice to reflect its new civil authority.

Mr. President, I look forward to oversight hearings by the Senate Judiciary Committee Subcommittee on Criminal Laws and Procedures on the Crime Control Act of 1976.

Mr. President, I ask unanimous consent to have printed in the Record the text of the bill together with a section-by-section analysis which details all of the changes to be made to the Omnibus Crime Control and Safe Streets Act of 1968 and the letter of transmittal from the Attorney General.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Crime Control Act of 1976."

SEC. 2. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended is amended by adding after the word "authority" the words "and policy direction."

SEC. 3. Section 205 of such Act is amended by inserting the following new sentence at the end thereof:

"Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration."

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 4. Part C of such Act is amended as follows:

(1) Section 301(b) is amended by inserting after paragraph (10), the following new paragraph:

"(11) The development, demonstration, evaluation, implementation and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice including court planning."

(2) Section 303(a)(13) is amended by deleting the words "for Law Enforcement and Criminal" and inserting the words "of Law and".

(3) Section 306(a)(2) is amended by inserting, after the words "to the grant of any State," the following "plus any additional amounts that may be authorized to provide funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activity,".

(4) The unnumbered paragraph in Section 306(a) is amended by inserting the following between the present third and fourth sentence:

"Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."

(5) Subsection (b) of Section 306 is amended by striking "(1)" and inserting in lieu thereof "(2)".

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. Part D of such Act is amended as follows:

(1) Section 402(a) is amended by deleting the words "Enforcement" and "Criminal" in the first sentence thereof.

(2) Section 402(a) is further amended by deleting the word "Administrator" in the third sentence and adding the words "Attorney General."

(3) At the end of paragraph (7) in Section 402(b) delete the word "and".

(4) At the end of paragraph (8) in Section 402(b) replace the period with a semicolon.

(5) Immediately after paragraph (8) in Section 402(b) insert the following new paragraphs:

"(9) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the civil justice system, including the development of new or improved approaches, techniques, and systems; and"

"(10) The Institute is authorized to conduct such research, demonstrations or special projects pertaining to new or improved approaches, techniques, systems, equipment and devices to improve and strengthen such Federal law enforcement and criminal justice activities as the Attorney General may direct."

PART E—GRANTS FOR CONGRESSIONAL INSTITUTIONS AND FACILITIES

SEC. 6. Part E of such Act is amended as follows:

(1) By inserting in Section 455(a)(2) after the second occurrence of the word "units," and before the word "according" the words "or nonprofit organizations,".

(2) By further amending Section 355(a) by inserting at the end of the unnumbered paragraph thereof the following new sentence:

"In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."

PART F—ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of such Act is amended as follows:

(1) Section 512 is amended by striking the words: "June 30, 1974, and the two succeeding fiscal years."

and insert in lieu thereof

"July 1, 1976 through fiscal year 1981."

(2) Section 517 is amended by adding a new subsection (c) as follows:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to revise programs for grants under section 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board."

(3) Section 520 is amended by striking all of subsection (a) and (b) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sum in the aggregate shall not exceed $325,000,000 for the period July 1, 1976 through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30, 1978, $1,300,000,000 for the fiscal year ending September 30, 1979, $1,300,000,000 for the fiscal year ending September 30, 1980, and $1,300,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities, but such sums shall not exceed $12,500,000 for the period July 1, 1976 through September 30, 1976 and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from other sources.

Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purpose of Part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of Part C."

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974."

SEC. 8. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 241(c) is amended by deleting the words "Enforcement" and "Criminal".

(2) Section 261 is amended by deleting subsection (b).

(3) Section 544 is deleted.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 28, 1975.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I am pleased to forward for your consideration a proposed "Crime Control Act of 1976." This proposed bill amends the Omnibus Crime Control and Safe Streets Act of 1968, and extends the authority for the Law Enforcement Assistance Administration for five fiscal years, including the transition quarter.

In his crime message of June 19th, the President stressed the necessity to deal resolutely with violent crime. He called on all levels of government—Federal, State and local—to commit themselves to the goal of reducing crime by seeking improvements in law and the criminal justice system. This bill provides additional authorization to the Law Enforcement Assistance Administration to assist States and units of local government with up to $262.5 million through 1981 for special programs aimed at reducing crime in heavily populated urban areas. These funds would be in addition to funds committed from LEAA block grants.

The legislative proposal includes an amendment that will place special emphasis on improving State and local court systems within the LEAA block grant authorization.

The bill also authorizes the Attorney General to appoint an Advisory Board to review grant programs under Parts C, D, and E of the Omnibus Crime Control and Safe Streets Act and to advise the Administrator of LEAA on these programs.

In addition, the proposal authorizes both direct funding to nonprofit organizations under Part E of the Act and the waiver of a State's liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

The bill further provides that the National Institute of Law Enforcement and Criminal Justice be renamed the National Institute of Law and Justice. The Attorney General is given the authority to appoint the Director of the Institute and to direct the Institute to conduct research related to Federal activities. In addition, the Institute would be authorized to conduct civil as well as criminal justice research.

Finally, the proposal authorizes $6.85 billion dollars for LEAA programs through 1981. LEAA funds could be used for the purposes of the Juvenile Justice and Delinquency Prevention Act and the requirements for maintenance of effort by LEAA in the juvenile justice and delinquency prevention areas would be deleted.

I recommend prompt and favorable consideration of the proposed "Crime Control Act of 1976." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

EDWARD H. LEVI,
Attorney General.

SECTIONAL ANALYSIS

Section 1 provides that the short title of the Act is the "Crime Control Act of 1976."

Section 2 amends Section 101(a) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, by providing that the LEAA will be under the policy direction of the Attorney General.

Section 3 amends Section 205 of such Act, by providing that planning funds awarded to the States which remain unused will revert to the Administration and be available for reallocation to the States at the discretion of the Administration.

Section 4 amends in five separate respects, Part C of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(1) Section 301(b) is amended by adding a new paragraph (11) authorizing the Administration to make grants for programs and projects designed to strengthen courts and improve the availability and quality of justice. Grants for court planning are also authorized.

(2) Section 303(a)(13) is amended to conform to Section 402(a).

(3) Section 306(a)(2) is amended to allow the Administration to provide additional funds to areas having high crime incidence and high law enforcement and criminal justice activities where such additional funds, are authorized for that purpose.

(4) Section 306(a) is further amended by providing that where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administration may waive that State's liability and evaluation, implementation and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice including court planning."

(2) Section 303(a)(13) is amended by deleting the words "for Law Enforcement and Criminal" and inserting the words "of Law and".

Section 5 amends Part D of the Act by providing that (1) the National Institute of Law Enforcement and Criminal Justice is renamed the "National Institute of Law and Justice"; (2) the Attorney General shall appoint the Director of the National Institute of Law and Justice; (3) the Institute is authorized to fund projects pertaining to the civil justice system; and (4) the Institute is authorized to conduct activities relating to Federal law enforcement and criminal justice activities at the Attorney General's direction.

Section 6 amends Part E of the Act in two ways:

(1) Section 455(a)(2) is amended to authorize the Administration to make Part E grants directly to nonprofit organizations.

(2) The subsection is further amended to authorize the Administration to waive the non-Federal match on grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes,

the Administration may waive the State's liability and proceed directly with the Indian tribe on settlement actions.

Section 7 amends three of the administrative provisions of Part F of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(1) Section 512 is amended to authorize the continuation of the LEAA program through fiscal year 1981.

(2) Section 517 is amended by adding a new subsection (c) authorizing the Attorney General to establish an Advisory Board to the Administration to review programs for Part C and Part E discretionary funding and Part D Institute funding. The Advisory Board will not have the authority to review and approve individual grant applications.

(3) Section 520 is amended to authorize appropriations through fiscal year 1981. This section also authorizes the Administration to allocate from the aggregate appropriated funds, sums not to exceed $50,000,000 each fiscal year for areas having high crime incidence and high law enforcement and criminal justice activities. In addition, subsection (b) has been deleted and a new subsection (b) has been added to authorize the use of funds under this title for the general purposes of the Juvenile Justice and Delinquency Prevention Act. Such funds would be spent in accordance with the fiscal and administrative requirements of the Omnibus Crime Control and Safe Streets Act.

Section 8 amends in three separate respects the Juvenile Justice and Delinquency Prevention Act of 1974.

(1) Section 241(c) is amended to conform to Section 402(a) of the Omnibus Crime Control and Safe Streets Act.

(2) Section 261 is amended to remove the maintenance of effort provision.

(3) Section 544 is deleted for the same reason.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 1, 1975.

HON. BIRCH BAYH,
Chairman, U.S. Senate.

DEAR SENATOR: The Committee has received S. 2212 to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Other than: Sec. 7(b) and Sec. 8. These sections are jointly referred to Criminal Laws and Procedures and Juvenile Delinquency which has been referred to the Subcommittee on Juvenile Delinquency.

Respectfully,

JAMES O. EASTLAND, *Chairman.*

LEAA's Great Hardware Handout

by Jonathan Evan Maslow

Last year the Law Enforcement Assistance Administration concocted some novel crime-fighting projects for a criminal justice system that has everything. Under one grant, California's Aerospace Corporation developed a wrist alarm system for citizens braving city streets. When attacked, the victim would activate his Dick Tracy watch, signaling remote control receiver units plugged into an information processor holding his name along with millions of others. But how could police convince citizens to wear the devices? How could they handle false alarms? How could they keep the data bank current? "It makes no sense whatever to spend any amount of money inventing new devices if the practical problems of life make it clear that the system will not work," wrote the technical editor of *Law and Order*, a police journal.

More to the liking of lawmen was the LEAA project to develop lightweight armor. Most brands on the market are so heavy that cops leave the vests in their lockers. So LEAA asked the Army Land Warfare lab to find out if Kevlar, a featherweight plastic used in car tires, could stop a police special bullet. After killing 100 goats dressed in Kevlar jackets, at a cost of $1.5 million, the lab reported that Kevlar stops bullets all right, but because of the way it diffuses impact the armor itself might be more dangerous than the original shot. LEAA responded by handing out Kevlar vests for "field testing" to 3,000 rural policemen.

Still a third LEAA project was

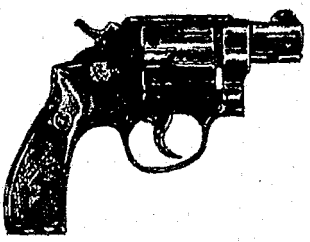
funded as part of the agency's effort "to expand public involvement in crime prevention." The Dallas police department got $787,205 and hired an advertising agency to produce prime time commercials exhorting people to lock their doors. "If people will buy one brand of aspirin rather than another because of what they see on television, they should be able to be persuaded to buy crime prevention," wrote project coordinator Lt. Margaret Hill in *The Police Chief* magazine.

Although these three are surely the crudest microcosm of the 80,000 projects LEAA has funded, they do represent the agency's lackluster effort to distinguish what works and what doesn't against rising crime rates and a deteriorating justice system. With a budget that reached $1.25 billion this year, LEAA is the fastest growing program in the government. In its seven-year history as part of the Justice Department, LEAA has funneled a total of $4 billion in anti-crime funds to law enforcement agencies throughout the country. One primary result of this expenditure, according to many observers, has been an economic boom for producers of law enforcement goods and services. Experts estimate that law enforcement sales reached $14 billion in 1975.

Innumerable companies have launched into this field—aerospace firms hurt by cutbacks in the space program; defense contractors suffering post-partum blues after Vietnam; and computer companies specializing in walkie-talkie radios and police information systems. In some cases, LEAA subsidizes companies with research and development contracts. More often, companies establish special divisions catering to the police trade and set out after customers with LEAA money to disburse. "IBM has Maryland and the Ohio State Police, the National Crime Information Center [FBI files], and the New York City Police central computer," wrote *Electronics Week*, giving the flavor of the hunt. "RCA has Chicago and Cincinnati and has just displaced UNIVAC in the New York State Police . . . UNIVAC has the Pennsylvania Statewide Law Enforcement computer, the city of Houston, and within the last month grabbed the North Carolina State Police computer."

At conventions, law enforcement officials are barraged inside the hall with demonstrations of the latest in dart guns, bullet-firing shoes, and breakthrough night surveillance cameras, which are also selling well to the Russian KGB. Outside, they are treated to free rides in "choppers"—the helicopters that have become the "post-

Jonathan Evan Maslow, a regular contributor to Juris Doctor, is a freelance writer based in Boston.



computer status symbol" for police departments, according to one LEAA official. Imagine the seduction of the well-meaning police chief gliding by night over a million city lights while a salesman whispers in his ear: your department can slice crime rates and LEAA will pick up the bill. "Practically any department can get a helicopter out of LEAA," says one source, "but tanks are a definite 'no.'"

Within the LEAA and without, all agree that the agency's mandate from Congress to help law enforcement agencies differentiate between what works against crime and what corporations advertise will work. But consensus ends there. Some say the agency was supposed to initiate the great reformation of the criminal justice system proposed by the National Crime Commission in 1967. Others think that LEAA was established to suppress crime with paramilitary hardware, saturation policing, and target-hardening (strengthening locks, doors, lighting). Between these poles, neither of which has dominated LEAA, has been intense disagreement over whether LEAA should be a dynamic federal agency or a passive financial conduit to the states in the mold of revenue sharing. This swirling disorder at LEAA is what Kansas City Police Chief Joseph McNamara calls "the lack of a clearcut gameplan."

LEAA's inability to discover its identity is rooted in the reprehensible legislative process leading to its creation in the 1968 Omnibus Crime Control and Safe Streets Act. President Lyndon Johnson's National Crime Commission had suggested a solution to crime that was, like many liberal programs, expensive and simple: educate the police, introduce modern management to the courts, and trade the warehouse prisons for community rehabilitation. But such plans for fundamentally reforming the criminal justice system went up in the flames of urban riots following Martin Luther King's death. With 4,000 national guardsmen surrounding the Capitol and a machine gun post set up on the steps of Congress, only a law and order crime control measure could have passed the Senate. Final passage of the Safe Streets Act on the day after Robert Kennedy's assassination put the new law in the same family as the Gulf of Tonkin resolution.

It was a vague and hasty law. The Congressional architects of LEAA were almost as frightened of extending federal influence over local law enforcement as they were of urban riots. Consequently, they scratched the categorical grant program proposed by the Johnson administration and replaced it with the "block grant approach." Under this concept, states are given planning grants so that state planning

LEAA and the Courts: Doing More with Less

Criminal courts have not exactly been well known for their experimental approach to crime. But in the labyrinth of LEAA projects, the courts have probably done the most with the least amount of money. No sector of the court system—prosecutors, defenders, or judges—is completely satisfied with the LEAA. But each sector would probably be far worse off without the agency.

Significant LEAA court projects are mostly undertaken with discretionary grants at first, and the name of the game is getting the program institutionalized when the grant runs out, usually after three years. Sometimes, however, state planning agencies surprise everyone. In 1970, defense attorneys won their first major grant from the Illinois SPA—$2.5 million to support the Illinois Defenders Project. The project addressed itself to the depressing fact that many counties deal with the defense function on a completely ad hoc basis, when they deal with it at all. Unlike most cities, where criminal defense has been recognized as a social service for years, there are rural counties that may have only two lawyers, one the prosecutor and the other the judge. Illinois Defenders sent attorneys out to ride circuit in the seven counties surrounding Cairo, Illinois. In the following three years, this rural trial service became so valuable that the Illinois legislature now funds it.

"What the rural trial service was able to do was test a concept with LEAA funds," says Marshall Hartman, executive director of the Washington office of the National Legal Aid and Defenders Association. "We had a bill up in Illinois to fund rural defenders for four years and it never got anywhere. Once we tried the service with an LEAA grant and showed that it was worthwhile, judges backed it, the bar backed it, the offenders felt it was fair, and finally the legislature passed it. That wouldn't have happened unless LEAA had given us the wherewithal to try out a new system."

Hartman points out that there are 2,000 counties in the United States without public defenders. LEAA is supporting defender projects in a number of them, as it also supports projects all over the nation to train defense counsel. But when the three-year funding cycle ends, defender projects are left high and dry. "Counties that need defenders most can afford them least," says Hartman. "They're populated by poor people and they have a low tax base. Maybe what LEAA should have is a provision for long-term federal funding for defenders. After all, if we believe in justice for all and follow the *Argersinger* decision, this would be the way to do it."

The leverage needed may often be small. In New Mexico, a feasibility study for a defender system completed with a $4,000 grant led to legislative creation of a public defender system. Similarly, the LEAA-funded National Center for Prosecution Management has provided free onsite consulting services to prosecutors that can improve operations without a federal farthing. "Prosecutors were Johnny-come-latelies to management," explains Patrick Healy, president of the National Association of District Attorneys. "The Center for Prosecution Management has a number of different models for a prosecutor's office and very often it suggests really simple things, like rearranging the layout of an office, that save a tremendous amount of time and work. It's the kind of program where you can see instant results—a team comes

agencies (SPAs), "broadly representative of law enforcement officials" and appointed by governors, can bring criminal justice agencies under one roof to decide what programs they want. Once annual state plans are submitted to LEAA, action grants are then transferred to the SPAs in no-strings-attached, block form. With an ironic fillip to the adage that all wisdom does not reside in Washington, Congress invested its faith in untested planning councils. It also invested its money in them. Eighty-five percent of the LEAA grant budget would be controlled by the SPAs, while the diminished agency in Washington would administer the remaining 15 percent as discretionary funds, for pilot projects and research.

Although LEAA was born a cripple, it took the Nixon administration to clothe it as a beautiful child. For a long time, the White House enjoyed taking credit for LEAA's role in the War on Crime, and the president himself took particular pleasure in reporting, during the 1972 campaign, that spiralling crime rates had been reversed. "Crime has gone up 150 percent in the past eight years but it is now finally beginning to go back down," Nixon said. "We now have the most effective program to deal with crime."

Within the past two years, those boasts have turned to ashes in the mouths of LEAA supporters. The latest FBI uniform crime rates show an 18 percent rise in serious crime, the largest increase since the bureau began keeping statistics in 1929. Even President Ford admitted, in his June crime message, that "America has been far from successful in dealing with the sort of crime that obsesses America day and night—I mean street crime."

More significant for LEAA are the figures relating directly to the criminal justice system's prevention and rehabilitation abilities. The recidivism rate hovers at 80 percent, compared to 67 percent ten years ago, while juvenile delinquency has soared: 75 percent of those arrested at present are under 25 years of age. The juvenile problem has become so serious that Congress passed the Juvenile Justice and Prevention Act of 1974, earmarking special funds for juvenile courts and treatment services. The new law will be administered by LEAA, but Congress separated the new money from the block grants because, according to John Rector, chief counsel to the Senate Judiciary Subcommittee on Juvenile Delinquency, "we were unsuccessful in adducing a change in LEAA's priorities in juvenile justice."

But the most telling news about the state of the criminal justice system comes from an extraordinary study undertaken by the Bureau of the Census at LEAA's request. The study showed that in the nation's five largest cities there is approximately twice as much stranger-to-stranger crime as is reported to police. "One of the more important results of this survey," said LEAA's annual report, "is that it shows how many citizens are 'turned off' by the criminal justice system; apparently they considered it useless to report crimes to the police."

Such a scandalous drop in the credibility of law enforcement authorities does not sit well in the police community. Some now see themselves as betrayed by LEAA. The threat that all

in Friday, and Monday morning the prosecutor is working better. It's one of the few times in my life I've seen government officials say, 'Now that's money well spent.'"

LEAA has also provided increasing amounts of discretionary funds for student prosecutors, training of recently elected district attorneys, prosecutorial information systems, screening and diversion programs, as well as for 15 white collar crime prosecution units. Next May, the District Attorneys Association will publish comprehensive standards and goals, written with an $850,000 LEAA grant, the first set of such guidelines which DAs will be able to review and adopt.

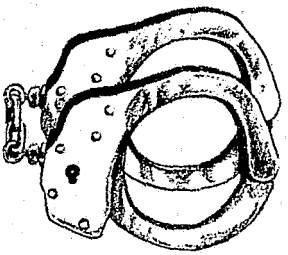
What LEAA has not done, however, is to give prosecutors as big a role as they feel they should play in the planning and allocation of state action funds. A few years ago, Healy told the Senate Appropriations Committee that prosecutors "have made more advances and have done more to professionalize their position than in the last hundred years" with LEAA assistance. Yet he also criticized the block grant system and urged Congress to enact a special provision guaranteeing prosecutors 15 percent of the state action funds. "The correctionaries were very effective in obtaining their provision, and the juvenile justice system just got theirs. I do not doubt that the police and the defense are going to be lining up next for their fair share. Well, what's good for the goose is good for the gander. We want the same thing."

Last year, in a resolution noting that the courts' share of LEAA action funds had dropped from a dismal 5.1 percent in 1972 to a dreary 3.6 percent in 1973, the National Conference of State Chief Justices also asked Congress for a 20 percent guarantee of all LEAA block funds. "The funding decisions [at the SPAs] usually work on the basis of backscratching, and judges are not in a position to do anything about this," said Alabama Supreme Court Chief Justice Howell Heflin. Heflin has been able to obtain enough block grant funding to underwrite a complete constitutional reform that has brought Alabama courts from the backwoods to the forefront of the judiciary. Meanwhile, LEAA funds are employed in a variety of judicial education projects and, for the first time ever, in information systems and court management. Still, there's no such thing as enough of a good thing. "LEAA has been extremely important to state courts," says Edward McConnell of the LEAA-funded National Center for State Courts. "For the first time courts have had some money to do innovative things. Historically, the courts were only given money for day-to-day operations and couldn't even take a look at what needed to be done, let alone do it. But while in many cases everything has worked fine with LEAA and the courts, judges would like to see an administrative process more in keeping with the facts of life. They don't object to the state planning process. What the Conference of Chief Justices seeks is the ability to develop its own plan within the courts and be assured an appropriate portion of funds."

There is a moderately strong move in Congress to establish the so-called Judicial Development Agencies which would receive a fixed portion of LEAA funds for the courts. But Senator Edward Kennedy, who submitted the proposal in the Senate, is demanding that increased LEAA funding to clear the courts be matched by mandatory sentences to reduce judicial discretion and eliminate plea-bargaining. Kennedy's is only one of many bills being considered. It is too early to tell which, if any, will pass.

—J.E.M.

Illustrations by David Millman



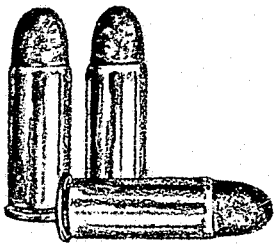
the statistics cavalierly employed by the Nixon administration as evidence of progress against crime will now be a primary cause of backlash against the police is straining already delicate relations among police, court, and corrections representatives at the 50 state planning agencies. So this session of Congress, when the LEAA comes up for a five-year renewal, asking for $6.8 billion in appropriations, there may be some long overdue critical review of a law which directed the states to plan their own LEAA spending, but never let on what planning should accomplish. "If there's a critical point, it's the decision about objectives," says former LEAA Administrator Charles Rogovin. "After all this time and money, the basic dichotomy still is: what's the purpose of this LEAA effort —crime reduction, or criminal justice improvement? Until you answer that, you really don't come to grips with what planning means."

Rather than facilitating an effort at fundamental reform, planning has often become a slogan under which takes place the old Smithean competition for shares of the LEAA block funds—with the SPAs serving as the open-air bizarres of hardware and systems buying. "The people in the cities consider state plans shopping lists," says Washington attorney Sara Carey, who has conducted annual surveys of the LEAA for the Lawyers Committee for Civil Rights Under Law. "Congress has this extraordinary misconception that the states will spend money for things that LEAA research shows will work. The states have a much more cynical attitude towards federal money—they'll spend it as fast as they get it."

Bloomington, Indiana, Police Chief and later LEAA Associate Administrator Clarence Coster was out of town the day LEAA grants became available. So he telephoned his department with the classic police line on planning: "Take anything you can get." This the constabulary has done, leaving the courts and correctional systems whatever remained. Police forces, which took 79 percent of the block grants in the first year of LEAA, have never slid below a comfortable 50 percent of the action grants. A pastoral region of Ohio won $230,000 for riot control equipment, also very popular in riot-prone states like Idaho and Montana. Mississippi police got more than $1 million for service revolvers, automobiles, nightsticks, mace and handcuffs. Georgia police put in gear their plan to buy 1,300 new squad cars. Wisconsin police had spent $1.75 million on walkie-talkie radios by 1975. And the Denver police just received $85,000 for electronic surveillance equipment.

Many police executives thrashed their way onto state planning boards,

Advertisements for equipment ranging from helicopters to walkie-talkies appear regularly in police magazines as corporations compete for their share of the lucrative law enforcement market. Some ads offer the services of corporate specialists to help police departments request LEAA funding. Others, like Honeywell's below, point out that their product is "eligible for LEAA funds through your state agency."



in effect, to prevent LEAA reform projects from becoming institutionalized within police departments. Once planning had been safely externalized, LEAA grants became, as Madison, Wisconsin, Police Chief David Couper puts it, "a game police departments play to get money from the federal government."

The game is easier for some than others. Reform-minded police chiefs are frequently unable to obtain grants from their state planning councils. Or, having finally gotten LEAA discretionary funding, they are cut off before they can find alternative funds for new programs. Such a pathetic saga is told, for example, by Dayton, Ohio, Police Chief Robert Igleburger, who had already begun structural changes in his force before LEAA was created. Igleburger developed team policing, community-based police service, a minority recruitment program, a conflict-management department, neighborhood liaisons, and legal advisers within the force. Not surprisingly, a host of political forces persuaded the city to begin slashing his budget. Thus, when an LEAA man walked in and offered grant aid, Igleburger jumped at the chance. Under the experimental Pilot Cities program, LEAA sent a high-caliber team of specialists into Dayton to coordinate the reforms, assist the budgeting process, and channel other LEAA funds into the courts, so that improvements in the police department would not create imbalances. The agency backed its team with more than $1 million of discretionary funds. "Unfortunately, the role of Pilot Cities changed drastically," Igleburger testified before the House Appropriations Committee in 1973. "The original staff of experts was replaced by persons with lesser skills," discretionary grants were curtailed, "and we were forced into a negotiating situation with our surrounding bedroom communities for the limited funds allocated to this region." LEAA had decided to demote the Pilot Cities program in favor of the highly-publicized "high-impact anti-crime program." Most of Chief Igleburger's programs, including the placing of legal advisers in police stations, were dropped, leaving an embittered Dayton police chief to tell an interviewer, "The great promise of this program has been broken. We would probably be better off if we'd never gotten involved."

Another well-intentioned LEAA program that raised expectations only to dash them has been law enforcement manpower development—the crime commission's idea that an educated policeman will know better how to handle the tremendous legal discretion society invests in him. Under the Law Enforcement Education Program (LEEP), 200,000 officers have traded badges for library cards. The program has been inundated with in-service personnel since an incentive pay system evolved, tying higher salaries to credits and degrees. Similarly, once academia became aware of the tremendous police market and the bonanza of LEEP subsidies, the number of institutions offering criminal justice degrees increased dramatically, from 234 in 1969 to 962 today. But constructing a curriculum appropriate for law enforcement personnel got lost in the shuffle. Many institutions segregate the police on campuses, giving them former policemen as teachers, and offering courses like Miami Dade Junior College's "Interrogation and Interview Techniques" and "Police Arsenal and Weapons." "No one responsible for LEEP has thought through what a law enforcement course should be," said Boston University Professor of Criminal Justice Sheldon Krantz. "BU has a very small program because we're trying to determine what a criminal justice program should be like before we rush into it. A lot of universities and community colleges end up going into the police training business and call it an education." Implicitly admitting that the program mushroomed without proper foresight, LEAA is now cutting $17 million out of LEEP's $40 million budget. LEAA Administrator Richard Velde explained on one of his trips to Capitol Hill that "it was the feeling that if cuts had to be made, this [LEEP] was a relatively low priority item."

LEEP might have been the vehicle for creating a cadre of skilled planners for the SPAs. But it is only now as the program is being diminished that some trained criminal justice planners are graduating, In the meantime, the void of planning skills in the law enforcement community has been filled by trial, error, and a host of freelance consultants. In naive fashion, some states have left the entire planning process to private sector "experts" with no experience in law or law enforcement. Perhaps the most regrettable consultant oeuvre came to light when LEAA's regional office in Atlanta took the unprecedented step of rejecting Alabama's state plan and demanding that the state return its $100,000 planning grant to the Federal Treasury or face criminal charges. It turned out that the Alabama plan had been contracted without bid to a one-day-old consulting firm called Criminal Justice Systems, Inc., staffed by a newspaper editor, a TV announcer, and the latter's father.

The House Government Operations Committee discovered that the SPAs had spent more than $6.8 million for plan-writing consultants by the end of 1971. But no one could say how much more the SPAs spent on consultants to their action grant projects. This was because LEAA did not audit its block grant projects. Eventually LEAA headquarters in Washington decided to quit reviewing the state plans altogether and gave plan approval power to LEAA's ten regional offices—"close to the people," as President Nixon used to say. As a result, LEAA Administrator Velde admits that the agency simply has no statutory power to prevent programs it doesn't like.

A related problem bedevils LEAA: how can the agency ensure that the state programs address significant crime issues if their direction depends upon the whims of state politicians? For example, there is recent evidence that because of New York state's tough drug law, heroin carriers are beating a new path from Canada down the spine of Vermont. Yet Vermont Governor Thomas Salmon resisted applying for an LEAA discretionary grant to set up an organized crime strike force. The state attorney general, who would control the LEAA program, is from a different political party, and Salmon thought admitting to drug traffic would be bad for state tourism. In such circumstances, LEAA is hamstrung. "You shift gears," says LEAA's New England regional administrator, George Campbell. "The issue in Ver-

mont involved the role of the attorney general's office, so we could try to shift to the state police. We could encourage cooperation with the authorities up there on the Canadian border. The way we're set up, we don't have the authority to go in there and ram programs down people's throats. That's just not the way this program works."

Yet it is nonsense to argue, as LEAA officials do, that the agency has no clout over state and local planners. It is the source of new programs and priority shifts. In 1972, for example, in a case of overkill, Vice President Agnew, Attorney General Mitchell and LEAA Administrator Jerris Leonard joined to announce the program to end all programs. LEAA called it the "high-impact anti-crime" program, and the agency vowed it would reduce stranger-to-stranger crime in eight cities by 5 percent in one year, by 20 percent within three years, all for a bargain $160 million.

"Let's forget this nonsense about improving the criminal justice system," said Leonard. "Let's concentrate on crime-specific planning and we'll find that the criminal justice system will improve at the same time." In each of the eight impact cities—Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland, Oregon, and St. Louis—a crime analysis team (CAT) was established to get a statistical fix on the crime problem and set "quantified, time-phased objectives" for reducing robberies, burglaries, homicides, and rapes. Special planning units then designed programs to reach the goals specified by the CATs.

In Denver, for example, the special crime attack team (SCAT) tried to reduce burglaries for six months, switched to rape for the next six months, and so on. An evaluation of SCAT by the Mitre Corporation found that it succeeded in reducing the target crime, but that other crimes increased, or the target crime spilled over into adjacent neighborhoods. Since January 1975, moreover, SCAT has been involved in eight local deaths. Some Denverites feel this price of crime reduction may be too high. SCAT was accompanied in Denver by Eliminate Street Crime on Residential Thoroughfares (ESCORT), which has cut down trees and shrubs where criminals lurk, installed sodium vapor lights that may cause cancer, and put 25 special police officers on Honda motorbikes patrolling sidewalks, lawns, and alleys. It creates a pretty Orwellian atmosphere," says a Denver attorney. "I came in from a meeting in New York the other night and as we circled over Denver, the area where they've been using ESCORT looks a little like a concentration camp."

Although LEAA intended a well-

Funding Reform Or Racism?

by Larry Simonberg

Photo by Dan Bramhall

Controversy has surrounded the LEAA since its birth. Today the agency finds itself in the dock—accused of supporting police departments that discriminate in the hiring and promotion of blacks and women.

The American Civil Liberties Union has filed a class-action suit in U.S. District Court in Washington asking that the LEAA be ordered to deny or cut off grants to such departments.

"In the past three years, federal courts have found more than 50 state, county or city police departments to be guilty of race or sex discrimination," reports Ira Lowell Larson, ACLU national staff counsel. "Each of these police departments had been and continues to be a recipient of LEAA monies."

The sum involved is hardly piddling. The ACLU says $1.25 billion has been distributed by the LEAA to police forces. The agency would make no comment on the case because the matter is in litigation.

The suit, *National Black Police Association v. Velde,* was filed in the names of six women and six black men and the association, a federation of black police officers' organizations. It asks for $10 million in compensatory damages and another $10 million in punitive damages.

Among the defendants are LEAA Administrator Richard Velde and Attorney General Edward Levi, named because the agency is a unit of the Justice Department.

That discrimination is widespread isn't at issue. Law enforcement has traditionally been a bastion of white male exclusivity, and it has only been in recent years that minorities have made significant inroads.

It is the plaintiffs' contention that a 1973 amendment to the law establishing the LEAA requires the agency to terminate support for discriminating departments. The ACLU says the LEAA instead has sought voluntary compliance with civil rights requirements for federal money and has continued to send out the checks even when departments have refused to improve their policies.

"LEAA, though it has found a number of police departments guilty of discrimination, has never denied,

Larry Simonberg is a contributing editor of Juris Doctor.

researched and well-implemented program, it gave the high-impact cities no guidelines beyond the tough publicity assertions. So most cities did as they pleased. Four bought helicopters, but more started drug rehabilitation programs, and Newark went further. "We designed programs that would be community-oriented," recalls Earl Phillips, former director of the Newark high-impact program, "preventive type programs in neighborhoods that would help kids out prior to getting involved in crime and drugs. The police types at LEAA got very uptight about that. They wanted us to put money into riot control equipment, until finally LEAA threatened to cut off funds unless I was fired." Phillips left under duress, but not before he had denounced LEAA for "institutionalized racism" (see sidebar page 32). With the Newark community up in arms, LEAA finally funded the Phillips impact programs, and Newark's crime rate increased far less than the national average.

In Cleveland, the high-impact money led to significant reforms, but not in crime rates. "If you just look at whether high-impact reduced crime in Cleveland you'd have to say we were a failure," says Impact Director Donald Jakeway. "But that's a pretty limited way of looking at it. We submitted a package of programs in every area of criminal justice and we sort of set quotas so that there'd be no fighting over money. LEAA was interested in the whole criminal justice system and they said, 'Hey, we like what you're doing.'" One of the Cleveland projects, the visiting judges program, won national acclaim. "All we did was bring eight judges from the Cuyahoga County area into the Cleveland criminal courts to reduce overloaded dockets," said Jakeway. "There wasn't any question of the value. They just completely did away with the backlog." The city of Cleveland later took over the visiting judges project, but most of the high-impact projects are being throttled by funding cuts. "We were told this would be a five-year program," says Jakeway. "We never even had a rumor that it was going to end. The regional LEAA rep just walked in and said 'no more money.' It hit us hard. The city will keep the technical knowhow we've developed and the SPA is funding the crime analysis team. But there's no point in going to the regional planning unit because it has $3 million to spread around the entire metropolitan area and every suburban police department has to get their share."

The high-impact program ended because a new LEAA administrator came in with his own pet projects. This has been the way LEAA veers from year to year. Before the hardline Jerris Leonard, Charles Rogovin promoted organized crime units and pressured the states to transfer block grant funds from the police to the correctional system. Leonard brought back police hardware, and he was followed by Donald Santarelli, who was big on citizen participation, research, and standards for law enforcement agencies. Now LEAA is run by Richard Velde, a long-time bureaucrat described by one source as "pro-law enforcement, pro-police, pro-community corrections, pro-defenders, pro-judges, and pro-prosecutors. He's worked in the government since God was born, so

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suspended or terminated funding for civil rights non-compliance," Larson says. "Indeed, it has never even initiated administrative proceedings to cut off monies to discriminating law enforcement agencies."

The plaintiffs were heartened by a federal court decision last year that suspended general revenue sharing payments to Chicago because that city's police department was found to be discriminatory in its hiring and promotion policies.

Complaints focus on the use of tests or height requirements that limit the number of blacks or women employed and on promotion procedures that tend to keep those hired in the lower ranks. "Apparently most egregious is Philadelphia," says Larson.

In the City of Brotherly Love, Penelope Brace, a police officer since 1965, has been taking her lumps. Brace says she has been unable to be promoted simply because, as one of the 86 "policewomen" among 8,000 male officers, she isn't eligible.

"I have, over the years, received 'superior' and 'outstanding' performance evaluations," she notes. "Until I filed a charge of discrimination with LEAA, I never received a reprimand."

But after she filed her complaint in 1973, she was forced to take a psychiatric exam. Passing that hurdle, Brace sued the city and was promptly fired. Although she won reinstatement, Brace is unhappy with the LEAA for having paid the Philadelphia department over $8 million even though it found the department in violation of the civil rights laws. And so she joined in the ACLU action.

Another plaintiff, Bruce Bailey, has been unsuccessful in his attempt to become an Indiana state trooper. The Indiana State Police Department's 900 troopers include only three blacks. Bailey won a court decision holding that the department's written tests, promotion procedures and recruitment practices violated civil rights laws. While awaiting further developments, Bailey joined the ACLU suit, displeased that the Indiana state police have been given $3 million in LEAA funds.

Kristen Heemstra, a third plaintiff, who has an associate in arts degree in law enforcement, has applied unsuccessfully for police jobs in Des Moines, Ames and Newton, Iowa. All have minimum height requirements of 5'9". Heemstra stands 5'8½".

Other plaintiffs have been embroiled with departments in Detroit, New Orleans, Honolulu, Portland, Oregon, and Oakland and Richmond, California.

Because it is a class-action suit, a decision favorable to the ACLU and company would affect many other individuals. The civil liberties organization says many law enforcement agencies that haven't been sued would be found to have discriminated if the LEAA is forced to take action. The assumption is that few departments would give up the increasingly important federal funding rather than change their ways.

Larson says the case won't come to trial for some time yet. The action was filed last September, and the LEAA and the Justice Department were given extensions before replying.

The ACLU has suggested that Congress pass legislation requiring the LEAA to act more expeditiously in trying to get voluntary compliance before refusing financial aid. And it also has proposed that the agency be required to report annually to Congress on its own civil rights compliance. If it isn't up to snuff, further appropriations should be denied to the LEAA, in the ACLU's view.

"They have an obligation to cut off funds in cases of discrimination," Larson declares. "They just totally have abdicated that obligation." □

he's learned to be in favor of everyone."

The rapid turnover of administrators has contributed to LEAA's inconsistency. "What this agency needs is a chief who stays more than twelve months and I don't care if it's Mickey Mouse," says another LEAA man. Changes at the top have inevitably caused adjustment—and confusion—below at the SPAs. "When it comes down to economic realities, people follow the dollar," says Charles Rogovin. "If the thing this year is white collar crime, then you apply and set up a program for white collar crime. If the LEAA emphasis is on crime reduction, then you find state planners accommodating to that."

There is no more haphazard way to run a governmental agency than by fad and propaganda. And nowhere is this more evident than in LEAA's corrections grants. In 1970, Congress amended the Safe Streets Act, directing LEAA to guarantee 20 percent of its total grants budget to the neglected corrections field. This was welcome news at the agency. Although officially LEAA is against creating separate "pots of money" for each sector of criminal justice, agency policy is to encourage innovative correctional programs tuned to rehabilitation in community halfway houses. After three years of LEAA coaxing, the state planning agencies actually began to fund prison alternatives. Now, however, reaction is setting in.

"We're in a dilemma nationally," says former Massachusetts Corrections Commissioner John Boo[illegible], who used LEAA funds to return prisoners to community-based treatment programs before a prison guard mutiny forced his resignation. "You have liberals calling for mandatory sentences right along with conservatives. Three years ago LEAA facilitated some work-release programs and community college education for prisoners, but now the trend in corrections is back to locking the men up and throwing the key away. What you now find happening is states applying for LEAA funds for halfway houses and then building small, modern, local prisons. The same things are going on inside as in any other prison. LEAA has to make its policy so clear that state and local agencies understand they're not going to get federal money until they depopulate prisons and return prisoners to the community, so we can concentrate on the 5 percent who have to be locked up because they hurt others or hurt themselves."

When LEAA works, of course, it works beautifully. A number of agency-sponsored corrections experiments have proved so successful that cities and states have picked up their cost. In San Francisco, for example, Sheriff Richard Hongisto showed that he saved the city $227,000 in jail costs by establishing a misdemeanor parole board with LEAA funds. For three years the parole board has been emptying county jail prisoners into private halfway houses for intensive drug counseling, job training, and education. For ex-offenders going through the program, recidivism has dropped to 15 percent. "There's another way of evaluating the kinds of programs we're starting," says an Hongisto aide. "The sheriff just won re-election by 66,000 votes. We consider that a pretty strong mandate. The people are looking for innovative approaches to crime and they really respond when programs like the misdemeanor board—or the women's resource center which we also set up with an LEAA grant—work out."

Ironically, San Francisco's success in utilizing LEAA money comes in the context of California Governor Edmund Brown, Jr.'s firing of three-fourths of the employees at the California Council on Criminal Justice, the state's SPA. Brown has given the planning agency twelve months to demonstrate that it is reducing crime. If it doesn't, Brown has threatened to reject the $96 million block grant the state receives from LEAA.

Other state executives are beginning to murmur about the lack of consistent guidance and dynamic leadership from LEAA. Many feel that confusion at the top has reduced the state planning process to a hustle after crime money. As the tourniquet is applied to budgets, states are less willing to maintain the multi-layered LEAA bureaucracies, which in some cases attain the size and incoherence of a welfare system for lawmen.

There have simply been too few results for all the time and energy spent. And many officials, especially those in the big cities and Congress, now believe it was falsely raising expectations to say that LEAA's 5 percent contribution to the national criminal justice budget could be the tail that wagged the dog. In this sense, LEAA may be the first qualified failure of revenue sharing and the last dubious success of throwing money at social problems. □

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE 14TH CONGRESSIONAL DISTRICT OF THE STATE OF FLORIDA

Representative PEPPER. Thank you very much. Mr. Chairman and distinguished members of the subcommittee. I am very grateful to you, as old friends, for your kind welcome here this morning. It is a great privilege for me to be here.

I would like—just as the distinguished Senator from Massachusetts—to commend the chairman and the members of his committee for undertaking an inquiry into this continuing challenging problem of crime and what we can do about it.

The problem, of course, is a very difficult one, a very complex one. I was chairman for 4 years of the Select Committee on Crime of the House, and we tried to make an intelligent inquiry into this difficult subject.

There is no one thing that I know of that anybody has proposed that could be be done that would immediately solve the problem of crime. We know that a great many things have to be done.

Our correctional system, I think, is one area that cries out for reformation and for a new approach. The correctional system is perhaps one of the best illustrations of where much can be done with a new approach.

In the hearings of my subcommittee, Dr. Miller of Massachusetts—who I know the Senator from Massachusetts is familiar with—was asked, "What do you do when they come into the juvenile justice system?" In other words, when they became incarcerated.

Dr. Miller, who was then the head of a correctional system in Massachusetts, closed down every one of those big old detention institutions, warehouses of offenders, in Massachusetts, and put into effect local institutions where the young boy or girl could be kept close to home and could have an opportunity to get personal attention. In some instances, they were sent to college.

He gave us an interesting figure. He said it costs, ordinarily, about $20,000 a year, in most States, to incarcerate a youthful offender, a juvenile delinquent who has been guilty of crime, and so adjudged. But Dr. Miller found a far more effective way to deal with these young people, and he also found a more inexpensive way.

This is what Dr. Miller concluded—and I am quoting now from the testimony of Dr. Miller before our committee.

"For what it costs to keep a youngster in a training school, you can send him to the Phillips Exeter Academy, have him in individual analytical phychotherapy, give him a weekly allowance of between $25 and $50, plus a full clothing allowance. You could send him to Europe in the summer, and when you bring him back, still have a fair amount of money left over."

Now that sounds like a shocking statement, but it was made by a very responsible man who has been working very creditably in this field of what to do with juveniles who are apprehended.

We do know that if we were to tear down detention institutions in the national interest, the best thing that would happen would be that the big old institutions like we have in Raiford, Fla., Attica, N.Y., and in other parts of the country should burn down, and be rebuilt as small institutions holding about 300 or 400 inmates where better care and better attention could be given to those who are there.

LEAA has been concerned with helping the police to have better equipment, to be better trained, improve operating facilities, modernizing the courts, and advance court procedures. In my committee hearings we had many judges, Federal and State, who gave some very illuminating testimony about what the courts could do to improve their facilities. But I came here today, Mr. Chairman and members of the committee, to emphasize the prevention element.

I believe that the better opinion in this country, which is concerned with crime, has come to the point of believing that we should put more emphasis on prevention, and that we will get better results for the emphasis that we put there than efforts that we make in other directions.

So that is the purpose of my statement. So, Mr. Chairman, I am here today to reserve an opinion and ask you not to include in this bill the provision to eliminate section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Again, much of what I have to say will be drawn from my experience as the former chairman of the House Select Committee on Crime, and my continuing

interest in the necessity to abate crime and curb delinquency among our Nation's youth.

Mr. Chairman, there is a consensus today among criminologists, criminal justice administrators, psychologists, sociologists, lawyers, judges, Members of Congress, and community leaders that crime has not abated, but rather—as the distinguished Senator from Massachusetts has said—it continues to increase.

I believe all would agree that there is no magical plan that we can put into effect which will reduce the number of criminals or the number of crimes immediately. We do not know of any implemented criminal justice system anywhere that offers that promise, nor do we really know what techniques must be devised or what procedures must be designed if we are to transform a criminal behavior pattern into a law abiding one.

In sum, there is much that remains to be discovered about both the causes and the correction of crime. Like a cancer, its source is not always readily known, but, nevertheless, the symptoms of its existence are highly visible and obviously destructive.

Let me now address myself to something which is known about crime. We do know that juveniles under the age of 18 presently account for 45 percent, or almost one-half, of all serious crime committed in the United States today. Of all serious crimes in the United States, 75 percent, or three-fourths, are committed by youths under the age of 25, and 23 percent of all violent crimes are committed by youth under the age of 18.

LEAA Administrator, Richard Velde, has said that a major contributing factor to the rise in crime was increased juvenile crime, and that juveniles are the age group most likely to repeat offenses. It is a fact that recidivism is running upwards of 60 percent for juvenile offenders.

Furthermore, 10 years ago President Johnson's Commission on Law Enforcement and the Administration of Justice concluded that "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime." It was true then, but it is painfully true now.

According to John Craecen, Acting Director of the new National Institute for Juvenile Justice and Delinquency Prevention, the rate of juvenile crime will continue to be high at least for the next 15 years.

There is little question that crime is increasing in the United States, and the contribution to crime by the youth of America is equally unquestionable. Accordingly, LEAA has positioned juvenile justice and delinquency prevention as one of its four top national priorities.

With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, Congress in its findings stated in section 101(b) that:

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

I strongly concur with these findings. Quite obviously youth crime poses an ever-increasing threat to the national welfare, and we must visualize juvenile crime prevention as a national priority.

There are two bills before your distinguished committee, S. 2212 and H.R. 9236, which provide for the deletion of section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974. Section 261(b) requires LEAA to maintain funding for juvenile delinquency programs at least at the level of fiscal 1972 programs, estimated by LEAA to be $112 million. This represents approximately one-eighth of the total budget.

Granted this figure represents a significant portion of LEAA's funding effort. However, it is not nearly as significant as it should be when one considers the crime statistics and our system's current inability to effectuate a reduction in juvenile crime, which obviously leads to adult crime.

I remember, Mr. Chairman and members of the subcommittee, that a juvenile judge told our committee that you could count upon it that about half of the young people who become incarcerated for juvenile crime will eventually wind up in the major penal institutions of this country as adults.

It is clear that the removal of this requirement, section 261(b), coupled with the administration's previously exhibited reluctance to seek any funding for the Juvenile Justice Act, would effectively eliminate Federal responsibility to arrest the rising tide of juvenile delinquency and crime. It is reasonable to assume, if section 261(b) is deleted, that funds will not be used by LEAA to

extend and expand ongoing juvenile delinquency prevention programs. Undoubtedly, it will result in a cutback in funds for these programs which should be our first resort in dealing with the problem of crime. Given institutional pressures, these moneys would likely be shifted to courts and correctional institutions—places of last resort.

In Mr. Velde's opinion, section 261(b), referred to as the maintenance-of-effort provision, is contrary to the bloc grant approach to funding. It is his conviction that the individual States and elements within the planning structure of the States are in a better position to determine funding priorities for bloc grant funds.

He states that section 261(b) dictates the amount of funds to be expended for one particular aspect of law enforcement and criminal justice and thus limits the State's flexibility in planning for effective crime prevention.

Granted, there is merit to Mr. Velde's argument. Indeed, it was the intent of Congress that State planning agencies representative of the State's localities be the ultimate planner and allocator of its funding and priority needs. However, it was also the intent of Congress that the maintenance of effort and support of juvenile crime prevention be recognized by all States as a national priority.

Consider the following hypothetical situation. Assume a State exists in which juvenile crime is not considered a major problem. In that same State assume the courts are in dire need of reorganization and additional staffing. This State, according to Mr. Velde, would argue that in order to comply by section 261(b)'s mandate, they must fund the low priority juvenile delinquency program and thus neglect to fund adequately the higher priority needs of the courts.

In responding to this argument, the following should be recognized.

First: In States where the juvenile crime problem is visualized as minimal, assuming that such an optimal situation presently exists, this does not sanction the State' failure to comply with a national priority aimed at a highly mobile element of the Nation's population. Let us not confuse State priorities with national priorities.

One particular State's funding priority may be in the area of court improvement. Another State may view additional correctional facilities as the recipient of their funding concerns. These are individual State priorities which are best decided and dealt with at the State planning level. With this, I have no argument.

However, hard statistics tell us that juvenile delinquency and the crime it generates is a national priority. Its arrest and its prevention must be dealt with by all States, thus erasing the threat it now presents to the whole effort on crime prevention and our national welfare.

It is the intent of Congress—and should remain the intent of Congress—that each and every State recognize its role in the prevention and/or arrest of juvenile crime. Therefore, let me restate the intent of Congress in the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 261(b) states:

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

In other words, LEAA was mandated to maintain the 1971 level of funding of approximately $112 million in 1972, 1973, and 1974. In 1975 and 1976 the same level will be maintained unless this section is changed.

Second: It is highly unlikely that States, on their own initiative, will place the necessary emphasis on juvenile crime and its prevention if section 261(b) is deleted.

To illustrate my point, let us examine a State budget, in an effort to determine where their priorities lie. For example, one particular State reported an expenditure of $1.4 billion in the category of social services for fiscal year 1974. Approximately $32 million of this total figure was expended in the area of juvenile and child care services. Now that is $32 million out of $1 billion, almost $1.5 billion.

The budgetary forecast for fiscal year 1975 looks somewhat similar: $1.6 billion for social services with $52 million funneling down to juvenile and child care services. Therefore, this State's budget—and in case it is a matter of concern, that State was Michigan—therefore, this State's budget for fiscal year 1975 plans to direct less than 4 percent of its total social services budget toward a distinct national priority.

If a State budget is any indicator of where its priorities are, then, it is clear from these statistics, that they are not in the area of juvenile crime and its prevention. Programs which hard statistics tell us are most vitally in need of support; programs geared to prevent juvenile crime and the adult crime it generates; programs of the most urgent national concern are being neglected.

Third: It is interesting to view the trend of State budgetary support to juvenile delinquency programs historically. Before the 1950's, many States—for example, Wisconsin—initiated their own programs for juvenile and child care services. However, shortly after the 1950's, the State support to such services tapered off and the emphasis within the States shifted to new and improved equipment for courts, police, police departments, and correctional institutions. With this in mind, I might point out that according to a recent statement by the President, "statistics prove that crime has more than doubled since the 1960's. Perhaps this might suggest that the States' emphasis has shifted in the wrong direction. Regardless, today the expansion and maintenance of juvenile and child care programs are viewed as a Federal responsibility.

Last: There are a number of studies which suggest that many children can mature out of delinquent behavior. If this is true, then we are all the more justified in preserving the "maintenance of effort" provision which section 261(b) of the Juvenile Justice and Delinquency Prevention Act provides, and which S. 2212 and H.R. 9236 would effectively eliminate.

All States must recognize their national responsibility to expand and develop effective programs of delinquency prevention, capable of reaching youth at that crucial time before their criminal career develops.

In conclusion Mr. Chairman, members of this distinguished subcommittee, I believe that we cannot afford to cast aside the restriction which the 93d Congress wisely included in the Juvenile Justice and Delinquency Prevention Act of 1974 to direct substantial LEAA funds into juvenile delinquency prevention programs. Perhaps, at some future time, when adequate funding is assured under the Juvenile Justice and Delinquency Prevention Act itself, we can remove the LEAA provision. But the administration's reluctance to recommend appropriations for the National Institute for Juvenile Justice and Delinquency Prevention clearly indicates that now is not the time to make this change. I urge that you recommend against the passage of this provision.

Thank you.

Mr. Chairman, may I say in conclusion, to get the matter in perspective LEAA under section 261(b) is currently required to maintain the level of 1972 funding at approximately $112 million; about 85 percent of that—and I was confirmed in that opinion by representative of LEAA who is in the room this morning—about 85 percent of that is going to the States on a matching basis, 90 percent by the Federal Government, 10 percent by the States. The States are accepting this money and using it in this area.

Now then, what other funds are available if we allow LEAA to choose to spend a lesser amount than $112 million, or one-eighth of their total budget on this critical national priority purpose? What other funds are available to take up the slack that would occur? The Juvenile Justice and Delinquency Prevention Act in the 1976 budget, I am told now, has $40 million. That is in the conference report—$40 million. If we maintained the LEAA level of $112 million and added the $40 million, we arrive at a figure which does not represent a total allocation directed at developing and expanding delinquency prevention programs. It includes administration costs and that sort of thing. It all does not go toward helping the delinquent situation. We only have $152 million for approximately 215 million people, and roughly 20 million school children, or something like that, in the schools of this country.

The other area that we have neglected so far in my opinion very critically is to stop school drop-outs. The Miami Chief of Police told me not long ago that about 90 percent of the juvenile trouble that they had, the incidence where juveniles violated the law and were incarcerated, were school dropouts—9 out of every 10. Yet many of them have tried for several years to get more money in the educational bills to try to prevent school dropouts as a means of curbing crime.

If I remember correctly, I believe the House authorized $4 million in the last education bill. I do not recall what the final figure was. But I do not think more than $3 million or $4 million was authorized for the various education programs to try to deal with the problem of preventing school dropouts.

Now, just let me say this one last thing. I do not think that in keeping 261(b) in the law in your excellent bill which you are considering, you are going to make a State take it. What 261(b) does is to require LEAA to have the funds available. If you should find a State that is not aware of the importance of trying to curb youth crime and save young men and women from criminal careers and the public from being victimized, there are plenty of other States that would like to have that money. So, all I am saying is, Mr. Chairman and members of the subcommittee, I beseech you, do not strike out section 261(b) of the 1974 Act. Maintain at least the level of $112 million in available funding to the States at the Federal level on a 90–10 matching basis to try to do something in the area of prevention. And I can tell you from a good bit of experience, I believe the best money we can spend is in the area of prevention.

Thank you, Mr. Chairman.

Senator McCLELLAN. Thank you, Mr. Congressman. I take it you are not one of those who believe that this agency should be abolished.

Representative PEPPER. No; indeed, I certainly do not. It has done a great deal. Of course, it cannot solve immediately the problems of crime in the country. But it has helped, and it should be strengthened and aided further and not be diminished in any way.

Senator McCLELLAN. You feel it has, in its first years of operation, demonstrated a service that is needed and it has accomplished some good? You do oppose very much the striking of the provision dealing with juvenile delinquency?

Representative PEPPER. Mr. Chairman, I think the emphasis of LEAA's work, if it should be criticized at all, has been because in a perfectly natural response to the call of the courts and the police departments and all of that, they have put a great deal of their money, in fact, they have put most of their money, into things that dealt with law enforcement, the police, the courts and the correctional institutions. Those things, of course, are necessary. But, at the same time, I think more and more we are becoming aware that we should shift the emphasis now, at least as much as we can, to the preventive aspects of crime. I think LEAA is beginning to move more and more in that direction, and I would not like to see anything they have done in the past diminished.

Senator McCLELLAN. You do not oppose, in principle, the bloc grant provisions of the bill?

Representative PEPPER. No; I do not, Mr. Chairman. I consider 261(b) as simply a requirement for the Federal Government to maintain and make available funds for the States. You cannot make the States take them. But, I want to be sure that the States that are farsighted and do recognize the importance of this problem will be able to come to the Federal Government and get substantial assistance. Let me just add this. Mr. Chairman and members of the subcommittee, a little while ago I sent a letter to the Comptroller General, asking him how much of the revenue sharing funds that we made available to the counties and the States and the local area went toward the care of the elderly. You know the figures I got back? Two-tenths of 1 percent.

Now, I do not want to interfere. I want to give the States, local communities, all of the latitude, but I do think Congress could certainly lay down guidelines which say, we are not satisfied with the amount of funding you are devoting to critical public needs. In the same manner, I think we laid down a priority in 1974 when we stated that juvenile delinquency must be kept at a high level of capacity by the LEAA. In sum, all we are saying is all 261(b) does is fix the Federal responsibility. It mandates LEAA not to divert those funds from other than use purposes.

Senator McCLELLAN. Would increasing the amount of the discretionary funds help to reach the problem that you are discussing?

Representative PEPPER. Undoubtedly, Mr. Chairman, it could. But, I am reluctant to see Congress not express a national policy with respect to so critical an aspect of a national challenge like crime.

Senator McCLELLAN. How would we change the bill? How could the bill be changed so as to compel or require States to give more emphasis to the juvenile delinquency problem?

Representative PEPPER. Leave 261(b) in the present law. That would require the level of spending to be maintained as of 1972. That would be one way that a high level could be maintained.

Senator McCLELLAN. The first thing is not to delete that section from the law?

Representative PEPPER. Yes; all you do is remove that line on the last page of S. 2212, page 7, No. 2, which states, "section 261 is amended by deleting subsec-

tion (b)." That eliminates that requirement of maintaining the level of spending for the purpose that was established in 1972. I think what they did in 1972 was wise. I do not believe, even though Mr. Velde would like to have more latitude, we should retreat from that declaration of national policy that the Congress declared.

Senator McCLELLAN. Senator Kennedy, in his statement awhile ago, made reference to some statistics—I do not recall them exactly—but dealing with the problem of sentencing and recidivism. Have you got any comments about that, how we might deal with that problem in this bill?

Representative PEPPER. Well, I think this bill is a good bill in dealing with that subject. I do think, as I said awhile ago, as my committee on crime found out, that these big old institutions do not do very much correcting.

When I was with my committee up at Attica, for example, in the week in which the tragedy occurred there, I remember talking to a 19-year-old boy incarcerated in a cell, incarcerated there with some of the worst criminals in the country. I cannot believe they were rehabilitating the young man. We stopped and saw Governor Rockefeller on the way down to Attica, and he invited to the conference a State senator who was chairman of the crime committee of the State Senate. Governor Rockefeller immediately said: "gentlemen, you do not need to tell me that the correctional system of New York needs to be changed and be modernized. But," he continued, "Mr. Senator, how much will it cost—$200 million or something?" And he agreed it would cost about $150 million to $200 million to accomplish that feat. The Governor said "Where is the money coming from?"

That is the reason I introduced a bill in the House providing for the Federal Government to cover half the cost of building modern correctional institutions in which no more than 300 or 400 inmates would be confined. The correction institution would be located in the urban areas from whence the incarcerated came. They could see their families and their friends and they could get a job when qualified by the authorities for release. Now, this does not go that far. But LEAA is making a little dent in the situation. They are giving some help to the States, to our State. However, we are not doing enough, Mr. Chairman, and members of the subcommittee, to move beyond the Atticas and the Raifords and all these big, old institutions where law offenders are just warehoused.

The warden at Attica told us, gentlemen, "Do not think I am ignorant about how to conduct an institution. Inmates spend 62 percent of their time in the cells. I do not have an athletic program or a recreational program. I do not have an educational program. We do not have the money." He said, "Give me the tools and I will try to run a modern institution." It is a big subject. It costs a lot of money, and we may never solve it altogether for those who are incarcerated. But, if we put more emphasis on the youth, I am told, Mr. Chairman, that the people who are knowledgeable in child psychology and in education can tell in the early grades when children manifest an antisocial tendency. It might well be that wise guidance from then on would keep a youth who develops tendencies toward antisocial conduct from becoming a criminal. That is where I think we ought to put more and more emphasis. Do all of these other things, yes, but put more and more emphasis at the preventive level.

Senator McCLELLAN. Thank you very much, Congressman Pepper. I am glad now to yield to my colleagues. Do either one of you wish to ask any questions?

Senator HRUSKA. I have no questions.

Senator KENNEDY. I want to thank you for your comments, Congressman Pepper. I must say that I am in strong agreement with the positions you have expressed here, strong agreement. Even if we follow the recommendations that you have mentioned here, we would still be spending woefully little in the area of juvenile crime.

Representative PEPPER. Sure.

Senator KENNEDY. If we follow your recommendation, which is only the bare minimum that should be spent, it is still an extremely small amount, and I could not agree with you more that we must focus on the young people who are dropouts.

There have been some interesting studies done concerning the push out programs that have taken place in a number of different parts of the country. A rather frightening development is taking place, when the correlation between the young people who are actually being pushed out of schools and their association with crime continues to be so very real, but I think what you have mentioned here is something that I am very much concerned about. I do think

we need to help provide resources to do something about crime and violence. My real concern, and I gather it is yours in terms of listening to your statement, is whether we are really putting the resources, the American taxpayers' funds, in the most effective place to do something about crime, and I think you have targeted one of the prime areas. I am glad you have appeared here to speak of juvenile crime.

You also mentioned the reform of the courts and the response of Governor Rockefeller. We had an exchange here with Mr. Levi just 2 weeks ago. I asked him how the resources of LEAA could be used most effectively, and he mentioned the need for reform of the court structure, this whole problem of more efficient and effective courts. Yet, we find out that LEAA is only spending 16 percent of its budget on the courts, and a relatively small percent on juvenile delinquency problems. I think it is an entirely appropriate function of the Congress to ask hard questions whether this is the most effective way of allocating taxpayers' resources to do something about crime. I think you have made a very eloquent statement this morning in reminding us of the importance of prevention and identifying the areas where you feel that, based upon your experience and the very comprehensive congressional hearings you have held, funds could be more effectively expended. I want you to know I am very much appreciative of your comments, and I am going to do everything I can to see that your recommendations are included in any legislation.

Representative PEPPER. Well, I thank you very much, Senator. It is obvious that it is desirable for the Federal Government to encourage the States. Maybe some States do not see this problem with the clarity with which we see it, at the national level, and by encouraging them, we may increase their own effort. They are more likely to buy a new automobile or a radio for their police than they are to initiate these programs.

Senator, I could not agree more strongly with what you have said.

Senator MCCLELLAN. Senator Hruska.

Senator HRUSKA. Congressman Pepper, I want to join my colleagues in welcoming you here. Your wide experience in this field is well known, and I know particularly about it because one of the Congressmen from my State was on your committee, the Select Committee on Crime, and I received regular reports about your activities all over the country.

Representative PEPPER. He did a good job.

Senator HRUSKA. We thank you for being here.

Representative PEPPER. Thank you very much, Senator, Mr. Chairman, we appreciate it.

Senator MCCLELLAN. Thank you very much, Congressman.

NATIONAL COLLABORATION FOR YOUTH,
Washington, D.C., December 5, 1975.

Hon. JOHN MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: This letter is addressed to you on behalf of the twelve national youth serving organizations comprising the National Collaboration for Youth. Through our respective affiliates in communities across this country, our agencies deliver direct services to over 30 million young Americans annually.

We want to share with you and your Subcommittee our very deep concern over the provision of S. 2212 which, if enacted, would strike the so-called "maintenance of effort" requirement (Section 261(b)) from the Juvenile Justice and Delinquency Prevention Act of 1974. Retention of that requirement is, in our judgment, of the utmost importance if the growing tragedy of juvenile crime is to be curtailed.

In our September meeting, the chief executives of the Collaboration's member organizations passed the following resolution:

"The National Collaboration for Youth, in keeping with its long stated concern for the broadest approach to juvenile justice and delinquency prevention, urges not only maximum funding of the Juvenile Justice Act for Fiscal Year 76, but assurances that the level of financial and program effort for juvenile justice and delinquency prevention under the Omnibus Crime Control and Safe Streets Act be maintained and that such assurances be included in its continuing authority."

Enactment of the landmark Juvenile Justice Act could become a hollow accomplishment if the maintenance of effort provision is repealed. The plain truth is that the funding available under that Act is simply inadequate to effectively address the growing juvenile crime and delinquency problems. Continued Safe Streets Act funding for delinquency prevention is indispensable. Given the sustained resistance of the Administration to any funding for the new Act, to allow repeal of Section 261(b) would be to put all Federally supported juvenile justice activities in peril.

This would come at a time when LEAA itself concludes in its sixth annual report that "perhaps the area that offers the most promise for reducing crime is that of treatment and diversion programs, rather than institutionalization for juveniles who run afoul of the law."

We do hope we can look to your leadership in preventing this Administration proposal from becoming law in the interest of helping young Americans become productive and law abiding citizens.

We would also respectfully request inclusion of this letter in the Subcommittee's hearing record on S. 2212.

Sincerely,

WILLIAM R. BRICKER, *Chairman.*

NATIONAL COUNCIL OF ORGANIZATIONS
FOR CHILDREN AND YOUTH,
Washington, D.C., December 8, 1975.

JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures,
Dirksen Senate Office Building,
Washington, D.C.

DEAR CHAIRMAN MCCLELLAN: We are submitting this statement on S. 2212 as members of NCOCY's Youth Development Cluster. NCOCY is a coalition of two hundred national, State, and local organizations concerned with the welfare of children and youth. The Cluster is especially concerned about that provision of the bill which would repeal the maintenance of effort section contained in the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 8 of S. 2212 calls for the deletion of Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974. Section 261(b) mandates that LEAA funding for juvenile delinquency programs must be maintained at least at the same level of funding as fiscal year 1972 programs ($112 million). The repeal of Section 261(b) would not only interfere with current and anticipated State and local initiatives in the area of juvenile justice but would have a negative impact on the increasing incidence of juvenile crime. In light of the fact that 75% of all serious crimes in this country are committed by youths under the age of twenty-five, we urge your Subcommittee to seriously consider the consequences should jurisdictions be forced to cut back on juvenile justice funding and thus curtail their juvenile justice programs.

In testimony presented to your Subcommittee on November 4, 1975, LEAA Administrator Richard Velde supported the deletion of Section 261(b). Mr. Velde felt that, given the realities of reduced funding levels, LEAA needs flexibility in order to determine what the important funding priorities should be. We feel that such flexibility runs directly counter to the intent of Congress as expressed in the Juvenile Justice and Delinquency Prevention Act of 1974 which makes juvenile crime prevention a national priority in all States. Such flexibility is also questionable since the well-considered findings which were the basis for this legislation have not been ameliorated.

In his testimony before your Subcommittee, Mr. Velde also supported a five-year reauthorization for LEAA. When questioned about a two-year reauthorization for LEAA, Mr. Velde opposed it and claimed that such a reauthorization would cast future funding in uncertainty. He also maintained that, faced with a two-year reauthorization and the uncertainty of monies, jurisdictions would be hesitant to embark upon innovative programs. Mr. Velde concluded that a two-year reauthorization would disrupt the planning process and would change the very nature of LEAA from a long-range program to a short-term one. He also insisted that the two-year reauthorization would change the nature of projects funded by LEAA to less innovative ones. Although Mr. Velde's comments were made with regard to the renewal of authorizing legislation for LEAA, we feel that the deletion of Section 261(b) from the Juvenile Justice and Delinquency

Prevention Act would have a similar chilling effect on juvenile justice programs.

We hope that your Subcommittee will give long and careful consideration before passage of a provision which would repeal the maintenance of effort section contained in the Juvenile Justice and Delinquency Prevention Act of 1974.

Sincerely yours,

American Association of Psychiatric Services for Children, American Camping Association, American Parents Committee, American School Counselor Association, Big Brothers of America, Big Sisters International, B'nai B'rith Women, Boys' Clubs of America, Child Welfare League of America, Family Service Association of America, National Alliance Concerned with School-Age Parents, National Conference of Christians and Jews, National Council of Jewish Women, National Jewish Welfare Board, National Urban League, National Youth Alternatives Project, The Salvation Army, United Neighborhood Houses of New York, Inc.

OMAHA, NEBR., *January 21, 1976.*

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to the attention of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, appointed by President Ford on March 19, 1975, that there are legislative proposals currently under consideration which would eliminate the maintenance of effort provisions of Section 520(B) of the Crime Control Act and Section 261(B) of the Juvenile Justice and Delinquency Prevention Act.

It is the consensus of the National Advisory Committee that such a deletion would compromise the abilities of state and local governments to plan and develop comprehensive programs to both improve the quality of justice for juveniles and prevent juvenile delinquency.

I urge you to consider these concerns in your review of the legislative proposals mentioned above.

Sincerely,

J. D. ANDERSON,
Chairman, National Advisory Committee
for Juvenile Justice and Delinquency Prevention.

WASHINGTON, D.C., *January 29, 1976.*

MR. J. D. ANDERSON,
Chairman, National Advisory Committee for Juvenile Justice and Delinquency Prevention, 8721 Indian Hills Drive, Omaha, Nebr.

DEAR MR. ANDERSON: Senator Eastland has referred your recent letter concerning the Juvenile Justice and Delinquency Prevention Act to me for comment and consideration.

President Ford's bill, "The Crime Control Act of 1975", S. 2212, has been jointly referred to the Subcommittee on Criminal Laws and Procedures and to this Subcommittee. The maintenance of effort provisions § 261(B) and § 520(B) of PL 93–415 would be repealed by § 7(b) and § 8 of the Administration's proposal.

As the author of the Juvenile Justice Act, I cannot agree more strongly with your recommendations. I urge you as Chairman of the National Advisory Committee for Juvenile Justice and Delinquency Prevention to ask President Ford to reconsider these amendments to the Crime Control and Safe Streets Act.

I look forward to working with you on this matter of extreme importance in the area of juvenile delinquency prevention.

With warm regards,

Sincerely,

BIRCH BAYH, *Chairman.*

OMAHA, NEBR., *February 2, 1976.*

Hon. BIRCH BAYH,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR: I appreciated your letter concerning the Juvenile Justice and Delinquency Prevention Act, and will, with the full support of the National Advisory Committee, ask the President's Office to reconsider the amendments proposed to the Crime Control and Safe Streets Act.

We believe the progress made for this first year under the Act has been substantial. We know that, as the National Advisory Committee, we are now at a place in our deliberations that our contributions will be greater in the years ahead than one would believe without reading the review of our four meetings this past year. We are just now in a position to achieve some important things, as the concentration of effort in this field.

Your staff director and chief counsel, John Rector, sat in our meeting, and made a significant contribution to it, upon my request, by review the Act—the problems, the proposed changes—the funding, etc. We also had Pete Velde present to review the past and the future of the Act, in his judgment.

Again, our thanks for your close interest and leadership. We will keep you advised of our progress.

Sincerely,

J. D. ANDERSON, *President.*

[From the Juvenile Justice Digest, Jan. 30, 1976]

LEAA REAUTHORIZATION BILL BOGGED DOWN ON CAPITOL HILL OVER MAINTENANCE OF EFFORT

"THE ADMINISTRATION KNOWS OUR POSITION AND KNOWS WE ARE NOT ABOUT TO GIVE UP"

The Crime Control Act of 1976 (S-2112), which contains provisions for reauthorization of the Law Enforcement Assistance Administration has bogged down in the Senate.

Juvenile Justice Digest has been told by Capitol Hill sources that unless the Ford administration stops efforts to scrap sections of the bill which direct the LEAA to continue its 1972 level of juvenile spending, the bill will not make it to the floor of the Senate for a vote before current LEAA authorization runs out on July 1.

The reauthorization bill is now being jointly considered by Sen. Birch Bayh's Subcommittee to Investigate Juvenile Delinquency and Sen. John McClellan's Subcommittee on Criminal Laws and Procedures. After being reported out by these two subcommittees, the bill goes to the Senate Judiciary Committee, where it may or may not be reported out to the floor for a full Senate vote.

"How fast the LEAA reauthorization bill gets to the floor of the Senate is directly related to the amount of pressure the administration puts on us to drop the maintenance of effort provisions for LEAA juvenile spending," JJD was told. "The administration knows our position and knows we are not about to give up."

Juvenile Justice Digest has obtained a copy of a Jan. 21 letter sent to Senator James Eastland, chairman of the Senate Judiciary Committee, by J. D. Anderson, chairman of the LEAA's National Advisory Committee for Juvenile Justice and Delinquency Prevention.

In the letter, Anderson says it has come to the attention of the advisory committee, "that there are legislative proposals currently under consideration which would eliminate the maintenance of effort provisions of Section 520(B) of the Crime Control Act and Section 261(B) of the Juvenile Justice and Delinquency Prevention Act.

"It is the consensus of the National Advisory Committee that such a deletion would compromise the abilities of state and local governments to plan and develop comprehensive programs to both improve the quality of justice for juveniles and prevent juvenile delinquency. I urge you to consider these concerns in your review of the legislative proposals mentioned above," Anderson wrote.

STATE ALLOCATIONS FOR FISCAL YEAR 1972 FOR MAINTENANCE OF EFFORT, $112 MILLION

APRIL 8, 1975.

To: Regional administrators.
Thru: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations.
From: Robert C. Goffins, Comptroller.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

Mr. Velde has requested this office to prepare an accurate report on the amount of fiscal year 1972 block grant funds dedicated to juvenile justice delinquency

efforts. As of March 31, 1975 the GMIS reveals that about 90 percent of the moneys allocated to the SPAs for fiscal year 1972 has been awarded and reported to GMIS. To determine the precise level of effort dedicated to juvenile justice/delinquency we need your assistance in contacting the SPAs and obtaining from them the total amount of awards for juvenile justice/delinquency that was made from the fiscal year 1972 block (Part C and Part E) allocations. In determining whether or not a grant award was made for juvenile justice/delinquency efforts, the following definition from the Juvenile Delinquency Act should be used "the term juvenile delinquency means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvemet of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth in danger of becoming delinquent".

For those awards that support juvenile justice and non-juvenile justice activities, the SPA should use its best efforts in prorating that portion of the award it believes is dedicated to juvenile justice activities.

The following SPAs need not be contacted because this information has been supplied by them: Maryland, Wisconsin, Puerto Rico, Illinois, New York, California, Alabama and Florida.

Information should be telecopied to Arthur Curry, Office of the Comptroller, on or before close of business April 17, 1975, using the following format:

State	Amount of Individual grants awarded for juvenile justice		
	Part C	Part E	Total

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
April 16, 1975.

To: Arthur Curry, Office of the Comptroller.
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
From: George K. Campbell, Regional Administrator, Region I, Boston.
Subject: Fiscal year 1972 level of effort in juvenile justice within the New England States.

Per your request, the amounts of fiscal year 1972 block grant funds (part C and E) dedicated to juvenile justice/delinquency efforts are provided below:

TABLE 1.—AMOUNT OF INDIVIDUAL GRANTS, AWARDED FOR JUVENILE JUSTICE

[Fiscal year 1972 subgrant awards as of Dec. 31, 1974]

State	Part C	Part E	Total
Connecticut	$1,776,112	$107,000	$1,833,112
Maine	205,939	0	205,939
Massachusetts	1,734,429	550,000	2,284,429
New Hampshire	285,785	88,942	337,727
Rhode Island	316,156	36,824	352,930
Vermont	77,081	59,835	135,916
Region I totals	4,395,502	842,601	5,201,103

In certain cases portions of awards have been prorated to reflect funds allocated to the juvenile component of a program area or specific project. Every effort was made to include all relevant awards. However, given the very broad definition of juvenile delinquency used in the 1974 act, there may be some under-estimates.

Further inquiries regarding these figures should be directed toward David S. Graves, juvenile justice specialist, of this office.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
To: Robert C. Goffus, Comptroller.

April 14, 1975.

Through: Joseph A. Nardoza, Acting Assistant Administrator.
From: Jules Tesler, Acting Regional Administrator.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

As per your request of April 8, 1975, the following information is provided:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
New Jersey	$2,117,161		$2,117,161
Virgin Islands	117,200	$15,000	132,200
New York	7,710,000	142,000	7,852,000
Puerto Rico	1,064,640	161,085	1,225,725

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

April 17, 1975.

To: Arthur Curry, Office of Comptroller.
From: Cornelius M. Cooper, Regional Administrator.
Subject: 1972 level of efforts in juvenile justice.

Pursuant to your April 8, 1975 request relative to the subject matter, we submit the following:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Pennsylvania	$4,837,118.00	$46,085	$4,883,203.00
Maryland	2,206,000.00	383,000	2,589,000.00
District of Columbia	324,693.00	35,163	359,856.00
Virginia	2,938,395.53	0	2,938,395.53
West Virginia	629,702.48	0	629,702.48
Delaware	319,724.00	65,000	384,724.00

REGION IV, ATLANTA

State	Part C	Part E	Total
Georgia	$940,095	0	$940,095
Tennessee	1,225,023	0	1,225,023
South Carolina	599,180	$102,404	701,581
North Carolina	1,175,821	237,265	1,413,086
Kentucky	1,561,174	157,350	1,718,524
Mississippi	1,081,171	228,826	1,309,997
Alabama	1,088,677	1,364,194	2,452,871
Florida	1,698,386	2,838,914	4,447,300

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

April 15, 1975.

To: Robert C. Goffus, Comptroller,
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
From: V. Allen Adams, Regional Administrator, Region V, Chicago.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

Pursuant to the above request, the following information is provided:

State	Part C	Part E	Total
Ohio	$4,491,060	$854,073	$5,345,133
Minnesota	2,639,343	216,142	2,855,485
Indiana	2,923,585	370,732	3,294,317
Michigan	2,391,684	1,466,867	3,858,531
Region V DF	692,205		692,205
Total	13,137,877	2,907,814	16,045,691
Wisconsin	2,403,697	59,597	2,463,294
Illinois	1,566,040	659,904	2,225,944

April 17, 1975.

To: Arthur Curry, Office of the Comptroller.
Through: Acting Assistant Administrator, ORO.
From: Regional Administrator, Dallas.
Subject: Fiscal year 1972 level of effort in juvenile justice.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Arkansas	$779,644	$40,000	$819,644
Louisiana	845,384	400,000	1,245,384
New Mexico	(1)	(1)	(1)
Oklahoma	1,200,277	0	1,200,277
Texas	3,104,984	449,924	3,554,908

[1] Data not available until Apr. 18, 1975.

April 10, 1975.

To: Arthur Curry, Office of the Comptroller.
Through: Acting Assistant Administrator, ORO.
From: Regional Administrator, Dallas.
Subject: Fiscal year 1972 level of effort in juvenile justice.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
New Mexico	$451,015	$10,853	$461,858

Please add this information to our previous message of March 17, 1975.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
April 17, 1975.

To: Robert C. Goffus, Comptroller.
Attention: Art Curry, Policy, Procedures and Systems Division.
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
From: Marvin F. Rund, Regional Administrator, Kansas City Regional Office.
Subject: Determination of fiscal year 1972 level of effort in juvenile delinquency.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Iowa	$785,360	0	[1] $785,360
Kansas	920,060	$316,530	1,236,590
Missouri	1,877,324	543,467	2,420,791
Nebraska	713,779	46,592	760,371

[1] The $785,360 figure includes $131,271 that was spent for juvenile drug abuse education. This type of funding is now provided by the Iowa Drug Abuse Authority and will no longer be funded by the Iowa Crime Commission. I feel that the $131,271 could legitimately be deducted from the $785,360 to arrive at a proper base figure.

April 16, 1975.

To: Mr. Robert C. Goffus, Comptroller.
Attention: Mr. Arthur Curry, Office of the Comptroller.
Through: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations.
From: Joseph L. Mulvey, Regional Administrator, Region VIII—Denver.
Subject: Fiscal year 1972 level of effort in juvenile justice.

Amount of individual grants awarded for juvenile justice:

State	Part C	Part E	Total
Colorado	$855,964	$306,735	$1,162,699
Utah	400,386	120,671	521,057
North Dakota	157,323	53,824	211,147
South Dakota	185,071	77,971	263,042
Montana	225,676	38,027	263,883
Wyoming	147,568	3,343	150,911
Total	1,971,988	600,751	2,572,739

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Burlingame, Calif., April 14, 1975.

Reply to attention of: Frank A. Maes, Arizona State Representative.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

To: Robert C. Goffus, Comptroller.
Attention: Arthur Curry, Office of the Comptroller, OC.
Through: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations, ORO.

Per your request of April 8, 1975, the SPA's in region IX were queried with respect to the amount of fiscal year 1972 block grant funds dedicated to juvenile justice delinquency efforts with the following information being submitted by them:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Arizona	$556,174	$254,286	$810,460
Hawaii	455,344	0	455,344
Nevada	68,389	29,204	97,593
American Samoa	6,031	0	6,031
Guam	(1)	(1)	(1)
California	7,376,206	2,807,862	10,184,068

[1] Information requested will be forwarded upon receipt.

If we can be of any further assistance, please advise us.

M. THOMAS CLARK,
Regional Administrator.

April 16, 1975.

From: Bernard G. Winckoski, Regional Administrator, Seattle.
To: Robert Goffus, Comptroller.
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
Subject: Determination of fiscal year 1972 level, in juvenile justice.

The following is in response to your April 8, 1975, message with the same subject as above:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Alaska	$127,381.32	$71,000	$198,381.32
Idaho	188,927.00	97,344	286,271.00
Oregon	742,938.00	133,407	282,345.00
Washington	1,241,000.00	275,000	1,516,000.00
Region X total	2,300,246.32	582,751	2,882,997.32

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

April 21, 1975.

To: Charles R. Work, Deputy Administrator for Administration.
From: Robert C. Goffus, Comptroller.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

In response to your request, I am enclosing a summation, by State, of juvenile justice awards from the fiscal year 1972 appropriations. This data is presented in two columns:

Column A.—The amount of awards, by State, in this column were extracted from the GMIS data base as of April 14, 1975. The total block dollar figure represents 93 percent of the total dollar awards made by the SPA's and 100 percent of the awards made by LEAA.

Column B.—The amount of awards, by State, in this column was obtained by direct contact with the SPA's. Each SPA was contacted and requested to determine the total amount of awards for 1972 juvenile justice/delinquency that was made from the fiscal year 1972 block (parts C and E) allocations. In deter-

mining whether or not a grant award was made for 1972 juvenle justice/delinquency purposes, SPA's were provided with the definition of juvenile delinquency as specified in the Juvenile Delinquency Act. For those awards that supported juvenile justice and nonjuvenile justice activities, SPA's were advised to use their best efforts in prorating that portion of the award it believed was dedicated to juvenile justice activities. The total dollar amount represents the amounts reported by each SPA plus 100 percent of the awards made by LEAA as classified by GMIS.

State	A	B	State	A	B
Alabama	$1,088,677	$1,364,194	New Jersey	$4,169,970	$2,117,161
Alaska	169,292	198,381	New Mexico	474,892	[1] 474,892
Arkansas	901,186	819,644	New York	10,144,372	7,852,000
Arizona	803,570	810,460	North Carolina	1,974,844	1,413,086
California	7,057,249	10,184,068	North Dakota	162,803	211,147
Colorado	815,889	1,162,699	Ohio	5,449,925	5,345,133
Connecticut	1,539,077	1,883,112	Oklahoma	588,110	1,200,277
Delaware	309,122	384,724	Oregon	701,941	882,345
District of Columbia	564,378	359,856	Pennsylvania	4,216,892	4,883,203
Florida	1,608,386	2,838,914	Puerto Rico	822,400	1,225,725
Georgia	1,747,730	940,095	Rhode Island	298,202	352,980
Guam	111,955	[1] 111,955	Samoa	[2]	6,031
Hawaii	542,951	455,344	South Carolina	567,300	701,584
Idaho	136,661	286,381	South Dakota	208,729	263,042
Illinois	2,529,453	2,225,944	Tennessee	1,589,721	1,225,023
Indiana	1,969,778	3,294,317	Texas	3,565,134	3,554,908
Iowa	515,101	654,089	Utah	540,896	521,057
Kansas	1,326,991	1,236,590	Vermont	126,785	136,916
Kentucky	1,663,946	1,718,524	Virgin Islands	159,800	132,200
Louisiana	885,848	1,245,384	Virginia	1,542,070	2,938,395
Maine	178,956	205,939	Washington	1,841,637	1,516,000
Maryland	2,320,250	2,589,000	West Virginia	537,810	629,702
Massachusetts	1,857,588	2,284,429	Wisconsin	1,866,049	2,463,294
Michigan	3,532,388	3,858,531	Wyoming	157,839	150,911
Minnesota	2,291,479	2,855,485			
Mississippi	1,008,662	1,309,997	Total block (C+E funds)	82,699,262	89,355,432
Missouri	2,290,466	2,420,790	Total (institute, discretionary C+E)	22,495,622	22,495,622
Montana	220,261	263,883	Total juvenile justice awards	105,194,884	111,851,054
Nebraska	542,044	760,371			
Nevada	99,577	97,593			
New Hampshire	363,230	337,727			

[1] Col. B—No report received from SPA. GMIS figure used.
[2] Not available.

NATIONAL COUNCIL OF JUVENILE COURT JUDGES,
Reno, Nev., February 25, 1976.

MEMORANDUM

To: Juvenile Court Judges of the United States.
From: Judge Walter G. Whitlatch, President, NCJCJ; Judge John R. Heilman, Chairman, Committee on Legislation.

S. 2212, Mr. Hruska, now pending in the U.S. Senate, would repeal Sections 261(b) and 544 of the Juvenile Justice and Delinquency Prevention Act of 1974. Sections 261(b) and 544 of the JJDP Act are known as "maintenance of effort" sections and provide that the Administration *shall maintain at least* the level of financial assistance for juvenile delinquency programs as was provided by LEAA in Fiscal Year 1972. The 1972 amount is now said to be $112 million.

Obviously, the intent of this attempted repeal is to further diminish the already inadequate funding of the JJDP Act. May we suggest that you, in your capacity as a judge of your court, write your senators urging them to oppose Section 8 (2) and (3) of S. 2212, Mr. Hruska.

Please send copies of your communications to: Judge John R. Heilman, Nelson House Annex, 28 Market Street, Poughkeepsie, New York 12601.

STATEMENT OF WALTER SMART, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, AUD ROBERT DYE, ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL BOARD OF YOUNG MENS' CHRISTIAN ASSOCIATION, ON BEHALF OF THE NATIONAL COLLABORATION FOR YOUTH

Mr. Chairman, it is a great pleasure for us to accept your invitation to testify here today on behalf of the National Collaboration for Youth. The objectives of our testimony is to explain the need to include assurances in the reauthorization of the Law Enforcement Assistance Administration that the level of financial and program support for juvenile justice and delinquency prevention under the Omnibus Crime Control and Safe Streets Act be maintained.

We hope that you and your Subcommittee will not report Section 8(2), and 8(3) of H.R. 9236, which would delete the requirement of "maintenance of effort" for LEAA juvenile delinquency programs from the Safe Streets Act, as amended, and from the Juvenile Justice and Delinquency Prevention Act of 1974. We want to assure you that this requirement is not a mere technicality, but is essential to creation of a meaningful Federal government effort to reduce juvenile crime and improve the quality of the juvenile justice system.

This is particularly important as efforts in the juvenile area are viewed as essential to the reduction of crime, which we assume to be a top priority of this Committee. We quote from the 6th Annual Report of LEAA:

". . . Perhaps the area that offers the most promise for reducing crime is that of treatment and diversion programs, rather than institutionalization, for juveniles who run afoul of the law." (Page 5)

". . . If young people in trouble can be identified before their first serious encounter with the law and given the chance to participate in programs designed to promote constructive behavior, the rate of juvenile crime might be reduced significantly." (Page 41)

We are particularly pleased to testify here today due to the Collaboration's long-term commitment to fight to improve the quality of juvenile justice for young people, and to break the cycle of crime by preventing delinquency in the first instance.

The National Collaboration for Youth consists of: Boys' Clubs of America, Camp Fire Girls, Future Homemakers of America, Girl Scouts of the U.S.A., National Board of YMCA's, National Jewish Welfare Board, Boy Scouts of America, 4–H Clubs, Girls Clubs of America, National Board of YWCA's, National Federation of Settlements, and Red Cross Youth Service Programs.

In excess of 30,000,000 young people were served by the local affiliates of these organizations in 1974. These are a broad cross-section of this nation's young people from rural and urban areas from every State in the Union, from all income levels and from all ethnic, racial, religious and social backgrounds. We have the experience of working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble.

We have the expertise of 40,000 professional staff, both men and women, who believe in the importance of their work in youth development, and who believe in the need to divert children from our outmoded juvenile justice system. This resource of competent, knowledgeable individuals with expertise in working with youth and families is a formidable system of service delivery already available and active in large and small communities, urban centers and rural areas.

We have the services of 5,000,000 volunteers—this is an unusually active resource of uncompensated people power. Voluntarism is a reality—a fundamental facet of national youth serving agencies' organization. One million volunteers serve on national and local boards and committees. This tremendous corps of local community leadership extends into every State of the Nation, providing a wide base of community support and influence.

One of the major reasons behind the formation of the National Collaboration for Youth, which is really a way for National Executives and lay leaders to work together for common goals, was a mutual anxiety about the problem of juvenile delinquency and its prevention. We were well aware that the arrest of

juveniles for serious criminal acts has risen 1,600 percent in 20 years. But, as voluntary national youth-serving organizations, we were concerned both about the quality of our juvenile justice system and the lack of a voice on this issue from those organizations that have the most first-hand experience in working with our nation's youth. Our agencies, dealing daily with the delinquent and potentially delinquent youth in our society, are aware of the abuses and shortcomings of the way our communities treat juveniles.

The Collaboration came together to express its concern that children are frequently rejected by recreational, education and social service systems only to be abandoned to the streets, the courts and ultimately detention and correctional systems. Because of the urgent need to offer more opportunities to young people and to find improved methods of preventing delinquency and of handling youthful offenders, the national voluntary organizations committed themselves to strengthen their efforts and to reform youth services.

But, it was obvious from the beginning, that effective government action was essential if there was to be any hope of success. And, so we pledged our organizations to seek a partnership between the public and private sectors to help children in trouble.

One of the first efforts of the National Collaobration for Youth was to work for the comprehensive approach to the juvenile crime problem embodied in the Juvenile Justice and Delinquency Prevention Act of 1974. This Act created a new Office of Juvenile Justice and Delinquency Prevention in LEAA to coordinate Federal delinquency programs and administer a new juvenile delinquency prevention, diversion and community-based alternatives program. The bill enacted the principles necessary for a new public-private cooperation in combating delinquency.

Throughout the three year bipartisan push to pass the Juvenile Justice Act, there was considerable debate over what agency should administer the bill. LEAA, in claiming that it was the appropriate agency to administer the bill, stressed repeatedly its experience in the juvenile justice field. LEAA explicitly substantiated its commitment to the field by emphasizing the significant, if small, allocation of funds to juvenile justice from its Safe Streets appropriation. In placing the new juvenile delinquency program in LEAA, Congress recognized that this new Act would be meaningless if LEAA could simply stop using Safe Streets Act funds for juvenile justice programs.

In order to assure that LEAA maintained the level of funding of its existing juvenile delinquency programs, the Juvenile Justice Act provided in the authorization of appropriation section as follows:

Sec. 261(b) "In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972."

It is this subsection—the so-called "maintenance of effort" provision, which section 8(2) of H.R. 9236 seeks to delete from the 1947 Act. Section 8(3) of this House bill also seeks to delete Section 544 of that Act which contained an identical maintenance of effort provision as a conforming amendment to the Safe Streets Act.

Repeal of the maintenance of effort provision would make the passage of the landmark Juvenile Justice Act a sham because of the limited funding available for the new Act. The requirement of maintenance of juvenile justice funding under the Safe Streets Act is essential for any meaningful Federal government effort to prevent and reduce youth crime, due to the fact that Congress has had to push LEAA towards a greater commitment to juvenile justice programs, and the resistance of the Administration to adquate appropriations for the new Act.

Ever since the establishment of the Law Enforcement Assistance Administration, Congress has been pressing LEAA to provide leadership in the reduction and prevention of youth crime. Any question of LEAA's mandate in this field was finally eliminated by the 1971 and 1973 amendments to the Safe Streets Acts, which specifically authorized grants for community-based delinquency prevention; amended the declaration of purposes of the Safe Streets Act to include the reduction of delinquency; and provided for the first time that each State must include juvenile delinquency in the comprehensive State plan. Not until 1974 did LEAA establish an office to deal with delinquency. The track record of State planning agencies' programs funded by LEAA is mixed. Some States devote almost no resources to the delinquency question.

The lack of commitment to juvenile justice programs by LEAA is demonstrated by the small proportion of its funds allocated to juvenile crime measured against the proportion of crime committed by juveniles. The States, in using their LEAA State block grants, have never allocated as much as a fifth of their resources to seeking solutions to the delinquency problem in this nation. Considering the fact that youth are responsible for almost half of the serious crime in this country, and that juveniles have the highest recidivism rate, it is clear that LEAA has never devoted an adequate proportion of its appropriations to the juvenile crime problem. Congress was extremely sensitive to the need to compel LEAA to continue its juvenile justice programs at at least the 1972 level, and for this reason placed the maintenance of effort provision in the Juvenile Justice Act.

In this connection, it should be noted that at the time of the passage of the Juvenile Justice Act, LEAA stated that it had spent $140 million on juvenile delinquency programs in 1972. By the time of the 1975 oversight hearings, LEAA testified that it had actually spent only $412 million on juvenile delinquency programs in fiscal 1972. Recently, LEAA referred to the "more than $100 million" spent on these programs in 1972. It is not surprising that LEAA keeps changing its 1972 juvenile justice total because LEAA, to this day, does not have an adequate system of accounting for actual expenditures of funds. This is particularly true of State block grant funds, but LEAA also has incomplete information on how LEAA discretionary funds are spent. We do not know, for example, what it is counting as "juvenile justice expenditures" in arriving at the fiscal 1972 total. As long as LEAA has this kind of flexibility with regard to juvenile justice funding, both in terms of dollars and definitions, it is important that the maintenance of effort provision continue as a measure of the minimum acceptable expenditure for juvenile justice.

Since the passage of the Juvenile Justice Act in 1974, LEAA's total commitment to the funding of juvenile justice programs has not increased. The National Council on Crime and Delinquency in 1975 testimony before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, expressed its concern over the "irresponsibly low ratio" (9.3 percent) which LEAA spent of its discretionary funds on juvenile justice programs in 1973. In spite of the fact that most adult criminals start their "careers" as juvenile delinquents, the States did little better than the Federal government in expenditures for juvenile justice. In 1975, LEAA State block grant expenditures in the juvenile justice area remained at the "grossly inadequate" level of 13.1 percent of available funds. LEAA's record on juvenile justice makes it clear that to leave the level of expenditures in this vital area to LEAA's discretion is to court disaster.

The need for the maintenance of effort provision is apparent in the light of the cut in the Administration's over-all request for LEAA appropriations for fiscal year 1977. In this connection, The National Collaboration for Youth wishes to support the reauthorization of the Law Enforcement Assistance Administration. We cannot take a position as to the level of funding for adult programs, but virtually all of our agencies have administered Safe Streets Act grants and can speak from experience on the value of juvenile justice programs funded under that Act. From a policy point of view, the continuance of the maintenance of effort provision is crucial to deal with the exploding youth crime crisis.

Nevertheless, given LEAA's record in the delinquency area, it is a cause for concern that the Administration's budget has proposed a decrease in LEAA's budget request to $709.9 million for fiscal year 1977. This request represents a net decrease of $102.7 million below the $810.8 million adjusted appropriation for fiscal 1976, according to Mr. Velde's testimony before the House Appropriations Subcommittee. If the maintenance of effort provision is deleted, much of the LEAA's budget cut may well come out of juvenile justice programs.

The retention of the maintenance of effort provision is also crucial due to the reluctance of the Administration to provide adequate funding for the effective implementation of the Juvenile Justice Act. For the three fiscal years covered by this Act, only $10 million (2.8 percent) of the $350 million total authorization has ever been requested by the Administration. It did not request appropriations for either fiscal 1975 or 1976. The Federal budget for fiscal year 1977 requests only $10 million for juvenile justice and delinquency prevention, which represents a 75 percent cut from Congress' funding for fiscal year 1976. The National League of Cities, and the U.S. Conference of Mayors stated in their review of the Administration's budget, that this program was cut so severely that its "very survival is questioned."

In addition, in January, 1976, the Administration submitted a message deferring $15 million of the $40 million which Congress appropriated for fiscal year 1976 for the Juvenile Justice Act. Even though this deferral is supposed to be spent in fiscal year 1977, the deferral request jeopardizes the entire delinquency program at a time when the States are just starting to participate in the Juvenile Justice Act. Some States have even decided not to participate because of the inadequate Federal funding, and more may opt out. Given the low level of commitment to the 1974 Juvenile Justice Act, its existence should not be used to decrease juvenile justice programming under the Safe Streets Act.

It must be pointed out that in the notice of Deferral of Budget Authority of the $15 million for fiscal year 1976, the justification states that, in addition to appropriations available to LEAA under the Juvenile Justice Act, the funding of juvenile delinquency programs from other LEAA grant programs must not be reduced below the fiscal year 1972 level of "more than $100 million." It would appear that the Administration is using the maintenance of effort requirement to defer funds under the Juvenile Justice Act while simulaneously trying to delete, through Section 8 of H.R. 9236 this requirement. The net result would be that funding levels of juvenile justice programs will be entirely in LEAA's discretion. Success in this combination of policies could be disastrous if not fatal to an effective LEAA juvenile justice effort, and would put the Federal role in juvenile delinquency programming back to where it was before enactment of the 1974 Act.

The overwhelming passage of the Juvenile Justice and Delinquency Prevention Act demonstrated Congress' clear recognition of the need for a coordinated comprehensive Federal response to the juvenile delinquency crisis, and that the maintenance of effort provision was essential to such a significant Federal commitment.

The explicit mandate for Federal leadership was a key element in winning The Collaboration's belief in the importance of this legislation. Congress passed the legislation overwhelmingly—the House by a 329 to 20 vote and the Senate by an 88 to 1 vote—and the House-Senate Conference version was passed unanimously by both bodies. The Conference Report stated:

"The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of the new authorization under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act."

Congress recognized, and it remains true today, that the maintenance of effort provision is essential to give the Juvenile Justice Act a chance for effective implementation. The League of Cities and the United States Conference of Mayors have pointed out in its 1976 study, "The Federal Budget and the Cities," that "the Juvenile Justice and Delinqeuncy Prevention Program should be given a fair chance to prove itself . . ." Adding the funds required by maintenance of effort and the Administration's request for fiscal year 1977 for the Juvenile Justice Act, only about 13% of the total LEAA funds would be expended for juvenile justice in 1977.

The lack of commitment to the Juvenile Justice and Delinquency Prevention Act is a tragically familiar story. In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act, giving H.E.W. primary responsibility for national leadership in developing a broad spectrum of preventive and rehabilitative services to delinquency and pre-delinquent youth. H.E.W. ultimately failed to meet its broad mandate due to lack of effective administration, particular lack of support from the Department, and lack of sufficient funding. One of the reasons for placing the new Act in LEAA was to focus all juvenile justice programs in one place. But, it would be tragic to transfer the delinquency program to LEAA only to repeat the failure.

Our hopes for the LEAA program remain high for there are a number of significant differences between the LEAA program and its predecessor.

Although the program existed for a year without an Administrator, a qualified and competent juvenile justice expert, Milton Luger, has been appointed to head the Office of Juvenile Justice and Delinquency Prevention within LEAA.

The Juvenile Justice Act provides for policy control, not only of the programs under the Act, but also for the programs concerned with juvenile delinquency administered by LEAA under the Omnibus Crime Control and Safe Streets Act. Mr. Luger's appointment was a first step in telling the bureaucracy, both in the Federal and State governments, that LEAA seriously intends to carry out the

mandate of the Act. But, adequate appropriations are essential for the States to take this message seriously.

The required Federal Coordinating Council on Juvenile Justice and Delinquency Prevention has been established and has undertaken the difficult task of trying to coordinate all Federal juvenile delinquency efforts.

The National Advisory Committee for Juvenile and Delinquency Prevention, a broadly representative group, including Collaboration Chairman William Bricker of the Boy's Clubs of America, is becoming advisor to LEAA on the planning, operations, and management of juvenile delinquency programs.

The National Institute for Juvenile Justice and Delinquency Prevention has commenced the research and evaluation required by the Act to make juvenile delinquency programing increasingly effective and accountable in the years ahead. The States are charged with developing the first comprehensive plans required by the Act so that the new delinquency prevention, diversion and community-based alternatives programs should be part of meaningful coordinated approach of public and private agencies at the local, State and national level.

A key premise of the Juvenile Justice Act is the recognition of the need for cooperation of the private voluntary sector because voluntary agencies have a well established delivery system unmatched by government agencies.

We fully recognize that it will require many more years of hard work to begin effective implementation of the Act. At the present time, we are only asking for assured funding to make that significant beginning possible.

The Juvenile Justice Act does not have to be extended until the end of fiscal year 1977, but the decision to retain the maintenance of effort provision in the extension of the Safe Streets Act will indicate the intent of Congress to continue to support a Federal leadership role in the juvenile justice field.

In closing, we want to address two questions which are frequently raised in relation to delinquency programs: (1) are these programs a duplication of other social programs, and (2) is further research needed before proceeding on delinquency programs? The answer to both questions is a resounding "No". In the first instance, our nation's youth have never received a fair share of social program funds due, perhaps, to the fact that they are among the most powerless members of society. The delinquent and potential delinquent population are the least protected of this powerless group because many of them are poor, female, or disproportionately from minority groups. Many are the throwaway children (the dropouts or the push-outs) who no individual or organization wishes to deal with and who are virtually voiceless in our society. These are the youth who are always at risk because they have been declared failures by every other social institution prior to involvement in the juvenile justice system.

The constituent agencies of the Collaboration have years of experience in working with youth in trouble in programs at the grass-roots level with proven effectiveness in preventing delinquency. They know that more research is not needed before creating more services to prevent delinquent behavior by these young people.

While we can all benefit from knowledge gained from evaluation, we want it clearly on the record that more than enough is known to proceed with the prevention and treatment programs funded through the Safe Streets Act. There is no need for more models or further studies before action. There is a need for a lasting Federal commitment to provide the leadership, knowledge, and resources necessary for desperately needed operational programs. The Collaboration is committed to working with LEAA to form a partnership between private voluntary agencies and the government so that these agencies can use their expertise to establish the operational programs necessary to reach hard-to-reach young people.

The National Collaboration for Youth is also committed to providing a voice at the national level for experienced youth-serving agencies and their constituents, the youth themselves, in the fight for justice for juveniles this year, next year, and for years to come.

This year the Collaboration recognizes that the battle that must be won on behalf of youth at the Federal level is the battle to prevent the repeal of the maintenance of effort provision in the extension of LEAA. We strongly urge this Subcommittee not to delete this provision so vitally important to young people, and indeed to all people of this nation.

Thank you, Mr. Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., May 4, 1976.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Room 2204, Dirksen Senate Building, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that you intend to seek consideration of the President's bill to extend the Law Enforcement Assistance Act, S. 2212, at tomorrow's Full Committee meeting. I share your desire that the measure be sent to the Senate by May 15th as required by law and stand ready to assist, if the bill reported rejects the patently objectionable provisions of S. 2212 relating to the Juvenile Justice and Delinquency Prevention Act of 1974.

The Administration bill would effectively repeal the Juvenile Justice Act. It eliminates the "maintenance of effort" provisions of the Act which you recall were the basis of my decision to join with Senator Hruska and yourself in support of a new Office in LEAA. These provisions established juvenile crime prevention as a national priority by requiring LEAA to support at least fiscal year 1972 levels for this area. When combined with other provisions of the 1974 Act it was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crimes.

In spite of the strong bipartisan support for our approach the Administration has steadfastly opposed funding for the Act ostensibly because of the availability of the very "maintenance of effort" provisions which it seeks to repeal in S. 2212.

Later this month my Subcommittee will continue its oversight of the new Office with special focus on efforts to deal with young violent offenders who too often escape incarceration and the status offenders who are too frequently incarcerated.

I intend to carefully review the provisions in question, which have been jointly referred, during the course of our subcommittee inquiry. It is not my desire to exercise my prerogatives and object to the consideration of the President's provision or comparable equally unpalatable ones, but if circumstances compel me to object I am certain that you will understand.

With warm regards,
Sincerely,

BIRCH BAYH, *Chairman.*

BAYH AMENDMENT TO S. 2212, MAY 12, 1976

1. For more than 5 years Senator Bayh, as Chairman of the Juvenile Delinquency Subcommittee, has stressed his concern over the lack of adequate funding for juvenile crime prevention initiatives and the failure of the Federal Government, in spite of double-digit crime rates, to properly respond to juvenile crime and to make the prevention of delinquency a Federal priority.

2. The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93–415) is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88–1) and House (329–20) to specifically address this nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people, who have the highest recidivism rate of any age group.

3. This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Now LEAA must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are and that the thousands of youth who have committed no criminal act (status offenders such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

4. An essential aspect of the 1974 Act is the "maintenance of effort" (M/E) provision (§26(b)). It requires LEAA to continue at least fy '72 level ($112 million) of support for a wide range of juvenile programs. This provision assured that the 1974 Act aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditional juvenile programs to the new Act and thus guarantees that juvenile crime prevention will be a priority.

5. President Ford has stifled the funding and implementation of the 1974 Act. The Administration has until fy '77, when they sought 7% of the $150 million authorized for the Act, opposed funding ostensibly on the grounds of the availability of the M/E dollars. Yet, the President's bill to extend LEAA, S.2212, repeals this key provision of the 1974 Act.

6. Today, the Administration, unable to obtain repeal, is seeking to substitute a percentage for the M/E provisions of the 1974 Act. This percentage (19.15) represents the relationship of the $112 million M/E to the total LEAA block grant for fy '72.

7. The Subcommittee to Investigate Juvenile Delinquency intends to carefully review this alternative approach prior to the expiration of the 1974 Act next year. It is similar to the Bayh-Cook amendment the Senate approved to the 1973 LEAA extension which required LEAA to allocate 30% of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in Conference where it was deleted. In view of the strong Administration opposition to the 1974 Act, in part evidenced by its attempt to repeal the M/E, and experiences such as that in 1973, it is paramount that the 1974 Act, which for the first time places a high Federal priority on juvenile crime prevention, remains intact.

Senator BIRCH BAYH, *Chairman,*
Subcommittee to Investigate Juvenile Delinquency.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 261 on Maintenance of Effort Requirement

PART D—AUTHORIZATION OF APPROPRIATIONS

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

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

[Extract From the Congressional Record, June 28, 1973]

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

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

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

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

The amendment (No. 287) is as follows:

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

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

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

"(1) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-

care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment, or rehabilitative service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

While the percentages vary from State to State, more than half the States allocated at least 20 percent of their LEAA funds to juvenile delinquency in fiscal 1971. My own State of Indiana, for example, 21.3 percent of the block funds grant

were allocated to juvenile delinquency programs in fiscal 1971. Although State by State percentage breakdowns are not available for fiscal 1972, the average percentage of block grants allocated to juvenile delinquency has increased slightly this past year to 21 percent. Thus, our amendment, which requires that 20 percent of block grant funds be allocated to juvenile delinquency programs the first year and that 30 percent be allocated in any subsequent year, would allow the States adequate time to make the necessary transition.

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

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

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

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

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

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

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

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

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

This amendment is not a straitjacket. It is not tying the hands of the State; rather it is requiring them to invest in a wide variety of prevention and treatment programs, so that the juvenile may be retained in his home, in his school,

in his community; community-based programs and services to work with parents and other family members; community-based programs to support, counsel, provide work and recreational opportunities; comprehensive programs of drug abuse education and prevention; educational programs and supportive services designed to keep delinquents or youths in danger of becoming delinquent in the school system.

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

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

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

The States are spending that much money now for juvenile purposes. If we take it all together, they are already spending more than 21 percent directly, and if we take into account all the other money for correctional and other purposes, it would probably reach 30 percent all together, if we allocate the proper part of it to the juvenile effort.

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

Mr. BAYH. May I inquire——

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

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

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

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

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

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

The amendment was agreed to.

LEGISLATIVE HISTORY OF THE MAINTENANCE OF EFFORT SECTION

[Excerpts from Senate Report No. 93-1011, 93d Cong. 2d sess., from Mr. Bayh, July 16, 1974. "Juvenile Justice and Delinquency Prevention Act of 1974 Report to accompany S. 821"]

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Senator Bayh in commenting on these amendments in 1971 during the Juvenile Delinquency Subcommittee hearings noted that:

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". . . [O]ne of the reasons that certain language was used in the 1970 amendments to the Omnibus Crime Control and Safe Streets Act was that Congress was concerned that adequate emphasis was not being placed in certain areas. So, we wrote into the act the provision for the prevention and control of juvenile delinquency.[21]

* * * * * * *

This, together with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act Program, led to an increased emphasis on juvenile delinquency under the LEAA program. LEAA has estimated that almost $140 million dollars in its fiscal year 1972 funds had been allocated for juvenile delinquency programs [see Appendices C and D].

[21] Hearings supra note 2 at 20.

Finally, Congress in the Crime Control Act of 1973 required LEAA to place an ever greater emphasis on juvenile delinquency. The act made a number of changes in the Omnibus Crime Control and Safe Streets Act relative to juvenile delinquency. In the Declaration and Purpose section of the Safe Streets Act made the following statement for the first time:

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"To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified and made more effective at all levels of government.[22]

The Crime Control Act of 1973 also required for the first time that each State specifically deal with juvenile delinquency in the comprehensive plans which must be submitted by the States as a condition for receiving LEAA funds. The Act now requires that:

"No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.[23]

As a result of the 1973 amendments a number of new initiatives have been undertaken by LEAA. These have included the establishment of juvenile justice divisions in its Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice and most significantly the establishment of a juvenile delinquency initiative as one of the major new thrusts of LEAA in fiscal years 1974, 1975, and 1976.[24]

* * * * * * *

On June 27, 1973, LEAA Associate Administrator, Richard W. Velde, reported to the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency that:

During fiscal 1972, LEAA awarded nearly $140 million on a wide-ranging juvenile delinquency program. More than $21 million, or 15 percent, was for prevention; nearly $16 million, or 12 percent. was for diversion; almost $41 million or 30 percent went for rehabilitation; $33 million, or 24 percent, was spent to upgrade resources; $17 million, or 13 percent, went for drug abuse programs; and $8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program.[25]

The dollar amount was determined from a thorough review of all the individual State plans, approved by LEAA, for that year, plus discretionary grants representing additional awards to States from LEAA, including "the High Impact Anti-Crime Program." It is important to understand that this amount had not as yet been subgranted by the States to respective units of government for implementation. These funds represented, in the main, block grant awards to States based on State plans containing juvenile delinquency components. They also represent what the States felt, at that time, were programs and fund allocations in the best interest of the community.

Appendix C includes a series of tables that show the actual breakdown of the "nearly 140 million" figure which in reality was actually $136,213,334. A breakdown is also included to show how much was expended for services and how much was expended for "hardware" or equipment and the figures show that only 7 percent of the juvenile delinquency funds went for hardware. A further breakdown is included in Appendix D which sets forth a brief description of each and every LEAA program included in the approximately $21 million in prevention and approximately $16 million in diversion program areas.

* * * * * * *

The most important and vital comparison of current LEAA authority and the new authority anticipated by the Committee Amendment to S. 821 relates to the expansion of LEAA authority to fund programmatic efforts in the juvenile delinquency area. LEAA's current Part C authority provides LEAA with a degree of funding authority in the juvenile delinquency area. In addition, recruitment, community-based facilities, and drug programs relating to coordination efforts have all been funded. This authority will remain intact and anticipated funding from Part C in the juvenile area will remain at the same or increased levels.

LEAA's Part E authority for funding in the correctional area was added in 1971 in recognition of the need for increased emphasis and Federal funding for

[22] Public Law No. 93-83, 87 Stat. 197, § 2 (1973).
[23] Id. § 303(a).
[24] See statement of Richard W. Velde, hearings, supra note 3, at 635–700.
[25] Hearings, supra note 3, at 636, 663.

correctional activities. While this authority does not go to juvenile delinquency prevention efforts, considerable funds have been awarded for community-based facilities, drug related programs, and diversion efforts. It is vital to understand that the new Part F authority greatly expands LEAA's ability to support predelinquent diversion efforts and all activities related to shelter, care, diagnostic treatment, and other programs related to youths who have not had contact with the criminal justice system. The need for the supplemental funds is great. The bill provides that Part F money may only be used for Part F purposes. To the extent Part F purposes overlap with Part E or Part C purposes, both sources of funds may be used to fund a single project. Indeed, the Part F funds may even be used to meet the Part C or Part E matching requirements on crime can certainly be expected from the greatly increased appropriations specified for exclusive use in the juvenile delinquency area.

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APPENDIX C

TABLE I.—BREAKDOWN OF FISCAL YEAR 1972 JUVENILE DELINQUINCY EXPENDITURES BY LEAA

	Amount	Percent	Percent of $136,213,334
Prevention:			
Block	$19,934,592	94.8	
Discretionary	1,096,442	5.2	
Total	21,031,034		15.4
Diversion:			
Block	14,143,396	89.2	
Discretionary	1,540,096	10.8	
Total	15,683,492		11.5
Rehabilitation:			
Block	37,799,491	92.0	
Discretionary	3,013,733	8.0	
Total	40,793,264		29.9
Upgrading resources:			
Block	30,725,095	93.3	
Discretionary	2,212,286	6.7	
Total	32,937,381		24.2
Drugs:			
Block	14,431,179	77.4	
Discretionary	3,262,002	22.6	
Total	17,693,181		13.0
High impact	8,075,000		6.0
Total			100.0
Block total	117,013,735		85.4
Discretionary total	11,124,599		14.6
High impact	8,075,000		
Total	136,213,334		

TABLE II

	Total amount	Hardware amount	Percent
Prevention:			
1. Information, education, public relations	$1,534,153	$100,265	6.53
2. Police/community/youth relations	4,985,479	500,000	10.02
3. School and community programs	9,842,309		0
4. Youth involvement	863,750		0
5. Volunteers	269,675		0
6. Special youth services	2,772,794	23,400	.843
7. Research and development	762,874		0
Total	21,031,034	623,665	2.96
Diversion:			
1. Youth service bureaus 4,320,941			0
2. Advocacy programs 60,000			0
3. Diagnostic and treatment services 2,466,278			0
4. Pretrial diversion 909,184			0
5. Special youth services 7,877,089			0
6. Research 50,000			0
Total 15,683,492		0	0
Rehabilitation- Special treatment:			
1. Institutions	3,104,251	181,790	5.85
2. Community	4,294,672	100,384	2.33
3. Aftercare	590,250	25,000	4.23
4. Education and training of offenders	558,503	0	0
5. Diagnosis/screening	1,492,087	0	0

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[From the Congressional Record, July 18, 1974]

STATEMENT OF SENATOR BIRCH BAYH

Juvenile Justice and Delinquency Prevention Act of 1974—Amendment

(AMENDMENT NO. 1578)

(Ordered to be printed and to lie on the table.)

Mr. BAYH (for himself, Mr. Hruska, Mr. Mathias, Mr. Cook, Mr. McClellan, Mr. Fong, Mr. Hart, Mr. Hugh Scott, Mr. Kennedy, Mr. Thurmond, Mr. Burdick, Mr. Gurney, Mr. Abourezk, Mr. Bible, Mr. Brock, Mr. Case, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Humphrey, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Mondale, Mr. Cannon, and Mr. Eastland) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Mr. BAYH. Mr. President, I am gratified to join today with my distinguished colleague, Senator Roman Hruska and numerous cosponsors in introducing an amendment in the nature of a substitute to S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974. The Juvenile Justice and Delinquency Preven-

tion Act is the product of a 3-year, bipartisan effort, which I have been privileged to lead, to improve the quality of juvenile justice in the United States and to provide overhaul of the Federal approach to the problems of juvenile delinquency.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973. The Senate Subcommittee on Juvenile Delinquency of which I am chairman, held 10 days of hearings and heard 80 witnesses on S. 821 and S. 3158. These hearings demonstrated the need for a comprehensive coordinated juvenile delinquency effort combined with assistance to States, localities, and private agencies to prevent delinquency and to provide community-based alternatives to juvenile detention and correctional facilities.

I was gratified when on March 5, 1974, the Senate Subcommittee To Investigate Juvenile Delinquency reported S. 821 unanimously to the full judiciary. S. 821 originally proposed the creation of a new office to administer the program in the Executive Office of the President and the bill as reported from the subcommittee placed the program in the Department of Health, Education, and Welfare. The Judiciary Committee amended and reported the bill on May 8, 1974, placing the program in the Law Enforcement Assistance Administration (LEAA) of the Department of Justice and making certain other changes.

I have been working closely with the distinguished ranking minority member of the Judiciary Committee (Mr. Hruska) to develop a strong bill which provides for administration of this program within LEAA and which guarantees that the program can achieve the crucial goals of S. 821 as originally introduced. I am pleased to announce that Senator Hruska and I have been able to work out this substitute amendment that preserves the essence of the original Juvenile Justice and Delinquency Act while placing the program in LEAA. It achieves such vital objectives as coordination of Federal delinquency programs; authorization of additional resources to States, localities and public and private agencies for community-based prevention, diversion, and treatment programs; creation of centralized research, training, technical assistance, and evaluation activities; and adoption of basic procedural protections for juveniles under Federal jurisdiction. We are gratified that so many of the original cosponsors have joined this effort along with additional cosponsors which assure a broadly based support for the substitute amendment.

The substitute amendment creates a Juvenile Justice and Delinquency Prevention Office in LEAA headed by an Assistant Administrator who will administer a newly created juvenile delinquency prevention and rehabilitation effort within LEAA, and who will have policy control over all juvenile delinquency programs funded by LEAA. S. 821 thus assures a comprehensive approach within LEAA and this office will also have the responsibility of carrying out the goal of the original S. 821 to coordinate all Federal juvenile delinquency programs. Moreover, this office will provide the desperately needed leadership to deal with the multifaceted problem of delinquency.

The substitute amendment also provides that LEAA shall maintain the same level of financial assistance for existing juvenile delinquency programs as LEAA maintained in 1972—namely, $140 million. The substitute amendment further authorizes substantial new funds over the next 2 years to carry out the additional programs which it establishes. In this way we have guaranteed the kind of substantial resources necessary to combat the delinquency crisis in this country. As is ewll-known, juveniles account for more than half of the crime in this country and no agency of the Federal Government has ever devoted the kind of resources needed to solve the problem. The funding authorized in S. 821 is a substantial step in the right direction of matching resources with the gravity of the problem.

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[From the Congressional Record, July 25, 1974]

Mr. BAYH. Mr. President we recognize that substantial resources are needed to implement this far-seeing comprehensive delinquency program. Title VI provides that LEAA shall maintain the same level of financial assistance for existing juvenile delinquency programs as LEAA did in fiscal year 1972—namely $140 million. In addition, the bill authorizes $75 million in fiscal year 1975 and $150 million in fiscal year 1976 for the new programs created in this act. These provisions are vital to creating within LEAA the priority for juvenile delinquency programs that is essential to the success of the new part F created by S. 821.

In this connection, I want to observe that the Senate subcommittee has worked for many years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that juveniles are responsible for half the crime in this country. In fiscal 1970, LEAA spent 12 percent of its funds on juvenile delinquency programs, and in fiscal 1971, although the percentage increased somewhat, it still was only 14 percent. In fiscal year 1972, under 21 percent went to juvenile delinquency programs. In addition there is a tremendous difference in the level of funding of juvenile programs at the State level.

According to an analysis of the State plans by the National Council on Crime and Delinquency, the percentage spent of part C LEAA funds on juvenile justice and delinquency prevention ranges from a high of 56 percent in Guam to a low of 0.29 percent in Kansas. In the years ahead, it will be necessary for LEAA to provide leadership on the national level to assure that the truly national effort to prevent delinquency becomes a reality. It is not merely a question of the total expenditure for delinquency programs. It is also vital that all States become involved in the effort so that there ceases to be such a tremendous disparity among the States on their approach to delinquency.

S. 821 provides the structure and the resources for LEAA to create the long-needed national priority concern by the Federal Government to prevent delinquency, divert juveniles from the juvenile justice system, provide meaningful alternatives to the traditional juvenile detention and correctional facilities and to improve the quality of justice for juveniles in this country. I will vigilantly review LEAA's activities to assure that the strong accountable Federal responsibility to the delinquency crisis required by S. 821 is forthcoming. With the resources and authority contained in S. 821, I have every confidence that this will be the case.

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Mr. BAYH. I was pleased on July 25 when my colleagues in the Senate voted 88 to 1 in favor of the substitute bill that preserved the essence of the original Juvenile Justice and Delinquency Prevention Act.

I am especially gratified today to report the results of the House-Senate conference on S. 821. We had differences of opinion, but in the spirit of compromise, and in view of the 88–to–1 vote in this body and the 339–to–20 vote in the House, the conferees and their collective staffs labored mightily and have come up with a bill that will reach the goals we established more than 3 years ago.

I would like to express special appreciation to John Rector, Alice Popkin, Mary Jolly, and other members of my staff, and to Chuck Bruse of Senator Hruska's staff, Paul Sumarit of Senator McClellan's staff, and the many other staffers, House and Senate, who labored so long and hard on this measure.

The conference bill contains these key provisions:

It creates a new Office of Juvenile Justice and Delinquency Prevention in LEAA to be headed by an assistant administrator who will be appointed by the President subject to the advise and consent of the Senate.

It revises the method for the composition of the existing LEAA State and regional planning agencies to guarantee adequate representation on planning boards, at the State and local levels, of specialists in delinquency prevention, including representatives of public and private agencies involved in this important effort.

It authorizes a new set of programs of delinquency prevention, diversion from the juvenile justice system and community-based alternatives to traditional incarceration all of which are designed to stem the high incidence of juvenile crime and the extremely high incidence of recidivism among juveniles. For these new programs, $75 million is authorized to be spent in the current fiscal year, $125 million for the second year, and $150 million for the third year, with a guaranteed commitment to help support useful programs of private agencies.

It requires in addition to the new programs that LEAA sustain its present commitment of $140 million a year to juvenile programs, while giving the new assistant administrator who will run the juvenile justice office policy control over existing LEAA juvenile programs.

It establishes the Coordinating Council on Juvenile Justice and Delinquency Prevention and it creates a National Advisory Committee appointed by the President to advise the LEAA on the planning, operations, and management of Federal juvenile delinquency programs.

It authorizes direct grants to agencies to develop new approaches to juvenile delinquency prevention and requires that at least 20 percent of these funds must go to private nonprofit agencies.

It establishes within this same Office a National Institute of Juvenile Justice, to provide ongoing researching into new techniques of working with juveniles, to serve as a national clearinghouse for information on delinquency and to offer training in those techniques to personnel who will work with juveniles.

It improves significantly the Federal procedures for dealing with juveniles in the justice system, with the goal of letting Federal standards serve as a worthy example for improved procedures in the States.

It provides for a 1-year phasing out of the Juvenile Delinquency Prevention Act.

It establishes a National Institute of Corrections within the Federal Bureau of Prisons.

It establishes a Federal assistance program for local public and private groups to establish temporary shelter-care facilities for runaway youth and their families. This part of the bill is almost identical to the Runaway Youth Act, which I originally introduced in the Senate in 1971 and has passed the Senate twice, once in 1972 and again in June of 1973. It is designed to help the estimated 1 million youngsters who run away each year.

I am gratified by the support expressed for legislation to help children in trouble from concerned individuals and organizations in all parts of the United States. I am particularly appreciative of the dedicated citizens in my home State of Indiana, who deal with the problems of providing justice for juveniles on a daily basis and from whom I have learned much about what still needs to be done by the Federal Government to meet the needs of our youth. Indeed, S. 821 incorporates many of the recommendations made by Hoosiers at a series of meetings on juvenile justice held throughout Indiana.

This legislation offers a comprehensive response to the juvenile delinquency crisis that sees young people account for more than half the crime in this country. With the court caseloads of juvenile offenders increasing dramatically and the rate of recidivism for persons under 20 the highest of any age group, the present juvenile justice system has proven itself incapable of turning these people away from lives of crime. Our goal is to make the prevention of delinquency a No. 1 national priority of the Federal Government, and in so doing save tens of thousands of young people from the ravages of a life of crime, while helping them, their families and society.

It is often said, with much validity, that the young people of this country are our future. How we cope with children in trouble, whether we are punitive or constructive, or a degree of both, whether we are vindictive or considerate, will measure our success—and it will measure the depth of our conscience.

I urge my colleagues to act expeditiously to provide the Federal leadership and resources so desperately needed to deal with juvenile delinquency. By enacting the Juvenile Justice and Delinquency Prevention Act of 1974, we will contribute significantly to the safety and well-being of all of our citizens, particularly our youth.

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STATEMENT OF SENATOR ROMAN HRUSKA

Mr. HRUSKA. Since 1968 LEAA has funded many millions of dollars in delinquency prevention and juvenile justice programs. Forty of LEAA's 55 State planning agencies were by the end of 1970, also administering the Juvenile Delinquency Prevention and Control Act program for the Department of Health, Education, and Welfare. In 1971, amendments to the Omnibus Crime Control and Safe Streets Act gave LEAA a stronger mandate to give attention to juvenile delinquency programs by including reduction of juvenile delinquency as part of the definition of law enforcement activity and by authorizing community-based delinquency prevention and correctional programs. By 1972, $140 million of LEAA funds for that fiscal year had been allocated for juvenile delinquency programs.

The 1973 amendments to the Omnibus Crime Control and Safe Streets Act focused even more heavily on juvenile delinquency, requiring State plans to include a comprehensive juvenile justice program in order to be approved by LEAA. New initiatives have been undertaken by LEAA, including the establishment of juvenile justice divisions in its Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice and the establish-

ment of a juvenile delinquency initiative as a major new thrust of LEAA in fiscal years 1974, 1975, and 1976.

LEAA already has the program elements necessary to implement a comprehensive juvenile delinquency program. The block grant mechanism and the network of State planning agencies will operate to fully analyze juvenile delinquency needs and develop a comprehensive approach to juvenile delinquency prevention and control. Implementation of this bill can be done quickly and effectively by using these existing mechanisms, assisted as they will be by the provisions of the substitute amendment. Specific attention is given in this amendment to the matter of developing State plans within the revenue-sharing block grant system embodied in LEAA.

There may be a few technical amendments offered to the substitute amendment. I hope they will be nominal in content. This bill has received very thorough canvassing and reconciliation among the several points of view expressed by committee members as S. 821 was being processed. Therefore, I believe the substitute amendment should be adopted, to the extent possible, in its present form.

It should be noted, Mr. President, that any other Federal agency would have to build from a new base, leading to lengthy and wasteful process which would bring delay and fragmentation to the Federal juvenile delinquency effort. LEAA is equipped to immediately make the efforts needed to prevent juvenile crime, to divert the juvenile offenders from the justice system to social service and human resources, and to deal with the serious juvenile offender.

While LEAA has made substantial progress within the limits of its current authority, it can be fully expected that the Juvenile Justice and Delinquency Prevention Act of 1974 will give LEAA a wider range of alternatives in satisfying the need of Federal assistance to help solve this serious problem.

I urge my colleagues to support this amendment.

Mr. President, this legislation addresses one of the most pressing national problems of today—juvenile crime. In my view, the Federal Government must make a substantial effort to help prevent and control juvenile delinquency and to offer treatment alternatives to the traditional juvenile justice system.

To date, Federal leadership and coordination have been lacking with various Federal delinquency programs spread among many agencies. The result has been overlapping and duplication. Viewing the juvenile justice system as an entity, the appropriate Federal role must be to provide a comprehensive and coordinated approach to solving this serious problem.

This effort requires, and the amended bill provides, the Federal leadership and resource coordination necessary to develop and implement State and local programs for the prevention and treatment of juvenile delinquency. This problem must be attacked on the State and local level since juvenile delinquency is essentially a State and local problem.

The National Advisory Commission on Criminal Justice Standards and Goals after an exhaustive study of the problem of crime in America and of the solution to the crime problem, stated that the first priority in reducing crime was to preventing and controlling juvenile delinquency. In its report "A National Strategy To Reduce Crime," the Commission stated:

The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice system and to reintegrating delinquent, and young offenders into the community."

The reasons the Commission reached this position are readily apparent when one realizes that the arrests of juveniles under 18 for violent crimes such as murder, rape, and robbery as reported by the FBI Uniform Crime Reports, have increased 216 percent from 1960 to the present. During the same period, juvenile arrests for property crime, such as burglary and auto theft have increased 91 percent. Juveniles under 18 are responsible for 51 percent of the total arrests for property crime, 23 percent for violent crimes, and 45 percent for all serious crimes.

Juvenile crime takes an enormous toll each year. In 1970, it was estimated in testimony before the Senate Judiciary Committee in hearings on the Juvenile Delinquency Prevention and Control Act Amendment of 1971 that the material cost was in excess of $4 billion. Even more costly was the immeasurable losses in human terms to both the victims of juvenile crime and to the juveniles themselves. The total of juvenile arrests increased almost seven times faster than the total of adult arrests and juvenile arrests for violent crimes increased almost three times faster than that for adult arrests. It is generally agreed that

the policemen, judges, and the probation, parole, and corrections officers who deal with juveniles are extremely dedicated. Too often, however, their efforts are hampered and negated by outmoded procedures, a lack of funds and inadequate facilities for caring for youthful offenders. Such deficiencies seriously weaken rehabilitation efforts.

In addition, in many instances, the criminal justice system is viewed as a catchall for those children too difficult to be dealt with by normal community facilities. Nearly 40 percent—one-half million per year—of the juveniles incarcerated today in institutions, jails, and detention facilities have committed acts which are not classified as crimes when committed by adults. This figure is staggering when viewed with recognition of the detrimental effects that incarceration has been shown to produce with first offenders and juveniles. These children and youth should be channeled to those social service agencies which are more competent to deal with the substantive human and social issues involved in these areas.

Since the traditional juvenile procedures and criminal justice system are ineffective and inappropriate in many instances, there is a strong need to provide a viable diversion mechanism for dealing with these youths. Alternative programs utilizing resources other than the police, courts, and corrections can provide necessary rehabilitation without the harmful stigmatization that sometimes accompanies contact with the criminal juvenile justice system. Efforts must be directed at preventing delinquency but there is an equal need to deliver services and attention in such a way and at such a time as to prevent the development of criminal careers. While involvement with the juvenile justice system is to be minimized, its sanctions are necessary for the control of some juveniles. The quality of this system must be improved so that the youthful offender is helped to become a responsible, law abiding citizen.

BLOCK GRANTS

Under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, annual block grants are made to each of the States for planning and for implementing action programs to improve law enforcement and criminal justice. Allocation of these lump sum funds is based on population. A condition precedent to the award of the block grant is approval by the law Enforcement Assistance Administration of a comprehensive statewide plan submitted by the State.

Each State planning agency determines needs and priorities throughout the entire State. It then develops and correlates programs to improve and strengthen law enforcement for the State and units of local government. The comprehensive statewide plan is then submitted to LEAA for approval.

Congress in the 1971 and 1973 amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, required LEAA to place an even greater emphasis on juvenile delinquency. The amendments made a number of charges relative to juvenile delinquency. The 1971 amendments made express provision for the prevention and control of juvenile delinquency. This led to an increased LEAA emphasis on juvenile delinquency with the result that in fiscal year 1972 almost $140 million had been allocated for juvenile delinquency programs and in fiscal year 1973 almost $100 million was actually expended on juvenile delinquency programs. The Crime Control Act of 1973 made reduction and prevention of juvenile delinquency a purpose of the act and required for the first time that each State plan, to qualify as comprehensive, must include a comprehensive program, whether or not funded by the act, for the improvement of juvenile justice.

While LEAA has gone a long way within the limits of its authority, incorporation of part F in the LEAA mandate will, in my opinion, provide the infusion of greater resources needed to supplement its current efforts and further assure a comprehensive juvenile delinquency program. Since many of the program areas provided for in this bill are currently funded by LEAA and States under the block grant program, a separate system would simply confound the planning and funding efforts of both agencies. Separate efforts would lead to fragmentation and there could be duplication of certain programs and omissions of others. The block grant system of funding has proven to be extremely successful in assisting law enforcement and criminal justice systems on the State and local level while at the same time providing needed Federal direction, coordination and control of a diversion and multifaceted system. The comprehensive juvenile delinquency program fits naturally into the framework of this system.

Indeed, it is evident that more progress has been made in the juvenile delinquency area through the vehicle of block grant funding than under any other system of Federal assistance utilized since the inception of Federal juvenile delin-

quency programing. This is the opportune time to merge juvenile delinquency programing into the broad conceptual framework of the block grant concept. Just as part E, added by the 1973 amendments to the Omnibus Crime Control and State Streets Act of 1968, as amended, gave special attention to the correctional area, including juvenile corrections, part F will logically supplement efforts in the delinquency area. It would be unwise to create another categorical grant program with numerous new structures and strings just at the time that the block grant program has demonstrated results. Incorporation of the part F program into the block grant framework will promote greater coordination, and the integration of programs so vital in the effort against juvenile delinquency. Indeed, S. 821 anticipates that the part F plan requirement can be incorporated into the comprehensive plans submitted by the States under parts B and C of the safe streets program.

COMMITMENT

As noted, LEAA has the administrative structure and block grant approach necessary to minimize duplication and time lag. Perhaps the most compelling reason, however, that LEAA should administer the program is the dedicated commitment to juvenile delinquency prevention and control that it has made over the past five years. An objective comparison between LEAA and HEW, the other agency with concurrent primary responsibility in this area, clearly demonstrates that LEAA is the best agency to do the job.

LEAA was initially given a very limited role in juvenile delinquency prevention and control. However, LEAA has initiated and expanded its own programs to include a multitude of programs in the juvenile justice area.

The term juvenile delinquency was never mentioned in the Omnibus Crime Control and Safe Streets Act of 1968 because HEW was given primary responsibility in this area under the Juvenile Delinquency Prevention and Control Act of 1968. However, LEAA had a strong interest in this area and by the end of 1970, over 40 of the State planning agencies created to administer the LEAA program were also administering the Juvenile Delinquency Prevention and Control Act program.

Amendments to the Omnibus Crime Control and Safe Streets Act enacted in 1971 expressed congressional intent that LEAA focus even greater attention on the juvenile delinquency program. A new definition of law enforcement was formulated specifically incorporating "programs relating to the prevention, control or reduction of juvenile delinquency." Grants were authorized by the amendments for community-based delinquency prevention and rehabilitation centers for the guidance and supervision potential repeat youthful offenders. Furthermore, Congress added the new part E corrections program which required as a condition of receipt of funds an application which demonstrates a satisfactory emphasis on programs for delinquents and youthful offenders.

Congress in the Crime Control Act of 1973, realizing the potential of LEAA in this area, required LEAA to place an even greater emphasis on juvenile delinquency. The Omnibus Crime Control and Safe Streets Act of 1968 was amended to include the reduction and prevention of juvenile delinquency as a purpose of the act. Additionally, the act was amended to require that the State's comprehensive plan address the improvement of juvenile justice as a condition for approval as a comprehensive plan.

These congressional mandates have prompted LEAA to take a number of new initiatives. Juvenile justice and delinquency prevention is one of LEAA's four national priority programs. A juvenile Justice Division has been established in LEAA's Office of Natonal Priority Programs and a Juvenile Justice Section has been established in the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA. It is important to note that S. 821, as amended, provides for the establishment of a National Institute of Juvenile Justice within the newly created Juvenile Justice and Delinquency Prevention Office. Locating this body here will expand the level and nature of delinquency research already conducted by LEAA and will increase the focus on the prevention of delinquency.

The same commitment toward preventing and controlling delinquency is lacking in HEW. The accomplishments of HEW in this field have been disappointing at best. It has proceeded in an ineffective and half-hearted manner and only recently, since the prospect of LEAA administration of the juvenile delinquency program, has HEW begun to show any interest at all.

In 1968, the Congress assigned HEW the responsibility for national leadership in developing new approaches to solving the problems of delinquency and author-

ized a funding level for 1968 to 1971 of $150 million. HEW requested only $49.2 million and expended just half of that amount. The 1971 amendment extended the program for an additional year and authorized $75 million for the fiscal year ending in June of 1972. Only $10 million for that fiscal year was requested. In 1972 the Juvenile Delinquency Prevention and Control Act was extended for 2 years under the name "Juvenile Delinquency Prevention Act." This act limited, at HEW's request, the scope of HEW's activities to include only prevention programs outside the traditional juvenile justice system. LEAA's history, on the other hand, is one of increased emphasis on juvenile delinquency programs. LEAA has spent over $300 million for juvenile delinquency programs in its first 5 years. During the fiscal year 1972, LEAA awarded nearly $140 million on a wide ranging juvenile delinquency program. The breakdown of this expenditure is as follows: $21 million or 15 percent was for prevention; nearly $16 million or 12 percent was for diversion; almost $41 million or 30 percent went for rehabilitation; $33 million or 24 percent was spent to upgrade resources; $17 million or 13 percent went for drug abuse programs; and 6 percent financed the comprehensive juvenile delinquency component of the high impact anticrime program. In fiscal year 1973, the amount of funds for juvenile delinquency prevention programs alone has increased to $34 million.

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[From the Congressional Record, Aug. 19, 1974]

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AUTHORIZATIONS OF APPROPRIATIONS

The conferees agreed to a compromise on the length and level of appropriations authorized to carry out the purposes of Title II. The Senate appropriation authorization for Part F was for two years at $75 million for fiscal year 1975 and $150 million for fiscal year 1976, while the House authorization was for four years at $75 million for each of fiscal years 1975 and 1976, $125 million for fiscal year 1977, and $175 million for fiscal year 1978. The compromise is a three year appropriation authorization of $75 million for fiscal year 1975, $125 million for fiscal year 1976, and $150 million for fiscal year 1977.

The extra year agreed to by the conferees assures that LEAA will have an adequate opportunity for careful planning, implementation, and evaluation of funded programs. The Congress can expect significant progress to be demonstrated by the end of this period of time.

The conferees agreed to include a provision from the Senate bill requiring LEAA to expend from its other appropriations, other than appropriations for Administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by LEAA during fiscal year 1972. The conferees also intend that other Federal agencies maintain their current levels of funding for juvenile delinquency programs and that such funding not be decreased as a direct result of the new funding provided by this Act.

EXTENSION OF JUVENILE DELINQUENCY PREVENTION ACT

Due to the change in administering agencies from HEW to LEAA the conferees adopted the Senate provision for extension and amendment of the Juvenile Delinquency Prevention Act. As noted in the floor debate on S. 821 this title simply allows HEW sufficient time to wind down the activities funded under the Juvenile Delinquency Prevention Act without an abrupt discontinuation of the program. This transitional period will allow transfer of worthwhile services and programs to the new office in a smooth and orderly fashion.

FEDERAL SURPLUS PROPERTY AUTHORITY

The Senate conferees reluctantly receded to the wishes of the House conferees and deleted the Federal Surplus Property authority contained in Title VIII of the Senate bill. There were several reasons for this result. The House Education and Labor Committee does not have jurisdiction over surplus property and it was indicated by the conferees that such provision would be opposed by the appropriate House committee on these grounds. Further, the conferees received the text of a GSA letter opposing Title VIII and indicating that proposed legislation will liberalize the rules regarding the disposal of surplus and excess property.

Finally, the Congress will be reviewing the entire surplus property program in the next session and major revisions can be expected. It is my hope that the Law Enforcement Assistance Administration may yet be granted surpus property authority in order to improve the country's law enforcement and criminal justice system capabilities.

NATIONAL INSTITUTE OF CORRECTIONS

The House conferees accepted the Senate Title which establishes the National Institute of Corrections within the Department of Justice, Bureau of Prison. While the House bill contained no similar title, the House conferees agreed that there is a urgent need for such an Institute to serve as a center of correctional knowledge for Federal, State and local correctional agencies and programs to develop national policies, educational and training programs and to provide research, evaluation and technical assistance.

As I noted earlier, it is expected that there will be strong coordination between the National Institute of Corrections, the National Institute for Law Enforcement and Criminal Justice, and the National Institute for Delinquency Prevention and Juvenile Justice.

FEDERAL JUVENILE DELINQUENCY ACT

The House conferees also accepted the Senate amendment to the Federal Juvenile Delinquency Act. These amendments provide basic procedural rights for juveniles who come under Federal jurisdiction and bring Federal procedures up to the standards set by State law and recent Supreme Court decisions.

RUNAWAY YOUTH ACT

In the spirit of compromise, the Senate conferees agreed to adopt the House provision for a runaway youth program in the Department of Health, Education, and Welfare to deal with the problems of runaway youth and their families. The Senate bill contained no similar provision since runaway youth programs are adequately provided within the framework of the provisions of the Omnibus Crime Control and Safe Streets Act and other provisions of this Act. The conferees expect that LEAA funded runaway projects will continue on a limited scale, with close coordination with HEW.

Frankly, I opposed this provision of the House bill but agreed with other Senate conferees that a runaway program in S. 821 would increase the probability of House agreement to the conference report.

CONFORMING AMENDMENTS

The Senate bill directly amended the Omnibus Crime Control and Safe Streets Act in order to reflect the key provisions of this Act in the body of that Act. The conferees agreed to write the compromise bill in such a way as to leave those titles affecting the LEAA program as free standing provisions. The conforming amendments reintegrate certain key provisions by amending this Act and the Omnibus Act. This will insure that the programs authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 remain within the jurisdiction of the House Committee on Education and Labor. They represent no substantive changes from the Senate bill.

I would like to comment on several of the direct amendments to the LEAA Act. One important change is the Amendment to section 203(a) of the Omnibus Crime Control and Safe Streets Act. This amendment requires, rather than permits, the State Planning Agencies and Regional Planning Units to include representatives of citizen, professional, and community organizations including organizations directly related to delinquency prevention.

Another change is the addition of section 528 to the Administrative provisions of the Omnibus Act. This section authorizes the Administrator to select personnel to administer the provisions of the Act.

Mr. BAYH. This means that the Administrator will have the flexibility in personnel matters that is needed to get the job done in the fastest and most efficient manner possible.

I also want to note that the House bill's antidiscrimination provisions have been added in modified form to the compromise bill. These provisions parallel the current LEAA authority contained in section 518(c) of the Omnibus Crime Control and Safe Streets Act. They give LEAA a more specific legislative handle

to use to eliminate discrimination and thereby guarantee the civil rights of all Americans.

There was substantial agreement, Mr. President, with the final version of this bill. All the Senate conferees signed the conference report. We believe that there has been a successful effort to retain the best features of both bills. This bill represents a culmination of years of hard work and the expertise and dedication of a great many individuals. The importance of this piece of legislation cannot be overstated. While we in government are attempting to achieve a balanced budget, certain crisis problems such as juvenile delinquency demand an immediate mobilization of Federal resources. The crisis of juvenile delinquency must be met.

I urge my colleagues to support the action of the conference committee.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAYH. Mr. President, I move that the Senate recede from its disagreement to the House amendment to the title of the bill and concur therein.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

EXCERPTS FROM JOINT EXPLANATORY STATEMENTS OF THE COMMITTEE OF CONFERENCE SENATE REPORT NO. 93-1103, 93D CONGRESS, 2D SESSION, FROM MR. BAYH, AUGUST 16, 1974, "JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 TO ACCOMPANY S. 821"

The Senate bill provided for the development of standards for juvenile justice by the submission of an Advisory Committee report to the President and the Congress as well as by other means. The House amendment provided for the development of standards for juvenile justice by the submission of a report to the President and to Congress as well as by other means. The conference substitute adopts the Senate provision.

The House amendment authorized the Institute to make budgetary recommendations concerning the Federal budget. The Senate bill contained no such provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited revealing individual identities, gathered for the purposes of the Institute, to any "other agency, public or private". The House amendment prohibited the disclosure of such information to "any public or private agency". The conference substitute adopts the Senate provision.

The House amendment authorized an appropriation for the Institute of not more than 10 percent of the total appropriation authorized for this Act. There was no comparable Senate provision. The conference substitute does not contain the House language. The conferees were in disagreement about what the appropriate level of funding should be for the Institute. In deleting this provision, however, the conference agreed that the level of funding for the Institute should be less than 10 percent of the total appropriation for this Act.

The House amendment provided for the effective dates of this Act. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided that the powers, functions and policies of the Institute shall not be transferred elsewhere without Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided that the Institute, in developing standards for juvenile justice, shall recommend Federal budgetary actions among its recommendations. There was no comparable Senate provision. The conference substitute does not contain the House language. The Senate bill established a National Institute of Corrections within the Department of Justice, Bureau of Prisons. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill provides a two year authorization of $75,000,000 and $150,000,000. The House amendment provides a four year authorization of $75,000,000, $75,000,000 $125,000,000 and $175,000,000. The conference substitute provides a three year authorization of $75,000,000, $125,000,000 and $150,000,000.

Sections 512 and 520 of the Omnibus Crime Control and Safe Streets Act, as amended provide for LEAA's authorization through June 30, 1976. Section 261 (a) of the conference substitute provides authorization for the juvenile de-

linquency programs through June 30, 1977. It is anticipated that LEAA's basic authorization will be continued and the agency will continue to administer these programs through June 30, 1977.

The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it.

CRIME CONTROL ACT OF 1976

Mr. Philip A. Hart (for Mr. McClellan), from the Committee on the Judiciary, submitted the following report together with individual views, to accompany S. 2212.

The Committee on the Judiciary, to which was referred the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the third paragraph and substituting in lieu thereof the following new paragraph:

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by assistance * * *

* * * * * * *

Maintenance of Effort for Juvenile Delinquency Programs

Section 520(b) of the Crime Control of 1973 as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, requires that the Administration expend at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972. This requirement is also provided as Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974.

In formulating the maintenance of effort requirement in 1974, it was the judgment of the Senate that such a provision would ensure that programs funded under the new Juvenile Justice Act would be supplementary to the substantial efforts in the juvenile delinquency area that were already underway with Crime Control Act funds. The concern was that otherwise some programs and projects might simply be switched from Crime Control Act funding to Juvenile Justice Act funding. Such a development could have diluted the impact of new funding authority of the Juvenile Justice Act.

The actual level of awards for juvenile delinquency programs, Parts C and E, block and discretionary funds, for fiscal year 1972 totaled $111,851,054, as follows:

Parts C and E block	$89,355,432
Parts C and E discretionary	22,495,622
Total	111,851,054

This award level represents 19.15% of the fiscal year 1972 Parts C and E allocation of block and discretionary funds, which totaled $584,200,000.

Under the current statutory requirement LEAA awards must total a minimum of $111,851,054, for each fiscal year irrespective of the total amount of available Parts C and E funds.

The amendment recommended by the Committee would rquire that a minimum of 19.15% of the total allocation of Parts C and E funds be awarded annually for juvenile delinquency programs. This formula is more equitable in that the level of minimum allocation would increase or decrease in proportion to the actual allocation of funds for each fiscal year. Juvenile delinquency programming would receive a fair share of the total Crime Control Act resources available, neither growing at the expense of other vital programs nor receiving a smaller, less equitable share.

Examination of the fiscal year 1976 Crime Control Act allocations and some hypothetical projections illustrate the need for this amendment. In fiscal year 1976, the total Parts C and E allocation of Crime Control Act funds was $572,434,000, a net decrease of $11,766,000 from the fiscal year 1972 allocation. Under the percentage formula the maintenance level for fiscal year 1976 would have been $109,621,111, rather than $111,851,054. While this is a relatively small total dollar change, the impact on programming would be significant if appropriations were to increase or decrease substantially in any future fiscal year.

For example, if the fiscal year 1977 allocations for Parts C and E were to total $672,434,000, a net increase of $100,000,000 from the fiscal year 1976 level, the percentage formula would require the award of $128,771,111, for juvenile delinquency programs rather than $111,851,054. Juvenile delinquency program expenditures would thus increase in the same relative proportion as other program areas and not be permitted to simply remain at the same level.

On the other hand, if the fiscal year 1977 allocations for Parts C and E totaled $472,434,000, a decrease of $100,000,000 from the fiscal year 1976 total, LEAA would currently be required to assure the award of $111,541,054, or 23.68% of the available funds, for juvenile delinquency programs. Successful on-going programs in the police, courts, and corrections areas would bear the full brunt of the funding decreases. A significant number of promising programs and projects would be prematurely terminated, project employees would lose jobs, and funds invested to date never given the opportunity to return a benefit to the law enforcement and criminal justice system. Innovative new programs in police, courts, and corrections could not be funded. The revised formula would, in this situation, require that $90,452,312 be awarded for juvenile delinquency programs. All areas of funding would share the burden of decreased funding equally, the impact being as a result less severe. Both LEAA and the individual States would have needed flexibility in making necessary program revisions to accommodate the lower level of allocations.

The change to a percentage formula for maintenance of juvenile delinquency funding under the Crime Control Act is more equitable, more flexible provision for assuring that juvenile programming receives a proper emphasis under the Crime Control Act. The Committee believes that this change will benefit all programs funded under the Crime Control Act and assure that all aspects of law enforcement and criminal justice are accorded a fair and equitable share of available Federal resources.

Changes to Certain Fund Distribution Provisions

Witnesses appearing before the Subcommittee on Criminal Laws and Procedures recommended that changes be made in several provisions of LEAA's enabling legislation which provide for allocation and distribution of funds. It was suggested at different times that the minimum planning base to States be raised, that the share of Federal funding be increased, that localities be provided a greater percentage of available funds, that assumption of cost requirements be eliminated, and that more LEAA funds be used for block grants, less for discretionary purposes.

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INDIVIDUAL VIEWS OF SENATOR BAYH

I am not able to support the reported version of President Ford's "Crime Control Act of 1976," S. 2212, because it (sections 26(b) and 28) repeals significant provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415).

The Juvenile Justice and Delinquency Prevention Act is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88-1) and House (329-20) to specifically address this nation's juvenile crime problem, which finds more than one-half of all

serious crimes committed by young people, who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups* will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are and that the thousands of youth who have committed no criminal act (status offenders, such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention
John Howard Association
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCA's, and National Council of YMCA's.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

An essential aspect of the 1974 Act is the "maintenance of effort" provision (section 261(b)). It requires LEAA to continue at least the fiscal year 1972 ($112 million) of support for a wide range of juvenile programs. This provision assured that the 1974 Act aim, to focus on prevention, would not be the victim

of a "shell game" whereby LEAA shifted traditional juvenile programs to the new Act and thus guarantees that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June, 1973 that nearly $40 million had been awarded by the Agency during that year to a wide range of traditional juvenile delinquency problems. Unfortunately the actual expenditure as revealed in testimony before the Subcommittee last year was $111,851,054. It was these provisions, when coupled with the new prevention thrust of the substantive program authorized by the 1974 Act, which represented a commitment by the Congress to make the prevention of Juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime fighting priority.

The Subcommittee had worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Thus, the passage of the 1974 Act, which was opposed by the Nixon Administration (LEAA, HEW and OMB), was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Despite stiff Ford Administration opposition to this Congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the Chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

It is interesting to note that the primary basis for the Administration's opposition to funding of the 1974 Act was ostensibly the availability of the very "maintenance of effort" provision which the Administration sought to repeal in S. 2212.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

While I am unable to support the bill which has been reported to the Senate, I am by no means opposed entirely to the LEAA program. The LEEP program for example, has been very effective and necessary in assuring the availability of well trained law enforcement personnel. Coincidentally, however, the Ford Administration also opposes this aspect of the LEAA program. Additional programs have likewise had a positive impact. But the compromise provisions in the reported measure (the measure was defeated by a vote of 7–5, voting "Yea" Senators Bayh, Hart, Kennedy, Abourezk and Mathias and voting "Nay" Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond, and Scott of Virginia) represent a clear erosion of a Congressional priority for juvenile crime prevention and at best propose that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

The Ford Administration has responded at best with marked indifference to the 1974 Act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the Subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program." I find this and similar approaches unacceptable and will endeavor to persuade a majority of our colleagues to reject these provisions of S. 2212 and to retain the priority placed on juvenile crime prevention in the 1974 Act which has been accepted by the House Judiciary Committee.

The failure of this President, like his predecessor, to deal with juvenile crime and his insistent stifling of an Act designed to curb this escalating phenomenon is the Achilles' heel of the Administration's approach to crime.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, of fear for the lack of personal security and the tremendous waste in human resources.

Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all out effort to lessen juvenile delinquency.

During hearings on April 29, 1975, by my Subcommittee regarding the implementation or more accurately the Administration's failure to implement the Act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. These is no federal solution—no magic wand or panacea—to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches, $15 billion last year while we witness a record 17 percent increase in crime, must stop.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble; whether we are vindictive or considerate will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, is clearly not compatible with these objectives.

[From the Washington Star, May 15, 1976]

How Not To Run an LEAA

The anti-Washington clamor that is the big gun in most campaign arsenals is largely fustian. But there is specificity to substantiate the horror stories: For instance, the Law Enforcement Assistance Administration and the flaccid performance in both House and Senate recently in considering more money for the Justice Department unit.

The Senate Judiciary Committee decided the other day by an 11–1 vote to continue funding LEAA for another five years at a comfy level of $1.1 billion annually. On the House side, the Judiciary Committee, by an equally lopsided vote, 29–1 there, allowed LEAA to be funded for only one additional year, for $880 million. Differences in the two bills, if passed by the respective houses, then would have to be resolved in conference.

But that is not the point. Agreement by the two Judiciary Committees to let the Law Enforcement Assistance Administration hang around came despite fairly wide agreement that no one could say whether the $4 billion funneled into the agency since 1968 has had any effect whatsoever in combatting crime. Brilliant! When in doubt about a federal program, give it more money.

Senator Birch Bayh, the only dissenting vote over there, said bluntly: "If we were the board of directors of a corporation, responsible to the stockholders for $4 billion, they'd change the board of directors pretty quickly." Any similarity, of course, between Congress and a functioning corporate entity is accidental.

The Law Enforcement Assistance Administration has generated, in our view, some thoughtful initiatives. It also has been prey to gimcrackish anti-crime projects in which the glittering allure of technology has overwhelmed common sense.

The question for Congress one of these days must be whether LEAA can continue to jusitfy its high-dollar existence. Both House and Senate committees nimbly avoided that hard determination.

We won't attempt to extend this example too far through the federal maze. What is worrisome is that the handling of the LEAA budget request does not appear to be unusual. Senator Bayh's board-of-directors observation ought to be more widely absorbed on Capitol Hill.

[From the Juvenile Justice Digest, May 21, 1976]

Bayh Hits Ford Administration Attempts To Water Down Juvenile Justice Act of 1974

Senator Birch Bayh yesterday charged that Ford administration policy has stifled congressional and citizen efforts to prevent juvenile crime. Bayh called upon the President to awaken to his responsibility to the American people.

Speaking at hearings he chaired on oversight and reauthorization of the Juvenile Justice and Delinqunecy Prevention Act of 1974, Sen. Bayh asked: "How many more of our citizens must be terrorized before the administration gets serious about the congressional priority of juvenile crime prevention?"

Bayh charged that not only has the administration failed to implement or fund the Act, but Ford's "Crime Control Act of 1976, S. 2212" (the LEAA reauthorization bill, see story page 2) would repeal important provisions requiring LEAA to continue current juvenile crime program funding.

"Today's hearing is extremely timely in that we will have the opportunity to discuss and assess President Ford's May 14 proposed legislation, which ostensibly is designed to extend the Juvenile Justice and Delinquency Prevention Act of 1974. While this proposal is entitled the "Juvenile Justice and Delinquency Prevention Amendments of 1977," it would be more appropriately designated "An Act to Repeal the Juvenile Justice and Delinquency Prevention Act of 1974," the senator said.

In testimony before the subcommittee, Richard Velde, administrator of the Law Enforcement Assistance Administrator, said the proposed legislation would authorize the appropriation of $50 million during Fiscal year 1978 for funding the JJDP Act.

In addition, Velde said the proposed legislation would prohibit in-kind or soft matching funds and an assumption-of-cost provision would be added to state plan requirements. Velde said doing away with in-kind match would curtail "imaginative bookkeeping" by recipients, and would aid monitoring of projects by the LEAA and state planning agencies.

Velde added that the Act's required deinstitutionalization of status offenders within two years "would be clarified" by the proposed amendments, with regard to permissive rather than mandatory placement of status offenders in shelters instead of institutions.

"The (LEAA) administrator would also be granted authority to continue funding to those states which have received substantial compliance within the two-year time limitation for deinstitutionalization and have evidenced an unequivocal commitment to achieving this objective within a reasonable time," Velde said.

Consistent with the Ford administration's proposal to reauthorize LEAA, which was just reported out by the full Senate Judiciary Committee on May 12, Velde said maintenance of effort provisions of the JJDP Act would be deleted by the legislation proposed by President Ford.

Velde said the setting of an "artificial minimum allocation" of Crime Control Act funds is inconsistent with the comprehensive planning process LEAA encourages, that maintenance of efforts is contrary to the block grant approach to funding, and that the uncertainty of appropriations for future fiscal years may result in decreased block grant allocations to the states.

"The maintenance of effort provision . . . would naturally result in program areas other than juvenile justice and delinquency prevention receiving a smaller percentage of LEAA funds. The comprehensive planning process would be dis-

rupted. States and localities would have to neglect funding of high priority and innovative programs . . . in order to meet a 'quota' of expenditures for juvenile programs," Velde said.

The Ford proposal, Velde said, "would incorporate a number of the administrative provisions of the Crime Control Act as administrative provisions applicable to the Juvenile Justice Act." He said addition of the proposed amendments to the JJDP Act would permit LEAA to administer the two acts "in a parallel fashion."

[From the Crime Control Digest, May 24, 1976]

JUVENILE ACT AMENDMENTS HEARING SCENE OF DISSENT

VERMONT CHALLENGES LEAA AUTHORITY AND INTENT IN ADMINISTERING THE ACT

Sen. Birch Bayh (D-Ind.) last week charged that the Ford Administration policy has stifled Congressional and citizen efforts to prevent juvenile crime, and called upon the President and his Administration to awaken to their responsibility to the American people.

"How many more of our citizens must be terrorized before the Administration gets serious about the Congressional priority of juvenile crime prevention?" Bayh asked at hearings he chaired on oversight and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Bayh, Chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, pointed out that although youngsters from ages 10 to 17 account for only 16 percent of our population they account for nearly 50 percent of all persons arrested for serious crime.

Bayh charged that not only has the Administration failed to implement or fund the act but the Ford "Crime Control Act of 1976, S. 2212" would repeal important provisions requiring LEAA to continue current juvenile crime program funding.

"What we want to learn today is at what point, if any, will President Ford and his Administration awaken to their responsibility to the American people," Bayh said.

MATCH REQUIREMENTS DISPUTED

A serious bone of contention in the amendments to the Juvenile Act as proposed by the Administration, is the battle which has been waged between some State Planning Agencies and the LEAA over hard-match vs. in-kind match requirements.

LEAA Administrator Richard W. Velde, in his testimony on May 20, said the use of in-kind matching funds would be prohibited and an assumption-of-cost provision would be added to state plan requirements in 1977 amendments to the Juvenile Act. He said the general reasons for deleting in-kind match are fourfold.

"First, state and local legislative oversight is insured by use of cash match, thus guaranteeing some state and local governmental control over federally assisted programs.

"Second, state and local fiscal controls would be brought into play to minimize the chances of waste.

"Third, the responsibility on the part of state and local governments to advance the purpose of the program is underscored.

"Fourth, continuation of programs after federal funding terminates is encouraged by requiring a local financial commitment."

Velde said it was for these reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard-match requirement, rather than the previous in-kind match. He said the assumption-of-cost provision . . . would . . . free up federal funds to permit further experimentation and innovation as is contemplated by the Act.

VERMONT SPA BLASTS LEAA

The director of the Vermont state planning agency (Governor's Commission on the Administration of Justice) disagreed with the LEAA interpretation of the intent of the Congress in adopting the Juvenile Justice and Delinquency Prevention Act.

Mike Krell said that Vermont has been waging "the war of the match" since November 1975, and outlined the reasons for the state's disagreement with the LEAA.

Krell said his agency had prepared an 89-page exhibit for presentation to the Bayh Committee to document its difference of opinion with the LEAA administrator in the hard-match vs. in-kind match war. He said the exhibit testifies clearly that Velde:

"1. misconstrued the match provision of PL 93–415;

"2. violated the intent of Congress in so doing;

"3. continues to do both of the above;

"4. Acted in less than good faith by allowing grants to be awarded before indicating that LEAA's match requirement would be different from Section 222 (d) of the statute."

Krell said the problem is greater than Vermont's not having received formula funds under the statute. He said "those affected by this are all of the people and all of the government in this country."

He charged that "the application of the new federalism has been toward assuring accountability for doing right, and not at all for doing."

He said "that kind of accountability comes from below and within, and cannot be imposed by administrative guidelines." Either intelligent men of good faith will be employed by state government or they will not, Krell said. "Nothing outside the state can affect that."

He said that Congress intended to assist such men through establishment of the Law Enforcement Assistance Administration. "Its name implies as much," Krell said. But he said assistance has not been the result.

"Instead of organizing itself toward that end, LEAA Central directed itself to assuring that those responsible for implementing the program, for the actual doing, should do no wrong," Krell charged.

"This type of dedication and organization implies that LEAA Central has the authority and knowledge to determine what is right. Two-thirds of all LEAA employees are situated in the Washington office determining what is right and dedicating themselves to assuring that the states do it," he said.

He said the principle which is fundamental to producing desired results by means of the block grant never has been applied.

"Money has been available to the states," Krell said, "but the authority to expend it in the best interest of the locality has not been transferred. Authority remains in Washington, where LEAA situates the bulk of its employees. Authority is not where the action is, and its inappropriate location frustrates those who are," he said.

BAYH JUVENILE CRIME AMENDMENT NO. 1731 TO CRIME CONTROL ACT, S. 2212

Bayh Amendment is not a spending amendment—it simply maintains the priority for juvenile crime prevention.

More than one-half of all serious crimes are committed by young people, who also have the highest recidivism rate of any age group (estimate 74–85 percent). Since 1970, violent crime in general is up 32 percent, but for those under 18 years of age it is up 50 percent.

The Juvenile Justice and Delinquency Prevention Act of 1974 (vote 88–1) (329–20, House) made the prevention of juvenile crime the national crime fighting priority—not merely one of several competing LEAA programs—by:

A. Establishing a new Office to assist and coordinate government and private agencies. The thrust of the program is to prevent juveniles from committing that first crime and to prevent first-time offenders from becoming lifetime criminals. For the first time program money is made available for local, non-profit private agencies, and

B. Mandating LEAA to maintain at least fiscal year 1972 expenditures for the improvement of the juvenile justice system (courts, corrections, police, et al.) in subsequent years. Congress was told by LEAA that this represented $140 million, but upon closer investigation by the Subcommittee, it was actually $112 million or 20 percent les than represented.

Bayh No. 1731 is designed to maintain the status quo. As with the companion Rodino bill (H.R. 13636) it reaffirms the precise mandate of the 1974 Juvenile Justice Act, that juvenile crime be the LEAA priority. The Committee proposal would undermine Congressional determination to emphasize juvenile crime by reducing the funds for the improvement of the juvenile justice system by $30 million or 27 percent.

[From the Congressional Record, May 28, 1976]

BAYH URGES SENATE TO REJECT FORD ATTEMPT TO STIFLE JUVENILE CRIME PREVENTION PROGRAM

Mr. BAYH. Mr. President, today I am introducing an amendment to President Ford's Crime Control Act of 1976, S. 2212. The purpose of the amendment is to assure that the long ignored area of juvenile crime prevention remains the priority of the Federal anticrime programs.

Mr. President, I am not able to support the reported version of President Ford's "Crime Control Act of 1976," S. 2212, because it (sections 26(b) and 28) repeals significant provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415).

The Juvenile Justice and Delinquency Prevention Act is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88-1) and House (329-20) to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are and that the thousands of youth who have committed no criminal act (status offenders, such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

Mr. President, I ask unanimous consent that list of the groups to which I have just referred be printed in the Record.

There being no objection, the list was ordered to be read in the Record, as follows:

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth; Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girls Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.

National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster; members:
AFL–CIO, Department of Community Services.
AFL–CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescent Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.
Boys' Clubs of America.
Boy Scouts of the USA.
National Council of Organization of Children and Youth, Development Cluster; members, continued:
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the USA.
Maryland Committee for Day care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.

Wooden, Kenneth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

Mr. BAYH. An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditional juvenile programs to the new act and thus guarantee that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year to a wide range of traditional juvenile delinquency problems. Unfortunately, the actual expenditure as revealed in testimony before the subcommittee last year was $111,851,054. It was these provisions, when coupled with the new prevention thrust of the substantive program authorized by the 1971 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA but the national crime-fighting priority.

The subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent, and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Despite stiff Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

It is interesting to note that the primary basis for the administration's opposition to funding of the 1974 act was ostensibly the availability of the very "maintenance of effort" provision which the administration sought to repeal in S. 2212.

Mr. President, just last week the same forked-tongue approach was again articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent to $10 million current funding for the new prevention program or in other words kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to except a substitute percentage formula for the present law, the effect of which could substantially reduce the total Federal effort for juvenile crime prevention. But what the President seeks and what his sup-

porters will diligently pursue is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provisions. My subcommittee heard testimony on this measure last Thursday and it was clear to me that rather than an extension bill it is an extinction bill.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

While I am unable to support the bill which has been reported to the Senate, I am by no means opposed entirely to the LEAA program. The LEEP program for example, has been very effective and necessary in assuring the availability of well-trained law enforcement personnel. Coincidentally, however, the Ford administration also opposes this aspect of the LEAA program. Additional programs have likewise had a positive impact. But the compromise provisions in the reported measure—the measure was defeated by a vote of 7–5—voting "yea" Senators Bayh, Hart, Kennedy, Abourezk, and Mathias and voting "nay" Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond, and Scott of Virginia—represents a clear erosion of a congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

The Ford administration has responded at best with marked indifference to the 1974 act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program." I find this and similar approaches unacceptable and will endeavor to persuade a majority of our colleagues, through sound argument and any available parliamentary tool, to reject these provisions of S. 2212 and to retain the priority placed on juvenile crime prevention in the 1974 act which has been accepted by the House Judiciary Committee.

The failure of this President, like his predecessor, to deal with juvenile crime and his insistent sifling of an act designed to curb this escalating phenomenon is the Achilles' heel of the administration's approach to crime.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, of fear for the lack of personal security and the tremendous waste in human resources.

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

During hearings on April 29, 1975, by my subcommittee regarding the implementation or more accurately the administration's failure to implement the act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the Nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the Nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution—no magic wand or panacea—to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches, $15 million last year while we witness a record 17-percent increase in crime, must stop.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress it to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, is clearly not compatible with these objectives.

I urge my colleagues to support this amendment and Mr. President, I ask unanimous consent that the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1731

On page 33 beginning at line 11, strike out all through line 16.
On page 34, beginning at line 16, strike out all through line 23.

[From the New York Times, July 17, 1976]

JUDGES RACK PROPOSED RULE FOR JUVENILE CRIME FUNDS

PROVIDENCE, July 16 (AP).—At least 19 per cent of all Federal anticrime money should be spent on programs aimed at preventing juvenile delinquency, a conference of juvenile court judges recommends.

The National Council of Juvenile Court Judges, holding its annual convention here, voted yesterday to support a proposed United States Senate amendment that would require that division of funds.

The amendment, sponsored by Senator Birch Bayh, Democrat of Indiana, would mean that $127 million to $140 million in money dispensed by the Law Enforcement Assistance Administration would go to fight juvenile crime.

THE AMERICAN LEGION,
Washington, D.C., July 21, 1976.

DEAR SENATOR: The American Legion urges your support of Senator Bayh's amendment to S. 2212, The Crime Control Act of 1976, which is scheduled for floor action Friday, July 23.

The Bayh amendment would require that the Law Enforcement Assistance Administration each year shall maintain from appropriations a minimum level of financial assistance for juvenile delinquency programs that such bore to the total appropriation for the programs funding pursuant to part C and E of this title, or 19.15 percent of the total LEAA appropriation.

It is believed this formula approach affecting every area of LEAA activities provides a more equitable means of allocating crime control funds more nearly in proportion to the seriousness of the juvenile crime problem.

It is interesting to note that while youths within the age group 10–17 account for only 16 percent of our population they represent 45 percent of persons arrested for serious crime. More than 60 percent of those arrested for criminal activities are 22 years of age or younger.

The American Legion believes that the prevention of juvenile crime must clearly be established as a national priority, rather than one of several competing programs under LEAA jurisdiction. Your support of the Bayh amendment would help assure this.

Sincerely,

MYLIO S. KRAJA,
Director, National Legislative Commission.

BAYH JUVENILE CRIME AMENDMENT TO CRIME CONTROL ACT, S. 2212

This Bayh Amendment is not a spending amendment—it simply maintains the priority for juvenile crime prevention.

Retains juvenile crime prevention as the LEAA priority by maintaining 19.15 percent of its funds for this vital area.

More than one-half of all serious crimes are committed by young people, who also have the highest recidivism rate of any age group (estimated 74–85 percent). Since 1970, violent crime in general is up 32 percent, but for those under 18 years of age it is up 50 percent.

CONTINUED

17 OF 19

The Juvenile Justice and Delinquency Prevention Act of 1974 (vote 88–1) made the prevention of juvenile crime the national crime fighting priority—not merely one of several competing LEAA programs—by:

A. Establishing a new Office to assist and coordinate government and private agencies. The thrust of the program is to prevent juveniles from committing that first crime and to prevent first-time offenders from becoming lifetime criminals. For the first time program money is made available for local-nonprofit private agencies.

B. Mandating LEAA to maintain at least fiscal year 1972 expenditures for the improvement of the juvenile justice system (courts, corrections, police, et al.) in subsequent years. Congress was told by LEAA that this represented $140 million, but upon closer investigation by the Subcommittee, it was actually $112 million.

C. The Bayh Amendment is designed to continue the priority established by the 1974 Act. The Committee proposal would undermine Congressional determination to emphasize the importance of deterring juvenile crime. The bill as presently drafted would reduce the level of juvenile justice funds by 27 percent. The Bayh Amendment would require LEAA to allocate 19 percent of its total appropriation for juvenile crime.

In 1973 the Senate passed the Bayh-Cook-Mathias amendment requiring 30 percent of LEAA Part C and E funds for juvenile crime. This amounts to $130 million in fiscal year 1977—compared to $82 million in the pending bill.

The companion House bill (H.R. 13636) retains the 1974 juvenile crime priority.

[Mailgram]

PROVIDENCE, R.I., *July 15, 1976.*

Senator BIRCH BAYH,
Senate Office Building,
Washington, D.C.

The National Council of Juvenile Court Judges at their annual convention in Providence, Rhode Island on July 15, 1976 have instructed me to convey council's strong support to Senator Birch Bayh's amendment to S2212 which will require that 19 percent of the total LEAA appropriation be allocated for juvenile delinquency prevention and control program.

WALTER G. WHITLATCH,
President, National Council of
Juvenile Court Judges.

ANONYMOUS DOCUMENT CIRCULATED ON SENATE FLOOR, JULY 22, 1976

LEAA PROGRAMS THAT COULD SUFFER AS A RESULT OF BAYH AMENDMENT

1. Programs for the prevention of crimes against the elderly.
2. Indian justice programs.
3. Programs to prevent drug and alcohol abuse.
4. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies).
5. Programs to train and educate police officers.
6. The establishment of Community anti-crime programs.
7. Career Criminal Programs.
8. Programs to divert offenders from the criminal justice system.
9. Court planning programs.
10. Programs to reduce court backlog.
11. Adult Correctional and rehabilitation programs.
12. Work Release programs.
13. Prison Industries programs.
14. Community Based Correction Programs.
15. Training of judges and court administrators.
16. Upgrade probation and parole efforts.
17. Research into causes of crime.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES,
Washington, D.C., July 23, 1976.

DEAR COLLEAGUE: Attached you will find a very brief summary of the provisions of S. 2212, as reported by the Judiciary Committee, dealing with the fund-

ing of juvenile delinquency programs under the Safe Streets Act and the effect that the amendments proposed by Senator Bayh would have on those provisions.

I hope that you will take the time to read this summary and, after doing so, will be able to support the Committee's action.

With kind regards, I am

Sincerely,

JOHN L. MCCLELLAN.

JUVENILE DELINQUENCY PROVISIONS OF S. 2212

1. Under present law, which the Committee proposes to change, a minimum of $111,851,054 must be expended for juvenile delinquency programs each year. [This figure represents the amount that was expended for juvenile delinquency programs in Fiscal 1972 and amounts to 19.15% of the total allocation for Parts C and E of the LEAA Act ($584,200,000) in 1972.]

2. Under the Committee proposal, LEAA must expend a minimum of 19.15% of the total appropriation for Parts C and E of the LEAA Act for juvenile delinquency programs each year. Based upon the Fiscal 1977 appropriation for Parts C and E ($432,055,000—a decrease of $152,145,000 since 1972), this amounts to $82,738,533. However, there has also been appropriated under the Juvenile Justice and Delinquency Prevention Act $75,000,000 for juvenile delinquency programs (these funds are also administered by LEAA). Thus, the minimum expenditures for juvenile delinquency programs for Fiscal 1977 under the Committee version would be $157,738,000.

	Amount
19.15% of parts C and E of LEAA Act	$82, 738, 533
Juvenile Delinquency Act	+75, 000, 000
Total	157, 738, 533

3. Under Senator Bayh's Amendment No. 1731, present law would be retained. This would require that LEAA spend a minimum of $111,851,054 for juvenile delinquency in Fiscal 1977 out of a total appropriation of $678,000,000. However, on top of this would be added $75,000.000 appropriated for juvenile delinquency purposes under the Juvenile Justice and Delinquency Prevention Act. Thus, the minimum expenditure for juvenile delinquency under Senator Bayh's Amendment No. 1731 in Fiscal 1977 would amount to $186,851,054. This would be $29,000,000 over and above what the bill reported by the Committee now provides.

	Amount
Under the LEAA Act	$111, 851, 054
Juvenile Delinquency Act	75, 000, 000
Total	186, 851, 054

4. Senator Bayh's latest amendment (No. 2048) would require that 19.15% of the total LEAA appropriation each year (including administrative costs) be expended for juvenile delinquency programs. Out of a total LEAA appropriation for Fiscal 1977 of $678,000,000 this amendment would require that LEAA spend at least $129,837,000 for juvenile delinquency purposes this next (FY 1977) year. On top of this is added $75,000,000 already appropriated for these purposes under the Juvenile Justice and Delinquency Prevention Act. Under this amendment, then, the total minimum expenditure for juvenile delinquency programs in Fiscal 1977 would amount to $204,837,000.

	Amount
19.15 percent of total LEAA appropriations	$129, 837, 000
Juvenile Delinquency Act	75, 000, 000
Total	204, 837, 000

The objection to both of Senator Bayh's amendments is fundamental. In the past two years, as a reflection of the country's economic situation, LEAA's appropriation has suffered major reductions—from $880,000,000 in Fiscal 1975 down to $678,000,000 in Fiscal 1977, a drop of $202,000,000. In the face of these reductions, cutbacks must be made in all the programs funded by LEAA.

Senator Bayh's amendments would simply prevent juvenile delinquency programs from bearing an appropriate share in these cutbacks and require instead that these cutbacks be borne by the other programs funded by LEAA. Many of

these programs are extremely worthwhile and equally as valuable as many of the juvenile delinquency programs.

Examples of the types of LEAA programs that could suffer as a result of the Bayh Amendments are:

1. Programs for the prevention of crimes against the elderly.
2. Indian justice programs.
3. Programs to prevent drug and alcohol abuse.
4. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies).
5. Programs to train and educate police officers.
6. The establishment of Community Anti-Crime programs.
7. Career Criminal Programs.
8. Programs to divert offenders from the criminal justice system.
9. Court planning programs.
10. Programs to reduce court backlog.
11. Adult Correction and Rehabilitation programs
12. Work release programs.
13. Prison industries programs.
14. Community-based corrections programs.
15. Training of judges and court administrators.
16. Upgrading of probation and parole programs.
17. Research into the causes of crime.

No one denies that juvenile delinquency programs are appropriate for LEAA funding—and at a substantial level. Indeed, under the Committee amendment, a minimum of $157,738,533 would be spent for juvenile delinquency programs in Fiscal 1977 alone. The point recognized by the Committee, however, is that there are many other programs besides juvenile delinquency programs that are worthwhile and valuable, that are now being funded, and that should continue to be funded by LEAA. The Committee simply feels that these programs should not be discriminated against and that cutbacks in LEAA appropriations should be borne proportionately by all segments of the criminal justice system and not just some. This is certainly true with respect to juvenile delinquency, which is already favored with a large percentage of these funds, plus the special appropriation of $75,000,000 which has already been made.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., July 19, 1976.

DEAR SENATOR: As you know S. 2212, the Crime Control Act of 1976, to extend the Law Enforcement Assistance Administration, will be before the Senate for our consideration on Friday, July 23, 1976.

I intend to call up my amendment that will assure that juvenile crime prevention is retained as the priority of the Federal anti-crime program.

Attached is a copy of my remarks regarding the amendment and a copy of the text.

I urge you to vote for my amendment on Friday.

Please do not hesitate to contact me or John M. Rector, my Staff Director and Chief Counsel of the Subcommittee at x42951, if you have any questions or need any assistance.

With warm regards,

Sincerely,

BIRCH BAYH, *Chairman.*

Enclosure.

NEWS RELEASE FROM SENATOR BIRCH BAYH

JULY 21, 1976.

Senator Birch Bayh (D.-Ind.) today introduced an amendment to the Crime Control Act of 1976 designed to insure that LEAA allocates Crime Control funds in proportion to the seriousness of the juvenile crime problem.

Bayh noted that Congress overwhelmingly passed the Juvenile Justice and Delinquency Prevention Act of 1974 to specifically address the nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

"An essential aspect of the 1974 Act is the 'maintenance of effort' provision," Bayh explained. "It requires LEAA to continue at least the fiscal year 1972 level—$112-million—of support for a wide range of juvenile programs and assures that the 1974 Act's primary aim, to focus the new Office efforts on prevention, would not be the victim of a 'shell game' whereby LEAA merely shifts traditional juvenile programs to the new Office. It guaranteed that juvenile crime prevention was the priority."

Bayh charged that while the Administration had talked about fighting crime, they have consistently fought Congressional efforts to implement a program the General Acounting Office has identified as the most cost-effective crime prevention program we have.

"It is this type of double-talk for the better part of a decade which is in part responsible for the annual record breaking double digit escalation of serious crime in this country," Bayh said.

Bayh pointed out that Congress has obtained, over strong Administration opposition, about 50 percent of the funding they authorized for the new prevention program under the 1974 Act. "The Administration renewed its efforts to prevent full implementation of the Act when the Ford 'Crime Control Act of 1976' provided for the maintenance of effort provision of the 1974 Act."

Though complete repeal was defeated in the Judiciary Committee, the bill as reported out did accept a substitute percentage formula the effect of which, Bayh said, would substantially reduce the total Federal effort for juvenile crime prevention. Under the Committee's version, 19.15 percent of the total allocation of LEAA Parts C and E funds would be maintained annually. The Bayh amendment would require that 19.15 percent of all Crime Control funds, in deference to the level recommended in the Committee Report, be allocated for the improvement of the juvenile justice system.

The flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each year Bayh pointed out. But he went on to emphasize that the allocation for juvenile justice improvements should be a percentage of the total Crime Control Act appropriations, not solely of LEAA part C and E funds.

"The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity," he said.

Bayh pointed out that the application of the 19.15 percent formula to Crime Control Act monies for fiscal year 1977 would require that an almost identical amount, $129,837,000 be maintained for the improvement of the juvenile justice system as is provided by the "maintenance of effort" provision in the 1974 Act.

"If we are to tamper with the 1974 Act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the Federal crime program," Bayh said. "My amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new Office—$75-million for fiscal year 1977—we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency."

Bayh Urges Senate To Maintain 19.15 Percent of Total Crime Control Act Funds for Juvenile Crime Programs

Mr. Bayh. Mr. President, I have the good fortune of serving on the Judiciary Committee with the floor manager of S. 2212, the distinguished senior Senator from Arkansas (Mr. McClellan). I know how hard he and other committee members including Senators Hruska and Kennedy, have labored to provide stronger and more effective crime control legislation.

The amendment I propose at this time is not designed to find fault with their efforts. Rather, it is designed to carry out my responsibility as Chairman of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency and as author of the 1974 Juvenile Justice and Delinquency Prevention Act (P.L. 93-415) which my colleagues in this body approved almost without objection in 1974 by a vote of 88-1. Today, I urge you to help assure that the long ignored area of juvenile crime prevention remains the priority of the Federal anti-crime program.

The Juvenile Justice and Delinquency Prevention Act was the product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan major-

ities in both the Senate and House (329–20) to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22-years of age or younger.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups, will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention (LEAA) must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that only those youth who should be are incarcerated and that the thousands of youth who have committed no criminal act (status offenders, such as runaways and truants) are never incarcerated, but dealt with in a healthy and more appropriate manner.

An essential aspect of the 1974 Act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 Act's primary aim, to focus the new Office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new Office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year ostensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 Act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

The Subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its block funds in this vital area. In 1973 the Senate approved the Bayh-Cook Amendment to the LEAA extension bill (H.R. 8152) which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Regrettably, some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Thus, the passage of the 1974 Act, which was opposed by the Nixon Administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Unfortunately, in its zealousness to defeat both the 1973 Bayh-Cook Amendment for the improvement of the juvenile justice system and the bill which eventually became the 1974 Act, the Administration and its representatives grossly misrepresented their efforts in this area.

In hearings before my Subcommittee last year, OMB Deputy Director Paul O'Neill, and other representatives of the Administration finally admitted that the actual expenditure for fiscal year 1972 was $111,851,054 or $28 million less than we had contemplated would be required to be spent each year under the maintenance of effort provision of the 1974 Act.

The legislative history of the Juvenile Justice Act is replete with reference to the significance of this provision. The Judiciary Committee Report, the explanations of the bill, both when introduced and debated by myself and Senator Hruska, as well as our joint explanations to this body of the action taken by the Senate-House Conference on the measure each cite the $140 million figure and stress the requirement of this expenditure as integral to the impact contemplated

by Congress through the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

Once law, the Ford Administration, as if on cue from its predecessor, steadfastly opposed appropriations for the Act and hampered the implementation of its provisions. When the President signed the Act he ironically cited the availability of the "$140 million" as the basis for not seeking appropriations for the new prevention program.

Despite continued stiff Ford Administration opposition to this Congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, while we have obtained, over strong Administration opposition, about 50 percent of the funding Congress authorized for the new prevention program under the 1974 Act, the Administration has renewed its efforts to prevent its full implementation. In fact, the Ford "Crime Control Act of 1976," S. 2212, would repeal the maintenance of effort provision of the 1974 Act!!

It is interesting to note that the primary reason stated for the Administration's opposition to funding of the 1974 Act prevention program was the availability of the very "maintenance of effort" provision which the Administration seeks to repeal in S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford Administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 Act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue, is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 Act, for one year, which was submitted to Congress on May 15, after the percentage formula version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provision. My Subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

Mr. President, I am not able to support the reported version of President Ford's "Crime Control Act of 1976," S. 2212, because it (sections 26(b) and 28) repeals a significant provision of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). The formula substituted for present law—by a vote of 7-5, voting "nay": Senators Bayh, Hart, Kennedy, Abourezk, and Mathias and voting "yea": Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond and Scott of Virginia—represents a clear erosion of a Congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

Under the approach recommended by the Committee, rather than the level mandated by the 1974 Act; namely expenditures for the improvement of juvenile justice systems for fiscal year 1972 represented to be $140 million, but in fact, about $112 million, 19.15 percent of the total allocation of LEAA Parts C and E funds would be maintained annually. This percentage represents the relationship of actual fiscal year 1972 expenditures for juvenile justice improvement ($112 million) to total C and E allocation of $584 million for that year. Its application in fiscal year 1977 would require that less than $82 million of Crime Control Act moneys be maintained for juvenile justice system improvement. Thus, $30 million

less would be allocated than in fiscal year 1975 or 1976. It is likewise important to recall that because of the misrepresentation regarding actual expenditures in fiscal year 1972, $28 million less than Congress had intended was allocated to juvenile crime in fiscal years 1975 and 1976!! The cumulative impact of the Administration's sleight of hand regarding the $140 million figure and the application of the percentage formula solely to LEAA Parts C and E would reduce the Act's Congressional commitment by $114 million: $28 million in fiscal year 1975, $28 million in fiscal year 1976 and $58 million in fiscal year 1977. This is totally unacceptable.

On May 28, 1976, I introduced Amendment No. 1731, which would strike the provisions of S. 2212 which substitute the narrow percentage formula approach for the extremely significant maintenance of effort requirement. The approach of Amendment No. 1731, which favors current statutory language is identical to that taken by Chairman Rodino's House Judiciary Committee in S. 2212's companion bill, H.R. 13636. In addition to the pure merit of supporting the status quo which retains juvenile crime prevention as the LEAA priority, it was my view that those interested in fundamentally altering the provisions of the 1974 Act, as the reported bill clearly intends, reserve their proposals until next spring and work with the Subcommittee in drafting legislation to extend the 1974 Act. (Our hearings to accomplish this extension began May 20, 1976.) It was with this perspective that I introduced Amendment No. 1731 to excise these unpalatable sections.

Since that time I have reviewed this matter and concluded that the flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each fiscal year, but that the allocation for juvenile justice improvement should be a percentage of the total Crime Control Act appropriation, not solely of LEAA Part C and E funds. The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity: technical assistance research, evaluation and technology transfer; educational assistance and special training; data systems and statistical assistance; management and operations; and planning as well as the matching and discretionary grants to improve and strengthen the criminal justice system.

Today, therefore, I ask my colleagues' support for my new Amendment. The Amendment does not authorize any additional appropriations; it simply helps insure, consistent with the policy thrust of the 1974 Act, that LEAA will allocate Crime Control funds in proportion to the seriousness of the juvenile crime problem. The Amendment will require that 19.15 percent of Crime Control Act funds, in deference to the level recommended in the Committee Report, be allocated for the improvement of the juvenile justice system.

It should be recalled that in 1973 this body supported, without objection, the Bayh-Cook Amendment to the LEAA extension bill which would have required that 30 percent of LEAA Part C and E funds be allocated for improvement of the juvenile justice system. My Amendment, today, is clearly consistent with that effort. Had the 30 percent requirement become law it would have required that nearly $130 million of Crime Control Act Part C and E dollars ($427,550,000) be maintained during fiscal year 1977.

Coincidentally, the application of the 19.15 percent formula to Crime Control Act monies for fiscal year 1977 ($678,000,000) would require that an almost identical amount, $129,837,000, be maintained for the improvement of the juvenile justice system.

If we are to tamper with the 1974 Act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the Federal crime program. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my Party's National Platform. My Amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new Office—$75 million for fiscal year 1977 we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency.

More money alone, however, will not get the job done. There is no magic solution to the serious problems of crime and delinquency.

Yet, as we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, as reported, is clearly not compatible with these objectives.

I urge my colleagues to support my Amendment and help retain juvenile crime prevention as the national anti-crime program priority.

[S. 2212, 94th Cong., 2d sess.]

AMENDMENT Intended to be proposed by Mr. Bayh to S. 2212, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes

On page 33 strike lines 11 through 16, inserting in lieu thereof the following:

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972, namely 19.15 per centum of the total appropriation for the Administration."

On page 34, strike lines 16 through 23, inserting in lieu thereof the following:

SEC. 28. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972, namely 19.15 per centum of the total appropriation for the Administration."

NEWS RELEASE FROM SENATOR BIRCH BAYH

July 23, 1976—The Senate today approved by a vote of 61 to 27 an amendment to the Crime Control Act of 1976 that will insure that LEAA allocates Crime Control funds in proportion to the seriousness of the juvenile crime problem.

Senator Birch Bayh, author of the amendment, noted in a statement on the Senate floor that although youngsters from ages 10 to 17 account for only 16 percent of our population, they likewise account for fully 45 percent of all persons arrested for serious crimes.

"The Juvenile Justice and Delinquency Prevention Act was the product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate and House to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group," Bayh said.

An essential aspect of the 1974 Act, Bayh said, is the "maintenance of effort" provision which requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs.

"This provision assures that the 1974 Act's primary aim, to focus the new Juvenile Justice Office efforts on prevention, would not be the victim of a 'shell game' whereby LEAA merely shifted traditional juvenile programs to the new

Office," he explained. "It guaranteed that juvenile crime prevention was the priority."

Bayh was sharply critical of the Administration which he said talked a lot about fighting crime, but consistently fought Congressional efforts to implement a program that the General Accounting Office has said is the most cost-effective crime prevention program we have.

"It is this type of double-talk for the better part of a decade which is in part responsible for the annual record breaking double digit escalation of serious crime in this country," Bayh said.

"While we have obtained, over strong Administration opposition, about 50 percent of the funding Congress authorized for the new prevention program under the 1974 Act, the Administration has renewed its efforts to prevent its full implementation," Bayh said. He pointed out that the Administration requested a "paltry" $10-million of the $150-million authorized for fiscal year 1977, a $30-million reduction from fiscal year 1976. Congress has provided $75-million for the new prevention program.

In addition, Bayh added the Ford "Crime Control Act of 1976 would repeal the maintenance of effort provision of the Act."

Though complete repeal was defeated in the Judiciary Committee, the bill as reported out did accept a substitute percentage formula the effect of which, Bayh said, would substantially reduce the total Federal effort for juvenile crime prevention. Under the Committee's version, 19.15 percent of the total allocation of LEAA Parts C and E funds would be provided for juvenile programs annually. The Bayh amendment, which was passed by the Senate, requires that 19.15 percent of all "Crime Control" funds, in deference to the level recommended in the Committee Report, be allocated for the improvement of the juvenile justice system.

Bayh pointed out that the flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each year. But he went on to emphasize that the allocation for juvenile justice improvements should be a percentage of the total Crime Control Act appropriations, not solely of LEAA Parts C and E funds.

"The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity," he said. "If we are to tamper with the 1974 Act in a manner that will have significant impact let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be *the* priority of the Federal crime program," Bayh said. "My amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new Office—$75-million for fiscal year 1977—we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency."

[Excerpts From the Congressional Record, July 23 and 26, 1976]

SENATE VOTE (61–27) REAFFIRMS SUPPORT FOR BAYH LEAA JUVENILE CRIME PRIORITY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2212, which the clerk will state by title.

The assistant legislative clerk read as follows:

"A bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended and for other purposes."

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Time for debate on this bill is limited to 2 hours to be equally divided and controlled by the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA), with 30 minutes on any amendment, except an amendment to be offered by the Senator from Indiana (Mr. BAYH), on which there shall be 2 hours, and with 20 minutes on any debatable motion, appeal, or point of order.

Mr. MANSFIELD. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 2212, and the pending question is on the amendment of the Senator from Indiana (Mr. BAYH), numbered 2048, on which there shall be 2 hours debate.

Mr. MANSFIELD. Mr. President, I suggest thee absence of a quorum with the time taken out of neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, a parliamentary inquiry.

Will the Chair advise the Senate what the pending order of business is, please?

The ACTING PRESIDENT pro tempore. The pending order of business is the amendment by the Senator from Indiana that is the pending question, No. 2048. On this there are 2 hours of debate. The time is to be equally divided and controlled by the Senator from Arkansas (Mr. McClellan) and the Senator from Indiana (Mr. Bayh).

Mr. BAYH. Mr. President, I ask unanimous consent that Howard Paster of my staff, and John Rector, Mary Jolly, and Kevin Faley of the staff of the Subcommittee To Investigate Juvenile Delinquency, be granted the privilege of the floor during debate and votes on S. 2212.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BAYH URGES SENATE TO MAINTAIN 19.15 PERCENT OF TOTAL CRIME CONTROL ACT FUNDS FOR JUVENILE CRIME PROGRAMS

Mr. BAYH. Mr. Preisdent, I have the good fortune of serving on the Judiciary Committee with the floor manager of S. 2212, the distinguished senior Senator from Arkansas (Mr. McClellan). I know how hard he and other committee members, including Senators Hruska and Kennedy, have labored to provide stronger and more effective crime control legislation.

The amendment I propose at this time is not designed to find fault with their efforts. Rather, it is designed to carry out my responsibility as chairman of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency and as author of the 1974 Juvenile Justice and Delinquency Prevention Act (P.L. 93–415) which my colleagues in this body approved almost without objection in 1974 by a vote of 88 to 1. Today, I urge you to help assure that the long-ignored area of juvenile crime prevention remain the priority of the Federal anticrime program.

The Juvenile Justice and Delinquency Prevention Act was the product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate and House—329 to 20—to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

This measure was designed specificially to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups, will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention—LEAA—must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that only those youth who should be are incarcerated and that the thousands of youth who have committed no criminal act—status offenders, such as runaway and truants—are never incarcerated, but dealt with in a healthy and more appropriate manner.

An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year ostensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

The subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field comensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its block funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill (H.R. 8152) which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention.

Regrettably, some who had not objected to its Senate passage opposed it in the House-Senate conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Unfortunately, in its zealousness to defeat both the 1973 Bayh-Cook-Mathias amendment for the improvement of the juvenile justice system and the bill which eventually became the 1974 act, the administration and its representatives grossly misrepresented their efforts in this area.

In hearings before my subcommittee last year, OMB Deputy Director Paul O'Neill, and other representatives of the administration finally admitted that the actual expenditure for fiscal year 1972 was $111,851,054 or $28 million less than we had contemplated would be required to be spent each year under the maintenance of effort provision of the 1974 act.

The legislative history of the Juvenile Justice Act is replete with reference to the significance of this provision. The Judiciary Committee report, the explanations of the bill, both when introduced and debated by myself and Senator Hruska, as well as our joint explanations to this body of the action taken by the Senate-House conference on the measure each cite the $140 million figure and stress the requirement of this expenditure as integral to the impact contemplated by Congress through the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions. When the President signed the act he ironically cited the availability of the "$140 million" as the basis for not seeking appropriations for the new prevention program.

Despite continued stifled Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, while we have obtained, over strong administration opposition, about 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration has renewed its efforts to

prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would repeal the maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration seeks to repeal in S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue, is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the percentage formula version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual recordbreaking double-digit escalation of serious crime in this country.

Mr. President, I am not able to support the reported version of President Ford's Crime Control Act of 1976, S. 2212, because it—sections 26(b) and 28—repeals a significant provision of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). The formula substituted for present law—by a vote of 7 to 5, voting "nay": Senators Bayh, Hart, Kennedy, Abourezk, and Mathias and voting "yea": Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond, and Scott of Virginia—represents a clear erosion of a congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

Under the approach recommended by the committee, rather than the level mandated by the 1974 act; namely expenditures for the improvement of juvenile justice systems for fiscal year 1972 represented to be $140 million, but in fact, about $112 million, 19.15 percent of the total allocation of LEAA parts C and E funds would be maintained annually. This percentage represents the relationship of actual fiscal year 1972 expenditures for juvenile justice improvement—$112 million—to total C and E allocation of $584 million for that year. Its application in fiscal year 1977 would require that less than $82 million of Crime Control Act moneys be maintained for juvenile justice system improvements. Thus, $30 million less would be allocated than in fiscal year 1975 or 1976. It is likewise important to recall that because of the misrepresentation regarding actual expenditures in fiscal year 1972, $28 million less than Congress had intended was allocated to juvenile crime in fiscal years 1975 and 1976. The cumulative impact of the administration's sleight of hand regarding the $140 million figure and the application of the percentage formula solely to LEAA parts C and E would reduce the act's congressional commitment by $114 million: $28 million in fiscal year 1975, $28 million in fiscal year 1976, and $58 million in fiscal year 1977. This is totally unacceptable.

On May 28, 1976, I introduced amendment No. 1731, which would strike the provisions of S. 2212 which substitute the narrow percentage formula approach for the extremely significant maintenance of effort requirement. The approach of amendment No. 1731, which favors current statutory language is identical to that taken by Chairman Rodino's House Judiciary Committee in S. 2212's companion bill, H.R. 13636. In addition to the pure merit of supporting the status quo, which retains juvenile crime prevention as the LEAA priority, it was my view that those interested in fundamentally altering the provisions of the 1974 act, as the reported bill clearly intends, reserve their proposals until next spring and work with the subcommittee in drafting legislation to extend the 1974 act. Our hearings to accomplish this extension began May 20, 1976. It was with this

perspective that I introduced amendment No. 1731 to excise these unpalatable sections.

Since that time I have reviewed this matter and concluded that the flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each fiscal year, but that the allocation for juvenile justice improvement should be a percentage of the total Crime Control Act appropriation, not solely of LEAA part C and E funds. The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity: technical assistance-research, evaluation and technology transfer; educational assistance and special training; data systems and statistical assistance; management and operations; and planning as well as the matching and discretionary grants to improve and strengthen the criminal justice system.

Today, therefore, I ask my colleagues' support for my new amendment. The amendment does not authorize any additional appropriations; it simply helps insure, consistent with the policy thrust of the 1974 act, that LEAA will allocate crime control funds in proportion to the seriousness of the juvenile crime problem. The amendment will require that 19.15 percent of Crime Control Act funds, in deference to the level recommended in the committee report, be allocated for the improvement of the juvenile justice system.

It should be recalled that in 1973 this body supported, without objection, the Bayh-Cook amendment to the LEAA extension bill which would have required that 30 percent of LEAA part C and E funds be allocated for improvement of the juvenile justice system. My amendment, today, is clearly consistent with that effort. Had the 30-percent requirement become law it would have required that nearly $130 million of Crime Control Act part C and E dollars—$432,055,000—be maintained during fiscal year 1977.

Coincidentally, the application of the 19.15-percent formula to Crime Control Act moneys for fiscal year 1977—$678,000,000—would require that an almost identical amount, $129,837,000, be maintained for the improvement of the juvenile justice system.

If we are to tamper with the 1974 act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the Federal crime program. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my party's national platform. My amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new office—$75 million for fiscal year 1977—we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency.

More money alone, however, will not get the job done. There is no magic solution to the serious problems of crime and delinquency.

Yet, as we celebrate the 200th anniverary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates, and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, as reported, is clearly not compatible with these objectives.

I urge my colleagues to support my amendment and help retain juvenile crime prevention as the national anticrime program priority.

Mr. President, I ask unanimous consent to have printed in the Record a table showing the LEAA appropriations history from 1969 to 1977.

There being no objection, the table was ordered to be printed in the Record, as follows:

LEAA APPROPRIATIONS HISTORY, FISCAL YEARS 1969–76

[In thousands of dollars]

	1969 actual	1970 actual	1971 actual	1972 actual	1973 actual	1974 actual	1975 actual	1976 actual	1977 actual
Pt. B—Planning grants	19,000	21,000	26,000	35,000	50,000	50,000	55,000	60,000	60,000
Pt. C—Block grants	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412	306,039
Pt. C—Discretionary grants	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544	54,007
Total, pt. C	29,000	214,750	410,000	486,700	569,000	569,000	564,000	476,956	360,046
Pt. E—Block grants			25,000	48,750	56,500	56,500	56,500	47,739	36,005
Pt. E—Discretionary grants			22,500	48,750	56,500	56,500	56,500	47,739	36,004
Total, pt. E			47,500	97,500	113,000	113,000	113,000	95,478	72,009
Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000	13,000
Community anticrime									15,000
Research, evaluation, and technology transfer	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,423	40,000
LEEP	6,500	18,000	21,250	29,000	40,000	40,000	40,000	40,000	40,000
Educational development			250	1,000	2,000	2,000	1,500	500	500
Internships			500		500	500	500	250	300
Sec. 402 training			500	1,000	2,250	2,250	2,250	2,250	3,250
Sec. 407 training					250	250	250	250	250
Total education and training	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250	44,300
Data systems and statistical assistance		1,000	4,000	9,700	21,200	24,000	26,000	25,971	21,152
Juvenile Justice and Delinquency Prevention Act (title II)							[2] 15,000	39,300	75,000
Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	24,299	25,464
Department pay costs					14,200				
Total, obligational authority	60,000	267,937	528,954	698,723	841,723	870,526	[3] 895,000	810,677	753,000
Transferred to other agencies	3,000	182	46	196	14,431	149			
Total appropriated	63,000	268,119	529,000	698,919	855,597	870,675	895,000	810,677	753,000

[1] High crime area.

[2] An additional $10,000,000 previously appropriated for LEAA was reappropriated, to remain available until Dec. 31, 1975, to carry out title II of the Juvenile Justice and Delinquency Prevention Act.

[3] Does not reflect the $7,829,000 transferred to other Justice Department Agencies.

Mr. BAYH. Mr. President, the purpose of my imposing on the Senate at this rather early hour is directly related to efforts that the Senate Subcommittee on Juvenile Delinquency has been making over the last 6 years. As some of my colleagues will recall, in late 1970, when I had the good fortune of assuming that subcommittee chairmanship, we held extensive hearings and brought information to light which was informative and alarming. As one who had spent a good portion of his adult as well as young life involved in various kinds of youth activities, I thought I was relatively familiar with the situation. It was of grave concern to me to learn that, while most of our young people are those we associate with various youth groups and health activities—the kind that we now see swimming and running and performing miraculous feats as we watch the Olympics, unfortunately, there are a relatively small, although active, portion of our young people who truly threaten our welfare.

As we express our concern about the dramatic and continuing increase in the level of crime, we must be even more concerned about the findings of our subcommittee investigation: that of all the serious crimes, quarterly and annually reported by the FBI, more than 50 percent of all the serious crimes and committed by young people under the age of 20. When we envision criminal activity, many think of hardened adult criminals. The statistics show, however, that this is not the true stereotype. I am not talking about youngsters who take a car for a joyride or steal hubcaps, though I am not unconcerned about such acts; I am talking about the wide range of serious crimes, rapes, robberies, homicides, burglaries, half of which are committed by young people under the age of 20.

We undertook to develop a Federal response commensurate with these facts. The product of our labors was the Juvenile Justice Act, which was signed into law by President Ford on September 7, 1974. It was the product of reconciliation and compromise that is necessary to obtain passage of any significant piece of legislation. The distinguished Senator from Nebraska (Mr. Hruska), who is the ranking minority member of the Committee on the Judiciary, played an important role in reaching the compromise which is now law. The Senator from Nebraska and I did not agree on all the features of the bills that I had introduced (S. 3148 and S. 821), but I must say that I thought the way that he and I and our collective staffs worked together was as fine an example as I have seen of what can happen when men and women of good faith are determined to use the legislative processes to try to reconcile differences of opinion, and yet move toward making juvenile crime prevention a national priority of importance to all of our citizens.

The distinguished Senator from Arkansas, as the ranking member of the Committee on the Judiciary as well as chairman of the Criminal Laws and Procedure Subcommittee, also played an important role in this effort which resulted in the enactment of this landmark legislation.

What we are saying is that juvenile crime is a critical national problem. Everybody is against it, nobody is for it, but we have not been able effectively to bring adequate forces of Government and human concern to bear on this problem. Juvenile crime continues to escalate. No one has a magic formula for solving the problem of juvenile crime and delinquency. No one can pass a bill or make a speech and make crime disappear. But it was rather obvious that what we had been doing had failed and, hopefully, the new focus mandated in 1974 will be helpful in alleviating some of the problems. I think it is essential that we recognize past mistakes and avoid them.

One basic mistake in this area was the total lack of proper coordination and management. We found, rather surprisingly, that there were several dozen separate and independent Federal agencies and bureaus supposedly dealing with the problems of young people in trouble and juvenile crime. If a sheriff or chief of police or mayor or youth services director sought help from a Congressman's or Senator's office as to where they could go for assistance to fight juvenile crime in their communities, they needed a road map of the Washington bureaucracy.

One of the major steps we took in the Juvenile Justice Act was to establish one place in the Federal Government to meet these needs. We established a separate assistant administrator position in LEAA and, for the first time, placed authority in this one office for mobilizing the forces of Government to develop a new juvenile crime prevention program and to coordinate all other Federal Juvenile crime efforts. That responsibility now rests in one clearly identified office, headed by a Presidential appointment, with advice and consent of this body.

In the management area, we made progress by eliminating wasteful duplication and directing that all resources be harnessed to deal more effectively with

juvenile crime. We have provided that no Federal programs undermine or compete with the efforts of private agencies helping youths in trouble and their families.

We also required that private agencies including churches, YMCA, YWCA, and many others are involved in the program so that with their collective services and expertise they become an equal partner with government and family in the fight against juvenile crime.

Thus, for the first time this act made available Federal prevention funds to help private groups in local communities. To expand and assist if necessary but not to compete with community efforts.

Case in point: if the First Christian Church or the YWCA has established a runaway house it makes little sense for the Indianapolis city government or the State of Indiana or the Federal Government to establish a competing runaway service.

Now we are able to provide additional moneys to those private agencies so that they are able to provide several extra beds, or a new counselor, and continue with their work fashioned for that community, but which had been limited because of insufficient resources.

Another objective, which we have begun to accomplish, was reorder the LEAA spending priorities.

Many things have been said and written both by the investigative press and by some of our colleagues here on this floor relative to criticism directed at LEAA. I think some of that criticism is well founded and, perhaps, some of it is not. In the Judiciary Committee I found myself in rather a lonely position as the only member to vote against extending LEAA. I hope we can retain those reordered LEAA priorities here today so I can vote to extend LEAA. I think a number of those dollars have been well spent, and we have a lot of concerned, dedicated people out there—but, as I told my colleagues on the Judiciary Committee, more than $5 billion has been expended by LEAA.

During that period of time crime has gone up almost 50 percent. If we, as members of that committee, were on the board of directors of a corporation and spent $5 billion of the corporation's money, the stockholders would throw us out on our ears if we did not get better results.

That does not mean we are trying to be unreasonably stern with the people who are administering this money or certain people who are spending it, but I think tney have been laboring under operational restraints that almost defy success. The biggest problem we have had is that we have not reordered our priorities so that we use this money to deal with the problems of young people before they become the problems of adults.

We take kids who run away or will not go to school, neither of which I am recommending for young people—but compared to robbing, murdering, and raping, and some of the things that go on in our streets I am sure we recognize that not going to school and running away is a relatively minor act—but we take kids involved in these kinds of activities and we put them in the county jail with adults who have performed every trick in the trade.

We take young first offenders and we incarcerate them with hardened criminals. I am not trying to apologize for young toughs, the fact of the matter is, I hate to say it, but it is true, that we have some young people as well as some adults whom we just have to get off the streets in order to protect society from them.

But it seems to me we need to be sophisticated enough to get those people who are preying on society off the streets, incarcerate them where they cannot do harm to themselves or to others, but not commingle them with young people whom we still have a chance to save. All too often however that is not how we operate our juvenile justice system. We put those first offenders in a prison environment with professionals, two- or three-time losers, and although we talk piously about rehabilitation and training, in most of our institutions today instead of being able to train young people for a wholesome, decent life, what we train them for is how to go out on the streets and prey on society.

Four out of five of those people that we put in a place to try to rehabilitate them are learning the kinds of things that guarantee they are going to be back in there again. In terms of our youth we have between a 75 and 85 percent recidivism rate, which means not that our police cannot catch them, not that our judges and our juries do not try to convict them, not that we do not have a place to put them, but that when we catch them, when we convict them, when we incarcerate them, we treat them in such a way that we guarantee they are going to be back in prison again.

Mr. President, one of the important provisions of the Juvenile Justice Act was to try to get more of our law enforcement resources into the system at a time and a manner so that we could actually keep young people from continuing to make the mistakes that escalate up the scale of seriousness and lead to a lifetime of lawlessness and all the problems that that means to them and to us generally.

If we are really going to do this job we have to insist that a larger share of law enforcement dollars go into the system at a time and in a manner that can actually do some good, do some preventing, and do some rehabilitating. That means we have to devote more money to improving our juvenile justice system.

I have great compassion for any human being who is incarcerated, whether that person has committed one, two, or three crimes. It is a tragedy. But we have to recognize society's right to be protected, and thus we have to keep these people in a place that makes society safe.

But I must say since we are operating in a world where we have only limited amounts of dollars which we have become increasingly aware of as we go through the new budget process—then, it seems to me, we have a responsibility to see that we spend those limited amounts of dollars in the areas where we get the greatest return on the investment not in just a traditional business sense but in terms of effectively dealing with human problems.

Mr. President, for someone who has been in a penal institution two or three times, the chances of rehabilitating that person are relatively remote, particularly compared to the chance of dealing with a child, preteens, or midteens or even a first offender teenager.

So, what we tried to do in the Juvenile Justice Act was to insist that we place more money, more resources, into the system to deal with the problems of young people. We asked the officials at LEAA and OMB how much they were spending on juvenile delinquency programs. Well, we were told various figures. When we finally nailed them down they said, "Senator Bayh, it is $140 million. One hundred and forty million dollars was the supposedly accurate figure which was the fiscal 1972 figure." That was the figure the administration told us was being spent in fiscal 1972 for juvenile delinquency programs. So in the Juvenile Justice Act we required LEAA to maintain at least that level of assistance. Although the Senate passed, let me say, a measure which would have insisted that we put the level at 30 percent of the budgetary figure as a floor for juvenile delinquency programs. That passed the Senate. We could not get the House to agree to it, but that was the figure, 30 percent, which would have meant more assistance than the figure we are talking about today in my amendment.

I want to put this on the scales with the earlier figures we spoke about so that we can compare here the 30 percent that we are talking about with the 50 percent of the serious crimes committed by young people. But after the Juvenile Justice Act had passed, LEAA changed the numbers. They said, "Really, we did not spend $140 million in 1972." My colleage from Nebraska believed LEAA's original figure. If we look at the record, he was using the figure of $140 million because that is what LEAA told us; that they, out of that LEAA pie, were sending $140 million back to local communities, to deal with problems of young people and juvenile crime.

But when we really got down to wearing the shoe, instead of the $140 million it was actually $112 million. Well, $112 million is still not an insignificant amount of money. But it was $28 million less than the Senate thought they voted for in 1974. The law requires that $112 million of Crime Control Act dollars be spent to fight juvenile crime.

Frankly, I do not think that is nearly enough. It was the best we could do under the circumstances in 1974, and it is better than we would have been able to do if we had not established that floor, but it was not nearly enough. At least 19.15 percent of the moneys should go to a problem that is responsible for half the Nation's crime.

Mr. President, we are talking about less than 20 percent of LEAA money earmarked to deal with the problem of young people who are committing 50 percent of the crimes. It is not enough.

But lo and behold, when the administration sends the LEAA extension bill here, instead of extending it they tried to gut the Juvenile Justice Act and, in essence, kill everything we had accomplished.

They are trying to repeal the maintenance of effort section so that there would be no specific amount spent to help fight juvenile crime.

Because of the conversation and concern of some of our colleagues on the Judiciary Committee, and at least partially because some knew others rejected this, there was going to be a heck of an outrageous proposal, they did leave some limitations in the bill, but at much too low a level, in my judgment.

Instead of the specified dollar amount, which in current law is $112 million, they said, "Well, the LEAA budget is going down, so to be fair to everybody and not allegedly penalize some of the program areas, we are going to eliminate the 74 percentage and require only 19.15 percent of C and E or $82 million.

$82 million instead of $112 million—a reduction of $30 million.

Mr. President, I do not want to penalize anybody. I think many of these programs have some beneficial effect. But we have to recognize two important things: One, in terms of crime, young people are the most critical problem and if we are concerned about the continuing escalation of crime we better start dealing with the problem at a time when we can rehabilitate them, and make them productive citizens of society rather than adult criminals.

Two, from the practical standpoint, if we invest resources in this area, we are going to be able to have a higher degree of success.

My amendment simply recognizes where the problem is and where the chances of success lie.

This amendment does not scrap any programs. No. We are not going to be unreasonable in the amounts of money we dedicate to juvenile crime. But every simply—we are going to require in the future that 19.15—less 20 percent of the LEAA budget is allocated to this priority.

It ought to be for more. We have improved the situation somewhat because of Milton Luger's guidance of the Office of Juvenile Justice and Delinquency Prevention. He is a good man, the program is just getting started but it provides us with a good measure of long-ignored prevention.

This last fiscal year we had $40 million going into that program and because of the efforts of people like the distinguished Senator from Rhode Island (Mr. Pastore), Senator McClellan, Senator Hruska, and some others on that Appropriations Committee who have fought diligently, we have been able to up that figure to $75 million in the area of prevention for fiscal 1977 or 50 percent of the authorized level.

What I am asking the Senate to recognize is that it is one thing to say we have $75 million in a prevention program. It is another to require that across the board we meet a certain standard as far as the investment of our LEAA moneys is concerned. This is what the 1974 act required, both thrusts.

I am not asking the Senate and the Congress of the United States to require that half of the money of LEAA be spent for young people, although they are committing half of the crimes. I suggest that we would require in this amendment that we at least have the 19.15 percentage of LEAA moneys spent across the board for juvenile crime and delinquency.

Mr. President, if I were not such a realist, I would be ashamed to ask for only 20 percent when we have 50 percent of the crimes committed by young people. Realistically, I think that is the best we can do. When we take that 19.15 percent and increase that by the $75 million that we are getting into the area of prevention, then I think we can be proud of what we are doing.

But to suggest we will extend LEAA and, at the same time, vitiate what in my judgment is the most important long-range program of law enforcement that has passed this Congress, is totally irresponsible in my judgment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, at the outset I want to make it clear that this Senator in no way opposes juvenile delinquency programs or opposes appropriations therefor. Congress has singled out juvenile delinquency and passed the Juvenile Justice and Delinquency Prevention Act of 1974. That act is now law. We are appropriating money under that act—$75 million this year—for extraordinary attention and effort in the juvenile delinquency field.

Therefore, Mr. President, rather than do what the distinguished Senator is suggesting here—take more money from the overall criminal law enforcement program—a proper procedure and one that would not do damage to these other law enforcement programs would be to add it to the $75 million under that act. Increase the appropriations under that act, which is a special act, to deal with the extraordinary juvenile delinquency situation, instead of taking the money out

of many other programs. If this amendment is adopted, Mr. President, other programs are going to suffer.

Mr. President, I ask unanimous consent to have printed in the Record at this point a memorandum explaining this amendment which I prepared this morning and which I hope to distribute to the Members of the Senate before they vote.

There being no objection, the material was ordered to be printed in the Record, as follows:

JULY 23, 1976.

DEAR COLLEAGUE: Attached you will find a very brief summary of the provisions of S. 2212, as reported by the Judiciary Committee, dealing with the funding of juvenile delinquency programs under the Safe Streets Act and the effect that the amendments proposed by Senator Bayh would have on those provisions.

I hope that you will take the time to read this summary and, after doing so, will be able to support the Committee's action.

With kind regards, I am.

Sincerely,

JOHN L. MCCLELLAN.

JUVENILE DELINQUENCY PROVISIONS OF S. 2212

1. Under present law, which the Committee proposes to change, a minimum of $111,851,054 must be expended for juvenile delinquency programs each year. [This figure represents the amount that was expended for juvenile delinquency programs in Fiscal 1972 and amounts to 19.15% of the total allocation for Parts C and E of the LEAA Act ($584,200,000) in 1972.]

2. Under the Committee proposal, LEAA must expend a minimum of 19.15% of the total appropriation for Parts C and E of the LEAA Act for juvenile delinquency programs each year. Based upon the Fiscal 1977 appropriation for Parts C and E ($432,055,000—a decrease of $152,145,000 since 1972), this amounts to $82,738,533. However, there has also been appropriated under the Juvenile Justice and Delinquency Prevention Act $75,000,000 for juvenile delinquency programs (these funds are also administered by LEAA). Thus, the minimum expenditures for juvenile delinquency programs for Fiscal 1977 under the Committee version would be $157,738,000.

19.15% of Parts C and E of LEAA Act	$82, 738, 533
Juvenile Delinquency Act	+75, 000, 000
Total	157, 738, 533

3. Under Senator Bayh's Amendment No. 1731, present law would be retained. This would require that LEAA spend a minimum of $111,851,054 for juvenile delinquency in Fiscal 1977 out of a total appropriation of $678,000,000. However, on top of this would be added $75,000,000 appropriated for juvenile delinquency purposes under the Juvenile Justice and Delinquency Prevention Act. Thus, the minimum expenditure for juvenile delinquency under Senator Bayh's Amendment No. 1731 in Fiscal 1977 would amount to $186,851,054. This would be $29,000,000 over and above what the bill reported by the Committee now provides.

Under the LEAA Act	$111, 851, 054
Juvenile Delinquency Act	75, 000, 000
Total	186, 851, 054

4. Senator Bayh's latest amendment (No. 2048) would require that 19.15 percent of the total LEAA appropriation each year (including administrative costs) be expended for juvenile delinquency programs. Out of a total LEAA appropriation for Fiscal 1977 of $678,000,000, this amendment would require that LEAA spend at last $129,837,000 for juvenile delinquency purposes this next (FY 1977) year. On top of this is added $75,000,000 already appropriated for these purposes under the Juvenile Justice and Delinquency Prevention Act. Under this amendment, then, the total minimum expenditure for juvenile delinquency programs in Fiscal 1977 would amount to $204,837,000.

19.15 percent of total LEAA appropriations	$129, 837, 000
Juvenile Delinquency Act	75, 000, 000
Total	$204, 837, 000

* * * * * * *

The objection to both of Senator Bayh's amendments is fundamental. In the past two years, as a reflection of the country's economic situation, LEAA's appropriation has suffered major reductions—from $880,000,000 in Fiscal 1975 down to $678,000,000 in Fiscal 1977, a drop of $202,000,000. In the face of these reductions, cutbacks must be made in all the programs funded by LEAA.

Senator Bayh's amendments would simply prevent juvenile delinquency programs from bearing an appropriate share in these cutbacks and require instead that these cutbacks be borne by the other programs funded by LEAA. Many of these programs are extremely worthwhile and equally as valuable as many of the juvenile delinquency programs.

Examples of the types of LEAA programs that could suffer as a result of the Bayh Amendments are:

1. Programs for the prevention of crimes against the elderly.
2. Indian justice programs.
3. Programs to prevent drug and alcohol abuse.
4. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies).
5. Programs to train and educate police officers.
6. The establishment of Community Anti-Crime programs.
7. Career Criminal Programs.
8. Programs to divert offenders from the criminal justice system.
9. Court planning programs.
10. Programs to reduce court backlog.
11. Adult Correction and Rehabilitation programs.
12. Work release programs.
13. Prison industries programs.
14. Community-based corrections programs.
15. Training of judges and court administrators.
16. Upgrading of probation and parole programs.
17. Research into the causes of crime.

No one denies that juvenile delinquency programs are appropriate for LEAA funding—and at a substantial level. Indeed, under the Committee amendment, a minimum of $157,738,533 would be spent for juvenile delinquency programs in Fiscal 1977 alone. The point recognized by the Committee, however, is that there are many other programs besides juvenile delinquency programs that are worthwhile and valuable, that are now being funded, and that should continue to be funded by LEAA. The Committee simply feels that these programs should not be discriminated against and that cutbacks in LEAA appropriations should be borne proportionately by all segments of the criminal justice system and not just some. This is certainly true with respect to juvenile delinquency, which is already favored with a large percentage of these funds, plus the special appropriation of $75,000,000 which has already been made.

Mr. McCLELLAN. It is unfortunate that we have to legislate and discuss important legislative issues in an empty Chamber.

I do not say that to criticize any Member of the Senate. I am often absent, too. Our workload is such that it is impossible for us to be in the Senate Chamber and listen to debate all the time. But, Mr. President, I am certain that if the Members of this Senate understood this amendment, if they knew the burden it would impose on other valid, needed, criminal law enforcement programs, the Senate would turn this amendment down.

The Senator's amendment, if agreed to, will provide, in addition to the $75 million we have already appropriated for juvenile delinquency under the Juvenile Delinquency Act, $129,837,000 more to come out of all of the LEAA programs. It earmarks that much out of the LEAA appropriation for juvenile delinquency programs. This constitutes 19.15 percent of the total LEAA appropriation, including the administrative cost of this program.

Mr. President, nobody is against this program. My distinguished friend from Indiana spoke a few minutes ago about the shortage of funds. There is a shortage of funds. Appropriations for the LEAA program have decreased. In September 1974, the Juvenile Justice Act was enacted and earmarked about $112 million for the maintenance of the LEAA juvenile program under the Crime Control Act. This fixed dollar figure amounted to 19.15 percent of the total funds appropriated in 1972 for grants under parts C and E of the Omnibus Crime Control and Safe Streets Act of 1968. That is where the 19.15 percent originates. At the time, the appropriation for LEAA criminal justice programs for fiscal year 1975 were $880 million.

Mr. President, S. 2212 as reported by the Judiciary Committee leaves the percentage the same—19.15 percent of the total appropriation for those two parts of the LEAA Act.

Mr. President, since fiscal year 1975 the appropriations for the law enforcement assistance program have decreased by some $202 million. Thus, for all of these LEAA programs we are getting about 22 percent less in criminal justice appropriations today than we had in fiscal year 1975. What we undertake to do in this bill, and which I believe to be fair and just, Mr. President, is to make the juvenile delinquency program maintenance of effort provisions 19.15 percent of whatever is appropriate for parts C and E of the LEAA Act. This is the same ratio expended in 1972 on juvenile programs. Since 1974 we have given juvenile delinquency special treatment by appropriating an additional $75 million a year for fiscal year 1977 under the Juvenile Justice Act.

There are some things that are just and equitable. I might single out one particular program or effort in law enforcement as the best program of all. Someone else might think another program is the best. I hasten to agree that juvenile delinquency is an important program. But, Mr. President, I do not think that we ought to make this appropriation in the amount required by the Senator's amendment at the expense of, for example, the prevention of crime against the elderly. That program would have to be decreased under this amendment.

The PRESIDING OFFICER (Mr. ALLEN). The time the Senator has allotted to himself has expired.

Mr. MCCLELLAN. I yield myself an additional 5 minutes.

Mr. President, the program to prevent drug and alcohol abuse is in this appropriation. The program to increase minority representation in criminal justice programs, such as minority recruiting in police forces and correctional agencies, is involved and there will be some adverse impact on them. The law enforcement education program would be affected. I think these are some of the best programs, Mr. President, we have had in this field.

There are also community anticrime programs; career criminal programs; programs to divert offenders from the criminal justice system; court planning programs; programs to reduce court backlogs; adult corrections and rehabilitation programs; work release programs; prison industries program; community-based correction programs.

There are others, Mr. President. I could go on. All of these would be affected, or most of them, certainly, because the money would be diverted to juvenile delinquency programs.

Mr. President, I have one other thought. The bill which is before the Senate is as it was reported originally by the subcommittee. In the full committee, the distinguished Senator offered an amendment that would simply perpetuate the amount of dollars—$112 million each year out of these funds—irrespective of the amount appropriated. That was the minimum.

That amendment, Mr. President, was rejected, as I recall by a vote of 7 to 5, by the full committee. Now the distinguished Senator from Indiana wants to add on the floor an additional $17 million, over and above what the Committee on the Judiciary rejected. That, I believe, is the Senator's amendment.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. BAYH. The Senator is not suggesting the amendment I offer is not a proper amendment to offer at this time, is he?

Mr. MCCLELLAN. I am not suggesting that. The Senator has a right to offer it for $100 million, if he sees fit.

Mr. BAYH. If the chairman will accept it, I am prepared to offer it for $100 million.

Mr. MCCLELLAN. I think the Senator is already advised about my position.

Anyway, Mr. President, I point out that the full committee rejected the $111 million. Now the distinguished Senator wants $129 million.

Mr. President, if a case can be made for further expenditures for juvenile delinquency, let it be made under the special act to deal with juvenile delinquency. If Congress approves it then, it would not detract from and would not injure the other programs.

I am pursuaded, Mr. President, that if we keep cutting down on the moneys that go for the programs that I have enumerated and others, there will be a time, and it will come soon, when we might as well abandon the whole program. We have already had to reduce, but the distinguished Senator, notwithstanding $75 million extra on top under the Juvenile Justice Act, now wants to even take more under the Crime Control Act. $129 million.

Mr. President, I note that, besides the distinguished Senator from Indiana, the distinguished ranking minority member of the Judiciary Subcommittee, Mr. HRUSKA, and the occupant of the chair, there are no other Senators here to listen to this argument. Whether either the Senator from Indiana or I can convince these empty chairs that our position is right, I doubt. In any event, that is what we are confronted with. Because we have a Government today that is so big and so complicated, and democratic processes that take so much time, it is just a physical impossibility for Senators to be present where all of the action is all of the time. It is one of those things we have to deal with, Mr. President.

I submit for the Record that it will be a great injustice to other programs and to the LEAA as an agency, in my judgment, to go as far as the distinguished Senator from Indiana proposes that we go.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. I yield the distinguished Senator from Nebraska 10 minutes.

Mr. HRUSKA. May I have 15 minutes?

Mr. MCCLELLAN. Fifteen minutes.

Mr. HRUSKA. Mr. President, the pending amendment submitted by the Senator from Indiana has to do with provisions in section 261(a) and 261(b) of the law. The Senator from Indiana should be commended for his zeal and his intense and persistent interest in advancing the cause and the activity of dealing effectively with juvenile delinquency, its prevention, and its control. All of us are sympathetic with that goal.

But in order to put the matter in perspective, Mr. President, I call attention to these facts:

It should be borne in mind that the total of LEAA funding is less than 5 percent of the total expenditure for law enforcement by all of the 50 States and their many political subdivisions. At stake here, as required by the Bayh amendment, is the figure of $205 million for juvenile delinquency and juvenile criminal justice. That figure, Mr. President, is just about 2.5 percent of the total moneys, nearly $15 billion annually, spent by the States and their political subdivisions for all facets of law enforcement.

Finally, it remains for the States and their political subdivisions to furnish the bulk of funds for law enforcement. The LEAA was not created nor is it expected to fund in a substantial way the law enforcement efforts of the States and localities of this Nation. That was not its purpose.

Its purpose was to serve as a catalyst in distinctly unique and innovative ways to strengthen and to encourage improvement of law enforcement, but not to serve as a vehicle or even to any degree as a substantial vehicle for the funding of these vast efforts to enforce the law.

Mr. President, the bill as written and reported by the Judiciary Committee does not prevent any community or any State from increasing its efforts in juvenile criminal justice over and above what they receive from LEAA. On the contrary, it encourages them to do so. That 1.5 percent, which is the percentage of the Senator from Indiana in his amendment, even under his extravagant figure of $205 million, comes from Federal funds. This means that 98.5 percent has to come from the States and localities. That is inescapable.

The addition of $47 million by reason of the amendment by the Senator from Indiana is neither going to make nor break, Mr. President, the juvenile delinquency prevention and control efforts in this Nation. But I will tell you what it will do: The increase of that $47 million will erode temporarily, if not totally impair, the block grant concept upon which the LEAA is founded.

The requirement that an additional $47 million be spent by LEAA on juvenile delinquency out of total available funds means that the achievement of comprehensive, balanced State plans to deal with law enforcement in all of its aspects will be substantially prevented.

The LEAA recognized that law enforcement is the chief and principal concern of State and local governments, and accordingly, that it is for them to determine priorities for law enforcement and criminal justice spending not the Federal Government. In order to improve the enforcement of the law in those areas, the Federal law, LEAA, requires the formation by each State of a comprehensive balanced State plan to deal with that problem. The disproportionate amount which is requested under amendment No. 2048 will interfere with the achievement of that goal.

The $205 million which would be available if the spending amendment is adopted is 30-plus percent of the total fiscal year 1977 appropriation for LEAA.

Mr. President, that amount of $678 million in the present appropriation law for this purpose is meant to cover the many programs to which the Senator from Arkansas referred, including the discretionary fund grants to the States and cities, the programs for prevention of crimes against the elderly, Indian justice programs, the training programs and educational programs for officers, the establishment of community and crime programs, and so on. But by adopting this amendment, 30 percent of that money will be devoted to only one aspect, important and vital as it is, of the total law enforcement picture. That is not within the spirit of the LEAA law. We must reconcile ourselves to this idea and the fact that whatever amount is granted in this bill is still a very insignificant proportion and percentage of the total amount that must be appropriated and expended by State and local authorities.

If juvenile delinquency is going to be preferred to the extent of 30 percent it means, for example, the moneys available to improve the court system will be reduced. It means that those funding activities in LEAA for special meetings and conferences and other efforts to improve prosecutorial procedures and prosecutorial expertise and methodology, will be by the boards. Without the development of a well-rounded, well-balanced program the LEAA concept will not be achieved and it will not serve the maximum use to which it can be placed.

It is for these reasons that we should retain the percentage that is set out in the committee-approved bill, $47 million less for juvenile delinquency to be sure, but, nevertheless, assuring to those activities an ample amount for the purpose of demonstrating and getting off the ground, for the purpose of training, encouraging, and developing new techniques, new methods, new approaches to that problem.

The distinguished Senator from Indiana (Mr. Bayh) did not support S. 2212 as reported by the Judiciary Committee because of the modification of the maintenance of effort provision. His amendment (No. 2048) would strike the committee's modification contained in section 261(b). The amendment, in effect, mixes apples and oranges. It apparently proposes to take the percentage of funds allocated for part C and part E grants in fiscal year 1972 that were devoted exclusively to juvenile delinquency programs—19.15 percent of the total—and apply it to the total Crime Control Act appropriation for each fiscal year beginning with 1977. Thus, the amendment is both factually inaccurate and contradictory in its terms.

It seems clear to this Senator that if 19.15 percent of the grant funds allocated under parts C and E of the Crime Control Act in fiscal year 1972 were expended for juvenile delinquency programs, then maintaining that level of effort should require that the percentage be applied to the same source of available funds.

The application of the 19.15-percent figure to the total Crime Control Act allocation severely distorts the purpose of the percentage maintenance of effort provision proposed in the Judiciary Committee bill. Instead of expending a minimum of $82,738,533 of the total part C and E allocation of $432,055,000 for fiscal year 1977, LEAA would have to maintain a level of $129,837,000 of the total Crime Control Act appropriation of $678 million. This entire $129,837,000—an increase of $47 million—would come from the parts C and E allocation, an amount in excess of 30 percent of the available funds for juvenile delinquency programs under the Crime Control Act.

This would not only destroy the desired flexibility, it would destroy the State planning process and turn the Crime Control Act into a juvenile delinquency program. If this is desirable, why did we pass a Juvenile Justice Act and appropriate $75 million for it in fiscal year 1977?

I must point out that the Judiciary Committee bill does not "repeal" the maintenance of effort requirement as was originally proposed by the administration bill. The repeal proposal was premised on a desire to "decategorize" Crime Control Act funds and return the planning-and-priority-setting role to the States. In addition, the administration desired to achieve funding flexibility in a period of uncertain appropriation levels.

The Judiciary Committee desired to provide flexibility while at the same time assuring that the purpose of maintenance of effort—guaranteeing that funds appropriated for the Juvenile Justice and Delinquency Prevention Act were not utilized in lieu of Crime Control Act funds—was retained. The committee bill fully achieves this goal through its percentage maintenance of effort requirement. The committee vote in favor of revision represents a bipartisan committee effort to strike a balance between differing interests.

The administration has been forthright in its reluctance to provide high levels of funding for the Juvenile Justice and Delinquency Prevention Act. In a time

of economic recovery difficult decisions have had to be made in order to hold down Federal spending. Funding for many new programs, such as the Juvenile Justice Act program, have had to be curtailed. However, the President did sign the Juvenile Justice Act into law in 1974. Hopefully, his commitment to the act will result in increased appropriation levels as our Nation's economic recovery continues. In the meantime, funding levels under the Crime Control Act have similarly had to be curtailed.

Decreased appropriation levels for the Crime Control Act have put a great deal of pressure on LEAA and the 55 State planning agencies in the determination of funding priorities. Existing programs have had to be cut back. New and innovative programs cannot be funded. To add to these difficulties by either retaining a flat maintenance of effort level or an inaccurately applied percentage level would simply compound the problem. We cannot view one program area, such as juvenile delinquency programing, as inherently more important that others. Police, courts, corrections, public education, training, citizens' initiatives, and other program areas are all vital to the total effort to improve the law enforcement and criminal justice system. We cannot shortchange all of these important program areas in order to further one component of the system.

In fiscal year 1972 LEAA funds totaling $111,851,054 were expended for juvenile delinquency programs. The 1972 level was used as a base because it was the latest year for which plan allocation levels were available at the time the Juvenile Justice Act was passed. Subsequently, and in conformity with the maintenance of effort requirement, a detailed analysis by LEAA established the actual expenditure level. This level, 19.15 percent of available Parts C and E funds, is a reasonable share for juvenile delinquency programs in view of the fact that it includes only clearly identifiable juvenile delinquency programs and projects. Many programs and projects with juvenile delinquency components or which included juveniles in the service population, or which clearly had an impact on delinquency prevention—such as police programs—were not included. Therefore, I must conclude that the level of 19.15 percent of Part C and Part E allocations is an adequate minimum level. Nothing prevents LEAA and the States from spending more than the minimum level, and, indeed, I hope they do so. However, Congress should not be a party to imposing either a flat level of expenditure requirement or an inaccurate percentage requirement which could stifle the basic priority-setting role which Congress has rightfully given to the States and which has the potential to disrupt the State planning process.

I submit that the proper vehicle for Congress to establish an increased emphasis on juvenile delinquency programs is increased funding of the Juvenile Justice and Delinquency Prevention Act. Congress has done this by appropriating $75 million for the act in fiscal year 1977, That act, still in its infancy, offers a wide variety of methods and techniques to combat delinquency. It is innovative and progressive in scope. LEAA has laid the groundwork, through its implementation of the act, for the first truly coordinated, comprehensive approach to meeting the needs of the Nation's youth through Federal leadership and funding.

The administration bill to extend the Juvenile Justice Act was submitted May 15, 1976, the day after the Judiciary Committee voted to modify the maintenance of effort provision through the percentage mechanism. On May 20, 1976, LEAA Administrator Richard W. Velde testified before the Senate Subcommittee to Investigate Juvenile Delinquency. Mr. Velde testified that the administration would support the percentage maintenance of effort level as proposed by the Judiciary Committee.

I am committed to an effective Federal efforts to deal with the problem of delinquency. I am not, however, willing to risk the emasculation of the Crime Control Act and the needs of the entire law enforcement and criminal justice system in the United States, in order to achieve that objective.

Mr. President, by way of summary, I would like to reiterate the major points against this amendment:

ARGUMENTS AGAINST BAYH AMENDMENT TO INCREASE JUVENILE JUSTICE PROGRAMS

	Millions
Total LEAA funds (fiscal year 1977 appropriation)	$753
Committee bill allowance for juvenile justice program	158
Bayh amendments for juvenile justice	205

The latter figure is 30 percent of the total LEAA appropriation and would be greatly disproportionate to the entire criminal justice picture.

The amendment impairs and nearly destroys the block grant concept upon which LEAA is based.

It greatly hampers or even prevents achievement of "comprehensive" and balanced state plans required by the law.

Would greatly deprive the states to plan and use funds tailored to the needs within their respective borders.

The $47 million increase in funds between the Bayh amendment and committee bill must result in cutting other existing LEAA programs, some of which are:

1. Discretionary fund grants to states, cities, etc.
2. Programs for the prevention of crimes against the elderly.
3. Indian justice programs.
4. Programs to prevent drug and alcohol abuse.
5. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies.)
6. Programs to train and educate police officers.
7. The establishment of Community anticrime programs.
8. Career criminal programs.
9. Programs to divert offenders from the criminal justice system.
10. Court planning programs.
11. Programs to reduce court backlog.
12. Adult correctional and rehabilitation programs.
13. Work release programs.
14. Prison industries programs.
15. Community based correction programs.
16. Training of judges and court administrators.
17. Upgrade probation and parole efforts.
18. Research into causes of crime.

Mr. President, by way of summary, let me say that the total appropriations for fiscal year 1977 is $753 million, the committee bill allowances for the juvenile justice program are $158 million, and the Bayh amendment for juvenile justice would increase that to $205 million, which is an increase of $47 million. That figure of $205 million is 30 percent of the total appropriation for all activities of LEAA.

The amendment impairs and nearly destroys the block grant concept upon which LEAA is based. It greatly hampers and very nearly prevents achievement of that comprehensive and balanced State plan which each State is required by law to prescribe and submit.

Mr. BAYH. Mr. President, if the Senator will yield a moment for a question, I do not wish to interrupt, but he said this will destroy the block grant concept. Unless I am wrong, we are talking about different things, because the bill now contains in it the same 19.15 percent mandatory level for juvenile programs as the Senator from Indiana suggested.

Mr. HRUSKA. The Senator from Indiana should remember that this involves a comprehensive plan, and the block grants, while they as such go unimpaired to the States, nevertheless, they would be reduced to the extent that they are part of the entire scheme. In my judgment, they are being reduced in their efficacy and in their applicability to such an extent that the most efficient use of the block grants will be greatly impaired. That is my contention.

Mr. BAYH. The Senator does agree that under the bill as recommended by himself and the Senator from Arkansas the same 19.15 percent level is required under block grants C and E to be devoted to juvenile delinquency as the Senator from Indiana is requiring. It is the same level of funding that will go to juvenile delinquency in block grants.

Mr. MATHIAS. Mr. President, while the Senator is pausing, will he yield for a unanimous-consent request?

Mr. HRUSKA. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Robert Kelley of my staff be granted the privilege of the floor during the debate on this measure.

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

Mr. MATHIAS. I thank the Senator.

Mr. HRUSKA. It is not quite true. I understand the Senator to say that the 19.15 percent is the same in the committee bill as it is in the Bayh amendment. Is that correct?

Mr. BAYH. As far as block grants?

Mr. HRUSKA. Yes.

Mr. BAYH. The Senator said this decimates block grants.

Mr. HRUSKA. There is no question about it.

Mr. BAYH. All right.

Mr. HRUSKA. I did not say in my statement that the block grants were reduced. I said in my statement that the amendment impairs and would nearly destroy the block grant concept upon which LEAA is based, and I believe that to be true.

Mr. BAYH. I hope the Senator will explain to the Senate how sending the same amount of money back under his proposal and my proposal will destroy block grants.

Mr. HRUSKA. The Senator perhaps is playing fast and loose with 19.15 percent, Mr. President, because while the committee amendment applies that percentage to the total appropriations for parts C and E, as I read the amendment of the Senator from Indiana, that percentage is not confined to those funds; it is applied to the entire gross appropriation for LEAA.

Mr. BAYH. The Senator from Nebraska is absolutely right. The Senator from Indiana has not played fast and loose with it. I specified from the beginning what we were trying to accomplish. I simply differ with the Senator from Nebraska as to how broad the 19.15 percent should be. I apologize for interrupting, but when he tells the Senate it is going to decimate and destroy the block-grant concept and yet the dollars going back under his concept and mine are identical, it is difficult for the Senator from Indiana to understand how much destruction is going to result then.

Mr. HRUSKA. Let me proceed further to say, Mr. President, that this amendment would greatly deprive the States of the ability to plan and use funds tailored to meet the needs that actually exist within their respective borders. Instead of being able to have that increase amount of $47 million available for allocation to all aspects of law enforcement, they will be required to surrender their option as to 30 percent of that for a single cause, important, of course; vital, of course, and one of the most worthy objectives of anyone who is an advocate and champion of effective law enforcement. But, nevertheless, it throws it off balance, and it is at the expense of reducing too drastically other aspects of law enforcement which must be taken into consideration.

Mr. President, it is my earnest hope that the Senate will see fit to reject this amendment. The committee considered well and deliberately all of these aspects and came out with the conclusion that is found in the pages of the bill as now written and particularly as written in section 261(b) of the Juvenile Justice and Delinquency Prevention Act. It is my hope that the amendment will be rejected.

I yield back the remainder of my time, if any remains. I yield the floor.

The PRESIDING OFFICER (Mr. Chiles). Who yields time?

Mr. BAYH. Mr. President, I yield 10 minutes to the Senator from Maryland, who has been one of the most ardent supporters and architects of this legislation.

Mr. MCCLELLAN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MATHIAS. I yield.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that Mr. Sam Simon, of the staff of Senator Durkin, be granted the privilege of the floor during this debate.

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

Mr. MATHIAS. Mr. President, I thank the Senator from Indiana for yielding me some time and for his generous remarks.

I reiterate my full support for the amendment which has been offered by the Senator from Indiana, of which I am a cosponsor, and I shall state the reasons why I feel compelled to support the amendment as strongly as I do.

This amendment requires that 19.15 percent of the total LEAA budget be spent to combat juvenile delinquency. It is vitally important that we maintain our efforts through the LEAA program to prevent juvenile crime and delinquency. The citizens of this country cannot help but be dismayed, discouraged, and upset by the astounding fact that, although youths from 10 to 17 years of age comprise only 16 percent of the national population, they account for more than 45 percent of all the people arrested for serious crime. Think about it: The criminal record of this group within our population is three times as great as its percentage of the population. They comprise 16 percent of the population, and they account for 45 percent of all people arrested for serious crimes.

I must report to the Senate that I am not speaking here just from the record. I am not just reporting from statistics, because, as a member of the subcommittee, I undertook some hearings on this subject.

I looked at the problems which have arisen as a result of inadequate resources for the juvenile justice system in my own State of Maryland. With the authority of the Juvenile Delinquency Subcommittee, I held hearings in Annapolis, Md., and in Baltimore, Md., because I wanted to find out just how effective the Juvenile Justice and Delinquency Prevention Act of 1974 has been, as it has been operating, and to see if more should be done than has been done.

During the course of these hearings, I found that, in spite of the 1974 act, Maryland's juvenile delinquency problem is very, very far from solved, and Maryland's problems are not unique. In fact, they are typical of the whole scene across the country.

In Anne Arundel County, one of our great, historic counties in Maryland, where Annapolis, our capital, is located, the number of juveniles arrested increased more than 100 percent in the last 4 years. That does not speak very well for the effectiveness of the programs that have been operated in the last 4 years. The number of juveniles arrested increased 100 percent.

Mr. Warren B. Duckett, Jr., who is the State's attorney for Anne Arundel County and is a distinguished Maryland lawyer, testified that we are "practically powerless to deal with most juvenile crime." He went on to specify that he was powerless because of "insufficient police, insufficient prosecutors, and insufficient staff in juvenile services."

As a result of these hearings, I can report that most of the juvenile crimes committed are thefts, burglaries, and acts of vandalism. But I also have to warn the Senate and warn the country that the number of violent crimes, crimes such as personal assaults, is on the increase among this group of young offenders.

Mr. Robert Hilson, the State director of the Youth Services Administration, testified before the subcommittee that the Juvenile Justice and Delinquency Prevention Act of 1974 has not helped Maryland's difficulties significantly "in part because of inadequate funding and in part because of all the procedures involved."

Mr. Richard Wertz, the executive director of the Maryland State LEAA, advised that if the spending limits authorized were actually appropriated for juvenile crime projects, we would still "not even begin to scratch the surface of the needs of the State." The funds that Maryland will receive for the next fiscal year, $510,000 will permit only a very severely limited set of programs, and I am sure that other States find themselves in comparable situations.

We had testimony before the subcommittee from an 18-year-old former delinquent from Prince Georges County, Mr. Steven Walker, and he spoke about the communication gap between troubled young people and our society. His comment was:

"They never even find out what teenagers think."

And that should be a warning. It should be a warning to all of us.

We must be particularly disturbed when a professor of law, an expert on juvenile crime, calls the juvenile justice system a "total absurdity" and a "big facade." That is exactly what Peter Smith of the University of Maryland Law School called it at the Annapolis hearings. As he testified, we must shift our emphasis from plea bargaining to rehabilitation programs, professional and peer counseling and, most important, prevention.

There are no simple solutions to these problems, and there is no single factor which can be held responsible for the dramatic increases in juvenile crime. I suppose that drug abuse; the breakdown of the home and the family; violence on television, as we have been told often by the distinguished Senator from Rhode Island (Mr. Pastore); and the very high juvenile unemployment rate, especially unemployment among minority groups, are some of the factors contributing to the problem. However, the ineffectiveness of the courts exacerbates the situation; and all the problems—whatever they are, wherever they are—have to be dealt with if we are to combat the serious problem of juvenile crime.

Mr. President, I would not bring the problems of Maryland to the attention of the Senate if I did not know, as I said, that they are representative of the problems shared by every one of the other 49 States. The statistics may be a little different, they may vary slightly from State to State, but the problems are the same throughout the country.

I think it is clear that the Federal Government has to take a more active role in meeting the needs of troubled youth who, in the absence of effective help, are likely to become serious delinquents and, ultimately, accomplished criminals.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MATHIAS. May I have 3 additional minutes?

Mr. BAYH. Yes. I yield.

Mr. MATHIAS. I am convinced, therefore, that the percentage proposed in this amendment—which is a reasonable one in relation to the size of the juvenile crime problem—deserves the support of the Senate. States have proved more than willing to initiate the programs offered under the Juvenile Justice and Delinquency Prevention Act of 1974, but they simply do not have the funds. A rejection of the amendment will in effect stagnate all efforts to deal with juvenile delinquency, which has now reached epidemic proportions.

A young man in a youth center in Arizona wrote a poem which ended with the following words:

"My life was wasted the day I was born
"My life, my heart, it was all torn.
"Why did everything go wrong?"

As a society, we must devote ourselves to ending this tragic waste of human lives and commit ourselves to restoring hope and purpose to the lives of young people in trouble. The amendment before us will move us toward this goal.

Mr. President, I ask unanimous consent that press reports of the recent hearings of the Juvenile Delinquency Subcommittee held in my State of Maryland be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Baltimore Evening Sun, June 23, 1976]

SENATOR MATHIAS HEARS YOUTH CRIME WOES

(By Michael Wentzel)

ANNAPOLIS.—Senator Charles M. Mathias (R., Md.) heard nothing but bad news yesterday when he conducted a hearing here on the state of juvenile delinquency.

Witnesses told Senator Mathias of insufficient funding for programs and staffing, unequal justice for juveniles, and described a system that is virtually powerless in the face of increasing juvenile crime.

Senator Mathias, who conducted the hearing for the Senate Subcommittee on Juvenile Delinquency, said there was "an urgent need" to devote more money and more programs to juvenile justice problems.

He said that persons between the ages of 10 and 17 make up 16 per cent of the country's population but account for 45 per cent of the arrests in the country.

"Juvenile crime accounts for half of the country's crime problem," Senator Mathias said, "yet this is the area that is constantly shortchanged."

Warren B. Duckett, the Anne Arundel county state's attorney, gave the senator county statistics that showed that 2,646 juveniles were charged with crimes in 1971 while 5,384 were charged in 1975.

"We are practically powerless to deal with most juvenile crime," Mr. Duckett said. "We have inefficient police, insufficient prosecutors and insufficient staff in juvenile services."

Peter Smith, an attorney and University of Maryland juvenile justice expert, told Senator Mathias, "The juvenile justice system is a failure, the battle for equal justice for juveniles is being lost and the battle for meaningful treatment for juveniles is being lost."

"We continue to fail to devote resources and talent to these problems, Mr. Smith said. We will spend much more on one B-1 bomber than on the state's entire budget for juveniles. This is absurd. Until we make a commitment to the meaningful things in life, we can go on having hearings like this that will be no good."

"In terms of national security, domestic tranquility and the common defense," Senator Mathias said, "the question of what is being done for the young people is of a greater concern."

The senator said that he has found that those "who use the rhetoric of law and order" usually are the ones that vote against programs to attack juvenile delinquency.

Richard C. Wertz, executive director of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, complained about the low federal funding of the Juvenile Delinquency Act of 1974.

Maryland received a total of $510,000 for implementation of the broad act.

"This means that we could pay for no more than 51 beds in group homes throughout the whole state," Mr. Wertz said. "How does that begin to approach the problem?"

Senator Mathias will conduct another hearing on juvenile justice Thursday at 9 A.M. in the Fallon Federal Office Building in Baltimore.

[From the Baltimore News American, June 23, 1976]

U.S. Efforts To Curb Juvenile Crime Called Failure

(By Mark Bowden)

ANNAPOLIS.—A battery of state law enforcement and juvenile justice experts sharply criticized federal efforts to deal with increases in juvenile crime here Tuesday.

The experts testified to Sen. Charles McC. Mathias in the first of two hearings this week reviewing effects of the 1974 Juvenile Justice and Delinquency Prevention Act. They said more concern, efficiency and money would be needed to curb alarming increases in crimes committed by youths.

Anne Arundel County State's Atty. Warren B. Duckett, Jr. began the hearing with statistics reflecting growth of delinquency in that county. Arrest rates for youths had doubled in the last five years, Duckett said, jumping from 399 arrests in Annapolis alone during 1971 to more than 1,000 last year.

More than 200 of Arundel youths had criminal records totalling more than five arrests, Duckett said, and some youths have been arrested as many as 40 times.

Sen. Mathias quoted statistics showing youths between the ages of 10 and 17 account for only 15 per cent of the U.S. population, but commit 45 per cent of reported crimes. These indicators, along with tales of bureaucratic inefficiency, led Sen. Mathias to conclude that the federal effort had been a "spectacular failure."

Peter Smith, a law professor at the University of Md. Law School who specializes in juvenile justice, roundly criticized the growing bureaucracy of agencies and systems to handle problem youths. Smith said the system exists to serve itself, not the people who need it.

"A funding dilemma" accounted for the failure of federal efforts in this state, according to Richard C. Wertz, director of the Governor's Commission on Law Enforcement and the Administration of Justice. Appropriations did not match legislative commitments, Wertz said.

Maryland received only $510,000 last year from Congress to special programs for delinquent youth, which was enough, Wertz said, to house 51 boys in a group home for one year. He pointed out that his commission directed 25 per cent of its federal block grant funds to juvenile programs.

"Every program in Maryland that gives some kind of service to youth, from those associated with schools across the board, needs a thorough re-evaluation," said Robert C. Hilson, director of the State Dept. of Juvenile Services. "More money is not all that is needed. Given the same appropriation, a thorough reorganization would go a long way toward solving part of the problem.

"Right now we have ineffective programs that have become entrenched. It's just like with any other system, often programs outlive their usefulness and just soak up desperately funds. We have to be willing to establish new approaches when and wherever necessary, and lop off the ones that no longer measure up."

Hilson said trends in juvenile crime showed a steady increase in suburban communities and a slight decrease in rates inside Baltimore. He attributed this shift to increasing suburban populations and ineffective local efforts to develop recreational programs for youths.

"The kids out there have nothing to do," Hilson said. "They start hanging out at the shopping center when there's a temptation to shoplift or get involved with drugs."

Mathias Blasts Crime Inaction

ANNAPOLIS.—Citing a rising rate of juvenile crime, Sen. Charles McC. Mathias said Tuesday that government at all levels has done a "lousy job" of preventing juvenile delinuency.

The assessment of government programs was made by the Maryland Republican following the first of two hearings this week in Maryland by the Senate Juvenile Delinquency Subcommittee, of which he is the ranking GOP member.

Mathias' opinion was not challenged by any of the eight witnesses ranging from a prosecutor to a former teenage criminal who appeared before the panel to urge greater government spending to combat the juvenile crime problem.

"It's shocking to find in Anne Arundel county alone juvenile crime is up 100 per cent in five years," said Mathias, whose subcommmittee is reviewing the operation of the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

"If government can't do better than this, it surely is just a matter of time before the governed withdraw their consent altogether," he said, adding that the rising juvenile crime rate indicates the 1974 law and its funding program have been a "spectacular failure."

"We've done a lousy job of prevention of juvenile crime in the last five years," the senator said, adding that the chief emphasis should be on identifying potential juvenile offenders before they become criminals.

Peter Smith, a University of Maryland law professor specializing in juvenile justice, said that the juvenile justice system is a "total absurdity" because it is poorly funded and is last in line for anticrime appropriations.

"It's all a big facade," he charged. "The system is designed to serve the system. The people in the system are serving the system. They are not serving the victims. They are not serving the defendant."

State's Atty. Warren Duckett of Anne Arundel county said the normal juvenile justice system is filled with inefficiency and places more importance on processing of individuals than improving them.

Duckett said he is pleased with the operation of a pilot program in the county under which juvenile offenders voluntarily go before an arbitrator in their community for hearings instead of the formal judicial system. The arbitrator can order offenders to work for county agencies as punishment.

Duckett said the program has had a lower repeat offender rate than the normal juvenile justice system and for the first time has involved the victim of a juvenile crime in the adjudication process.

Mr. MATHIAS. Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Indiana. Although I understand his concern for juvenile justice programs, I am of the opinion that the percentage maintenance of effort requirement proposed by the Committee on the Judiciary more effectively carries out the original intent of the maintenance of effort requirement.

In 1974, Congress included a maintenance of effort provision as section 261(b) of the Juvenile Justice and Delinquency Prevention Act. We also amended the Crime Control Act at that time to include a maintenance of effort provision in section 520(b). These provisions required thaat LEAA maintain at least the same level of parts C and E expenditures for tjuvenile delinquency programs as was expended in fiscal year 1972.

The purpose behind these amendments was not to give juvenile delinquency programs a larger slice of the Crime Control Act pie. Rather, our purpose was to insure that the funds made available under the Juvenile Justice and Delinquency Prevention Act were used to expand both the scope and overall amount of juvenile delinquency programing at the Federal and State level. Congress was guarding against the potential danger of a decreased emphasis on juvenile delinquency programs funded under the Crime Control Act and the transfer of program and project funding from the Crime Control Act to the Juvenile Justice Act.

In fiscal year 1975, the first year of funding under the Juvenile Justice and Delinquency Prevention Act, LEAA issued guidelines, binding upon the States, that insure the maintenance of the fiscal year 1972 level of effort. An extensive audit of fiscal year 1972 expenditures by each State—parts C and E block—and by LEAA—parts C and E discretionary—indicated that $111,851,054 of the total parts C and E fund allocation of $584,200,000 was expended for juvenile delinquency programs. This represents 19.15 percent of the available funds. Only those programs and projects which were clearly directed to juvenile delinquency were included in this total expenditure figure. I point this out because the 19.15 percent may be considered by some to be an inadequate overall juvenile

delinquency grant program effort. To be accurate, however, one would have to consider the fact that many programs and projects indirectly impact the delinquency problem. For example, drug abuse projects, public education projects, citizens initiative projects, and many others significantly impact on delinquency. Yet these are not counted. General police funding is not counted in the total although 50 percent could be counted based on the proposition that juveniles account for 50 percent of all arrests for serious crime.

The Juvenile Justice and Delinquency Prevention Act was intended to be a supplement to the Crime Control Act effort. Congress did not intend to increase the relative proportion of Crime Control Act funds dedicated to juvenile programs. In view of the many aspects of law enforcement and criminal justice which compete for Crime Control Act funds I do not believe that the almost 20 percent of funds expended for clearly identifiable juvenile delinquency programs from parts C and E allocations can be considered inadequate.

For these reasons, maintenance of effort in the juvenile delinquency program area should be based on a proportional or percentage basis applied to the same sources of available funding for grant programs from which the 19.15-percent figure was derived. This will insure that Crime Control Act funds continue to be used to maintain the same relative emphasis on juvenile programming. That level may be greater or less than that current level of $111,851,054, depending on the future judgment Congress makes with regard to Crime Control Act appropriations.

If an increased emphasis on juvenile delinquency programing in future years is desired, that emphasis can be best accomplished through increased funding of the Juvenile Justice and Delinquency Prevention Act. Otherwise, we run the risk of building inflexibility into and unnecessarily categorizing the Crime Control Act program.

Mr. HRUSKA. Yesterday, an amendment was passed which required LEAA to establish an organizational group within LEAA to deal with a community anticrime program and to enable community and citizen groups to form volunteer anticrime units. I supported the amendment because I think community anticrime programs can be extremely effective in dealing with crime.

There is one point I would like to emphasize. When we are talking about community anticrime programs, we are talking about the full range of programs carried out by individual neighborhood and community groups, but also programs benefiting communities funded through national organizations such as the Junior League, the Urban Coalition, and the AFL–CIO. It encompasses all the types of programs currently funded by LEAA under its citizens' initiative efforts.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, which should not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will someone yield me some time so I can ask some questions?

Mr. MCCLELLAN. I yield 5 minutes to the Senator on the bill.

Mr. MANSFIELD. Mr. President, I would like to ask the distinguished Senator from Indiana, just what are the specific and basic purposes of the amendment which he has placed before the Senate?

Mr. BAYH. The basic purpose of this amendment is to continue the thrust we established in the 1974 act.

In listening to my two distinguished colleagues describe our 1974 commitment, it is totally inconsistent, not only with the memory of the Senator from Indiana, but with the Record.

During the 1974 debate, in which the Senator from Nebraska was involved, on July 25, 1974, the Congressional Record, at S13493, the two objectives of the act were set out:

One, to guarantee a Crime Control Act maintenance funding level for juvenile crime programs. We were told by LEAA and OMB that it was $140 million. The true figure of $112 million was revealed after passage of the act in cross examination at committee hearings.

Second, to establish a separate and new effort in LEAA pulling 39 different agencies together, under the Juvenile Justice and Delinquency Prevention Office, that effort is now being funded at $75 million. LEAA, now must assist prevention efforts.

The first year's authorization was $75 million. This year's authorization is $150 million. We are only getting 50 cents on the dollar that we contemplated when the bill was passed.

Contrary to the assertions made, my amendment is not going to harm any other program in LEAA.

I do not know how extensive an answer the leader wants here, but what we are talking about is mandating that we have at least a 20 percent, or 19.15 percent, level for juvenile crime throughout LEAA programs.

Mr. MANSFIELD. If the Senator will yield to me, he has answered my point, I believe.

He is calling for an increase to take care of the juvenile delinquency and criminality which seems to be becoming more apparent percentagewise.

Mr. BAYH. Fifty percent, as I am sure the Senator knows, of all serious crimes committed in America are committed by young people under age 20. Fifty percent, and we are proposing across the board, with prosecutorial training, police officer training, juvenile institutions, et al., at least 19.15 percent within each category be directed to that age group that is causing 50 percent of the trouble.

Mr. MANSFIELD. Mr. President, I thank the Senator.

I would like to ask the chairman of the subcommittee, if this increase is granted, what would happen to the rest of the program as reported out of committee and now pending before the Senate?

Mr. MCCLELLAN. This extra money has to come out of the other programs.

I might point out to the distinguished Senator what has happened. He speaks of $150 million being authorized in this special, extraordinary program for juvenile delinquency; $75 million has already been appropriated for that.

It does seem to me that if there is to be additional money for juvenile delinquency, the increase should be added to the special program for juvenile delinquency and not taken out of all these other law enforcement programs. That is what we are doing. The appropriations bill was for the $75 million. There was an authorization of $150 million.

No amendment was offered, I do not believe, by the Senator on that to increase it.

That was the place for it. But now the distinguished Senator wants to take it out of these other programs.

I point out to the Senator that in 1975, the total appropriation for LEAA under the Crime Control Act was $880 million. This year, only $678 million.

We have undertaken in the bill to keep the percentage of whatever is appropriated the same for juvenile delinquency programs, notwithstanding the extra appropriations that have been given juvenile delinquency under the Juvenile Justice Act.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCLELLAN. We are keeping the same percentage in this bill as in 1972.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCLELLAN. We are just trying to keep it equitable.

Mr. BAYH. May I yield myself a couple of minutes on the bill?

The PRESIDING OFFICER. The Senator has no time on the bill.

Mr. BAYH. On the amendment, then.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. BAYH. Here we have, I believe, a legitimate difference of opinion. But the fact of the mater is that when we passed the 1974 act, everybody participating in the debate knew that we were establishing a new office of delinquency prevention as well as maintain the Crime Control Act level for juvenile crime. That is where the $75 million was authorized.

The reason the Senator from Indiana did not ask for more money when it was in the Senate was that all of us supported a $100 million level. The Senate figure for delinquency prevention was $25 million more than the compromise. The Senate figure was $60 million more than that from the House and $100 million more than the administration. The track record of the Senate on the funding for juvenile justice has been good, with the help of the Senator from Arkansas and the Senator from Rhode Island. But it makes little sense to provide a good start for the delinquency prevention office with one hand and then eliminate or significantly reduce the Crime Control Act maintenance level with the other. One hand

not knowing what the other is doing or by design acting inconsistently has been the trademark of this administration on the issue of juvenile justice.

Mr. McCLELLAN. That is what the Senator is doing.

Mr. BAYH. No. That is what the Senator from Arkansas would have us do in the bill as it now stands.

Mr. McCLELLAN. Will the Senator yield for a moment? Where is this extra money coming from, except out of these other programs?

Mr. BAYH. The Senator is talking about apples and oranges.

Mr. McCLELLAN. It must come from regular funds.

Mr. BAYH. The Senator is talking about different things. That is part of our problem. The Senator says we ought to do all the juvenile crime fighting only in the special juvenile delinquency prevention office and that that is where I should be asking for additional resources. What good does it do for me to ask for the $75 million that we now have for the juvenile delinquency prevention office when, if we accept his proposal, we will have $30 million less next year than we are spending this year for local communities C and E programs?

Mr. McCLELLAN. Will the Senator yield?

Mr. BAYH. I will be glad to yield.

Mr. McCLELLAN. We have an appropriation for LEAA already passed of $200 million less than we had in 1975. The appropriations are going down for these programs. The special juvenile program, however, was enacted to undertake to meet that particular crisis. When we did not get all the money the Senator wanted in that program, the Senator comes and says we will take it out of all of these other LEAA programs. That is the effect of it. It cannot be anything else.

Mr. BAYH. The Senator from Indiana did not ask for more money. We received $100 million when the Senate passed the bill. At that time we were operating under the 1974 formula, which would have also had $112 million Crime Control Act moneys going back to the local communities. The Senator from Arkansas is asking for only $82 million ot go back to local communities.

Mr. McCLELLAN. The Senator is getting the same percentage of the total appropriation under this bill that he received in 1972. The trouble is the appropriations have been reduced by $200 million. The Senator does not want the juvenile delinquency program to bear any part of that loss, notwithstanding the fact that we have passed a law and appropriated $75 million extra for that program, in addition to this. I do not think these other programs should be penalized.

Mr. BAYH. What decline? In 1972, LEAA expended $698,919,000. In fiscal 1977, we have provided $753 million for LEAA. So LEAA has a larger budget this fiscal year than in 1972 when LEAA reported that they spent $140 million Crime Control Act funds for juvenile crimes. As we later found out, however, they were not spending $140 million. When we got right down to looking at the fine print they were only spending $112 million.

If everybody likes what is happening out here on the streets, if everybody likes these glaring FBI report figures, then maybe we ought to support the status quo approach. Then we ought to be willing to accept the same percentage and let the emphasis on juvenile crime be reduced as far as total dollars are concerned.

But I do not like what is happening. And I reject this approach.

I would like to point out what we are talking about here. The stark figures that reveal the human misery that we speak about this morning.

Here is the 1974 FBI report: Robberies committed by persons under age 10, 571; aggravated assults, under age 10, 814; ages 11 to 12, 2,000 robberies, 1,600 aggravated assaults; ages 13 to 14, 7,300 robberies, 5,400 aggravated assaults; age 15, 7,000 robberies, 4,700 aggravated assaults; age 16, 8,800 robberies; age 17, 9,400 robberies and 7,000 aggravated assaults. On and on and on. We must have a Federal effort commensurate with the nature and extent of juvenile crime in this country.

We are talking about kids preying on society. What I am suggesting is we ought to do something about it.

What I am saying is that there must be some give. The amendment offered by the Senator from Indiana would require $17 million more of Crime Control Act funds than would be available under the present maintenance level for juvenile crime. That $17 million will be spent within the categories of other programs. We are talking about a 2-percent increased emphasis on juvenile delinquency. We are talking about using $17 million more out of $753 million for juvenile crime throughout the range of LEAA programs. I think that is a very good investment. It should be more. The Senate figure of $100 million which we

passed to deal with juvenile delinquency prevention was the Senate level. Unfortunately, we had to compromise and give up $25 million of that.

In 1973, we mandated a 30-percent level. This Senate passed a requirement that 30 percent of C. & E. grants be devoted to juvenile delinquency programs. Those moneys would go back to the local communities. We required that 30 percent be mandated for juvenile programs.

Now I am being criticized because I suggest the whole program ought to be less than 20 percent.

Let us not spoil the Senate's record. We have been far ahead of the White House in trying to provide some leadership for the country, in emphasizing the importance of juvenile delinquency programs, and I hope we will stay there.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

I have not criticized the Senator. By the same token, he is criticizing me for trying to protect all these other programs. I do not consider it criticism.

I believe we have a right to disagree without calling it criticism.

Mr. BAYH. Let me change the Record to say that the Senator from Arkansas and his friend from Indiana disagree. We are not criticizing one another.

Mr. McCLELLAN. Not criticizing. Very well.

Mr. BAYH. And we are smiling while we are disagreeing.

Mr. McCLELLAN. We are what?

Mr. BAYH. We are smiling while we are disagreeing.

Mr. McCLELLAN. If the Record can reflect that, I agree that it may so show.

Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. BURDICK. Mr. President, I rise in opposition to the amendment submitted by the Senator from Indiana. It is with some reluctance that I do so because I recognize that the Senator from Indiana has worked hard to fashion programs designed to alleviate the juvenile delinquency problems in this country. In recognition of the Senator's great interest in juvenile matters, when S. 2212 was considered in the Judiciary Committee, the committee agreed to one of his amendments which would sustain the level of funding under parts C and E of the LEAA program. Thus the bill as reported by the committee would allocate 19.15 percent of parts C and E funds for juvenile programs. I do not believe that the Senate should go beyond the provisions of the bill and mandate that the same percentage be allocated to juvenile programs under all other parts of the act.

My reasons for reaching this conclusion are simply these:

During its consideration of this bill the committee had to deal with the request of State courts systems that a fixed percentage—20 percent—of block grant funds be earmarked for State courts. While there were strong arguments for such a percentage to be allocated for courts, ultimately it was concluded that if each segment of the criminal justice system was able to obtain a specific percentage of the funds that there would be little, if any, discretion left either to LEAA or to the State planning agencies. In lieu of a fixed percentage, the present bill contains language requiring LEAA to see that State courts get an adequate share of the available funds.

If we are to deny to State courts systems a specific earmarking of funds, I do not see how we can grant such a specific allocation to juvenile programs beyond that which the committee has already agreed to under parts C and E.

My second reason in concluding to oppose this amendment is the fact that the appropriation for LEAA has been reduced from approximately $1 billion to approximately $678 million. This will necessarily mean that the police, the courts, corrections and all other segments of the criminal justice system will receive less funds than in previous years.

I am particularly concerned with corrections, because I happen to be chairman of the Judiciary Subcommittee on Penetentiaries. This would mean a reduction in the following programs, among others: adult correctional and rehabilitation programs, work release programs, prison industries programs, and community based correction programs.

If we have one problem in this country, it is the question of recidivism; and I would not want to see any lowering of the program in that particular area.

If at the same time we are reducing the overall funding we were to write into the law a specific percentage allocation for juvenile programs, this would cause an even greater reduction in the amount of funds available to police, courts, corrections and other segments of the criminal justice system. It may be that in some States it is necessary for the State planning agency to spend more money on courts or on juvenile programs, but basically this is a decision

that should be left primarily to State authorities acting through the State planning agency.

For these reasons Mr. President, I wish to oppose the amendment offered by the Senator from Indiana.

Mr. McCLELLAN. Mr. President, I now yield myself 3 minutes.

I think we should get this in proper perspective. The question before us is, are we going to increase to the extent of this amendment, up to $129 million, the appropriation that must be expended for juvenile delinquency programs under the Crime Control Act?

Mr. President, just as the distinguished Senator from North Dakota has pointed out, to the extent that we further increase the funds that must be spent on juvenile delinquency programs in the pending bill, every dollar of that has got to come out of funds for administration and these other law enforcement programs to which the distinguished Senator from North Dakota has referred and several others which I have already placed in the Record.

I do think, in all fairness to the whole criminal justice system, and to every condition that prevails today in crime, that each program under the Crime Control Act should bear its fair share of budget cuts, including juvenile delinquency. I do not believe simply because the Senate appropriations bill for $100 million for programs under the Juvenile Justice Act was not able to prevail in conference with the House of Representatives, and was reduced to $75 million, that we ought to come back here now and take it out of the hide of these other programs. They have some value, too.

Juvenile delinqnecy is not the only problem in this country today in the enforcement of the laws. If there is a locality or a State where there is special need for more money to deal with juvenile delinquency, there is no reason why they cannot get it under part C or part E. But to simply say that we are going to take 30 percent—it actually figures out, I believe, to 27 percent—of all of the money appropriated this year and require it to be spent for one single program, to the exclusion of the others, in my judgment is not equitable. It will not serve the best interests of law enforcement. When the cities, municipalities, and States seek money for other purposes, it will not be available, and those programs will not be approved because we will have taken a disproportionate share of the funds, singled them out, and put them in one single program.

This does not increase appropriations. It all comes out of the total; and when you take it out of the total, you take it away from the other existing programs and from the potential approval of new programs that may be submitted by your State and local planning agencies.

It is a matter that addresses itself to Congress, of course. But, Mr. President, I do not believe, if the membership of this body fully understood this issue, they could conscientiously vote to penalize, in effect, the other programs in order to benefit this one, which has already received extraordinary special treatment to the amount of an additional $75 million.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BAYH. Before the Senator yields, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLELLAN. I yield to the Senator from Maryland—for a question, or does the Senator wish to make a speech?

Mr. MATHIAS. No, I just wish to raise a question with the Senator, because I am impressed and disturbed at what he says.

The facts of this situation are not doubted. Half of our crime in this country is being committeed by juveniles. It is on the increase. As I said earlier, in parts of Maryland juvenile arrests are up 100 percent in the last 4 years. So whatever we are doing we are either not doing enough of, or not doing it right.

The Senator says, and I cannot contest what he says, that this amendment would starve other programs.

Maybe—and this is the question I have—maybe what we have to face very frankly is that we are not mounting a sufficiently strong and adequate war against crime in this country across the board. Maybe we are approaching it with inadequate resources, and that is the answer.

Mr. McCLELLAN. Would the Senator agree with me that here we have a multiplicity of programs that we are trying to protect and take care of under this bill?

Mr. MATHIAS. Surely I do.

Mr. McCLELLAN. And we have a special act and a special authorization of $150 million thereunder for the area in which the Senator is demonstrating his interest and which this particular amendment would undertake to serve.

It does seem to me, as a matter of practical justice, equality, and fairness to the other programs, since we have the means to provide more money for this purpose under the Juvenile Justice Act.

All you have to do is ask for more appropriations under that act. I might support them.

But I hate to take it away from other programs that I know are good, because they have already been reviewed.

It is no answer to say that juveniles commit over 50 percent of the crimes in this country. The courts process juveniles' cases; we are taking that away from them. Correction facilities are used for custody of juveniles; we are taking that from them. The police must solve these crimes and arrest those who commit them; we are taking money from all of that.

And above all, if this program is to do any good at all, in my judgment we have to listen to the local governments, the local entities, the municipalties, who know their problems best, and who submit a plan which, if approved, these funds undertake to accommodate, under the Juvenile Delinquency Act there is an authorization for $150 million and the Senator could offer an amendment on an appropriation bill for additional funds for it. That is the place to get the money rather than take it away from these other programs. Those Senators who favor this still have the opportunity to offer an amendment to an appropriation bill to increase those funds. But if we are really trying to get the money, let us get it out of additional appropriations and not from these other valued programs.

Mr. MATHIAS. If I could respond very briefly, I think the Senator is so right when he says we have to consider what the people on the front lines—the local people who deal with the problem—suggest. I can only reflect that I went to the local people. We took the subcommittee to Annapolis, Md., where this problem is a serious one, and they are desperate for help. As much as I would like to think that we could resolve this problem on an appropriations basis, and I think the Senator may be right that may be the ultimate solution to it——

Mr. McCLELLAN. That is right.

Mr. MATHIAS. But that is a speculative solution.

Mr. McCLELLAN. Will the Senator agree with me, it would be the right procedure rather than to deal unfairly with the other programs?

Mr. MATHIAS. I agree that perhaps what we are doing here is trying to fight a major war with inadequate troops, and we really perhaps have to as a nation, not simply as a couple of Senators in an empty Chamber this morning, but as a nation we may have to decide that we are going to have to commit more funds, more of our national wealth, to this problem if we are going to get it resolved.

Mr. McCLELLAN. The Senator understands my position. I am not taking issue with him with respect to that at all. It is a question of procedure here and what we are going to do with these other programs.

Mr. MATHIAS. Right.

Mr. McCLELLAN. Are we going to weaken them or not.

Mr. MATHIAS. I think the Senator and I stand on the same ground really.

Mr. McCLELLAN. All right.

I hope then that this effort to secure more money for the juvenile delinquency program will be made in the proper way under the Juvenile Justice Act and under the appropriation for that act and not do injury to the other legitimate law enforcement programs by taking money away from them.

Mr. BAYH. Mr. President, I wish to deal with both of these points.

The PRESIDING OFFICER. Is the Senator yielding time on the amendment?

Mr. BAYH. Yes, I yield myself time.

I have reviewed these facts and figures, and I do not in any way question the good faith of any of our colleagues who disagree. I simply look at these facts and figures and arrive at a much different conclusion. We are trying to encourage expanded community participation, not less. That is the heart of the 1974 act.

I ask unanimous consent to print in the Record a letter from the American Legion, a resolution from the National Council of Juvenile Court Judges, a telegram from the president of the National Council of Jewish Women supporting No. 2042, and a resolution of the National Association of School Security Directors, recommendation of the IWY Commission, and a list of those groups that have local private agency constituencies as the Boy Scouts and Girl Scouts, Campfire

Girls, theYMCA, YWCA, and the Boys Club, endorsing the Juvenile Justice and Delinquency Prevention Act of 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., July 21, 1976.

DEAR SENATOR: The American Legion urges your support of Senator Bayh's amendment to S. 2212, The Crime Control Act of 1976, which is scheduled for floor action Friday, July 23.

The Bayh amendment would require that the Law Enforcement Assistance Administration each year shall maintain from appropriations a minimum level of financial assistance for juvenile delinqunecy programs that such bore to the total appropriation for the programs funding pursuant to part C and E of this title, or 19.15 percent of the total LEAA appropriation.

It is believed this formula approach affecting every area of LEAA activities provides a more equitable means of allocating crime control funds more nearly in proportion to the seriousness of the juvenile crime problem.

It is interesting to note that while youths within the age group 10–17 account for only 16 percent of our population they represent 45 percent of persons arrested for serious crime. More than 60 percent of those arrested for criminal activities are 22 years of age or younger.

The American Legion believes that the prevention of juvenile crime must clearly be established as a national priority, rather than one of several competing programs under LEAA jurisdiction. Your support of the Bayh amendment would help assure this.

Sincerely,

MYLIO S. KRAJA,
Director, National Legislative Commission.

PROVIDENCE, R.I., *July 19, 1976.*

Senator BIRCH BAYH,
State Office Building,
Senate Office Building,
Washington, D.C.:

The National Council of Juvenile Court Judges at their annual convention in Providence Rhode Island on July 15, 1976, have instructed me to convey council's support to Senator Birch Bayh's amendment to S. 2212 which will require that 19 percent of the total LEAA appropriation be allocated for juvenile delinquency prevention and control program.

Hon. WALTER G. WHITLATCH,
President, National Council of Juvenile Court Judges.

NEW YORK, N.Y., *July 22, 1976.*

Hon. JAMES O. EASTLAND
U.S. Senate,
Washington, D.C.:

Urge you support Senator Bayh's amendment to Crime Control and Safe Streets Act of 1968. Juvenile crime prevention should be a priority of the Federal crime program and must have the necessary financial resources.

ESTHER R. LANDA,
National President, National Council of Jewish Women.

RESOLUTION

In general assembly the National Association of School Security Directors on this 15th day of July 1976, does hereby resolve:

Whereas, juveniles account for the arrests involved in over half the serious crimes in the United States, and

Whereas, numerous schools in this country are suffering from serious and at times critical levels of violence and vandalism, and

Whereas, Congress has passed into law the Juvenile Justice and Delinquency Prevention Act which effectively addresses itself to these growing problems.

Resolved, therefore, That the National Association of School Security Directors supports the full implementation of the Juvenile Justice and Delinquency Prevention Act and supports the retention of the maintenance of effort section of the Act.

INTERNATIONAL WOMEN'S YEAR

(48) Recommendation approved by Child Development Committee January 12, 1976, by IWY Commission February 27, 1976:

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The IWY Commission recommends that the Federal Government support full funding toward carrying out objectives of the Juvenile Justice and Delinquency Prevention Act of 1974.

DISCUSSION

The Juvenile Justice and Delinquency Prevention Act (Public Law 93-415) was overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, then signed by President Ford in September 1974. This act was designed to assist communities in developing humane, sensible, and economic programs to help troubled youth and the estimated one million youngsters who run away each year. The majority of runaways are girls between the ages of 11 and 14.[1]

The act provides Federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for young persons and their families. The act clearly has in mind—and this committee supports—facilities such as those recommended by the Juvenile Justice Standards Project, 1973-76,[2] which calls for

". . . voluntary community services, such as crisis intervention programs, mediation for parent-child disputes, and residences or 'crash pads' for runaways, as well as peer counseling, disciplinary proceedings or alternate programs for truants as responses to noncriminal misbehavior."

The Project Guidelines call for neglect or abuse petitions to be filed "where children are found living in conditions dangerous to their safety or welfare."

The Juvenile Justice and Delinquency Prevention Act of 1974 will enhance the visibility of the special problems of female offenders. Section 223(a)(15) requires that "States must provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth."

The act requires that States participating in funding must, within 2 years, place status offenders in shelter facilities, rather than in institutions, and must avoid confining juveniles with incarcerated adults. Status offenses, the subject of the committee's recommendation on status offenders (page 158) include conduct that would not be criminal if committed by an adult; typical status offenses include running away, truancy, incorrigibility, and promiscuity.

Despite strong congressional support for the Juvenile Justice and Delinquency Prevention Act, there has been a lack of executive policymaking support, most graphically illustrated by executive branch efforts to defer expenditure of moneys appropriated to implement the act.

The Child Development Committee supports funding the act at the $40 million level, which would still be less than one-third of the funding level anticipated in the original legislation. It believes substituting new approaches for old "crime-fighting programs in the juvenile field could produce:

More culturally relevant programs designed by and for minority youth;

Programs in which young women in institutions can explore career training that goes beyond such traditional roles and skills as food services or cosmetology;

Expanded programs of education about law, as well as legal services, both aimed at juveniles so that they will be able for the first time to explain legal terms like "assault" or "larceny" for themselves and their peers;

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[1] Senator Birch Bayh, author of the act and Chair of the Subcommittee to Investigate Juvenile Delinquency for the U.S. Senate Judiciary Committee.

[2] Sponsored by the Institute of Judicial Administration and the American Bar Association and headed by Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

Increased training for staffs of community programs that deal with juveniles to provide useful administrative techniques as well as basic knowledge about the growth and development of young people who may be in trouble;

Creative probation prjoects that avoid traditional approaches in which probation officers offer this limited admonition: "listen to me and report to me," and are frequently unable to offer needed services or supportive supervision;

Alternatives to the usual detention home or training school for minors who, because of learning or behavioral problems, need special education or supervision.

The Child Development Committee particularly would like to see funding under the act used to develop computerization of available shelter-care services for juveniles. The need was emphasized by Milton Luger, assistant administrator of the Juvenile Justice Office of the Law Enforcement Assistance Administration (LEAA):

"Mechnically, it always impressed me that I can get an airlines seat location in two minutes, and it takes two months to find an empty bed for a kid."

Centralized referral should be available to but independent of the juvenile justice system.

The Child Development Committee encourages support for the Federal Coordinating Council of LEAA in its efforts to coordinate all Federal programs and funding for delinquency prevention, treatment, and control, as these factors enhance normal child development. The interrelationships between child abuse, learning disabilities, poverty, malnutrition, and delinquency must be fully understood in order to resolve the problems.

INTERNATIONAL WOMEN'S YEAR

Report: ". . . To Form a More Perfect Union . . ." Part II: Today's Realities—Parents and Children: Enriching the Future p. 88–89.

The Commission endorses these parenthood programs in the school, hoping that education will help to break the chain of social problems that is linked to immature and uninformed parenting practices.

Senator Birch Bayh, a member of the Commission and sponsor of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415), has said:

"Clearly it is better economics to raise whole, functioning members of our society than it is to spend 35 times as much feeding the results of our neglect—crime and welfare—after the time for constructive action has passed."

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93–415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4–H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.

National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster; members.
AFL-CIO, Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescent Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.
Boys' Clubs of America.
Boy Scouts of the USA.
National Council or Organization of Children and Youth, Development Cluster; members, continued:
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the USA.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committee for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.

United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.
Wooden, Kenneth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

Mr. BAYH. If it had not been for broad base grassroot support we never would have been able to enact the Juvenile Justice Act. Those at home who have been receiving assistance under the 1974 maintenance provision are the ones who are going to suffer under the committee bill.

I think the question of where local communities are on this issue is rather evident. They want us to continue to increase the priority for juvenile crime programs. I think we better.

Mr. MCCLELLAN. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield.

Mr. MCCLELLAN. There is no prohibition in this bill for using any part of part C and E funds for juvenile delinquency programs, notwithstanding all the other money that is specially appropriated under the Juvenile Justice Act. The State and local governments can submit plans for spending more money on juvenile delinquency programs. The Senator's amendment increases the amount of money that must be spent on juvenile programs whether the States and localities deem it wise or not.

Mr. BAYH. That is right.

Yes, both the pending bill and my amendment requires 19.15 percent be spent of C and E on juvenile programs.

I am sure that the Senator from Arkansas is as concerned, if not more so, than the Senator from Indiana about youth crime and juvenile delinquency. There is no question about that. But the fact of the matter is that if the committee bill formula is accepted there is going to be $30 million less available at home for local communities, YMCA's, boys' clubs, and local programing under C and E programing than is now required under the formula that we established in the 1974 act, the committee provision is not adopted, $30 million more will go to local communities.

Mr. MCCLELLAN. Will the Senator yield on my time?

Mr. BAYH. I am glad to yield on the Senator's or my time.

Mr. MCCLELLAN. Notwithstanding, juvenile delinquency will have less money mandated. These $30 million, as he says, would be available to all the programs, including juvenile delinquency, according to the priorities established by State and local governments. We are simply trying to equalize this thing. Even then, we have already given special treatment of $75 million to LEAA for juvenile programs under the Juvenile Justice Act. Under the Crime Control Act we are trying to keep it equitable so that no program will get seriously hurt.

Mr. BAYH. Let me explore that because I do not wish to damage other programs or categories and my amendment does not, but the fact of the matter is that the only LEAA programs that have had the percentage limitation or the dollar figure limitation have been the grant programs going back to local communities. As to administrative costs, research, technical assistance, court programs, training and other components, there is no priority for juvenile crime. Only the 1972 figure of $112 million was limited for local juvenile crime programs. Other programs are not going to suffer if a minimum of each within its own area must go for juvenile crime efforts. The Senator from Indiana is saying that there ought to be a minimum requirement for all programs. I think it is important for us to take a good, hard look—a realistic look—at what happened yesterday. Forty-five Members of this body vote to decrease the tenure of this bill. Only three votes kept the length of this bill from being decreased from 5 to 3 years. We are having

significant criticism directed at LEAA, and I think the reason we have had criticism directed at LEAA is it has not been doing the job, especially with regard to juvenile crime. Many good judges and law enforcement officials are not getting adequate support and resources to deal with juvenile crime or to focus early enough in the life span of a would-be criminal. Too often assistance has only been available when we deal with repeat offenders instead of when we have a chance for change. We must make LEAA more responsive to juvenile crime.

When we passed the 1974 act, the record will show that, Congress intended to provide special moneys for special emphasis for the juvenile delinquency prevention program and also to require that at least $112 million be spent from other LEAA funds to fight juvenile crime. This is not any new and novel approach that the Senator from Indiana has just now suggested. That is what we decided in 1974. The law required it in 1975. Here we are in 1976 with some trying to repeal the dual thrust of the act.

I want us to look at what this means in resources. Now LEAA must maintain grants of $112 million for local communities. If the committee amendment is approved and the Senator from Arkansas is successful the maintenance level will be decreased by $30 million, a 26-percent decrease in the amount of block grant moneys we will send back to local communities to fight juvenile crime. We can't ignore that fact. The committee bill will decrease, not maintain the status quo, C and E funds in this area by $30 million.

I shall deal with what I think is a legitimate concern that has been raised by the Senator from Arkansas. What about the other programs? What the Senator from Indiana tried to do in committee, as he knows and the Senator from Nebraska knows, was to retain the maintenance of effort level. The 1974 law requires $112 million of block C and E grants for local juvenile crime programs. Despite the fact the youths commit 50 percent of the crimes, we are struggling to maintain the existing level and the administration was lobbying to repeal the program altogether. I was defeated and I thought that perhaps another approach would satisfy concerns of others and still retain the priority on juvenile crime.

So if Senators are concerned about the amount of money that is going back to local communities for juvenile delinquency under C and E grants, the Senator from Indiana's percentage approach is identical with the percentage approach of the Senator from Arkansas. Not one cent more will go back to local communities under C and E grants if my amendment is successful than would be the case under the present bill. Both figures would be $82 million.

What the Senator from Indiana is saying is this: Let us have the same test apply to the other programs and categories.

A so-called factsheet was distributed late yesterday to the Members. I am sure all Senators have a copy of the other programs that are allegedly to be destroyed—or at least damaged a little—by the Senator from Indiana's amendment. I should like to go down this list, because I think we are all trying to accomplish the same purpose.

Supposedly, programs for prevention of crimes against the elderly are going to suffer. Who do we think is preying on our older citizens? Not a cadre of 56-year-old persons. Not seasoned, old-time safe crackers. Professional cons are not beating elderly persons and stealing social security money. It is likely 17-year-olds, who have not learned better, who do not have jobs, often under circumstances where the swimming pool is closed, the playground is not available, and family problems are predominate.

If we do not emphasize the source of the problems and the culprits, we never are going to curb those who mug and assault our older citizens.

My amendment allegedly will hurt Indian justice programs.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MCCLELLAN. If we are spending money to protect the elderly people, will not that money be spent to protect them from juvenile delinquents? If juveniles are committing 50 percent of the crimes, we are contributing to protecting them with respect to juvenile crime.

Mr. BAYH. I think that is what the Senator from Indiana just said. I have to say that I think my amendment will provide more protection for older people.

It is alleged that Indian programs will be hurt. My amendment recognizes that many native Americans in urban areas, on reservations alike are in desperate need of assistance of all varieties and would require of these Indian law enforcement programs funded by LEAA, that 19.15 percent should be directed for young Indians and those who will help assist Tribal councils and others to pre-

vent delinquency and fight juvenile crime. Surely because of past neglect the percentage to assist native Americans should if anything be higher.

It is claimed that drug and alcohol abuse programs will be hurt by my amendment. Whom are we kidding? Two-thirds of those with serious drug abuse problems are young people.

With respect to LEAA drug abuse programs, such as TASC, my amendment would require that 19.15 percent of the resources be focused on juvenile crime.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. McCLELLAN. Will the Senator agree, then, that the money being spent in that program applies to youth, to try to prevent them from committing crime? So we are spending it on juvenile delinquency, to the extent that they are committing crimes, if we are spending it in trying to prevent drug abuse.

Mr. BAYH. That is not changed by the amendment of the Senator from Indiana. My amendment rather than destroying the alcohol and drug programs, would require that at least 19.15 percent of the funds be allocated for drug dependent youths in the juvenile justice system.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. I am one who agrees with the Senator from Indiana. As a matter of fact, this has been an uphill struggle right along. The matter of juvenile delinquency and what part of the LEAA money goes to juvenile delinquency has been a struggle with which we have been grappling for some time.

The administration—it is beyond me to comprehend this—particularly the Justice Department, has been reluctant even to send up a budget estimate, and we have been prodding them time and time again to do so. Finally, the House, on its own initiative, suggested $40 million in the bill we have passed, and the President has signed it.

When the bill came before our committee, the subcommittee of which I am chairman—to the credit also of the Senator from Nebraska—we raised it to $100 million. We thought that the $40 million was only a token payment, because juvenile delinquency is rampant throughout the country.

Something should be done. As I have said before, an ounce of prevention is worth a pound of cure. So we raised it to $100 million. We went to conference, and there was a struggle there, also. Finally, we came out with $75 million.

It may well be that an argument can be made against the amendment of the Senator from Indiana inasmuch as he takes almost 20 percent of all the funds and puts them in one category. Perhaps the better way to have handled it would have been to have raised the authorization so that we would not take it from other areas.

Judges have been talking to us about more money. Police chiefs have been talking to us about more money. The various municipalities have been talking to us about more money. The fact remains that if we take a big chunk out in one direction and earmark it and dedicate it for that purpose, there is going to be a diminution of funds in other areas which are equally important, and I do not want to begin to put priorities here.

This struggle by the Senator from Indiana has been a perennial struggle. He has been trying time and time again, and I do not know how many letters I have received from him.

A short time ago, in my State, a conference of the juvenile justices from all over the country was held. Thirty-two States were represented. I was asked to keynote that particular convention, and I did. All I heard at that time from the judges was, "Please give us the facilities; give us the money to do something about it. We don't want to send these young offenders to jail. We don't want to put them in with hardened criminals. But you have to do something on a national level if you don't want to end up with a catastrophic situation."

I say to Senators that drug abuse has gone too far. How we ever are going to eradicate it, how we ever are going to prevent it, how we ever are going to educate our young people to do something about it is beyond me; but that is another problem.

This amendment may or may not be agreed to; but, so far as I am concerned, I do not think we are doing enough in the area of juvenile delinquency.

One of my responsibilities, as everyone in the Chamber knows, is as chairman of the Subcommittee on Communications. I have been trying to do something about violence on television.

In 1969, I wrote a letter to the Surgeon General, asking that he conduct a scientific study to establish whether or not there is a cause and effect as to the

behavior of young children with relation to violence on television. We put up a million dollars. We had 23 independent studies made. By whom? By psychologists, anthropologists, psychiatrists, sociologists—the best minds in the country.

In 1972, the Surgeon General came before my committee and said that there is a causal relationship between violence on television and the behavior of young children.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired. The Senator from Arkansas has 5 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. MCCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. PASTORE. It grieves me to disagree with the distinguished chairman of the full committee. I know he has a responsibility here and I am not saying that he is wrong in his contention. I am merely trying to impress upon him as well that juvenile delinquency has gone out of bounds. Snatching handbags from women as they are going to church. Only the other day, they tell me, unprovoked, they picked up two little kids in front of their home and they put them in an automobile and one of the fellows that picked them up began to hit them with a hammer. What are we coming to? Has the country gone mad? Are we going to do something about this or are we not going to do something about this? This is what this is all about.

I repeat, again: It is too bad we had to do it this way. I hope that if the Senator from Indiana accomplishes anything, he emphasizes the need to do more in this area. We have been trying to do all that we possibly can. The best that I could do was $75 million this year. The President has signed that bill. I hope it helps and I hope that, in the future, whether this amendment passes or is defeated, we become conscious of our responsibility, because I am telling you that the worst scourge that can afflict our society is not to do something about juvenile delinquency and to help these boys grow up to become law-abiding citizens.

I thank the Senator.

Mr. MCCLELLAN. Mr. President, I yield myself 3 minutes.

I agree with practically everything that the Senator from Rhode Island has said. The only issue here is that we say we are not getting enough; I am not contesting that. I have supported the juvenile delinquency program all the way through and I am not opposing it now. My suggestion is that the best procedure for the Senate to provide more money for juvenile delinquency is to put it on an appropriation bill under the authorization of the Juvenile Justice Act. Do not put it on this and take money away, as the distinguished Senator from Rhode Island agrees that it would, from other valid, good programs.

As to the illustration the distinguished Senator gave about the two youngsters being picked up, it seems to me that is not juvenile delinquency unless they were picked up by juveniles.

Mr. PASTORE. They were juveniles.

Mr. MCCLELLAN. If they were juveniles committing a crime, that is one thing. But the important thing is that we have to enforce the law as well as to try to prevent crime. I believe that the right way to increase expenditures on juvenile prevention programs would be to add more money to an appropriation bill for that purpose—there are other appropriation bills coming up—rather than take it away from these other programs. In my judgment, that is a better way to do it. I am fighting for the other programs, as well as this one. I am not opposing this one. But I am urging this body not to do an injustice on the one hand in order to serve what they believe to be justice on the other.

Mr. PASTORE. Will the Senator yield?

Mr. MCCLELLAN. Yes, I yield.

Mr. PASTORE. Another thing that has bothered me, we have already passed an appropriation bill of $75 million and it is subject to the authorization bill being passed. I discussed this matter with the Senator from Indiana only yesterday. I am wondering, if his amendment does pass, whether that does not vitiate the $75 million? That is a serious thing. Then how do we cure that? We have already put in $75 million. We have already gone to conference. The conference has approved the $75 million, the President has signed the bill, but the appropriation is subject to authorization. If we change this authorization in another direction, what happens to the $75 million? Will that give this hesitating administration a reason to hold up even the $75 million? It might. I do not know. I hope we cure that.

Mr. BAYH. Would the Senator from Arkansas permit me 3 minutes on the bill to answer that question?

Mr. MCCLELLAN. Yes.

Mr. BAYH. First, the Senator from North Carolina had a unanimous-consent request.

Mr. MORGAN. Mr. President, I ask unanimous consent that Bernard Nash of the Committee on the Judiciary be given floor privileges during the debate and vote on this bill.

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

Mr. BAYH. There is not a person in this body who has labored more diligently and been more vigorous in the area of juvenile delinqkuency than the Senator from Rhode Island. The Senator from Rhode Island had to drag this administration, kicking and screaming, into spending that first dime. Similarly, as I mentioned earlier, the Senator from Nebraska was a fundamental ingredient, a prime mover, in getting this bill passed. Yet when the President signed it he cited the availability of the $140 million which was really $112 million, of which he now seeks repeal, as the basis of opposing funding of the new preventation office. The Senator from Rhode Island ultimately obtained a compromise $25 million. The next year, he obtained a compromise $40 million. This year we provided, in the Senate, $100 million, and had to compromise on $75 million. The administration, especially OMB, fought every dollar, every step, citing the availability of the $112 million in the LEAA program, which their bill, S. 2212, would repeal.

The Senator from Rhode Island is saying, increase the juvenile justice program, and we got some increases partly through the effort of the Senator from Rhode Island. But the administration's response all along has been, "Don't do that, you have the money in the Crime Control Act. I say we have to look at the whole picture. The size of the whole pie that goes back to local communities under the maintenance provision and the new prevention program headed by Milt Luger.

Mr. PASTORE. Is this money outside the LEAA?

Mr. BAYH. No.

Mr. PASTORE. That is what is bothering me, that the juvenile delinquency money is in the LEAA.

Mr. BAYH. On the specific question raised by the Senator from Rhode Island, the $75 million is not jecpardized because that is authorized through the juvenile justice program which does not expire until next year.

Mr. PASTORE. No, the money we got in the 1977 budget is subject to this bill that has to be passed.

Mr. BAYH. That is not so, I say to my friend from Rhode Island.

Mr. PASTORE. In other words, we are under authorization on the $75 million?

Mr. BAYH. We have obtained half the funding. The 1974 act was authorized at $150 million for fiscal year 1977.

Mr. PASTORE. Under that situation, I shall support the Senator's amendment.

Mr. BAYH. I thank the Senator from Rhode Island.

Mr. HRUSKA. Mr. President, this will put into perspective the remarks I made earlier, which bear repetition. In America, the States and local governments spend for total law enforcement purposes in the range of $15 billion. The appropriation for the LEAA program, including title I of LEAA and title II of the Juvenile Justice Act, is three-quarters of a billion dollars. Forty-seven million dollars is the increase that the Senator from Indiana wants for his juvenile justice program. Forty-seven million dollars, as against a base of $15 million, is minuscule, but $47 billion is not minuscule when it is cast against the moneys that are available from Federal sources.

The answer is this, Mr. President, and the Senator from Arkansas has repeated it many times on this floor today: In order to give that $47 million increase to juvenile justice, we have to take it from other programs. When we try to reduce the program for the LEEP, the educational program for police officers—you talk about mail. We had mail by the bushel. They wanted that program restored to its previous levels of funding.

When the committee considered the amendments to establish judicial planning committees in the States we were asked for 30 percent of the entire appropriation to go to the courts and their programs. We could not do it.

Mr. BAYH. Will the Senator yield?

Mr. HRUSKA. My time is limited, I am sorry.

There are programs for the prevention of crime against the elderly, Mr. President. There are the discretionary funds by way of grants to States and cities. There is the program to reduce the court backlog. Each time we get into the matter of reducing those——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HRUSKA. May I have 1 more minute?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. HRUSKA. May I have a minute on the bill?

Mr. MCCLELLAN. Yes.

Mr. HRUSKA. Mr. President, it has been said that many witnesses appeared in favor of increasing the appropriation for juvenile justice. I wish it could be increased. I would vote for a larger appropriation for it, but not at the expense of reducing funds for other categories. Many of the witnesses who testified in favor of the juvenile justice program also testified in favor of some of these other programs. The question should have been put to each one of them: Now, then, if we have to cut $47 million, which of these other programs should we reduce, including the one that you are interested in?

I have an idea that the answer would be different. I have never seen a dearth of witnesses in favor of an additional Federal grant of money. But when they are faced with the alternatives that Appropriations Committees are faced with, you have to choose by priority. It either goes one place or it is taken away from another place. We ought to let the appropriations remain at the $75 million level for juvenile justice under title II and the $83 million from title I of the Safe Streets Act, making a total of $158 million for this specific purpose, and allow the other programs to survive at their current levels.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I would like to ask a question, Mr. President, of the manager of the bill, if I might, just for purposes of information.

Mr. MCCLELLAN. I yield myself a minute's time.

Mr. HUMPHREY. Might I ask the distinguished Senator from Arkansas is the authorization in this bill less or more than the budget request?

Mr. MCCLELLAN. The authorization for the bill? The authorization is more.

Mr. HUMPHREY. Is more. How much more, may I ask the Senator?

Mr. MCCLELLAN. The authorization is $1 billion, and the appropriation total $678 million.

Mr. HUMPHREY. I am talking about the administration's budget request, the administration's request.

Mr. MCCLELLAN. For the whole bill is what I am talking about.

Mr. HUMPHREY. Yes, that is OK.

Mr. MCCLELLAN. We have an authorizaton of $1 biillion for fiscal year 1977.

Mr. HUMPHREY. In this bill?

Mr. MCCLELLAN. Yes, for LLAA.

Mr. HUMPHREY. How does that compare with last year?

Mr. MCCLELLAN. The authorization for last year was also $1 billion. The appropriations for fiscal year 1977 are about $100 million less than last year. That is our problem, may I say to the Senator. That is what is involved in here. The appropriations have gone down from $880 million in fiscal year 1975 to about $770 million in fiscal year 1976 to $678 million for fiscal year 1977. That represents a drop of almost 25 percent—$202 million.

Mr. PASTORE. Mr. President, will the Senator yield on that point? Last year we appropriated $809 million, including the Juvenile Justice Act program. The administration asked for $600 million for LEAA. We were ready to put in enough to go back to the amount that was appropriated in the previous year, the $809 million. In the meantime the House increased it by $140 million. When we went to conference we added another $15 million, so we are pretty close now to the efforts of Congress to the amount that was appropriated last year.

Mr. HUMPHREY. The point I make, and maybe the Senator can help me——

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. MCCLELLAN. I yield 2 minutes on the bill.

Mr. HUMPHREY. If the amendment of the Senator from Indiana does what the distinguished Senator from Nebraska has said, in other words, takes $47 million from other programs—and I believe that is what the indication was—then the thing to do here, since we have got a problem of crime in this country that is second to none, and is a greater threat to our security than anything from external forces—the real problem that affects the people of this country today is the crime problem, and every citizen knows it—why do we not increase the authorization by $47 million. That is not going to bankrupt the budget.

We spend millions of dollars around here to protect us from the Russians. We have more problems with the people on the street than we do with the Russians.

Mr. HRUSKA. Mr. President, will the Senator yield? The appropriation bill for this item has been passed and enacted into law and, therefore, we have

this ceiling and, hence, the necessity, if we increase one category we have to shift and reprogram the funds from many other programs to make up the increase in one category. That is our problem. If this were an appropriation bill the answer would be simple.

Mr. HUMPHREY. May I say to the Senator, we do have supplementals that come along, and the Senator and I have been here long enough so that we know the argument made here that the funds of the amendment of the Senator from Indiana will take money away from other essential programs——

Mr. MCCLELLAN. That is right.

Mr. HUMPHREY. What the Senator is saying is that it would take money away because of the appropriation process. All I am saying here is to make it clear to the Appropriations Committee "if you increase the appropriations said amount when the suppleemntal comes up you can take care of it."

The PRESIDING OFFICER (Mr. Hollings). The Senator's time has expired.

Mr. MCCLELLAN. There is $1 billion authorized, but we have appropriated this year $753 million, which includes $75 million specifically under the Juvenile Delinquency Act, not included in the moneys that will be available for other purposes.

Now, the amendment would earmark $129 million for juvenile delinquency programs, to the exclusion of other programs, in addition to the $75 million under the Juvenile Justice Act; am I correct?

Mr. BAYH. No, with all respect, my friend is not correct, and if I could have just a minute——

Mr. MCCLELLAN. What is the amount, what does the Senator's amendment take?

Mr. BAYH. The present law requires, the law passed in 1974, when the figure we were spending for LEAA was $698 million less than the $753 million we now are spending.

Mr. MCCLELLAN. But we have had these increases.

Mr. BAYH. When we decided in 1974 to change things, to start to reorder our priorities to match our needs, we said we were going to spend $140 million. Crime Control Act priorities on young people through juvenile crime and delinquency programs.

Mr. MCCLELLAN. That is correct.

Mr. BAYH. We are spending more now on LEAA than then.

Mr. MCCLELLAN. That came to 19.15 percent, did it not, of the total expenditures for parts C and E that year?

Mr. BAYH. That is accurate.

Mr. MCCLELLAN. That is what we are trying to continue.

Mr. BAYH. That is accurate. But what has happened, because of the way the Senator from Arkansas is approaching this, instead of spending $112 million he would have us spend $82 million, and the Senator from Indiana urges that we take that 19.15 percent figure that we decided was the minimal amount we were going to spend back in 1972, and let us——

Mr. MCCLELLAN. May I say to the Senator, to get the record straight, it was September 1974 when the Juvenile Justice Act was enacted when this figure was fixed at a minimum; not in 1972?

Mr. BAYH. The Senator is absolutely correct. As the author of the Juvenile Justice Act, I assure the Senator that it was passed in 1974. But the figure we decided on in 1974, when the bill was passed, was the latest figure we had from LEAA, which was the 1972 figure.

Mr. MCCLELLAN. But in fiscal year 1975—the first time the $112 million came out of any money under the maintenance of effort provision—we had an appropriation of $880 million.

Mr. BAYH. Yes.

Mr. MCCLELLAN. Now we are down to $753 million.

Mr. BAYH. Yes. But we were using the juvenile component of the 1972 figure.

Mr. MCCLELLAN. All right. Now, in addition to that, since then the Juvenile Justice Act has been enacted, and appropriation made of $75 million for 1977 under that act over and above the $112 million.

Mr. BAYH. But, may I say to my colleague, that was part of the 1974 agreement.

Mr. MCCLELLAN. It was not an agreement. We are talking about facts.

Mr. BAYH. Well, the agreement I just read in the Record shows that we said we were going to put that floor under juvenile delinquency programs at $140 million, and then, in addition to that enact and fund the prevention programs that the Senator from Rhode Island has strongly supported.

Mr. McCLELLAN. On the basis of the appropriation that we were spending then that was agreed to. The pending bill would continue the same percentage, but not the same dollar amount. This is only fair to the other programs as funds available drop.

Now, let me make this observation. The Senate can do what it wants to do. It is not my provision. It belongs to all of us, but I do not want to do an injustice to these other programs, in order to do more justice, if we want to call it that, to the juvenile delinquency program.

The Senators can correct this situation in the proper way with a supplemental appropriation bill when it comes along. Just increase the appropriation for the juvenile delinquency program. Then you do not do injury, you do not do injustice, to these other criminal justice programs.

Mr. PASTORE. If we do that will we be within the authorization?

Mr. McCLELLAN. Yes. We have $150 million as an authorization for juvenile delinquency.

Mr. PASTORE. In other words, this would be the responsibility of the Appropriations Committee?

Mr. McCLELLAN. Yes. You have $150 million authorized; you only have appropriated $75.

Mr. PASTORE. I will not be here after January, but if that supplemental comes up before January I will put it in.

Mr. BAYH. The Senator from Rhode Island can cite to us how his efforts on behalf of these programs have been fought every step of the way by those in this administration who say "We do not need any money in your prevention program, Senator Pastore, Senator Bayh, because we have it in the LEAA Crime Control Act program." In other words, it is now you see it and now you do not.

Mr. McCLELLAN. Mr. President, I am simply suggesting that we should not do an injustice to good programs here in order to do a little more for something else, when the opportunity to do more for the other is still available. We can use the appropriation process if we want to. I think that is the way to handle this. I have suggested it from the beginning of this discussion, and I still think that that is the way it should be handled.

Mr. BAYH. Mr. President, will the Senator permit me to deal with that particular point on the bill's time just briefly? Will the Senator permit me a couple or 3 minutes to deal with that?

Mr. McCLELLAN. I believe I have 10 minutes left on the bill. I have been yielding time on the bill.

Mr. BAYH. The Senator has been very kind.

The PRESIDING OFFICER. The Senator has exactly 10 minutes.

Mr. McCLELLAN. How much time?

The PRESIDING OFFICER. Ten minutes.

Mr. McCLELLAN. I yield 3 minutes.

Mr. BAYH. I think it is important—to emphasize that I do not want to penalize these other programs and my amendment will not penalize other programs, but it will require these existing programs to devote some of their efforts to juveniles.

The fact of the matter is the law now requires $140 million—in effect only $112 million—out of LEAA moneys plus $75 million out of the prevention program established by the Senator from Rhode Island and the Senator from Indiana. That is what the law is right now. Now we have to decide whether we are going to step back from the progress we made in 1974.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. BAYH. It is important to point out that my amendment will not damage other programs, but merely require them to devote 19.15 percent of their efforts toward juvenile delinquency.

Mr. McCLELLAN. If the Senator wants to increase it $17 million over and above what the law is now——

Mr. BAYH. Just a minute. The money earmarked by my amendment is going to be attributable to these other programs that the Senator from Arkansas thinks are going to be injured. We are going to say to these other programs, when you are involved in the training of judges spend at least 19.15 percent to train juvenile judges; in training police officers spend at least 19 percent to train police officers to better handle juvenile crime; spend 19 percent of court reform funds on juvenile courts so that we do not have to have juveniles who have been arrested, for serious violent crimes on a regular basis out roaming the

streets because of overcrowded courts, or judges faced with inadequate facilities in which to place juveniles.

I do not want to destroy these other categories.

Mr. HUMPHREY. Will the Senator yield?

Mr. BAYH. Yes.

I appreciate the Senator from Arkansas' patience.

Mr. HUMPHREY. This is a very difficult issue for us because there are arguments on both sides. As the Senator from Arkansas has pointed out, there is another solution.

The amendment of the Senator from Indiana, as I understand it, would amount to a sum total of $129 million.

Mr. BAYH. The money is already available, but it would mandate that amount for juvenile delinquency programs.

Mr. HUMPHREY. The bill, as reported by the Senator from Arkansas, provides $82 million.

Mr. BAYH. That is accurate.

Mr. HUMPHREY. The Senator has been getting $112 million.

Mr. BAYH. That is accurate. We thought the 1974 act provided $140 million.

Mr. HUMPHREY. Why not settle for $112 million for 1 year?

Mr. MCCLELLAN. That does an injustice to these other programs.

Mr. HUMPHREY. It does less.

Mr. BAYH. I tried to get it adopted in the committee.

Mr. HUMPHREY. Why not try here? It permits, again, the process to work, which I think the Senator from Arkansas is correct on, the appropriations process.

Mr. PASTORE. Will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. PASTORE. If we follow the Senators' plan, do we take away anything from other categories?

Mr. HUMPHREY. Yes; some.

Mr. PASTORE. Why do we not add that to the authorization?

Mr. MCCLELLAN. We already have the authorization.

Mr. HUMPHREY. I found out in my colloquy with the Senator from Arkansas, there is adequate authorization.

Mr. MCCLELLAN. A billion dollar authorization for this program.

Mr. PASTORE. Is this an authorization bill we are talking about or is it an appropriation bill?

Mr. MCCLELLAN. An authorization bill.

Mr. HUMPHREY. That is what I understood.

Mr. PASTORE. If the Senator's plan does not take away from anybody else——

The PRESIDING OFFICER. The 3 minutes have expired.

Does the Senator from Arkansas yield time?

Mr. HUMPHREY. There is time on the bill.

Mr. MCCLELLAN. I have 8 minutes left on the bill.

The PRESIDING OFFICER. There are 7 minutes left.

Mr. MCCLELLAN. Seven now, for all other amendments.

Mr. HUMPHREY. Well, I minute will take care of this.

Mr. MCCLELLAN. Yes.

Mr. HUMPHREY. Is it not a fact that if we add $47 million to the authorization, using the line of argument of the Senator from Rhode Island, it takes care of all problems insofar as the authorization is concerned?

Mr. MCCLELLAN. We already have the authorization.

Mr. HUMPHREY. The Senator said we have a new authorization bill.

Mr. PASTORE. The Senator says the authorization would take it away from somebody else, so raise it so that it will not.

Mr. MCCLELLAN. The appropriation takes it away, not the authorization. The appropriation has already been made.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. PASTORE. May we have another minute?

Mr. HUMPHREY. I shall be offering an amendment to add $47 million to the total authorization.

Mr. PASTORE. So why do we not extend a bit of time here and do it in an easier way?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CANNON. (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Indiana (Mr. Hartke). If he were present and voting, he would vote "yea." If I were at liberty to vote I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Colorado (Mr. Gary Hart), the Senator from Indiana (Mr. Hartke), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. Hugh Scott) is absent on official business.

The result was announced—yeas 61, nays 27, as follows:

[Rollcall Vote No. 408 Leg.]

YEAS—61

Abourezk	Gravel	Muskie
Bayh	Hart, Philip A.	Nelson
Beall	Haskell	Packwood
Bellmon	Hatfield	Pastore
Biden	Hathaway	Pearson
Brock	Hollings	Proxmire
Brooke	Humphrey	Randolph
Bumpers	Inouye	Ribicoff
Byrd, Robert C.	Jackson	Roth
Case	Javits	Schweiker
Chiles	Johnston	Sparkman
Church	Kennedy	Stafford
Clark	Leahy	Stevens
Culver	Long	Stevenson
Dole	Magnuson	Stone
Domenici	Mathias	Symington
Durkin	McGee	Taft
Eagleton	McGovern	Weicker
Fong	McIntyre	Williams
Ford	Morgan	
Glenn	Moss	

NAYS—27

Allen	Garn	McClure
Baker	Griffin	Nunn
Bartlett	Hansen	Percy
Bentsen	Helms	Scott, William L.
Burdick	Hruska	Stennis
Byrd, Harry F., Jr.	Huddleston	Talmadge
Curtis	Laxalt	Thurmond
Eastland	Mansfield	Tower
Fannin	McClellan	Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cannon, against.

NOT VOTING—11

Buckley	Hartke	Pell
Cranston	Metcalf	Scott, Hugh
Goldwater	Mondale	Tunney
Hart, Gary	Montoya	

So Mr. Bayh's amendment (No. 2048) was agreed to.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that my vote on the Bayh amendment No. 2048 may be changed from "nay" to "yea."

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

(The foregoing rollcall vote has been changed to reflect the above order.)

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESEARCH ON THE NATURE AND EXTENT OF CRIME AND DELINQUENCY ATTRIBUTABLE TO WOMEN

Mr. BAYH. Mr. President, through conversations with those at LEAA conversant with the Attorney General's authority under part D training, education, research, demonstration, and special grants, including Administrator Velde, I have been assured that the National Institute of Law Enforcement and Criminal Justice is authorized to conduct research regarding the actual nature and extent of crime and delinquency attributable to women. In view of the clear and unmistakable authority of LEAA to conduct these vitally necessary assessments, I have decided to withhold my relevant amendment, to S. 2212, the Crime Control Act of 1976.

My amendment would authorize the LEAA National Institute of Law Enforcement and Criminal Justice to carry out research to assess the actual nature and extent of crime and delinquency attributable to women. Further, it would authorize the Institute to undertake a comprehensive evaluation of progress made to date by correctional programs and the criminal and juvenile justice systems to eliminate discrimination on the basis of sex within these systems.

In fact an LEAA task force on women concerning juvenile justice and delinquency has made recommendations to the Attorney General that support the thrust of my amendment. I ask unanimous consent that the recommendations regarding the Law Enforcement Assistance Administration task force study and other relevant excerpts from the report of the National Commission on the Observance of International Women's year—pages 157–160 and pages 292–296—"To Form a More Perfect Union" be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXCERPTS FROM "TO FORM A MORE PERFECT UNION" JUSTICE FOR AMERICAN WOMEN

(A report of the National Commission on the Observance of International Women's Year)

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TASK FORCE STUDY [51]

The IWY Commission recommends elimination of discrimination based on sex within all levels of the juvenile justice system. To reach that goal, the Commission urges that the Law Enforcement Assistance Administration (LEAA):

Act on the recommendations of the LEAA Task Force on Women concerning the Office of Juvenile Justice and Delinquency Prevention; and

Upgrade the status of women within that agency.

DISCUSSION

As the LEAA Task Force report documents, discrimination against women and girls in the criminal justice system appears to be a serious, pervasive problem in statutes, courts, and correctional agencies. The situation is particularly critical because the usual statistic collection fails to disclose disparities in treatment.

The Child Development Committee specifically urges Federal action on four recommendations of the LEAA Task Force on Women concerning juvenile justice and delinquency prevention:

1. Develop strategies to increase State support for female juvenile offender programs.

2. Assure that State juvenile delinquency plans analyze the needs of disadvantaged youth and that program statistics include sex and minority classifications.

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[51] Recommendation approved by Child Development Committee, Jan. 13, 1976; by IWY Commission, Jan. 16, 1976.

3. Fund research that analyzes treatment of female juveniles by the courts, referral agencies, and the community, with special emphasis on status offenders.

4. Fund programs that specifically focus on the needs of the female juvenile at all stages of the juvenile justice system, from referral to postadjudication.

The Child Development Committee proposes that, as a means to review progress in correcting inequities in the entire juvenile justice system, the Civil Service Commission be directed to conduct hearings that examine discriminatory policies and practices outlined in the report of the LEAA Task Force on Women.

A Grants Management Information System printout on grants made by the LEAA from 1969 to 1975 confirms a lack of attention to the needs of the female juvenile offender. Only about 5 percent of all "juvenile delinquency discretionary projects" and only 6 percent of the "block juvenile grants" were for specifically female-related programs. None of the grants included a research effort on special characteristics of, or different treatment of, female juvenile offenders.

There is also evidence of sex discrimination in staffing within the juvenile justice system, particularly where males dominate in critical decisionmaking posts. A current 5-year study by the National Assessment of Juvenile Corrections has found that of 49 executives in juvenile justice agencies only 10 were female.

One of the ways in which girl offenders are discriminated against is through court-ordered physical examinations, specifically gynecological examinations. During the years 1929–1955, about 70 to 80 percent of the adolescents referred to the Honolulu Juvenile Court were examined, compared to 12 to 18 percent of the male population. "Notations such as 'hymen ruptured,' 'hymen torn—admits intercourse,' and 'hymen intact' were routine, despite the fact that the condition of the hymen is usually irrelevant to health or illness. Further, gynecological examinations were administered even when the female was referred for offenses which did not involve sexuality such as larceny or burglary." [52]

STATUS OFFENDERS [53]

The IWY Commission recommends that State legislatures undertake as a high priority the establishment of more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and, when appropriate, first felony offenders, with the ultimate goal of eliminating as many status offenders as possible from jurisdiction of the juvenile courts.

The Commission further urges that the juvenile justice system eliminate disparities in the treatment of girls by courts and correctional agencies.

DISCUSSION

Clearly, young girls suffer most from court procedures dealing with the status offenses, i.e., conduct that would not be criminal if committed by adults. Truancy, incorrigibility, and sexual delinquency are the three primary status offenses with which girls are charged. Young females are not only more likely to be referred to courts and detained for status offenses, but they are also held longer than boys referred for such conduct.

One midwestern study of more than 800 juvenile court referrals found these typical proportions: 28 percent of the boys had been brought to court for "unruly offenses," compared with 52 percent of the girls.[54] At the juvenile detention home, a coeducational youth facility, running away and sex offenses accounted for 60.7 percent of all the female delinquent referrals; moreover, girls on the average stayed there three times as long as boys.[55]

Such discrimination based on the sex of status offenders traditionally has been upheld on grounds of "reasonableness." Only since 1970 have some State laws permitting longer sentences for females than males been found in contravention of the 14th amedment and a violation of the Equal Protection Clause of the U.S. Constitution.[56]

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[52] Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2 (Fall 1973).

[53] Recommendations approved by IWY Commission, February 26–27, 1976. The recommendation approved by the Child Development Committee, Jan. 10, 1976, but revised by the Commission, is reprinted on p. 160 under the heading "Original Version."

[54] Peter C. Kratcoski, "Differential Treatment of Delinquent Boys and Girls in Juvenile Court," *Child Welfare*, Jan. 1974, vol. LIII, no. 1, p. 17.

[55] Meda Chesney-Lind, "Judicial Enforcement on the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2, Fall 1973.

[56] Rosemary Sarri, "Sexism in the Administration of Juvenile Justice," paper presented to National Institute on Crime and Delinquency, Minneapolis, June 16, 1975.

The courts' traditional attitude reflects society's sexual double standard, which has demanded that the traditional American family exert greater control over a daughter's behavior in order to protect virginity (or virginal reputation). The "good" adolescent female is never sexual, although she must be sexually appealing. Compared to the teenage male, she has a much narrower range of acceptable sexual behavior. As a result, even minor deviance may be seen as a substantial challenge to society and to the present system of sexual inequality.[57] Promiscuous young women are found to be unpalatable. "The young man gets a wink and a look in the opposite direction." [58]

As a result, female juveniles are more likely to be incarcerated than are adult women. "Adult women get a better shake when it comes to crimes than do juvenile girls. There is a reluctance to jail women, but not juveniles," [59] the Child Development Committee was told.

All too frequently, detention and police personnel suggest that it is necessary to lock up girls "for their own safety and well-being." [60]

The wording of status offense codes is so vague as to allow this kind of discretionary action against girls thought to be "in moral danger." Until 1972, a Connecticut law made it a crime for "an unmarried girl to be in manifest danger of failing into habits of vice." [61]

Ironically, the "status offense" category works in favor of some classes and against others. Of the status offenders in the District of Columbia courts, 80 percent are from white suburban areas; the urban, minority youth is more likely to be classified under the more serious category of delinquent.[62]

Female status offenders when they are institutionalized enjoy less recreation than boys and have poorer quality counseling and vocational training. And many existing programs continue to exploit girls in traditional sex roles; the emphasis may be on training to become cosmetologists or domestic workers.

Adolescent status offenders may be channeled into more serious charges: a 13-year-old girl who violates a court order against truancy, for example, may be reclassified into the more serious category of "delinquent" for the same behavior. Repeat runaways may face the same harsh treatment if their States have not chosen to adopt provisions of the Runaway Youth Act, which is Title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

Title III specifically found that "the problem of locating, detaining, and returning runaway children should *not* be the responsibility of already overburdened police departments and juvenile justice authorities", and declared, "It is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure." However, only States that apply for funding under the act must demonstrate that they adhere to these requirements.

While recommending that, when possible, all so-called status offenses be removed from juvenile court jurisdiction, the Child Development Committee cautions against any tendency to charge these minors with more serious offenses such as delinquency.

In testimony to the Child Development Committee, the Honorable Eugene Arthur Moore, Probate Juvenile Court Judge, Oakland County, Michigan, Secretary of the National Council of Juvenile Court Judges; President of the Children's Charter, Inc.; said he felt that status offenders should be allowed in the juvenile court only after there has been positive judicial finding that no other community resource can meet their needs.

Judge Moore urged, as does this committee, that every juvenile court judge should be an advocate within his community to lead that community toward developing the necessary resources both within and without the juvenile court. "The judge must be a catalyst and motivation in the community towards the development of preventive and rehabilitative progrems."

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[57] Chesney-Lind, *op. cit.*

[58] Testimony of John Rector, Staff Director and Chief Counsel, U.S. Senate Juvenile Delinquency Subcommittee to Child Development Committee, Jan. 9, 1976.

[59] Testimony of Wallace Mlyneic, Codirector, Georgetown Juvenile Justice Clinic, Wash. D.C., Jan. 9, 1976.

[60] "Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972–73," Law Enforcement Assistance Administration, 1975.

[61] Sarri, *op. cit.*

[62] From testimony of Joan A. Burt, Wash., D.C., Parole Board, to Child Development Committee hearing Jan. 9, 1976.

A special program of the Office of Juvenile Justice and Delinquency Prevention has already awarded $11 million in grants to various government and nonprofit agencies to facilitate deinstitutionalization of status offenders.[83]

In Oakland County, Michigan, is found a model example of joint community effort by citizens, government, and juvenile court officials to provide coordinated youth assistance, delinquency prevention programs, and a rehabilitative camp for young people. The committee commends this county's programs to the attention of action-oriented youth-serving groups in other communities.

ORIGINAL VERSION

The Child Development Committee recommends that State legislatures eliminate status offenses, used to discriminate against young women, from the jurisdiction of juvenile courts, and that States establish more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and when appropriate, first felony offenders.

WOMEN OFFENDERS[1]

The IWY Commission recommends that each State Bar Association review State laws relating to sentencing, and their application, to determine if these practices discriminate against women, and that each State review and, where needed, reform its practices relating to women in jails, prisons, and in community rehabilitation programs, with a special emphasis on:

Improved educational and vocational training opportunities in a nonstereotyped range of skills that pay enough to support a family;

Making available legal counsel and referral services;

Increased diversion of women offenders, both before and after sentencing, to community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release; attention to the needs of children with mothers in prison;

Improved health services emphasizing dignity in treatment for women in institutions;

Protection of women prisoners from sexual abuse by both male and female inmates and by correctional officers;

Utilization of State funds to recruit better qualified corrections personnel with the parallel goal of increasing the number of women at all staff levels in correctional institutions.

The IWY Commission further recommends that State Commissions on the Status of Women be supported by State governments in establishing task forces to focus on the needs of women offenders.[1a] These task forces should make regular inspections of all women's detention facilities. Members should include lawyers and judges. Furthermore, the task forces should provide legal counseling and referral services. The press and public should be kept informed of task force observations.

HAS THERE BEEN AN INCREASE IN VIOLENT FEMALE CRIME?

Recent sensational articles on the rapid rise in the female arrest rate present an incomplete portrait of the women offenders especially since the bulk of the female crime increase is in economically motivated "property" offenses such as larceny, forgery, fraud, and embezzlement and is often related to drug addiction and abuse. The greatest increase has been for larceny.

Claims are being made that women are becoming more dangerous or that there is an invidious connection with the growth of the women's rights movement.

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[83] Department of Justice, Nov. 1976 evaluation report on the impact of programs on women for IWY Commission on Program Impact, the IWY Interdepartmental Task Force.

[1] Recommendations approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

[1a] An excellent model for such an effort is run by the Pennsylvania Commission on the Status of Women.

The statistics behind these pronouncements are found in the FBI's Uniform Crime Reports for 1972, based on 2,430 law enforcement agency records. They show that in 1972, crimes and arrests among women escalated at a rate of 277.9 percent of the 1960 female arrest rate. The increase for male crime between 1960 and 1972 was 87.9 percent.[1b] The FBI shows that women offenders now account for 10 percent of violent crime, but in fact this proportion has remained constant over the last 20 years.[2]

The high point in female violence appears to have occurred in the mid-fifties when females accounted for more than 13 percent of all violent crime. Today's figure is one-third lower.[3]

In the past 12 years, as crime detection rates have improved, so have the female arrest rates for certain types of nonviolent crimes increased: embezzlement is up 280 percent for women, 50 percent for men; larceny up 303 percent for women, 82 percent for men; burglary up 168 percent for women, 63 percent for men. "The typical female offender has not committed murder or robbery . . . she is a small scale petty thief often motivated by a poor self-image and the desire for immediate economic gain." [4]

A potent pressure operating here could be the decline of real income for women from 60 percent of a man's earning in 1969 to 57.9 percent in 1972. In addition, women are facing certain unemployment; they are often the last hired at "equal opportunity" workplaces and the first fired under conventional seniority systems. The 1972 FBI arrest figures, cited above, do not reflect population increases, the absence of males during the Viet-Nam occupation, or the effect of inflation which has pushed up the cost of many stolen articles into the felony range.

Another overlooked factor: statistics from the 1960's often did not separate arrests of males and females. In those days, statistics on women frequently were lumped with those on men or ignored.[5]

Tom Joyce, an ex officio member of the National Resource Center on Women Offenders, has predicted:

"If the distorted image of an increasingly violent and dangerous female offender takes hold and affects planning policies, such as the building of new female prisons (rather than improving alternative programs), that will cause more harm than good, both for the typical offender and for society in general."

EDUCATIONAL TRAINING

On a national basis, women in prison receive little or no vocational training or job placement assistance which would enable them to support themselves and their children upon release. Education and work release programs for women offenders are substantially fewer than those for male offenders. A 1973 *Yale Law Journal* survey,[6] showed that vocational programs offered to women offenders range from one program to a high of six. The average in female institutions surveyed was 2.7 programs, compared to 10 programs on the average for male institutions. One institution offered 39 vocational programs for its male residents.

Where job training is available in women's facilities, it still tends to reinforce stereotypes of acceptable roles.[7] Charm courses are not uncommon: Four were funded by LEAA grants between 1969–75. Allowable work for women in prison is frequently sewing, laundering, or cooking; women offenders in Georgia have provided maid services to the residents of that State's central mental hospital.

At least 15 percent of the current female population in prisons is "functionally illiterate" [8] (reading below sixth-grade level). Catherine Pierce, Assistant Director of the National Resource Center on Women Offenders, suggests that this situation has broad implications for the use and understanding of employment notices,

[1b] In actual numbers, of course, female crime remains a small fraction of male crime; in 1971, approximately 18 of every 100 persons arrested for a serious crime were women, and of those convicted, 9 of 100 were women, and only 3 of every 100 persons sentenced to a State or Federal prison were women. (Impact State to IWY Interdepartmental Task Force, Law Enforcement Assistance Association (LEAA), Nov. 24, 1975.)

[2] Laura Crites Director; Catherine Pierce Asst. Director National Resource Center on Women Offenders.

[3] Tom Joyce, "A Review: Sisters in Crime," p. 6. *The Women Offenders Report,* vol. I, no. 2, May/June 1975.

[4] *Ibid.*

[5] Laurel L. Rans, Women's Arrest Statistics, *The Woman Offender Report,* vol. 1, no. 1, Mar./Apr. 1975.

[6] Vol. 82.

[7] LEAA Impact Statement prepared for IWY Interdepartmental Task Force.

[8] Sept. 1975 survey by American Bar Association, Commission on Correctional Facilities and Services Clearinghouse for Offender Literacy.

job applications, food stamp applications, and rental and housing contracts by women who are ex-offenders.

Apparently no statistics are being compiled or recorded on recidivism rates and level of literacy. Reading problems can only complicate reentry into society from an institution. How far can the illiterate, ill-trained woman get on one bus ticket and a few dollars? More than half the States gave departing offenders less than $48 each in 1974; two States provided no money.[9]

The Special Problems of Women Committee urges corrections training systems to folow the excellent example set by Washington Opportunities for Women (WOW), which seeks to place female probationers in apprenticeship openings in nontraditional well-paying occupations such as construction, meatcutting, and Xerox repair.

In Houston, One America, Inc. tests and counsels female probationers and parolees for placement in programs to train electricians and plumbers.

The Maryland Corrections Institution for Women in Jessup, Maryland trains women as welders and carpenters. Of 59 women graduating in June 1975 and trained in welding 41 were placed on jobs. The National Resource Center on Women Offenders,[10] founded by the American Bar Association in June 1975 to gather and disseminate information on female offenders, is a valuable clearinghouse on rehabilitation projects and developments in women's corrections.

CHILDREN OF OFFENDERS

Unlike their male counterparts, 70 to 80 percent of women in penal institutions are responsible for children. And upon release, these women must often resume sole support of their children. Without sound vocational training, the returning mother struggles hard to provide, and a simple theft begins to look easy.

Once a mother is incarcerated, the children she leaves at home must be placed with relatives or institutionalized. (There is much evidence to indicate that children of offenders often become the next generation's offenders.) Most female prisons are located in rural isolated areas making visits between mother and child extremely difficult.[11] Because seven States have no institutions for women, female offenders are boarded in nearby States. In these cases, contacts with family and children are often broken.

The committee endorses the concept of community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release—as a way to combine practical education experiences, rehabilitation, and family contact.

The Women's Prison Association[12] counted five States, in a 1972 sample of 24, which contracted with nearby States for imprisonment of female offenders. The Association asked,

"Why can't these States sponsor a small facility which would house women near their families and lend itself to improved programs for job training, individual counseling, and schooling?"

Establishing facilities becomes most likely when citizen groups press for action. The committee urges local and area Commissions on the Status of Women to act as catalysts for change.

HEALTH SERVICES

The corrections administrators of women's institutions are responsible for appropriate health services. The Special Problems of Women Committee endorses as a guide for those administrators and for Commission on the Status of Women task force inspection teams the standards listed by Mary E. King and Judy Lipshutz in vol. 1, no. 3, *The Women Offender Report*. They include:

Physical exams given with maximum concern for the woman's dignity;

Prompt and regular treatment for all illnesses while incarcerated;

Twenty-four-hour emergency treatment available in State institutions and local jails;

Insured humanitarian detoxification;

Proper and confidential medical records on each prisoner;

Family planning services, including access to contraceptives and family planning education;

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[9] Kenneth J. Lenihan, "The Financial Resources of Released Prisoners," Bureau of Social Sciences Research Inc., Wash., D.C., March 1974 draft, p. 9.

[10] 1800 M St., NW., Wash., D.C. 20036.

[11] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 31, 1976.

[12] Founded in 1845, 110 2d Ave., New York, N.Y., 10003.

Health education classes for inmates;
Regular exercise;
Attention to menstrual and gynecological problems; and
Female medical personnel included on health staff.

In addition, the committee is concerned that physical exams be administered only by licensed physicians or nurse practitioners, and that treatment for illnesses be both prompt and appropriate.

STAFF

Only 12 percent of the correctional work force in the United States are women, and few of those women are in top- and middle-management positions. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals issued a 600-page report listing 130 suggested standards for correction agencies. Section 14.3 called for correctional agencies to recruit and hire women for all varieties of work.

In August 1975, the American Bar Association's policymaking House of Delegates urged corrections systems to increase the number of women and minority group employees at all staff levels. This body asked for special staff attention to the essential job of attracting women, urging special recruitment and training machinery and programs to attain that objective. The committee endorses those policies.

Most jails are not built, programmed, or staffed to look after females. Separation of men and women is difficult, and there are no matrons in some facilities.

Patsy Simms, a freelance writer who has interviewed more than 50 women serving time in southern jails or in work-release programs, has submitted to the Special Problems of Women Committee a report on the absence of matrons where females are behind bars. In many cases she found no matrons at all, or at best "paper matrons"—female radio dispatchers or the wives of jailers and sheriffs. Ms. Simms reminded the committee that a "paper matron" was on duty "two halls and 65 feet away" the night Clarence Alligood died in JoAnn Little's cell.

According to a *Raleigh News and Observer* survey of 47 county jails in the eastern part of North Carolina, only 19 of the counties have 24-hour matron service and adequate separation of men and women. Under these conditions, prevention of sexual abuse is not probable.

FURTHER INEQUITIES IN THE JUSTICE SYSTEM

Statutes in several States call for longer sentencing for female offenders than for males for the same offense.[13] Cases upholding disparate legislative sentencing schemes based on sex have reasoned that, compared with male criminals, females are more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement.

Some courts are taking positive action against inequities in the jail system. In *Barefield* v. *Leach*[14] a Federal court in New Mexico held that female inmates and male prisoners are entitled to equal treatment; and the fact that the number of women offenders is small is not excuse for unequal vocational training, unequal access to legal materials, unequal recreational facilities, or unequal opportunities to earn time off for good behavior.

"At the time when some professionals in corrections are proclaiming that rehabilitation does not work, we are finding that for most female offenders, rehabilitation has not been tried," reports Ruth R. Glick, Director of National Study of Women's Corrections Programs.[15] In general, no clearly defined philosophy of corrections has been tested and applied to women's correctional programs. Consequently, the large number of institutions and community-based programs seem to lack internal consistency, i.e., "the need to control runs counter to expressed desire to teach women to assume responsibility for their own behavior."

YOUNG ADULT CONSERVATION CORPS[16]

The IWY Commission recommends that special attention be given to attracting and recruiting young minority women, especially blacks, Hispanics, Asian-Ameri-

[13] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 13, 1975.
[14] Civ. no. 102–82, Dec. 18, 1974.
[15] An LEAA-funded program, 2054 University Ave., Room 301, Berkeley, Calif. 97404. Quoted in *The Women Offender Report*, vol. 1 no. 3, July/Aug. 1975.
[16] Recommendation approved by Special Problems of Women Committee Feb. 6, 1976; by IWY Commission Feb. 27, 1976.

cans, and Native Americans, into the Youth Conservation Corps to a year-round program for young persons up to age 24, and that the President support legislation extending the Corps.

BACKGROUND

Of the more than three million young persons under age 24 presently unemployed in this country, the group most disadvantaged is the nonwhite minority female youth, ages 16–19. (The committee has had to assume that these figures reflect most racial or ethnic minorities, since further data breakdowns have not been available.)

Compared to a national average of 8.3 percent, the young minority women's unemployment rates in December, 1975, were 37.9 percent for ages 16–19, and 19.6 percent for ages 20–24. Other unemployment percentages for December 1975, for comparison, are:

Nonwhite young men: 31.2 percent for ages 16–19, 20 percent for ages 20–24;
White young men: 18.6 percent for ages 16–19, 11.6 percent for ages 20–24; and
White young women: 16.0 percent for ages 16–19, 9.6 percent for ages 20–24.

Department of Labor statistics for December showed 1,600,000 young people under 19 were unemployed; 1,576,000 ages 20–24. Parts of this large, restless, and unproductive reserve of young people are in danger of becoming a burden to society; on any given day, there are close to 8,000 juveniles held in jails in the United States. The average daily population in juvenile detention facilities (with girls held longer and for less serious crimes than boys) is over 1,200 with close to 500,000 held annually in such facilities.[17]

Starting in the summer of 1971, one experimental approach began to provide learning experiences and employment to jobless youths aged 15–18. Sixty-thousand youths were enrolled in the pilot version of Youth Conservation Corps (YCC), a Federal training-work program in conservation and the environment.

YCC enrollment figures have shown increasing female participation, from 41.3 percent in 1972 up to 49.2 percent in 1975. The percentage of female participation is now almost identical to the national distribution for 15–19 year olds.

Female teenagers have expressed the most satisfaction with the YCC program: 68 percent said they "really liked it" in a 1972 multiple-choice questionnaire, compared to 57 percent of the boys. YCC activities have reached far beyond the usual low-paying or dead end options for minority female youth: both sexes have learned to perform jobs related to reforestation; trail and campground improvement; forest fire fighting; and insect, flood, and disease control on public lands, among others.

There are some initial, and still unresolved, problems with both underrepresentation and dissatisfaction of minorities in the program, however. The underrepresentation resulted from policy and budget restraints limiting recruitment to areas near the YCC camps (away from urban areas), so that most of the campers have been from small towns or rural areas. In 1972, 82 percent of the participants were white; only 7 percent were black; 6 percent American Indian; 3 percent Spanish speaking.

As might be expected, evaluations of the YCC's summer camps have indicated the need to adapt the program to better serve minority groups.[18] The committee urges continued study and effort toward this goal with increasing attention to recruiting a more representative proportion from unemployed young minority women and to providing services to meet the needs of women with limited English-speaking ability.

A bill to amend the Youth Conservation Corps Act of 1970 (S. 2630), introduced on November 6, 1975, seeks to extend the pilot summer format of the conservation training program to a year-round operation for young adults up to age 24. The ultimate employment level could reach more than one million young persons annually with participants seeding grasses to control and prevent erosion, operating tree nurseries and planting seeds or tree cuttings, channeling streams, stabilizing, banks, building small dams, fighting grass fires, and building new roads and park areas, among other activities.

[17] "Female Delinquency: A Federal Perspective," statement of Mary Kaaren Jolly, Editorial Director and Chief Clerk, U.S. Senate Subcommittee to Investigate Juvenile Delinquency, before the National Congress for New Directions in Female Correctional Programing, June 30, 1975, Chicago, Ill.

[18] Among the reports: John C. Scott, B. L. Driver, Robert W. Marans, "Toward Environmental Understanding, and Evaluation of the 1972 Youth Conservation Corps," Survey Research Center, Institute for Social Research, the University of Michigan, Ann Arbor, Mich., 1973.

Because of the Special Problems of Women Committee sees this valuable program as an investment in preserving both natural and human resources and as an excellent training opportunity for young *minority women*, particularly those from the urban setting, the committee urges continued expansion and improvement of Conservation Corps activities.

Mr. BAYH. Mr. President, the Nation's effort to deal with the problem of children in trouble has been an abject failure. As chairman of the Subcommittee to Investigate Juvenile Delinquency of the U.S. Senate Judiciary Committee, I am acutely aware of the flagment maltreatment of youthful offenders, of the brutal incarceration of noncriminal runaway children with hardened criminals, and of bureaucratic ineffectiveness which has marked the grossly inadequate Federal approach to the prevention of delinquency and rehabilitation of delinquents.

I am reminded of testimony about the "El Paso Nine" before my subcommittee at one of our initial hearings assessing the juvenile justice system. They were not mad bombers, vicious criminals, or political radicals, but youngsters with troubles. Five were young women, the oldest was 17. Each one had been committed to a State institution without legal representation or benefit of a judicial hearing. Of the five, most had been committed for having run away only once. Beverly J., for example, was sent to the Gainsville State School for Girls because she stayed out until 4 a.m. one night. Alicia M. was sent to the same school when she was 17 because she refused to work.

This tragic story is repeated over and over again around the country. Children are in trouble. We neglect or mistreat our children, and then when they react in socially unacceptable ways—not usually crimes—we often incarcerate them. We call them neglected or dependent or, even more euphemistically, persons in need of supervision, but whatever the label, these youngsters often end up in common jails. Fully 50 percent of all children in juvenile institutions around the country could not have been incarcerated for the same conduct had they not been minors. Children are continually incarcerated for running away from home, being truant from school, being incorrigible, or being promiscuous.

It is not surprising that many of the prejudices our society has against females are reflected in the juvenile justice system, but the ramifications of such discrimination and bias are shocking. Girls are arrested more often than boys for status offenses—running away, truancy, and the MINS, PINS, and CINS violations—minors, persons, and children in need of supervision. And girls are jailed for status offenses longer than boys.

Between 70 and 85 percent of adjudicated young females in detention are there for status violations compared with less than 25 percent of the boys. Thus, there are three to four times more young women than young men in detention for noncriminal acts.

Additionally, the available research and evidence adduced by my Subcommittee shows that a female is likely to be given a longer term of confinement than a male and that her parole will be revoked for violations less serious than for male revocation. In responding to these facts which affirm gross discrimination, the director of a State institution for young women explained:

"Girls, unlike boys, offend more against themselves than against other persons or property."

What she really meant was that often girls—not boys—are locked up for engaging in disapproved sexual conduct at an early age; that our society applies the term "promiscuous" to girls but not to boys.

Such arbitrariness and unequal treatment, at a minimum produces more criminals. It is well documented that the earlier a child comes into the juvenile system, the greater the likelihood that the child will develop and continue a delinquent and criminal career. Another disturbing reality is that juvenile records normally go with children if arrested as an adult. What this means is that young women incarcerated for running away from home or arguing with their parents—incorrigibility—will have a criminal record for life and if arrested as an adult will more likely be incarcerated.

The basic problem is that we have not been willing to spend either the time or the money necessary to deal with the diverse set of problems children in trouble present to us. We must not continue to ignore today's young delinquent for all too often he or she is tomorrow's adult criminal. Our young people are entitled to fair and humane treatment and our communities are entitled to be free of persons who threaten public safety. My approach has been to apply the commonsense adage that an ounce of prevention is worth a pound of cure.

We need to develop different ways of treating children in trouble. We need to establish group foster homes for the neglected; halfway houses for runaways, and community-based programs for the serious juvenile delinquents. We need 24-hour crisis centers and youth service bureaus to help young people find the services which they need. And we need a greatly expanded parole and probation system to provide supervision and counseling for the large majority of children who never should face institutionalization.

In 1974 Congress overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415 (S. 821). This measure, the product of a 3-year bipartisan effort which I was privileged to lead, provides for a constructive and workable approach in a joint Federal, State, and local effort to control and reverse the alarming rise in juvenile crime. The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing humane sensible and economic programs for youngsters already in the system to help the estimated one million youngsters, the majority of whom are young women between the ages of 11 and 14, who run away each year. It provides Federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for youths and their families outside the law enforcement structure.

In addition to what we have accomplished to date, we need to focus more specifically on the manner in which and the frequency with which females are entering the juvenile justice system. We must assure equal treatment for these young women and see to it that assistance is available to them on an equal basis.

We must see to it that the preponderance of delinquency research and study is no longer exclusively male in its orientation, for it is essential that we know more about what can be done to prevent the personal tragedies involved in the ever increasing contribution females are making to the escalating levels of delinquency and serious crime. Some assert that the proliferation of dangerous drugs and their epidemic level of abuse are responsible, others cite society's gradual adoption of egalitarian attitudes devoid of sexism as the explanation; and, several argue that modern, more efficient methods of collecting and keeping female crime statistics are the answer. Perhaps, all of these are contributing factors, but it is certain that we know far too little.

It is often said, with much validity, that the young people of this country are our future. How we respond to children in trouble will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the importance of these concerns. The young people, women and men as well as the rest of us deserve no less.

[From the Congressional Quarterly, July 31, 1976]

SENATE VOTES FIVE-YEAR LEAA AUTHORIZATION

After rejecting two attempts by Sen. Joe Biden (D Del.) to cut back the authorization of the Law Enforcement Assistance Administration (LEAA), the Senate July 26 voted 87-2 to extend the controversial agency for five years, through fiscal 1981.

The Senate made few substantive changes in the bill (S 2212) reported by the Judiciary Committee May 15, although it adopted numerous amendments. The major change was an increase in the amount of money earmarked for juvenile justice programs. (*Committee report, Weekly Report p. 1947*)

As passed by the Senate, S 2212 extended LEAA through fiscal 1981 with an authorization level of $1-billion for fiscal 1977 and $1.1-billion for each of the remaining years.

The bill also required LEAA to place greater emphasis on strengthening state judicial systems and to improve evaluation and monitoring procedures. It also authorized LEAA to continue earmarking funds for high crime areas and to begin programs aiding drug and alcohol dependent offenders, emphasizing prevention of crime against the elderly, and encouraging crime prevention by community groups.

Senate passage of S 2212 came almost a month after Congress cleared legislation (HR 14239) appropriating $753-million for the agency for fiscal 1977. (*State-Justice-Commerce funds, Weekly Report, p. 1852*).

The authorization had been sidetracked by the flood of appropriations bills before Congress in late June. The existing LEAA authorization officially expired June 30 but the comptroller general assured Congress that the agency would continue through Sept. 30, 1976, because funds had been authorized through the transition quarter. (*LEAA extension, Weekly Report p. 1861*)

Still pending before the House is a bill (HR 13636) extending LEAA for one year only, through fiscal 1977, with an authorization level of $880 million.

FLOOR ACTION

The Senate passed S 2212 July 26 by a vote of 87–2. (*Vote 408, p. 2095*)

Final passage followed three days of intermittent debate and the adoption of numerous minor amendments. Although many charges were made against the criticism-plagued agency and an attempt to cut back the authorization to three years was narrowly defeated, the extension of LEAA was never in any serious trouble.

Authorization limits

Arguing that LEAA "has been an ineffective and wasteful agency which must be totally restructured," Biden offered an amendment July 22 to extend the agency only through fiscal 1977.

Such a short-term authorization, he said, would force Congress to take a serious look at reworking LEAA instead of "attacking it on a piecemeal basis" as in the past.

Opponents of the amendment, led by John L. McClellan (D Ark.), chairman of the Judiciary Subcommittee on Criminal Laws and Procedures, said such a short authorization would disrupt the states' long-range planning processes in the criminal justice area, forcing them to consider only short-term needs, such as equipment purchases. McClellan also said a brief extension would have a "chilling effect on the raising of matching funds."

The amendment was defeated by a 12–80 vote. (*Vote 395, Weekly Report p. 2017*)

Using many of the same arguments, Biden offered a second amendment to limit the authorization to three years through fiscal 1959. It was narrowly rejected by a 45–48 vote. A motion by John O. Pastore (D R.I.) to table a McClellan motion to reconsider the vote was agreed to by a 48–43 vote. (*Votes 396, 397, Weekly Report p. 2017*)

Just prior to final passage of the bill, Charles H. Percy (R Ill.) announced that the Government Operations Committee was planning an 18-month investigation of LEAA's "goals, performance and effectiveness."

Juvenile delinquency funds

Birch Bayh (D Ind.) offered an amendment July 23 to require that 19.15 per cent of all LEAA funds be earmarked for juvenile justice programs.

The Judiciary Committee had recommended a change in the formula used to compute funds for juvenile delinquency programs. Under existing law, LEAA must spend a total of $112-million on such programs. This is the same amount of part C (block grants) and part E (correctional institution grants) funds that were expended on juvenile justice programs in fiscal 1972. The committee argued that keeping the juvenile justice funds at such a fixed dollar amount gave an unfair advantage to those programs when the LEAA total appropriation dropped, as it had in recent years. It recommended that those programs instead receive the same percentage (19.15) of part C and E funds they received in fiscal 1972.

Bayh opposed the formula change, claiming it would cut $30-million from the juvenile justice programs—an unwarranted amount when one-half of all serious crimes in the United States are committed by persons under 20.

He proposed requiring LEAA to spend 19.15 per cent of all its funds on juvenile programs, instead of just 19.15 per cent of the part C and E funds.

McClellan led the opposition to the Bayh amendment, charging it would require LEAA to spend $130-million on juvenile justice programs in fiscal 1977—more than under the existing formula—and would take funds away from all the other LEAA programs. He added that the $75-million in additional funds appropriated under the Juvenile Justice and Delinquency Prevention Act would raise the total amount available for juvenile justice programs to $205-million.

Bayh insisted his amendment would not damage or eliminate other programs, "but merely require them to devote 19.15 per cent of their efforts toward juvenile

delinquency." He said he thought the "reason we have had criticism directed at LEAA is it has not been doing the job, especially with regard to juvenile crime. . . . Too often assistance has only been available when we deal with repeat offenders instead of when we have a chance for change."

After lengthy debate, the amendment was adopted by a 61–27 vote. (*Vote 400, p. 2094*)

Other Amendments

The Senate also adopted the following additional amendments to S 2212, all but the last by voice vote:

By William D. Hathaway (D Maine), to authorize states to use LEAA funds to develop programs identifying the special needs of drug and alcohol dependent offenders, and coordinate efforts with other treatment agencies.

By Hathaway, to authorize the National Institute on Law Enforcement and Criminal Justice to conduct research to determine the relationship between crime and drug and alcohol abuse.

By Hathaway, to require LEAA to report to Congress on its compliance with requirements to issue guidelines for drug abuse treatment programs in correctional institutions.

By Roman L. Hruska (R Neb.), to set up a revolving fund to support police "fence" operations which acquire stolen goods and property in order to intercept and stop commerce in those items. ("operations sting").

By Sam Nunn (D Ga.), to authorize alternate judicial agencies, rather than the court of last resort, to designate judicial planning committees.

By John A. Durkin (D N.H.), to require that the alternate judicial agency be comprised of at least 75 per cent court members and be in existence on the date of enactment.

By Biden, to require the National Institute of Law Enforcement to survey before Sept. 30, 1977, existing and future needs of American correctional facilities and federal, state and local programs to meet those needs.

By Jacob K. Javits (R N.Y.) and William V. Roth Jr. (R Del.), to establish an organizational entity in LEAA to coordinate provision of technical assistance to help community and citizens' groups apply for crime prevention and law enforcement grants and to provide information on successful citizen projects.

By Roth, to encourage the development and operation of community crime prevention programs. Similar provisions were included in the House companion bill.

By J. Glenn Beall Jr. (R Md.), to require each state plan to provide for the development of programs and projects for prevention of crimes against the elderly, unless the planning agency decided it was not appropriate for the state.

By Ted Stevens (R Alaska), to allow at least one city in each of 21 states without a city over 250,000 population to apply directly for certain juvenile justice discretionary grants.

By Biden, to require state and local governments seeking correctional institution funds to incorporate in their plans minimum physical and service standards for their prisons and to require LEAA to develop such minimal prison standards. Similar provisions were included in the House companion bill.

By Robert Morgan (D N.C.), to authorize $10-million for three years in grants to states to establish antitrust law enforcement capability in the offices of the state attorneys general. (This amendment had been passed twice by the Senate as separate legislation. *S. 1136, 1975 Almanac p. 577; S 2935, Weekly Report p. 725*)

By Lloyd Bentsen (D Texas), to encourage use of LEAA funds for early case assessment in cities above 250,000 population to analyze criminal cases as soon as they enter the criminal justice system to expedite handling of cases involving repeat offenders and violent crimes.

By Percy, Nunn and Abraham Ribicoff (D Conn.), to remove all Drug Enforcement personnel above GS–15 from the Civil Service system, to raise certain high-level federal positions, including the LEAA Deputy Administrator for Administration to executive level IV from executive level V, and to allow the Attorney General to place 32 positions in GS–16, 17, and 18.

By Robert C. Byrd (D W.Va.), to limit the director of the Federal Bureau of Investigation to a single 10-year term. Adopted by a vote of 81–4 (*Vote 407, p. 2095*). The Senate has passed this provision as separate legislation on two previous occasions, but the House has never acted on it. (*FBI Director's Tenure, 1975 Almanac p. 551*)

PROVISIONS

As passed by the Senate, major provisions of S. 2212:

Extended LEAA through fiscal 1981, with an authorization level of $1-billion for fiscal 1977 and $1.1-billion for each of the remaining fiscal years.

Amended the LEAA mandate to include assistance to state and local governments in program evaluation as one of the primary purposes of the act.

Replaced the special emphasis under existing law on the prevention and control of riots with reduction of court congestion and improvement of the judicial system.

Established an organizational entity in LEAA to coordinate and provide technical assistance to help community and citizens' groups apply for crime prevention and law enforcement grants and to provide information on successful citizen projects.

Required that every LEAA state planning agency must be created or designated by the state legislature, rather than the governor, by the end of 1979.

Required that state planning agencies include as members at least three representatives of the judiciary.

Authorized the court of last resort or an alternate judicial agency composed of at least 75 per cent judges to establish a judicial planning committee within the state to set court priorities and prepare an annual court plan to be submitted to the state planning agency.

Earmarked an additional $50,000 per year in grants to state planning agencies to be used to support the judicial planning committees.

Authorized use of block grant funds given to states for reducing court congestion, training judges and administrators, purchasing equipment and other methods to strengthen state courts; developing and operating programs to reduce and prevent crime against the elderly; developing programs to identify the special needs of drug and alcohol-dependent persons; establishing early case assessment panels in cities above 250,000 population to analyze certain criminal cases as soon as they enter the criminal justice system; developing and operating community crime prevention programs; preparing multi-year, system-wide planning by the judicial planning committee for all court expenditures and the improvement of the state court system.

Authorized LEAA to waive the rule, limiting to one-third the amount block grants used for law enforcement salaries, in cases of innovative law enforcement programs.

Required that block grants be awarded only to states whose state planning agency had an approved comprehensive state plan on file with LEAA.

Required that state plans, to be considered comprehensive, must include: adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity; a comprehensive program for the improvement of juvenile justice; procedures under which regional and local units of government could submit multi-year and annual comprehensive plans and receive block grants from the state should such plans be approved; provisions for developing programs to prevent crime against the elderly, unless the planning agency decides it is inappropriate for the state; adequate funds for state courts.

Required LEAA, prior to approving any state plan, to evaluate its likely impact and effectiveness and put in writing an affirmative finding that the plan would aid the improvement of law enforcement and criminal justice in the state.

Earmarked $10-million for three years to grants to states to establish antitrust law enforcement capability in the offices of the state attorneys general.

Earmarked $262.5-million through fiscal 1981 for impact funding to areas identified by LEAA as suffering high crime or serious court congestion.

Required LEAA to develop procedures and regulations to assure proper auditing and evaluation of state programs and to analyze and review all state plans to ensure that they were consistent with the purposes of the act, that programs were being carried out efficiently and that funds were distributed fairly.

Required LEAA to make an annual report to Congress, including such items as a summary of innovative programs, the number of programs approved and discontinued, a summary of evaluation procedures, and compliance with requirements to issue guidelines for drug abuse treatment programs in correctional institutions.

Required LEAA to earmark 19.15 per cent of all appropriations for juvenile delinquency programs.

CQ Senate Votes 400-406
Corresponding to Congressional Record Votes 408, 409, 410, 411, 412, 413, 414

	400	401	402	403	404	405	406
ALABAMA							
Allen	N	Y	Y	Y	Y	Y	Y
Sparkman	Y	Y	Y	Y	Y	Y	Y
ALASKA							
Gravel	Y	Y	Y	Y	Y	Y	Y
Stevens	Y	Y	Y	Y	Y	Y	Y
ARIZONA							
Fannin	N	Y	Y	Y	Y	Y	Y
Goldwater	?	?	?	?	?	?	?
ARKANSAS							
Bumpers	Y	?	?	?	?	?	?
McClellan	N	Y	Y	Y	Y	Y	Y
CALIFORNIA							
Cranston	?	?	?	?	?	?	?
Tunney	?	?	?	?	?	?	?
COLORADO							
Hart	?	?	?	?	?	?	?
Haskell	Y	Y	Y	Y	Y	Y	Y
CONNECTICUT							
Ribicoff	Y	Y	Y	Y	Y	Y	Y
Weicker	Y	Y	Y	Y	?	?	?
DELAWARE							
Biden	Y	Y	N	Y	Y	?	?
Roth	Y	Y	Y	Y	Y	Y	Y
FLORIDA							
Chiles	Y	Y	Y	Y	Y	Y	Y
Stone	Y	Y	Y	Y	Y	Y	Y
GEORGIA							
Nunn	N	Y	Y	Y	Y	Y	Y
Talmadge	N	Y	Y	Y	Y	Y	Y
HAWAII							
Inouye	Y	Y	Y	Y	Y	Y	Y
Fong	Y	?	?	Y	Y	Y	Y
IDAHO							
Church	Y	Y	Y	Y	Y	Y	Y
McClure	N	?	?	?	?	?	?
ILLINOIS							
Stevenson	Y	Y	Y	Y	?	Y	?
Percy	N	?	?	?	?	?	?
INDIANA							
Bayh	Y	N	?	Y	Y	Y	Y
Hartke	✓	?	?	?	?	?	?

	400	401	402	403	404	405	406
IOWA							
Clark	Y	Y	Y	Y	Y	Y	Y
Culver	Y	Y	Y	Y	Y	Y	?
KANSAS							
Dole			✓				
Pearson	Y	Y	Y	Y	Y	Y	Y
KENTUCKY							
Ford	Y	Y	Y	Y	Y	Y	Y
Huddleston	N	Y	Y	Y	Y	Y	Y
LOUISIANA							
Johnston	Y	Y	Y	Y	Y	Y	Y
Long	Y	Y	Y	Y	Y	Y	Y
MAINE							
Hathaway	Y	Y	Y	Y	✓	Y	Y
Muskie	Y	Y	Y	Y	Y	Y	Y
MARYLAND							
Beall	Y	Y	Y	Y	Y	Y	Y
Mathias	Y	Y	Y	Y	Y	Y	Y
MASSACHUSETTS							
Kennedy	Y	Y	Y	Y	Y	Y	?
Brooke	Y	Y	Y	Y	Y	Y	Y
MICHIGAN							
Hart	Y	Y	Y	Y	Y	Y	Y
Griffin	N	Y	?	?	?	?	?
MINNESOTA							
Humphrey	Y	Y	Y	Y	Y	Y	Y
Mondale	?	?	?	?	?	?	?
MISSISSIPPI							
Eastland	N	Y	Y	?	?	?	?
Stennis	N	?	?	?	?	?	?
MISSOURI							
Eagleton	Y	Y	Y	Y	Y	Y	Y
Symington	Y	Y	Y	Y	Y	Y	Y
MONTANA							
Mansfield	N	Y	Y	Y	Y	Y	Y
Metcalf	?	?	?	?	?	?	?
NEBRASKA							
Curtis	N	Y	?	?	?	?	Y
Hruska	N	Y	Y	Y	Y	Y	Y
NEVADA							
Cannon	X	Y	Y	Y	Y	Y	Y
Laxalt	N	Y	Y	?	?	?	?

	400	401	402	403	404	405	406
NEW HAMPSHIRE							
Durkin	Y	Y	Y	Y	Y	?	?
McIntyre	Y	Y	Y	Y	Y	Y	Y
NEW JERSEY							
Williams	Y	Y	Y	Y	Y	Y	Y
Case	Y	Y	Y	Y	Y	Y	Y
NEW MEXICO							
Montoya	?	?	?	?	?	?	?
Domenici	Y	Y	Y	Y	Y	Y	Y
NEW YORK							
*Buckley**	?	?	?	?	?	?	?
Javits	Y	Y	Y	Y	Y	Y	Y
NORTH CAROLINA							
Morgan	Y	Y	Y	Y	Y	Y	Y
Helms	N	Y	Y	Y	Y	Y	Y
NORTH DAKOTA							
Burdick	N	Y	Y	Y	Y	Y	Y
Young	N	Y	Y	Y	Y	?	Y
OHIO							
Glenn	Y	Y	Y	Y	Y	Y	Y
Taft	Y	?	?	?	↑	?	?
OKLAHOMA							
Bartlett	N	Y	Y	Y	Y	Y	Y
Bellmon	Y	Y	Y	Y	Y	Y	Y
OREGON							
Hatfield	Y	Y	Y	Y	Y	Y	Y
Packwood	Y	Y	Y	Y	Y	Y	Y
PENNSYLVANIA							
Schweiker	Y	Y	Y	Y	Y	?	?
Scott	?	?	?	?	?	?	?
RHODE ISLAND							
Pastore	Y	Y	Y	Y	Y	Y	↑
Pell	↑	↑	↑	↑	↑	↑	↑
SOUTH CAROLINA							
Hollings	Y	Y	Y	Y	Y	Y	Y
Thurmond	N	Y	Y	Y	Y	Y	Y
SOUTH DAKOTA							
Abourezk	Y	Y	Y	Y	Y	Y	Y
McGovern	Y	Y	Y	Y	Y	Y	Y
TENNESSEE							
Baker	N	?	?	?	?	?	?
Brock	Y	Y	Y	Y	Y	Y	Y

KEY

Y Voted for (yea)
✓ Paired for
↑ Announced for
N Voted against (nay)
X Paired against
- Announced against
P Voted "present"
• Voted "present" to avoid possible conflict of interest
? Did not vote or otherwise make a position known

	400	401	402	403	404	405	406
TEXAS							
Bentsen	N	Y	Y	Y	Y	Y	Y
Tower	N	Y	Y	Y	Y	Y	Y
UTAH							
Moss	Y	Y	Y	Y	Y	Y	Y
Garn	N	Y	Y	Y	Y	Y	Y
VERMONT							
Leahy	Y	Y	Y	Y	?	?	?
Stafford	Y	Y	Y	Y	Y	Y	Y
VIRGINIA							
Byrd**	N	Y	Y	Y	Y	Y	Y
Scott	N	Y	Y	Y	Y	Y	Y
WASHINGTON							
Jackson	Y	Y	Y	Y	Y	Y	Y
Magnuson	Y	Y	Y	Y	Y	Y	↑
WEST VIRGINIA							
Byrd	Y	Y	Y	Y	Y	Y	Y
Randolph	Y	Y	Y	Y	Y	Y	Y
WISCONSIN							
Nelson	Y	Y	Y	Y	Y	Y	?
Proxmire	Y	Y	Y	Y	Y	Y	Y
WYOMING							
McGee	Y	Y	Y	Y	Y	Y	Y
Hansen	N	Y	Y	Y	Y	Y	Y

Democrats *Republicans*

*Buckley elected as Conservative

**Byrd elected as Independent

400. S 2212. Law Enforcement Assistance Administration (LEAA) Authorization.—Bayh (D Ind.) amendment to earmark 19.15 per cent of the total funding for LEAA each year for the improvement of juvenile justice programs instead of 19.15 per cent of only the block grants (Part C) and correctional institutions grants (Part E) as recommended in the committee-reported bill. Adopted 61–27: R 19–16; D 42–11 (ND 33–2; SD 9–9), July 23, 1976. (*Story, p. 2077*)

CQ Senate Votes 407-414
Corresponding to Congressional Record Votes 415, 416, 417, 418, 419, 420, 421, 422

	407	408	409	410	411	412	413	414
ALABAMA								
Allen	Y	Y	N	N	Y	N	N	N
Sparkman	Y	Y	N	N	Y	N	N	N
ALASKA								
Gravel	Y	Y	N	N	Y	N	Y	N
Stevens	Y	Y	N	N	Y	N	N	Y
ARIZONA								
Fannin	Y	Y	N	N	Y	N	N	N
Goldwater	Y	Y	N	N	?	N	N	Y
ARKANSAS								
Bumpers	Y	Y	Y	Y	N	N	Y	Y
McClellan	Y	Y	Y	N	Y	N	N	N
CALIFORNIA								
Cranston	?	?	?	?	?	?	Y	Y
Tunney	?	?	?	?	?	?	?	?
COLORADO								
Hart	Y	Y	Y	Y	Y	Y	Y	Y
Haskell	?	Y	N	Y	Y	Y	Y	Y
CONNECTICUT								
Ribicoff	Y	Y	N	Y	Y	N	N	Y
Weicker	Y	Y	Y	Y	Y	Y	N	Y
DELAWARE								
Biden	Y	N	Y	Y	?	?	Y	Y
Roth	Y	Y	Y	Y	Y	N	Y	Y
FLORIDA								
Chiles	?	Y	Y	Y	Y	Y	N	N
Stone	Y	Y	Y	Y	Y	Y	Y	Y
GEORGIA								
Nunn	Y	Y	N	Y	Y	N	N	N
Talmadge	Y	Y	N	N	Y	N	N	N
HAWAII								
Inouye	?	?	N	N	Y	?	N	Y
Fong	Y	Y	N	N	Y	N	N	Y
IDAHO								
Church	Y	Y	N	Y	Y	Y	Y	Y
McClure	Y	Y	N	Y	Y	N	N	N
ILLINOIS								
Stevenson	↑	↑	Y	?	N	N	N	N
Percy	Y	Y	N	Y	Y	N	Y	Y
INDIANA								
Bayh	Y	Y	Y	Y	Y	N	Y	Y
Hartke	?	↑	?	?	?	?	Y	N

	407	408	409	410	411	412	413	414
IOWA								
Clark	Y	Y	Y	Y	Y	Y	Y	Y
Culver	Y	Y	Y	Y	Y	Y	Y	Y
KANSAS								
Dole	P	Y	N	Y	Y	N	N	N
Pearson	Y	Y	N	N	Y	N	N	N
KENTUCKY								
Ford	Y	Y	Y	Y	Y	Y	Y	Y
Huddleston	Y	Y	N	Y	Y	Y	Y	Y
LOUISIANA								
Johnston	Y	Y	N	N	Y	N	N	N
Long	Y	Y	N	N	Y	N	N	N
MAINE								
Hathaway	?	Y	Y	Y	Y	Y	Y	N
Muskie	?	Y	Y	Y	Y	Y	Y	N
MARYLAND								
Beall	Y	Y	N	?	?	?	N	N
Mathias	N	Y	?	?	?	N	Y	N
MASSACHUSETTS								
Kennedy	Y	Y	Y	Y	Y	Y	Y	N
Brooke	Y	Y	Y	Y	Y	N	Y	Y
MICHIGAN								
Hart	Y	Y	Y	Y	Y	Y	Y	N
Griffin	Y	Y	N	N	Y	N	?	Y
MINNESOTA								
Humphrey	Y	Y	Y	Y	Y	Y	N	N
Mondale	?	?	?	?	?	?	?	?
MISSISSIPPI								
Eastland	?	?	?	?	?	?	N	N
Stennis	Y	Y	?	✓	?	?	N	N
MISSOURI								
Eagleton	Y	Y	Y	Y	Y	Y	Y	N
Symington	Y	Y	?	Y	Y	?	Y	N
MONTANA								
Mansfield	Y	Y	Y	Y	Y	Y	Y	Y
Metcalf	?	?	?	?	?	?	?	?
NEBRASKA								
Curtis	Y	Y	N	N	Y	N	N	N
Hruska	Y	Y	N	N	Y	N	N	N
NEVADA								
Cannon	Y	Y	Y	Y	Y	N	N	N
Laxalt	Y	Y	N	N	Y	N	N	N

	407	408	409	410	411	412	413	414
NEW HAMPSHIRE								
Durkin	Y	Y	Y	Y	Y	Y	Y	Y
McIntyre	Y	Y	Y	Y	Y	Y	Y	Y
NEW JERSEY								
Williams	Y	Y	Y	Y	Y	Y	Y	Y
Case	Y	Y	Y	Y	N	Y	Y	Y
NEW MEXICO								
Montoya	?	?	N	Y	Y	N	N	Y
Domenici	Y	Y	N	Y	Y	?	?	N
NEW YORK								
*Buckley**	Y	Y	N	?	?	?	N	?
Javits	N	Y	Y	Y	Y	N	N	Y
NORTH CAROLINA								
Morgan	Y	Y	?	N	Y	?	N	Y
Helms	N	Y	N	N	Y	N	N	N
NORTH DAKOTA								
Burdick	Y	Y	Y	Y	Y	N	N	N
Young	Y	Y	N	N	Y	?	N	N
OHIO								
Glenn	Y	Y	Y	Y	Y	Y	N	Y
Taft	Y	Y	Y	N	Y	Y	N	N
OKLAHOMA								
Bartlett	N	Y	N	N	Y	N	N	N
Bellmon	Y	Y	N	N	Y	N	N	N
OREGON								
Hatfield	Y	Y	Y	Y	Y	N	Y	Y
Packwood	P	Y	N	Y	Y	N	Y	Y
PENNSYLVANIA								
Schweiker	Y	Y	Y	Y	N	N	N	Y
Scott	?	?	?	?	?	N	Y	
RHODE ISLAND								
Pastore	Y	Y	Y	Y	Y	N	N	
Pell	Y	Y	N	Y	Y	Y	N	
SOUTH CAROLINA								
Hollings	Y	Y	Y	Y	Y	N	N	Y
Thurmond	Y	Y	N	N	Y	N	N	N
SOUTH DAKOTA								
Abourezk	Y	Y	Y	Y	Y	Y	Y	Y
McGovern	Y	Y	Y	Y	?	?	Y	Y
TENNESSEE								
Baker	Y	Y	N	N	Y	N	N	Y
Brock	Y	Y	N	N	Y	N	N	N

KEY

Y Voted for (yea)
✓ Paired for
↑ Announced for
N Voted against (nay)
X Paired against
- Announced against
P Voted "present"
• Voted "present" to avoid possible conflict of interest
? Did not vote or otherwise make a position known

	407	408	409	410	411	412	413	414
TEXAS								
Bentsen	?	?	?	?	?	?	N	N
Tower	Y	Y	N	N	Y	N	?	N
UTAH								
Moss	Y	Y	Y	Y	Y	Y	Y	Y
Garn	Y	Y	N	N	Y	N	N	N
VERMONT								
Leahy	Y	Y	Y	Y	Y	Y	Y	Y
Stafford	Y	Y	Y	Y	Y	Y	Y	Y
VIRGINIA								
Byrd**	Y	Y	N	N	Y	N	N	N
Scott	Y	Y	?	N	N	N	N	N
WASHINGTON								
Jackson	Y	Y	Y	Y	Y	Y	Y	N
Magnuson	Y	Y	N	Y	Y	N	Y	Y
WEST VIRGINIA								
Byrd	Y	Y	Y	Y	Y	N	N	Y
Randolph	Y	Y	N	N	Y	N	N	N
WISCONSIN								
Nelson	Y	Y	Y	Y	Y	Y	Y	Y
Proxmire	Y	N	Y	Y	Y	Y	Y	Y
WYOMING								
McGee	Y	Y	Y	N	Y	N	N	N
Hansen	Y	Y	N	N	Y	N	N	N

Democrats *Republicans*

*Buckley elected as Conservative

**Byrd elected as Independent

407. S 2212. Law Enforcement Assistance Administration (LEAA) Authorization.—Byrd (D W.Va.) amendment to limit the Director of the Federal Bureau of Investigation to a single 10-year term. Adopted 81–4: R 33–4; D 48–0 (ND 33–0; SD 15–0), July 26, 1976. (*Story, p. 2077*)

408. S 2212. Law Enforcement Assistance Administration (LEAA) Authorization.—Passage of the bill to extend LEAA for five years, through fiscal 1981, with an authorization of $1-billion for fiscal 1977 and $1.1-billion for each of the remaining fiscal years. Passed 87–2: R 37–0; D 50–2 (ND 34–2; SD 16–0), July 26, 1976.

[From the Indianapolis Star, July 24, 1976]

BAYH JUVENILE CRIME PLAN PASSES SENATE

WASHINGTON.—The Senate yesterday gave 61-to-27 approval to a proposal by Senator Birch Bayh (D-Ind.) to proportion Federal crime-fighting funds for juvenile justice in the ratio of juvenile crime to the overall crime program.

The amendment was made part of the $5.4 billion five-year extension of the Law Enforcement Assistance Administration bill as it will emerge from the Senate.

[From the Indianapolis Star, July 22, 1976]

BAYH SEEKS FUNDS TO FIGHT YOUTH CRIME

WASHINGTON.—An amendment to insure that Federal crime-fighting funds are allocated in proportion to the seriousness of the juvenile crime problem was introduced yesterday by Senator Birch Bayh (D-Ind.).

Bayh, chairman of the Senate juvenile delinquency subcommittee, noted that more than half of all serious crimes are committed by young people and that that age group has the highest rate of recidivism of any age group. (Recidivism is return to crime after having been convicted and punished for a prevous offense.)

Bayh charged that the administration has "talked about fighting crime" but has "consistently fought congressional efforts to implement the program (which) the General Accounting Office has identified as the most cost-effective crime prevention we have."

He said the administration opposed implementing the anticrime program, but Congress succeeded in getting half the money for it that originally was authorized.

Bayh said that allocation of funds to combat juvenile crime should be reflected in every category of Law Enforcement Assistance Administration activity.

"If we are to tamper with the 1974 act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the program," Bayh said.

[From the Cincinnati Enquirer, July 24, 1976]

SENATE ATTACKS JUVENILE CRIME

WASHINGTON (AP).—The Senate voted Friday to put greater emphasis on teenage offenders in the government's multibillion-dollar program to aid state and local governments in fighting crime.

Sen. Birch Bayh (D-Ind.) said in urging this amendment to a bill to extend the Law Enforcement Assistance Administration for five years that about 30% of all serious crimes are committed by persons under 20 years of age.

He told the Senate that "if we are really serious" about attacking the rising crime rate, increased efforts must be directed at preventing juvenile delinquency and rehabilitating youthful offenders.

The effect of Bayh's amendment was to add $47 million in the current fiscal year to government funding for juvenile delinquency programs, to a total just short of $205 million.

The amendment was adopted 61–27.

Opponents argued that the real location of LEAA funds under Bayh's amendment would deprive other parts of the program to combat crime and improve the whole criminal justice system of a fair share.

The bill authorizes appropriations for LEAA of $1 billion in the first year and of $1.1 billion in each of the next four years.

However, Congress appropriated only $678 million for the current years, $322 million less than the bill authorizes.

Bayh's amendment requires allocation of $129.8 million in LEAA funds for juvenile programs on top of the $75 million that has been appropriated under the Juvenile Justice and Delinquency Prevention Act of 1974.

The 1974 act set up a separate program but funds provided under it are administered by the LEAA, a part of the Justice Department.

Sen. John McClellan (D-Ark.), floor manager of the bill, said Bayh's amendment did not increase the funds available to LEAA but simply decreased the amounts available for correction institutions, the courts, police training, drug abuse and other parts of the overall anti-crime program.

Final Senate action on the bill was put over until Monday after a dispute over an amendment by Sen. Robert Morgan (D-N.C.) to provide $10 million a year for three years for grants to the states to strengthen their anti-trust enforcement activities.

[From the Providence Bulletin, July 16, 1976]

JUDGES URGE MORE JUVENILE FUNDING

(By Stephen M. Baron)

PROVIDENCE.—More than 200 juvenile court judges from across the country expressed their support yesterday for a U.S. Senate amendment that would require spending $127 million to $140 million for the prevention of juvenile delinquency.

At their 39th annual convention at the Marriott Inn here, the National Council of Juvenile Court Judges also expressed "concern and dismay" with an independent Juvenile Justice Standards Commission that is trying, in the judges' words, to set standards that would "destroy" the present system of juvenile justice and replace it with a "junior criminal system."

Working through a number of resolutions in their crowded agenda, the judges also unanimously elected the first woman to serve as president of the organization, Judge Margaret C. Driscoll of Bridgeport, Conn.

The U.S. Senate amendment the judges resolved to support requires that 19 percent of all federal anti-crime money under the Law Enforcement Assistance Administration be spent on programs for juveniles.

"Everyone complains about delinquency," said Judge Edward V. Healey Jr. of Rhode Island Family Court. "It would seem appropriate to spend money when people are young so they won't grow up to become adult criminals," he said.

The appropriation for LEAA, as it now stands in the Senate, would set minimum spending in the area of delinquency prevention at $95 million, the judge said. The amendment to this measure, being sponsored by Sen. Birch Bayh, D-Ind., is to reach the Senate floor next week. Precise figures cannot be determined for either the present appropriation or the Bayh amendment because the final amount available to LEAA can always be changed by Congress, the judge explained.

The new standards for juvenile justice which angered many of the judges were set by the Commission on Juvenile Justice Standards of the American Bar Association's Institute for Judicial Administration.

Chief Judge Edward P. Gallogly of Rhode Island Family Court said many of his peers at the convention were upset that they were not allowed to offer their views on the changes while the commission was deliberating. Some judges are also concerned, he said, that juvenile court judges will not have sufficient time to respond to these proposed standards before the ABA's House of Delegates meets early next year to vote on the 21 volumes of proposals.

Some of the judges seemed less concerned with this, Gallogly said, because they believe the ABA will, so to speak, give the judges their day in court before acting on the recommendations. Even so, Gallogly said the standards, which have been completed, won't be back from the printer until November, giving the judges little time to look through the recommendations and form their responses before the ABA acts.

Some of the major recommendations likely to appear in the 21 volumes which did not meet with the convention's pleasure were: a call for the elimination of so-called "status offenders" from the jurisdiction of juvenile courts; a call for juvenile offenders to receive sentences based primarily on the seriousness of the

offense and not on a case-by-case review; and a call for juveniles to have the option of a trial by jury instead of a trial before a juvenile court judge.

Status offenders are those whose offenses would not be considered crimes in adult courts.

After some squabbling over how to word their resolution, the judges formally expressed their "apprehension" to the proposed standards. Gallogly's opposition to the proposals was:

Status offenders should remain within the judge's jurisdiction because that is the only way to make sure they get necessary treatment. He said, for example, that if youngsters deemed uncontrollable or wayward were removed from the jurisdiction of Family Court, the court would have no way of insuring that the youngsters are referred to an agency that could most help them.

If sentencing is based primarily on the seriousness of the crime juvenile court judges wouldn't be able to deal with youths on an individual basis. Thus, an 11-year-old who stole money might receive a sentence similar to that of a 16-year-old referred to the court for the same offense.

While a youngster might think he'd get a better shake with a jury, the judge has information available to him that would not be available to the jury, and so the judge can better decide what to do with the youth. This last argument of Gallogly's is particularly controversial since some believe that juveniles occasionally fall prey to judges whose decisions are arbitrary and not based on the kind of information Gallogly speaks of.

Others elected as officers of the judges' council were: James Byers of Green Bay, Wis., president-elect; Carl Gurnsey of Mississippi and William S. White, chief judge of the Chicago Juvenile Court, both vice-presidents; John F. Mendoza of Las Vegas, treasurer; and Jean Lewis of Portland, Ore., secretary.

[From the New York Times, July 25, 1976]

YOUTH CRIME PLAN VOTED

WASHINGTON, July 23 (AP).—The Senate voted today to require that an increased share of Law Enforcement Assistance Administration funds be spent to combat juvenile delinquency. The amendment, by Senator Birch Bayh, Democrat of Indiana, was adopted by a vote of 60 to 28 as the Senate debated for a second day a bill to extend the anticrime program for five years.

[From the Philadelphia Inquirer, July 24, 1976]

SENATE PASSES YOUTH CRIME FUND HIKE

WASHINGTON.—The Senate voted yesterday to require that an increased share of Law Enforcement Assistance Administration (LEAA) funds be spent on juvenile delinquency programs.

The amendment by Sen. Birch Bahy (D., Ind.) was adopted by a 60–28 vote as the Senate debate on a bill to extend the LEAA's anticrime program for five years went into its second day.

Bayh said that about half of all serious crimes were committed by persons under 20 years of age, and that programs to combat juvenile crime should have a greater prioritiy.

The effect of Bayh's amendment, in the current fiscal year, is to add $47 million to government funding for juvenile delinquency programs over the amount provided for in the bill.

Sen. Joseph R. Biden Jr. (D., Del.) said during opening debate that the LEAA was "an ineffective and wasteful agency which must be restructured."

[From the Terre Haute (Ind.) Tribune, June 30, 1976]

SENATE APPROVES BAYH AMENDMENT

WASHINGTON (UPI).—A Senate committee Thursday approved more than $72 million in amendments offered by Sen. Birch Bayh, D-Ind., to deal with runaway children, to combat health problems stemming from communicable diseases, rats and lead poisoning, and to acquire Indiana Dunes land, Bayh said.

The Appropriations Committee accepted a $3.8 million amendment for funding the Indiana Dunes National Lakeshore, for land acquisition, park operations and planning and construction. That was an increase of $1.6 million over the Administration's request, he said.

Bayh said his $60 million amendment to the Fiscal Year 1977 appropriations bill for a full-scale national attack against communicable diseases, ratborne diseases and lead poisoning was approved by the committee.

His $9 million amendment to implement the Runaway Youth Act also won acceptance, he said.

The health money will be used under the National Health Promotion and Disease Prevention Act of 1976 that became law Wednesday, Bayh said. The funds will be allocated as follows: $17.5 million for childhood immunizations, $11.5 million for rodent control programs, $2 million for grants for other disease control programs, $17 million for venereal disease control and $12 million for lead poisoning.

A significant proportion of Americans remain susceptible to these diseases, despite the fact that the means to conquer them exist, Bayh said.

The $9 million for the Runaway Youth Act will help operate temporary shelter care programs, provide counseling for runaways and their families and help in diverting young people from being criminals or victims of crime, he said.

The Dunes money allotment would be $2.5 million for land acquisition, $1 million for park operations and $346,000 for planning and construction, Bayh said.

About 25 per cent of the privately owned land within the Lakeshore boundaries still is to be bought, Bayh said.

The Bayh amendment also wrote into the committee report language designed to clarify the circumstances under which the National Park Service may acquire municipally owned land. It will allow the Park Service to buy municipal property that became publicly owned after inclusion within the Lakeshore's authorized boundaries and will let the Park Service participate in local tax delinquency sales.

The Park Service may acquire such property now only if it is donated.

[From the Criminal Justice Newsletter, July 5, 1976]

Congress Votes $753 Million for LEAA in FY 1977; Funding is $45 Million Over Administration Request

Congress on July 1 sent the President a bill appropriating $753 million for the Law Enforcement Assistance Administration in fiscal year 1977.

This figure, set by a conference committee on June 28, is about $57 million less than the current year's funding, but $45 million more than the Ford Administration's request for the next fiscal year, which begins on Oct. 1 [see table on page 2 and CJN bulletin of 1/21/76].

The key vote in the legislative deliberations came on June 18 when the House approved an amendment adding $138 million to the scant $600 million recommended by its Appropriations Committee.

On June 24, the Senate accepted the recommendations of its Appropriations Committee by voting $810 million for LEAA. The conference committee compromised on the figure of $753 million and the appropriations bill was passed in the House on June 30 and in the Senate on July 1.

Although LEAA avoided the deep budget cut advocated by the House Appropriations Committee, many grant recipients can still expect to feel the pinch next year. Because some of the money is earmarked, the amount available for Parts A–E grants will be $623 million, some $75 million less than was sought by the Administration for FY 1977, and $107 less than is available this year.

Juvenile Act.—Supporters of the Juvenile Justice and Delinquency Prevention Act won a major victory in conference committee when $75 million of the LEAA appropriation was earmarked for this purpose.

This represents a large boost from the current year's $40 million Juvenile Act appropriation. The Senate had gone into conference committee with Sen. Birch Bayh's figure of $100 million for the Juvenile Act, as compared to $40 million approved by the House. The Administration had sought only $10 million in new funding for this program.

Both chambers were in agreement on earmarking $40 million to continue the Law Enforcement Education Program next year. The Administration had again tried to terminate the LEEP.

A new item emerging from the conference committee was the earmarking of $15 million for a new LEAA Office of Community Anti-Crime Programs. This idea and amount were adopted from the pending House bill to reauthorize LEAA (CJN 5/24/76).

FISCAL 1977 LEAA APPROPRIATION

[In millions of dollars]

	Administration	House	Senate	Conference
LEAA total	708	738	810	753
Earmarked funds:				
1. Juvenile Act	10	40	100	75
2. LEEP		40	40	40
3. Community anticrime				15

The LEAA funding is part of the overall appropriation bill (H.R. 14239) for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies.

House Debate.—The sharpest debate on LEAA took place during House consideration of the amendment to add funds to the sum recommended by the Appropriations Committee. The amendment (CJN 6/21/76), cosponsored by Rep. Elizabeth Holtzman and Rep. Robert McClory, passed 176–95.

Rep. John M. Slack, chairman of the appropriations subcommittee which had set the $600 million figure, explained that his panel has "some grave concerns about the effectiveness of this program."

Also opposing the amendment, Rep. John Conyers, chairman of the oversight subcommittee for LEAA, commented: "If we are sending a message to LEAA, which has been very unresponsive to the Congress, it seems to me that it should be done not just in a report, but it should be done in a fiscal way."

But Rep. Holtzman said the Committee's recommendation would result in cuts of 33 to 49% in block grants to states and localities. "You do not improve a program by crippling its budget," she advised.

The pending reauthorization measure will suffice to correct some of the past failures of LEAA and to send the agency a "very clear signal" that Congress is dissatisfied with its performance, Rep. Holtzman stated.

Rep. McClory said, "There is no question that the cut by the Appropriations Committee will gut the LEAA program." He defended LEAA as the source of "the only funds available for innovative programs" in criminal justice.

Rep. Peter Rodino, chairman of the Judiciary Committee conceded that LEAA has serious shortcomings. "But it nonetheless, in some aspects at least, has been a step forward in the long and difficult battle against street crime," he concluded.

Lobbying Effective.—The criminal justice community was credited with some effective lobbying for the amendment. Rep. Joseph D. Early—who complained of pressure from district attorneys, sheriffs and police chiefs—charged that, "They are a vested interest group protecting everyone but the taxpaper."

Rep. Edward I. Koch, an LEAA supporter, called the roll of associations backing the amendment. Those groups represent governors, mayors, chief justices, county officials, attorneys general, public defenders, attorneys and others.

In the Senate, the LEAA funding provisions sailed through the floor debate unchallenged. The only comment on the program was from Sen. Roman L. Hruska who said: ". . . LEAA and programs funded under it are having a substantial and beneficial impact on all aspects of the criminal justice system."

Meanwhile, the LEAA reauthorization bills reported by each chamber's Judiciary Committees (CJN 5/24/76) were still awaiting floor action in both chambers last week.

For information, contact the Appropriations Committees in the House (Washington, DC 20515) and the Senate (DC 20510) and see the *Congressional Record* for 6/18/76 and 6/24/76.

SEPTEMBER 27, 1976.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: The purpose of this letter addressed to you as a conferee of S. 2122 is to flag three issues of substantial concern to the Department of Justice—the disproportionate earmarking of funds for juvenile justice to the

detriment of other important LEAA objectives, the requirement that the federal government develop prison standards and impose these standards on state and local governments and the Title II provisions requiring specific Congressional authorization for all Department of Justice appropriations.

The legislation passed by the House and Senate contains new and important initiatives, including those relating to courts, drugs, community programs, and crime against the elderly. Section 28 of the bill as passed by the Senate, however, contains a provision which would work to the detriment of these new initiatives and adversely alter the impact and direction of the LEAA effort.

The provision to which I refer would mandate that LEAA spend 19.15 percent of its total annual Crime Control Act appropriation for juvenile programs. This means that the Agency would have to spend nearly $130 million of its budget for this specific purpose, as opposed to $112 million required by current law. This sum is in addition to the $75 million appropriated for the Juvenile Justice and Delinquency Prevention Act for fiscal year 1977.

The overall LEAA appropriation has been reduced in recent years. During this same period, the percentage of the Agency's funds going to juvenile programs has increased due to a statutory earmarking of funds. Although one can sympathize with the general objectives of such earmarking, it must be realized that the practical effect is to reduce funds directed to other important criminal justice areas. It also erodes the block grant mechanism, which is the core of the LEAA concept, by forcing the federal government to instruct all states on how their funds must be spent. For obvious reasons, the states must retain the flexibility to determine their own priorities. I strongly urge the conferees to return to current law in this matter.

The second provision of concern is contained in Section 19 of the Senate version of S. 2212. It would require LEAA to develop minimally acceptable physical and service standards for the construction, improvement, and renovation of state and local correctional institutions and facilities funded by LEAA. Imposition by the federal government of such standards upon the states, I submit, is contrary to sound principles of federalism. Under current law, states and localities determine their own needs and priorities and adopt such standards as each jurisdiction deems appropriate. While LEAA and the National Clearinghouse for Criminal Justice Planning Architecture promulgate standards for correctional facilities and programs in each jurisdiction, these standards are not imposed on particular states. Because the House of Representatives apparently felt that this provision represented an unwarranted federal intrusion into local affairs, it was deleted from the House bill in the course of floor consideration of the measure. The Department of Justice urges adoption of the House version of S. 2122 in this respect.

Finally, I have substantial reservations about Title II of the House bill, which would require specific authorizations for all Department of Justice appropriations.

As the House Report (p. 16) suggests, this provision is designed to enhance oversight of the Department by the Judiciary Committee. I have expressed my strong personal interest in cooperating with the Committees toward that very end. But enactment of Title II could frustrate the achievement of the very purpose it is intended to accomplish. As you know, many Committees other than Judiciary have recently asserted authority over the conduct of the Department's affairs. Enactment of Title II will accelerate rather than diminish this phenomenon of multi-committee oversight of the Department.

Title II could also lead to undesirable politicization of Departmental activities. While Title II as now drafted is silent as to whether a single authorization bill or a series of authorization bills are contemplated, under either approach every authorization bill could invite a substantial number of floor amendments touching every aspect of Departmental activity. One need only contemplate any one of the more controversial problems of contemporary law enforcement to imagine the untoward possibilities that could arise whenever a Department of Justice authorization bill is on the floor. By way of simple example, each Department of Justice authorization bill could become a vehicle for piecemeal amendments to the Federal Criminal Code. Such a result surely cannot be contemplated with equanimity by the Congress.

Finally, Title II is unclear as to the limitations it intends in respect to essentially discretionary Executive decision-making. To take but one example: during 1975 I felt it necessary to establish the Office of Professional Responsibility, headed by a Special Counsel reporting directly to me or the Deputy Attorney General, to investigate allegations of impropriety against employees of the De-

partment. Does Title II contemplate that a similar future act by an Attorney General would require specific Congressional authorization before it can be undertaken? If every shift of manpower or financial resources were to require a preliminary authorization, then important, effective management actions almost surely will be delayed—and often with consequences harmful to good government.

There are, I believe, other ways to improve the quality and sufficiency of oversight by the Judiciary Committees short of embracing the concept of specific authorizations. This concept which borders on an infringement of both the letter and the spirit of the doctrine of separation of powers has not been the subject of hearings. Special problems other than those mentioned above should be explored before a universal authorization scheme is adopted for the Department. Thus, I respectfully request the Conference Committee to postpone the enactment of Title II at this time, pending hearings in the next Congress. Such hearings may, in fact, demonstrate the need for further Congressional oversight. Hopefully, a form of oversight can be agreed upon that will be less cumbersome and less costly than Title II. At such hearing or hearings, you can be assured of full cooperation by me and the Department for a solution that will enhance the special relationship that has traditionally existed between the Judiciary Committees and the Department of Justice.

Sincerely,

EDWARD H. LEVI, *Attorney General.*

NEWS RELEASE FROM SENATOR BIRCH BAYH, SEPT. 29, 1976

WASHINGTON, D.C., September 29.—Senator Birch Bayh (D.-Ind.) charged President Ford with engaging in "the highest degree of hypocrisy" by stressing the need to address the escalation of juvenile crime in a speech to the National Association of Chiefs of Police while at the same time urging House-Senate conferees on the LEAA bill to reject provisions placing a priority on juvenile crime.

"The failure of President Ford, like his predecessor, to deal with juvenile crime and his insistent stifling of an Act designed to curb this escalating phenomenon is the Achilles' heel of the Administration's approach to crime," Bayh said.

Bayh made his remarks in a statement on the decision by House-Senate Conferees to include a provision to require that 20 percent of Law Enforcement Assistance Administration dollars be devoted to juvenile crime prevention programs.

Bayh said that although youngsters from ages 10 to 17 account for only 16 percent of the population they account for fully 45 percent of all persons arrested for serious crimes and more than 60 percent of all criminal arrests are of people 22 years of age or younger.

Bayh said the Juvenile Justice Act of 1974 was designed to make juvenile crime and delinquency prevention a top federal priority, but the Ford Administration, he charged, has "repeatedly opposed its implementation and funding and worked to repeal its significant provisions and to dilute this bipartisan crime program."

[Excerpt From the Congressional Record, Sept. 29, 1976]

CONFEREES OVERIDE FORD: REAFFIRM SENATE JUVENILE CRIME PRIORITY

Mr. BAYH. Mr. President, on July 23, 1976, this body rejected a Ford administration proposal and a compromise proposal designed to repeal and dilute key provisions of the Juvenile Justice and Delinquency Prevention Act of 1974. Instead my colleagues, by a vote of 61 to 27, voted to reaffirm our bipartisan congressional commitment to retaining juvenile crime prevention as the Federal crime priority. I am especially pleased to announce that the House-Senate conferees (S. 2212) rejected a last-ditch effort by the administration to diminish juvenile crime programs and have reaffirmed and adopted the Senate approach. I commend Senator McClellan for his dedicated advocacy of the Senate position, as well as our other colleagues, including Senators Hruska and Kennedy, who collectively labored with Chairman Rodino and his House conferees.

Five years of hearings in Washington and throughout the country by my Subcommittee to Investigate Juvenile Delinquency have led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

We are all too aware of the limited alternatives available to juvenile court judges when confronted with the decision of what to do with a case involving an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment which helped create the problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious, multiple offenders where the youth will invariably emerge only to escalate the level of violations into more serious criminal behavior.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

We can trace at least part of this unequal distribution of crime to the idleness of so many of our children.

The rate of unemployment among teenagers is at a record high and among minority teenagers it is an incredible 50 percent. Teenagers are at the bottom rung of the empolyment ladder, in hard times they are the most expendable.

We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom. This is not a city problem or a regional problem. Teenage crime in rural areas has reached scandalous levels. It takes an unusual boy or girl to resist all the temptations of getting into trouble when there is no constructive alternative.

But it is not solely the unemployment of teenagers that has contributed to social turmoil. The unemployment of parents deprives a family not only of income but contributes to serious instability in American households which, in turn, has serious implications for the juvenile justice system. Defiance of parental authority, truancy, and the problem of runaways are made materially worse by national economic problems. And it is here that we must confront the dismal fact that almost 40 percent of all the children caught up in the juvenile justice system today fall into the category known as the "status offender"—young people who have not violated the criminal law.

Yet these children—70 percent of them young women—often end up in institutions with both juvenile offenders and hardened adult criminals.

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

To assist State and local governments, private and public organizations in an effort to fill these critical gaps by providing adequate alternatives, the Congress overwhelmingly approved and President Ford signed into law the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. This legislation, which I authored, is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate, 88 to 1, and House, 329 to 20, to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration—LEAA—of the Department of Justice, must assist those public and private agencies who use prevention methods in dealing with juvenile offeders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have

committed no criminal act—status offenders, such as runaways—are not jailed, but dealt with in a healthy and more appropriate manner.

Thus, the Juvenile Justice Act was designed to make juvenile crime and delinquency prevention a top Federal priority. With its implementation we will have a clear opportunity to reduce the size of the next generation of hardened criminals. There will be, however, no immediate impact in this regard. Thus, we must deal now with the legitimate concerns about youth and others who have shown by their conduct that they are beyond any reasonable expectation of rehabilitation. We must prefer prevention to rehabilitation, but with some we will have little choice.

My program vigorously pursues alternatives that will enable local communities to deal effectively with the problems of young people in trouble at a point when it is still possible to prevent problems of the home, school, and the community from escalating to the point that they result in serious criminal activity.

As we emphasize prevention and rehabilitation, however, we must also realize that rehabilitation is not always possible. Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those dangerous youths, especially serious repeat offenders, who cannot be handled by other alternatives.

This program has helped to cut the bureaucratic redtape that, in the past, strangled local community initiatives. One basic problem in this area was the total lack of proper coordination and management. We found that there were several dozen separate and independent Federal agencies and bureaus supposedly dealing with the problems of young people in trouble and juvenile crime. If a sheriff or chief of police or mayor or youth services director sought help from a Congressman's or Senator's office as to where they could go for assistance to fight juvenile crime in their communities, they needed a road map of the Washington bureaucracy.

One of the major steps we took in the Juvenile Justice Act was to establish one place in the Federal Government to meet these needs. We established a separate assistant administrator position in LEAA and, for the first time, placed authority in this one office for mobilizing the forces of Government to develop a new juvenile crime prevention program and to coordinate all other Federal juvenile crime efforts. That responsibility now rests in one clearly identified office, headed by a Presidential appointment, with advice and consent of this body.

In the management area, we made progress by eliminating wasteful duplication and directing that all resources be harnessed to deal more effectively with juvenile crime. We provided that no Federal programs undermine or complete with the efforts of private agencies helping youths in trouble and their families.

An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year obstensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions.

Despite continued stifled Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, when we had obtained, over strong administration opposition, 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration renewed its efforts to prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would have repealed the vital maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the Ford administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration sought to repeal in their original version of S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue, is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the Judiciary Committee. This new Ford proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of doubletalk for the better part of a decade which is in part responsible for the annual recordbreaking double-digit escalation of serious crime in this country.

The Ford administration has responded at best with marked indifference to the 1974 act. The President has repeatedly opposed its implimentation and funding and worked first to repeal its significant provisions and until yesterday to dilute this bipartisan crime program. This dismal record of performance is graphically documented in the subcommittee's 526-page volume, the "Ford Administration Stifles Juvenile Justice Program."

The failure of President Ford, like his predecessor, to deal with juvenile crime and his insistent stifling of an act designed to curb this escalating phenomenon is the Achilles' heel of the administration's approach to crime.

The President's widely reported remarks before the National Association of Chiefs of Police, in Miami Beach, on Monday, in which he stressed the need to address the escalation of juvenile crime represents the highest degree of hypocrisy yet simultaneously his approach is one of consistency, for even as the President delivered his headline-making remarks, at White House direction the Attorney General at the 11th hour hand-delivered a letter on behalf of the President again urging the House-Senate conferees on the LEAA bill to reject the Senate's priority on juvenile crime.

I am pleased that the conferees saw through the inconsistent; obstructive Ford rhetoric on juvenile crime, found it unacceptable, and rejected it; just as I am certain that the American people will.

Mr. President, if I were not a realist, I would be ashamed to invest only 20 percent of the LEAA dollars in this area when 50 percent of the serious crime is attributable to young people. This year, with strident White House opposition, however, I believe the best we can do is to require, as the conference bill does, that each LEAA budget component allocate at least one-fifth of its appropriation for juvenile crime prevention programs.

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution, no magic wand or panacea, to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches—$15 billion last year, while we witnessed a record 17-percent increase in crime—must stop.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, or fear for the lack of personal security and the tremendous waste in human resources.

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

I am pleased that the conferees acted consistent with our dedication to the conviction that juvenile crime prevention must be the priority of the Federal crime program. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my party's national platform. My amendment which the conferees adopted will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system and thus the protection of our communities; and when coupled with the appropriations obtained from the new Office of Juvenile Justice and Delinquency Prevention—$75 million for fiscal year 1977—and when, as intended by Congress, the Assistant Administrator of that Office is delegated rightful statutory authority, as provided in section 527 of the 1974 act, to administer or direct all LEAA juvenile programs—then we can truly say that we have begun to address crime's cornerstone in this country—juvenile crime and violence.

[From the Indianapolis Star, Sept. 30, 1976]

Bayh Blasts Ford's "2-Sided" Approach to Juvenile Crime

Washington, D.C.—United States Senator Birch E. Bayh (D-Ind.) charged hypocrisy to President Ford yesterday for his speech to the nation's police chiefs stressing the need to deal with rising juvenile crime.

Bayh said at the same time Mr. Ford was talking to the National Association of Chiefs of Police, he was urging House-Senate conferees on the Law Enforcement Assistance Administration bill to reject provisions giving juvenile crime priority treatment.

"The failure of President Ford, like his predecessor, to deal with juvenile crime and his insistent stifling of an act designed to curb this escalating phenomenon is the Achilles heel of the administration's approach to crime," Bayh said.

In another action, Bayh wrote Attorney General Edward Levi to seek early action in dealing with violence and vandalism in schools.

He said LEAA officials assured his juvenile delinquency subcommittee in May that they would be announcing initiatives in the school violence and vandalism area in "the very near future."

"As of today," Bayh told Levi, "there have been no announcements and very little initiative."

He said he hoped his letter to Levi might generate some interest and concern on the part of the Executive Branch to move ahead with a solution to the problems.

Part 9—Juvenile Justice Standards

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
(P.L. 93-415)—SEPTEMBER 7, 1974

Sections 208(e) and 247 relating to the development of standards for juvenile justice

DUTIES OF THE ADVISORY COMMITTEE

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Pr vention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

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

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

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

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

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

JUVENILE DELINQUENCY ANNUAL REPORT, 1975—S. REPT. 94–1061, 94TH CONGRESS, 2D SESSION, SUBMITTED BY SENATOR BAYH, AUGUST 4, 1976

E. JUVENILE JUSTICE STANDARDS AND BILL OF RIGHTS FOR CHILDREN

The Subcommittee continued its work regarding the development of standards that will help assure that juveniles are truly guaranteed justice. Also that our communities are protected from the few youths who engage in repetitive activity threatening to life and limb of our citizens. Section 24(a) of the Juvenile Justice and Delinquency Prevention Act (P.L. 93–415) requires that recommendations of standards for the administration of juvenile justice at the Federal, State and local level be made to the Congress. The Subcommittee staff intends to work with the staff of the National Institute for Juvenile Justice and Delinquency Prevention, the Advisory Committee on Standards for Juvenile Justice and the ABA–IJA Juvenile Justice Standards Project during the coming year. In conjunction with the development of standards, the staff has been exploring the development of a model bill of rights for children.

Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice

September 6, 1975

Submitted pursuant to Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)

Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice

Allen F. Breed, Director, The Department of the California Youth Authority

Richard C. Clement, Chief of Police, Dover Township (New Jersey) Police Department

Alyce Gullattee, Assistant Professor of Psychiatry and Family Planning, Howard University, Washington, D.C.

A.V. Eric McFadden, Former Special Assistant to the Mayor of the City of Boston

Wilfred W. Nuernberger, Judge of the Separate Juvenile Court of Lancaster County, Neb.

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

To the President and to the Congress of the United States

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

This report was prepared pursuant to the provisions of Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)(JJDP Act).

The JJDP Act created a Federal program to combat delinquency and to improve juvenile justice. It delegated responsibility for administering the program to the Law Enforcement Assistance Administration (LEAA). The Act also created the National Advisory Committee on Juvenile Justice and Delinquency Prevention and the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (Standards Committee).

This report describes the activities of the Standards Committee to date. It presents the Committee's initial recommendations, discusses the Committee's determinations regarding the purpose and scope of the standards to be recommended, and the relationship of these standards to other sets of juvenile justice standards. It also discusses the range of possible implementation strategies, the process to be used in developing the standards and strategies to be recommended, and the schedule of further Standards Committee reports.

The work of the Standards Committee coincides with the growing interest throughout the country in formulating appropriate standards and guidelines for all aspects of the juvenile and criminal justice system. LEAA has been able to play a significant role in encouraging this interest by providing support for the National Advisory Commission on Criminal Justice Standards and Goals which in 1973 produced a series of six reports that have been disseminated widely, by establishing the National Advisory Committee on Criminal Justice Standards and Goals to carry on the Commission's work in areas not covered in the original set of reports, and by supporting with discretionary grants the 48 States that are in the process of developing standards and goals designed to meet the needs of their own criminal justice systems.

The new perspectives and ideas which result from these efforts can provide a substantial contribution toward strengthening and improving law enforcement and the juvenile and criminal justice systems.

Respectfully submitted,

Richard W. Velde

RICHARD W. VELDE
Administrator
Law Enforcement Assistance Administration

September 6, 1975

TABLE OF CONTENTS

NOTE TO READER

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

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

The Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law No. 93-415)(JJDP Act) established a major new Federal initiative to combat juvenile delinquency and to improve juvenile justice, including coordination, training, technical assistance, and action and research grant programs. The Law Enforcement Assistance Administration (LEAA) was given responsibility for administering these programs, and a new Office of Juvenile Justice and Delinquency Prevention and National Institute for Juvenile Justice and Delinquency Prevention (Juvenile Institute) were created within LEAA. The JJDP Act also established a National Advisory Committee on Juvenile Justice and Delinquency Prevention and directed the Chairman of that Committee to designate five members to serve as the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (Standards Committee).

Under Section 247 of the JJDP Act, the Standards Committee is required to supervise the review of "existing reports, data, and standards relating to the juvenile justice system" by the Juvenile Institute

and to submit to the President and the Congress by September 6, 1975 -- one year after the signing of the JJDP Act:

> [A] report which based on recommended standards for the administration of juvenile justice at the Federal, State and local level --
>
> 1. recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and
>
> 2. recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

Accordingly, this report:

A. Describes the Standards Committee's activities to date.

B. Discusses the actions which the Standards Committee has concluded are necessary for the development and implementation process.

C. Presents the Standards Committee's determinations regarding:

   -- The purpose of the standards.

   -- The scope of the standards.

   -- Their relationship to other sets of standards.

   -- The range of possible implementation strategies.

-- The process of developing the standards and recommendations.

-- The schedule of Standards Committee reports.

Appended to the Report are three attachments: the tentative outline of topics which tne standards will address, the approximate date and projected focus of Standards Committee meetings during the standards development process, and a brief summary of existing juvenile standards and the status of other standards-setting efforts.

Activities:

The National Advisory Committee on Juvenile Justice and Delinquency Prevention from which the Standards Committee is drawn, was appointed on March 19, 1975. The Standards Committee met for the first time as a body on July 18, 1975, soon after the formal organization of the Juvenile Institute and the formation of a small standards development staff. At that meeting and at a subsequent session on August 25, 1975, the Standards Committee discussed the purpose and scope of the standards and implementation strategies to be recommended; their relation to the standards, guides and policy recommendations which had been and are being promulgated by other groups; the progress of current juvenile justice standards efforts,

especially that by the National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention and that by the Institute for Judicial Administration-American Bar Association (IJA-ABA) Joint Commission on Standards; the procedures to be followed in developing the standards and recommendations; and the available mechanisms for assuring opportunities for public comment on draft standards and recommendations.

Recommendations:

On the basis of these discussions and pursuant to its duty under Section 247(b)(1) of the JJDP Act, the Standards Committee recommends that the standards review and recommendation process not terminate on September 6, 1975, but become an on-going function of the National Institute for Juvenile Justice and Delinquency Prevention and the Standards Committee, including not only the development of standards and recommended implementation strategies, but also the monitoring of the implementation effort, the assessment of the effects and costs of the standards, and modification of the standards and recommendations where necessary in light of this assessment and additional research findings.

Authority for this on-going role is implied in §204(b)(5) which requires the Administrator to include recommendations for standards and their implementation in his annual report to the President and Congress, and §208(e) which does not place a time limit on the existence of the Standards Committee.* See also §204(d)(2) which specifies that the second annual report shall contain the information required by §204(b)(5) plus additional materials.

Determinations:

Purpose of the standards. By delineating the functions which juvenile justice and delinquency prevention systems should perform and the resources, programs, and procedures required to fulfill those functions, the Standards Committee seeks to improve the quality and fairness of juvenile justice and the effectiveness of delinquency prevention throughout the United States.

Scope of the Standards. The standards will cover the full range of interrelated criminal justice, treatment, educational, health and

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*Even if the term of the Standards Committee were limited under §208(e), paragraph (c) of that section empowers the Chairman of the full NACJJDP to "designate a subcommittee to advise the Administrator on particular functions or aspects of the work of the Administration."

social service activities affecting youth. To the extent practicable, these will be organized so that groups and agencies performing similar functions will be governed by the same set of principles. See Attachment I.

Relationship to other standards. As demonstrated in Attachment III, there are a myriad of existing reports and standards concerning juvenile justice. These materials are being compiled, divided according to subject matter, and examined in conjunction with the work of the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention. The resulting comparative analysis will serve as the basis for the standards which the Task Force is scheduled to recommend by mid-1976, and will be distributed by the Juvenile Institute upon its completion.

In addition to the existing standards and those being developed by the Task Force, more than 30 reporters, including many of this country's leading academic experts in juvenile justice and delinquency prevention, are preparing standards and reports for consideration by the IJA-ABA Joint Commission. Those standards that are approved by the Joint Commission will be published over the next 10 months and considered by the American Bar Association House of Delegates in August, 1976.

Also, forty-eight states are developing their own criminal justice standards and goals. At least 24 of these states (e.g., Connecticut, Illinois, Kentucky, Michigan, Pennsylvania, Washington and Wisconsin) have selected juvenile justice as an area of special concern, and more than a dozen have already begun to establish specific juvenile justice goals.

Whenever possible the Standards Committee will take advantage of the creative thinking of the IJA-ABA Joint Commission, the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention and the other standards-setting projects, by endorsing selected standards developed by those efforts, rather than formulating a wholly new set of prescriptions.

Implementation Strategies. A broad range of techniques for facilitating adoption of the recommended standards will also be examined, including the use of:

A. Block grant funds to develop state juvenile justice and delinquency prevention standards.

B. Discretionary and research grant programs to provide the funds and knowledge necessary to implement the recommended standards and to evaluate their impact and costs.

C. Regulations and guidelines requiring compliance with certain recommended standards in order to be eligible to receive federal funds.

D. Federal and state statutes, executive orders and regulations for implementing the recommended standards for the federal and state and local juvenile justice and delinquency prevention systems respectively, and for improving coordination and cooperation at all levels of government.

E. Public education programs concerning juvenile justice and delinquency prevention issues.

Schedule of meetings and hearings. The Standards Committee will meet at six week intervals until the standards development process has been completed. See Attachment II for the approximate date of each meeting. To further ensure that the full spectrum of ideas has been examined and that the ramifications of the recommendations are known, proposed standards will be announced in the Federal Register and time will be set aside at several of these meetings for hearings at which representatives of concerned programs, organizations and agencies, as well as members of the public, can comment and discuss their concerns and suggestions with the Standards Committee.

Schedule of reports. An interim report will be submitted by March, 1976, describing the additional progress which the Standards Committee has made toward meeting its objectives. The first set of

standards and recommendations will be delivered by September 30, 1976. The remainder will be submitted by March 31, 1977. Further reports will be submitted annually on or about September 30, and will discuss the progress of the standards implementation effort, the impact of the standards, and when needed, recommendations for additional or modified standards and actions to facilitate their adoption.

Conclusion:

The Standards Committee understands the importance and enormity of the tasks assigned to it by the JJDP Act and concurs with the findings of the Congress regarding the seriousness of the problems facing the juvenile justice and delinquency prevention systems. It believes that by following the above-recommended procedures and by working closely with the other groups and organizations developing standards, it can accomplish those tasks, and that with continued strong support from the Congress, the President and LEAA, the seriousness of the problems can be lessened.

Respectfully submitted,

Allen F. Breed

Richard C. Clement

Alyce C. Gullattee

A. V. Eric McFadden

Wilfred W. Nuernberger

ATTACHMENT I

Tentative Outline of JJDP Act Standards

I. Prevention Function

A. Strategies to reduce the incidence of crime

1. Identification of high-delinquency areas

2. Measures for deflecting and/or preventing crime

a. For the individual

b. For business

c. For government

B. Strategies to encourage law-abiding conduct

1. Educational

2. Employment

3. Social

4. Health

5. Community

6. Recreation

C. Coordination of prevention efforts

II. The Intercession Function

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

1. Commission of criminal act

2. Non-criminal misbehavior
    a. At home
    b. At school
    c. Elsewhere
3. Dependency, neglect, and abuse situations
4. At the request of the child

B. The role of the police
1. With regard to criminal acts by juveniles
2. With regard to non-criminal misbehavior by juveniles
3. With regard to juveniles
    a. Who have been the victim of a criminal act
    b. Who have been neglected or abused

C. Organization of police relating to juveniles
1. Separate juvenile bureau
2. Personnel
    a. Duties
    b. Qualifications
    c. Staffing patterns

D. Non-custodial procedures after intercession
1. On the spot counseling
2. Voluntary transportation to residence

E. Custodial procedures after intercession

1. Referral to the courts

a. Citation

b. Arrest

c. Intake procedures

d. Detention

e. Diversion

2. Referral to service agencies

3. Return to School

4. Involuntary return home

F. Rights of juveniles upon intercession

III. Adjudicative Function

A. The courts

1. Jurisdiction

a. Delinquency

b. Non-criminal Behavior

c. Traffic offenses

d. Dependency, neglect, and abuse

e. Domestic relations

f. Adoption

g. Maximum and minimum age

h. Length of jurisdiction

i. Waiver

2. Organization
    a. Relationship to other local courts
    b. Tenure of juvenile or family court judge
    c. Judicial oversight or probation and intake personnel
    d. Judicial qualifications and selection
3. Pre-hearing procedures
    a. Petition
    b. Plea motions
    c. Discovery
    d. Plea bargaining
4. Hearing procedures
    a. Closed hearing
    b. Finder of fact
    c. Standard of proof
5. Role of counsel
    a. For the state
    b. For the child
    c. For the parent
6. Disposition procedures
    a. Decision-maker
    b. Information base
    c. Modification of disposition

7. Dispositional alternatives
    a. Total confinement
    b. Partial confinement
    c. Probation
    d. Referral to service agency
8. Review procedures
    a. Appeals
    b. Other post-conviction remedies
9. Rights accorded to juveniles

B. Other adjudicative bodies
1. Definition
    a. In correctional programs
    b. In the schools
    c. In social service agencies
2. Powers
3. Procedures

IV. Supervisory Function
A. Custodial programs
1. Definitions
    a. Training school
    b. Group home
    c. Halfway house
    d. Foster home

CONTINUED

18 OF 19

2. Personnel
    a. Duties
    b. Qualifications
    c. Staffing patterns
3. Physical conditions and facilities
4. Services available
    a. Educational
    b. Social services
    c. Health services
    d. Vocational
    e. Recreational
5. Disciplinary alternatives
    a. Corporal punishment
    b. Loss of privileges
    c. Transfer to more secure facility
    d. Referral to court
6. Transfer to non-custodial or termination of supervision

B. Non-custodial programs
1. Definitions
    a. Probation
    b. Parole
    c. Diversion

2. Personnel
    a. Duties
    b. Qualification
    c. Staffing pattern
3. Services available
    a. Educational
    b. Social services
    c. Health services
    d. Vocational
4. Disciplinary measures available
    a. Reduction of privileges
    b. Transfer to custodial supervision

C. Rights of juveniles under supervision

D. Coordination of supervisory programs

V. Services Function

A. Ability of child to obtain services

B. Health/mental health

1. Availability of preventative and diagnostic facilities
    a. In the community
    b. In the schools
    c. In custodial facilities
2. Availability of drug/alcohol treatment and education facilities

a. In the community

b. In the schools

c. In custodial facilities

3. Availability of child abuse treatment and corrective facilities

4. Availability of birth control information centers

C. Social

1. Availability of individual and family counseling facilities

2. Responsibility

a. To the child

b. To the family

c. To the court

3. Availability of employment counseling and training facilities

D. Personnel

1. Qualifications

2. Staff level

E. Availability of facilities for children with special mental, emotional and physical needs

VI. Educational Function

A. Responsibility of the schools

1. Toward children with special needs

2. Toward children involved with the juvenile justice system

3. Toward preparing children for work
4. Toward preparing children for family life

B. Education in training schools
1. Emphasis
2. Special problems
3. Level of compulsion

C. Community education programs

D. Regulation of student conduct by school authorities

E. Truancy related problems

VII. Administrative Function

A. Responsibility
1. Of federal government
2. Of state government
3. Of local government

B. Coordination of programs and agencies

C. Planning

D. Research and evaluation

E. Training
1. Of police
2. Of judges
3. Of supervisory personnel
4. Of services personnel
5. Of educational personnel

6. Initial and continuing

F. Records pertaining to juveniles

1. Records required

2. Access and transfer

3. Coding, retention, and expungement

ATTACHMENT II

Schedule of Meetings
of the Advisory Committee to the
Administrator on Standards for the
Administration of Juvenile Justice

Date	Projected Agenda
October 29-30, 1975	Intercession Function §A Administrative Function §A (3) Adjudication Function §§A(1) and (2)
December 11-12, 1975	Adjudication Function §§A (3) - (9) and §B
January 29-30, 1976*+	Prevention Function §§A and B
March 11-12, 1976+	Prevention Function §§B and C Education Function
April 29-30, 1976*+	Supervisory Function §§A and B
June 10-11, 1976+	Supervisory Function §§C-D Intercession Function §§B-F
July 29-30, 1976*+	Discussion Meeting with NACJJDP
September 16-17, 1976+	Intercession Function §§E-F Services Function §§A-C
October 28-29, 1976*+	Services Function §§D-E Administrative Function §§A-E
December 9-10, 1976+	Administrative Function §F Editing Monitoring Plan
January 28-29, 1977*+	Discussion Meeting with NACJJDP

* Meetings held in conjunction with meetings of the National Advisory Committee on Juvenile Justice and Delinquency Prevention

+ Approximate meeting date

ATTACHMENT III

Summary of Existing Standards and the Status of Other Standards Efforts

During the past 10 years a substantial number of juvenile justice standards, models and guidelines have been published. The purpose of this summary is to identify some of the materials which the National Institute for Juvenile Justice and Delinquency Prevention will review pursuant to §247(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, and to provide a brief description of the status of other juvenile justice standards-setting efforts currently underway at both the state and national level. The summary is not intended to be an exhaustive bibliography of standards materials and failure to list any set of standards does not indicate a determination to ignore the views expressed therein.

I. Existing National Standards

A. National Commissions and Conferences

Both the President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals recommended standards relating to juvenile justice and delinquency prevention. Chapter 3 of the Challenge of Crime in a Free Society, the

President's Commission's general report issued in 1967, and a Task Force Report issued by the Commission later that year, focus directly on juvenile justice and delinquency prevention issues. The Standards and Goals Commission did not devote a separate volume to the juvenile area, but included standards concerning juvenile justice procedures and problems throughout its reports. These have been compiled by the Interdepartmental Council to Coordinate All Federal Delinquency Programs.

In addition to the reports of these two commissions, the White House Conference on Children and Youth issued specific recommendations concerning juvenile justice and delinquency prevention.

B. National Organizations

Several national organizations have developed extensive sets of standards. Some like the American Bar Association have focused up to now on the criminal justice system in general. See ABA, The Administration of Criminal Justice (1974);

American Correctional Association, Manual of Correctional Standards (1966). Others, such as the International Association of Chiefs of Police, the National Council of Juvenile Court Judges, the National Council on Crime and Delinquency, the National Council of Jewish Women, and the Child Welfare League have promulgated standards and recommendations on specific youth related problems. See e.g., Kobetz, R. and Bossarge, B., Juvenile Justice Administration (I.A.C.P. 1973); Children's Rights (N.C.J.W., 1973); and Standards for Child Protective Service (C.W.L., Rev. 1973).

C. Federal Legislation and Model Provisions

Portions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415) set standards for the treatment of status offenders and for juveniles subject to prosecution in the Federal courts. See §§223(a)(12)-(15) and 5031 et seq. The regulations and guidelines promulgated under §§225 and 401 also require attention.

In addition, there are several model statutes including the Model Act for Family Courts and State-Local

Children's Programs (Department of Health, Education, and Welfare, 1975), the Standard Juvenile Court Act (National Council on Crime and Delinquency and National Council of Juvenile Court Judges, 1959) which is now being revised, and the Uniform Juvenile Court Act and Uniform Child Custody Jurisdiction Act (National Conference of Commissioners on Uniform State Laws, 1968). See also Model Rules for Juvenile Courts (N.C.C.D. and N.C.J.C.J., 1969).

II. Existing State Standards

A. State Agencies, Commissions and Organizations

A few states such as Illinois, Texas and Oklahoma began developing juvenile justice standards prior to the beginning of LEAA's formal standards and goals program in late 1973. See e.g., Oklahoma Council on Juvenile Delinquency Planning, Summary of Recommendations (1971). Standards and policy recommendations have also been issued by such state organizations and agencies as the New York Conference of Family Court Judges and the Department of the California Youth Authority.

See e.g., Dept. of the California Youth Authority, Standards for Juvenile Homes, Ranches, and Camps (1965).

B. State Legislation

A number of states including Kentucky and Pennsylvania have recently completed or are in the process of enacting extensive revisions of their statutory provisions governing the conduct and treatment of juveniles. See 9 Ky. Rev. Stats. Ann. §§208.010 et seq. (Supp. 1974); 11 Purdon's Pa. Stats. Ann. §§50-101 et seq. (Supp. 1975); Pennsylvania Joint Council on the Criminal Justice System and Pennsylvania Committee on Criminal Justice Standards and Goals, Summary and Analysis of National Standards and Goals in Relation to Pennsylvania's Juvenile Justice System (1975).

III. Standards-Setting Efforts Currently Underway

A. National Organizations

There are two national juvenile justice standards projects extant: the Institute for Judicial Administration-American Bar Association (IJA-ABA)

Juvenile Justice Standards Project, and the National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention. The IJA-ABA Joint Commission, which consists of outstanding members of the legal academic, law enforcement and corrections communities, began work on a comprehensive set of standards in 1971. Utilizing the creative thinking of thirty reporters who include many nationally recognized juvenile justice experts, the Joint Commission has been seeking to develop new and imaginative approaches to juvenile justice and delinquency prevention problems. At the present time, only a handful of the projected twenty-six volumes of standards are in final form. The full set of IJA-ABA standards is slated for consideration by the American Bar Association House of Delegates at its August, 1976 meeting.

The Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention was formed in April, 1975. It consists of judges, prosecutors, police and correctional officials, social service personnel, youth, and representatives from volunteer

and other organizations engaged in juvenile justice and delinquency prevention activities. The Task Force is part of the second phase of work begun by the National Advisory Commission on Criminal Justice Standards and Goals and is charged with developing a concise set of guidelines and models which can be employed by the states in setting their own standards and goals. It will base its work, in large part, upon a comparative analysis of existing standards, theories and models. The Task Force is scheduled to complete its volume of standards by the middle of 1976.

B. State Standards and Goals

Forty-eight states have operational standards and goals programs. Half follow the format used by the National Advisory Commission on Criminal Justice Standards and Goals incorporating standards relating to juvenile justice into the volumes concerning police, courts, corrections and community crime prevention. The other twenty-four treat juvenile justice and delinquency prevention as a specialized area, and have created separate JJDP task forces or committees.

Two states, Connecticut and Wisconsin, have divided their standards and goals efforts into two areas of concern, Juvenile Justice System and Adult Justice System, and are planning a comprehensive treatment of each. Many states are concentrating their juvenile justice standards and goals program on particular problems. For example, Illinois is focusing on juvenile detention and treatment issues, Maryland is placing special emphasis on the development of more effective and complete information systems, and New Mexico and Washington have identified modification of juvenile court structure and procedures as a priority area.

In as many as twenty-two states, the standards and goals effort is likely to result in the enactment of new juvenile justice legislation. In many others, it has sparked a re-examination of current juvenile justice and delinquency prevention policies, practices, and programs.

IV. Compilation and Comparison of Standards

As noted in paragraph III(A), the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention will

base its work upon a comparative analysis of juvenile justice standards, theories and models. After compiling these materials and dividing them according to subject matter, the Task Force staff, aided by expert consultants, will compare the positions taken by major groups and theorists, and examine the bases for and implications of each position. Upon completion, this comparative analysis will be distributed by the National Institute for Juvenile Justice and Delinquency Prevention.

Interim Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice

March 31, 1976

Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice

Allen F. Breed, Director, The Department of the California Youth Authority

Richard C. Clement, Chief of Police, Dover Township (New Jersey) Police Department

Alyce Gullattee, Assistant Professor of Psychiatry and Family Planning, Howard University, Washington, D. C.

A. V. Eric McFadden, Former Special Assistant to the Mayor of the City of Boston

Chairperson: Wilfred W. Nuernberger, Judge of the Separate Juvenile Court of Lancaster County, Neb.

Staff Director: Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention

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

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

To the President and to the Congress of the United States

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

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

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

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

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

Respectfully submitted,

Richard W. Velde
Administrator

March 31, 1976

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted:

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Wilfred W. Nuernberger
Chairperson

APPENDIX

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

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

1. Prevention Function
   - 1.1 Strategies to reduce the incidence of youth crime
     - 1.11 Identification of high-delinquency areas
     - 1.12 Measures for deflecting and/or preventing youth crime
       - 1.121 For the individual
       - 1.122 For business
       - 1.123 For government
   - 1.2 Strategies to encourage law-abiding conduct
     - 1.21 Educational
     - 1.22 Employment
     - 1.23 Social
     - 1.24 Health
     - 1.25 Community
     - 1.26 Recreational
   - 1.3 Coordination of prevention efforts
2. The Intercession Function
   - 2.1 The circumstances in which the JJDP system should intercede in the life of a juvenile
     - 2.11 Commission of a criminal act
     - 2.12 Non-criminal misbehavior
     - 2.13 Dependency, neglect, and abuse situations
   - 2.2 The role of the police

2.21 With regard to criminal acts by juveniles

2.22 With regard to non-criminal misbehavior by juveniles

2.23 With regard to juveniles

2.231 Who have been the victim of a criminal act

2.232 Who have been neglected or abused

2.3 Organization of police relating to juveniles

2.31 Separate juvenile bureau

2.32 Personnel

2.321 Duties

2.322 Qualifications

2.323 Staffing patterns

2.4 Non-custodial procedures after intercession

2.41 On the spot counseling

2.42 Voluntary transportation to residence

2.5 Custodial procedures after intercession

2.51 Referral to the courts

2.511 Citation

2.512 Arrest

2.52 Referral to service agencies

2.53 Return to school

2.54 Involuntary return home

2.6 Rights of juveniles upon intercession

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3. Adjudication Function

3.1 The courts

3.11 Jurisdiction

3.111 Delinquency

3.112 Non-criminal behavior

3.113 Neglect, and abuse

3.114 Maximum and minimum age

3.115 Transfer of jurisdiction - Delinquency

3.116 Transfer of jurisdiction - Intra-family offenses, contributing to the delinquency of a minor

3.117 Venue

3.12 Organization

3.121 Relationship to other local courts

3.122 Tenure of family court judges

3.123 Judicial qualifications and selection

3.124 Use of quasi-judicial personnel

3.125 Employment of a court administrator

3.13 Representation by counsel

3.131 For the State

3.132 For the child

3.133 For the parent

3.134 Role of counsel

3.135 Waiver of counsel

3.14 Intake

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

3.15 Detention

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

3.16 Pre-hearing procedures

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

3.17 Hearing procedures

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

3.18 Dispositional alternatives and procedures

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

3.184 Information base

3.185 Review and modification of dispositional decisions

3.19 Review procedures

3.191 Appeals

3.192 Other post-conviction remedies

3.2 Other adjudication bodies

3.21 Definition

3.211 In correctional programs

3.212 In the schools

3.213 In social service agencies

3.22 Powers

3.23 Procedures

3.24 Representation by Counsel

3.241 For the State

3.242 For the child

3.243 For the parent

4. Supervisory Function

4.1 Custodial programs

4.11 Definitions

4.111 Training school

4.112 Detention facility

4.113 Group home

4.114 Halfway house

4.115 Foster home

4.116 Shelter care facility

4.12 Personnel

4.121 Duties

4.122 Qualifications

4.123 Staffing patterns

4.13 Physical conditions and facilities

4.14 Services available

4.141 Educational

4.142 Social services

4.143 Health services

4.144 Vocational

4.145 Recreational

4.15 Disciplinary alternatives

4.151 Corporal punishment

4.152 Loss of privileges

4.153 Transfer to more secure facility

4.154 Referral to court

4.16 Transfer to non-custodial or termination of supervision

4.2 Non-custodial programs

4.21 Definitions

4.211 Probation

4.212 Parole

4.213 Diversion

4.22 Personnel

4.221 Duties

4.222 Qualifications

4.223 Staffing pattern

4.23 Services available

4.231 Educational services

4.232 Social services

4.233 Health services

4.234 Vocational services

4.24 Disciplinary measures available

4.241 Reduction of privileges

4.242 Transfer to custodial supervision

4.3 Rights of juveniles under supervision

4.4 Coordination of supervisory programs

5. Services

5.1 Ability of child to obtain services

5.2 Health/mental health services

5.21 Availability of preventive and diagnostic facilities

5.211 In the community

5.212 In the schools

5.213 In custodial facilities

5.22 Availability of drug/alcohol treatment and education facilities

5.221 In the community

5.222 In the schools

5.223 In custodial facilities

5.23 Availability of child abuse treatment and corrective facilities

5.24 Availability of birth control information centers

5.3 Social services

5.31 Availability of individual and family counseling facilities

5.32 Responsibility

5.321 To the child

5.322 To the family

5.323 To the court

5.33 Availability of employment counseling and training facilities

5.4 Personnel

5.41 Qualifications

5.42 Staff level

5.5 Availability of facilities for children with special mental, emotional and physical needs

6. Educational Function

6.1 Relationship of schools to delinquency prevention activities

6.2 Responsibility of the schools

6.21 Toward children with special needs

6.22 Toward children involved with the juvenile justice system

6.3 Education in training schools

6.31 Emphasis

6.32 Special problems

6.33 Level of compulsion

6.4 Regulation of student conduct by school authorities

6.5 Truancy related problems

7. Administrative Function

7.1 Responsibility

7.11 Of Federal government

7.111 Delinquency jurisdiction of the Federal courts

7.112 Operation of correctional programs for juveniles

7.12 Of State government

7.13 Of local government

7.2 Coordination of programs and agencies

7.3 Planning

7.4 Research and evaluation

7.5 Training

7.51 Of police

7.52 Of judges

7.53 Of attorneys representing juveniles

7.54 Of supervisory personnel

7.55 Of services personnel

7.56 Of educational personnel

7.57 Initial and continuing

7.6 Records pertaining to juveniles

7.61 Records required

7.62 Accuracy and currency of records

7.63 Access and transfer

7.64 Retention of records

7.641 Coding

7.642 Sealing

7.643 Expungement

[Excerpt From the Congressional Record, Sept. 30, 1976]

JUVENILE JUSTICE STANDARDS REFORM

Mr. BAYH. Mr. President, the failure of our Nation's juvenile justice system to effectively deal with crime and delinquency has been frequently documented by knowledgeable commentators as well as by the incessant escalation in the rate of juvenile crime, especially violent crime. Though only devised within the last hundred years the juvenile justice system is badly in need of reform. The 1974 Juvenile Justice and Delinquency Prevention Act was a congressional initiative designed to help provide leadership and incentives to encourage a more humane and economical social response to juvenile delinquency and crime. We hoped to help assure that our communities would be protected from the terror and fear generated by the violence of a few and that other youth in trouble would be treated in a manner more consistent with the nature of their action.

For example, we provided incentives to prevent the detention and incarceration of truants, runaways and other youth committing noncriminal acts, while acknowledging and endorsing the need to incarcerate serious multiple offenders. Much work remains to be done. It is unquestionably clear as Judge Irving Kaufman, chief judge of the U.S. Court of Appeals for the Second Circuit has recently emphasized that "a searching reevaluation and fundamental overhaul of procedures for dealing with the problems of youth" is imperative.

A major component of the juvenile justice reform movement is the development of sound uniform standards to guarantee that indeed justice prevails for those juveniles in the system and for the community at large. Sadly, today in many instances there is no justice or equity for either the accused or the offended. The 1974 Juvenile Justice Act required the Justice Department to submit to Congress recommendations for improving the administration of juvenile justice at the Federal, State, and local levels. Similarly, the Juvenile Justice Standards Project jointly sponsored by the American Bar Association and the Institute of Judicial Administration will soon publish its recommendations based on an unprecedented detailed evaluation of these important matters. The American Bar Association will consider the project's proposals at its February 1977, midyear meeting in Seattle.

Thus, the coming year will be one which will witness considerable discussion and debate regarding serious proposals for basic changes in the collective array of methods whereby our States, localities, and the Federal Government respond to juvenile crime and delinquency—commonly designated a "system" of juvenile justice.

As chairman of the Senate Subcommittee to Investigate Juvenile Delinquency I bear a heavy responsibility to advise my colleagues and our citizens about these important reforms and to make responsible recommendations for action. Consistent with our subcommittee mandate I intend in the coming year to work even more closely with the American Bar Association, the Standards Project, the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the Department of Justice and other interested organizations and individuals, including the National Council of Juvenile Court Judges, to whom we are especially indebted for helping to plan, draft, and seek approval of the landmark 1974 Juvenile Justice Act. I intend, through subcommittee activities, including public hearings, to help assure that these important reforms are properly assessed and refined to provide a model of our communities to assist in assuring justice for all of our citizens, but especially our youth.

Mr. President, I ask unanimous consent that an excellent article on these important matters, "Of Juvenile Justice and Injustice," by Judge Kaufman, the distinguished chairperson of the ABA–IJA Commission on Juvenile Justice Standards, which appeared in the American Bar Association Journal, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

OF JUVENILE JUSTICE AND INJUSTICE

(By Irving R. Kaufman)

The five-year Juvenile Justice Standards Project will present its blueprint for reform to the American Bar Assoication's House of Delegates in August. The project, a joint undertaking of the Association and the Institute of Judicial

Administration, offers a comprehensive set of standards for the system of juvenile justice.

It has become increasingly apparent that our traditional system of juvenile justice is a failure. It neither safeguards society from violent juveniles nor provides adequate protection for the alarmingly large number of children reared in brutal environments.

Since 1960 arrests of juveniles for violent crimes have increased by 246 percent, more than double the comparable figure for adults. Indeed, children between the ages of ten and seventeen—a mere 16 percent of the population—now account for almost 50 percent of all arrests for theft and criminal violence. Other statistics reflect the distressing magnitude of violent conduct directed against children. For example, roughly thirty thousand official reports of parental abuse or neglect, involving almost sixty thousand children, were filed last year in New York State alone.

These figures, shocking as they are, are symptomatic of even more serious and widespread problems. Millions of children grow up in home atmospheres of hate and squalor that breed hostility and failure. In a recent article in the New York Times, Kenneth Keniston, Mellon Professor of Human Development at Massachusetts Institute of Technology, estimated that today one quarter of all American children are "born in the cellar of our society [and are] systematically brought up to remain there."

I. The Juvenile Justice Standards Project—

The crisis underlying these bleak and everworsening statistics has not developed overnight. The imperative need for a searching re-evaluation and fundamental overhaul of procedures for dealing with the problems of youth has long been clear. Accordingly, the Juvenile Justice Standards Project (J.J.S.P.) was created in 1971 to develop a comprehensive set of recommendations or standards. Its goal was to write guidelines that would improve all branches of what we loosely refer to as the "system of juvenile justice." The project was originated by the Institute of Judicial Administration, a nonprofit research organization founded by the late Arthur T. Vanderbilt, former chief justice of the New Jersey Supreme Court. In 1964 the I.J.A. had initiated the American Bar Association Project on Standards for Criminal Justice, the J.J.S.P.'s adult counterpart. As the members of the "adult" project concluded their assigned task, they realized that their recommendations would be of limited value unless an inclusive and coherent set of standards was developed to govern the path the adult criminal treads in his youth. This view proved persuasive, and in 1973 the American Bar Association joined the I.J.A. as a cosponsor of the J.J.S.P.

A. The Goal: Reform. From its inception the project has been directed toward constructive, concrete, and comprehensive reform. We realized that, if we were to seek cures rather than palliatives, our investigation could not be confined merely to procedural aspects of delinquency proceedings. Indeed, our focus could not logically be restricted to the delinquent. To reach the underlying causes of delinquency, a broader view would be necessary. Accordingly, the J.J.S.P.'s recommendations consider how to deal with youths in trouble but who have not yet broken the law and methods to protect children abused or neglected by their own parents. We have undertaken to investigate the entire spectrum of problems that impinge on the world of the child.

Our desire for constructive reform is also reflected by the diversity of the membership of the project's governing body, the Commission on Juvenile Justice Standards appointed jointly by the American Bar Association and the Institute of Judicial Administration. The commission is composed of leading psychiatrists, sociologists, penologists and youth workers, as well as family court judges, law professors, and practicing lawyers. Two former presidents of the Association are members; a third, Orison S. Marden, was cochairman until his untimely death last year.

This breadth of background and experience enabled us to profit from the diverse viewpoints of many disciplines and brought to our deliberations the expertise of participants from all phases of the juvenile justice process. Equally important, it both impelled and enabled us to adopt a highly pragmatic orientation in our proposals—avoiding an ivory-tower approach. All too often, proposals in a field as emotionally charged as that of juvenile problems have reflected little more than the speculations or political predilections of their proponents. But the commission's members were too diverse to be swayed by any single ideological viewpoint and too experienced to tolerate guesswork.

Our hard look at juvenile justice is, as far as possible, bottomed on hard data. To cite but one example, our recommendation that "persons in need of supervision"—that is, children in trouble who have committed no crime—be diverted from the courts' jurisdiction is premised on empirical studies showing that judicially ordered confinement of these children increases the likelihood of future criminal behavior. It was also grounded on the absence of any evidence that past judicial supervision over these youths reaped any substantial benefits for a significant number of children.

B. The Drafting Process. To insure quality and accuracy in our standards, the drafting procedures adopted were unusually thorough. Each topic was assigned to a reporter—an academic expert in the field—whose task was to prepare a first draft of standards and accompanying commentary. The reporter was supervised by one of four drafting committees that provided guidance as the reporter prepared his initial formulation and then reviewed the finished volume, often directing extensive revisions.

After each volume received the imprimatur of a drafting committee, it was presented to the commission. My recollection of the formal commission meetings, which continued on each occasion for about three days, is one of unusually stimulating intellectual ferment. Each day's debate began promptly at nine in the morning and continued, sometimes right through a sandwich luncheon at our seats, into the evening. The commission members had studied the volumes in advance and freely voiced their views in lively and open debate. Amendments to specific standards often were adopted in the course of the meetings. The commission frequently directed the reporter to undertake extensive revisions. Changes were made by the reporter under the direction of a three-member editorial committee. A final review and an opportunity to dissent were available to all commission members before the manuscript was sent to the publisher.

By the end of April eighteen volumes of standards had received official commission approval and will be printed and made available to the bench and bar and other concerned citizens in the near future. These, plus a few remaining volumes to be considered at the commission's May, 1976, final session, will be presented for adoption by the American Bar Association House of Delegates in the near future. President Walsh has appointed Tom C. Clark, retired justice of the United States Supreme Court, as liaison chairman to aid in co-ordinating that presentation. Since undue delays in ratifying and implementing these critically needed reforms would impose great costs on countless youths and on our society as a whole, prompt action is desirable.

II. What the Proposed Standards Do—

I could not hope within the space of this short summary to do justice to the broad scope of the project's intricately delineated proposals. I shall merely attempt to focus on some of the more important recommendations. The volumes may be roughly divided into three major areas: (1) the juvenile delinquent, (2) children in trouble who have not broken the law, and (3) matters that concern all children.

A. Delinquency. The standards proposed in this difficult area are designed to make delinquency proceedings as fair and humane as possible. It was the view of the commission that these proceedings, in some instances, would achieve little and even be counterproductive. For example, to impose the label "delinquent" on a child with a previously spotless record simply because he scrawled graffiti may be painful, unnecessarily stigmatizing overkill, as well as a burden on the judicial system. The volumes "Intake" and "Youth Service Agencies" map out guidelines and procedures for the diversion of certain juveniles from the formal court process. A first offender accused of a misdemeanor, for example, must be referred to a youth service agency rather than subjected to judicial proceedings.

If the youth is not diverted from the judicial system, it is often necessary to determine whether detention in custody pending trial is appropriate. The experts on the commission were of the view that pretrial detention can be extraordinarily destructive to the child, who will be removed from the familiar school and home environment and often confined under harsh conditions with hardened juvenile delinquents. Indeed, the net effect of this detention frequently has been to provide the youth with expert training in crime. Our volume on "Interim Status" seeks to eliminate unnecessary confinement by establishing specific criteria before a youth may be detained in custody.

Our recommendations relating to courtroom procedures follow the traditional approach that procedural regularity is the best safeguard against error and abuse. Proceedings in juvenile courts by custom and usage have been informal,

reflecting the heretofore prevalent view that the child does not need protection against a court whose primary function is to serve his best interests. But, as the Supreme Court recognized in Application of Gault, 387 U.S. 1 (1967), and its progeny, procedural laxity has too often resulted in the faulty findings of fact and inaccurate—albeit well-intentioned—prescriptions of remedy. It is equally apparent that procedural regularity need neither impair the court's flexibility nor detract from its concern for the child's welfare.

The standards for Pretrial Court Proceedings provide for a probable cause hearing and for pretrial disclosure by the prosecutor of the identity and statements of his prospective witnesses. Similarly, the volume on Adjudication accords the child, in addition to those procedures guaranteed by the Supreme Court decisions in Gault and In re Winship, 397 U.S. 358 (1970), the right to trial by a jury of six. If the youth chooses to admit the allegations and forego trial, the judge must determine that the child understands his rights, the charges against him, and the possible penalty, before giving effect to the child's decision. The court must also satisfy itself, through evidence presented by the prosecutor, that the child is indeed guilty.

Perhaps the most crucial element of this procedural scheme, without which safeguards as pretrial disclosure would have little meaning, is the provision for counsel for the youth. The Supreme Court's determination in Gault that children faced with delinquency proceedings must be afforded counsel recognized that the central role of the adversary system in our legal process applies with equal force to the juvenile justice system. Our standards on Counsel for Private Parties provide that, unless the child-client is incapable of judgment, his or her attorney must advocate the child's interest as determined by the child after full consultation. Provision is made for the appointment of a guardian ad litem for children who cannot adequately comprehend the choices facing them.

The standards envisage the lawyer's active participation at all stages of the delinquency process. If the client consents, the standards permit the attorney to explore the possibilities of diversion of a plea bargain. If the child goes to trial and is found delinquent, the lawyer is admonished to propose sentencing alternatives to the court and to be prepared to present all relevant background information to aid the court in arriving at an enlightened disposition.

Recent studies of adult sentencing procedures—for example, the Second Circuit's proposed sentencing rules—have deplored the inadequacy of the data provided the judge, as well as the lack of any substantive criteria to guide them. Our standards concerning Dispositional Procedures seek to improve the amount and equality of relevant presentence information on the juvenile, to provide sentencing guidelines, and to increase the visibility of the entire process. Finally, the judge who sentences will be required to state for the record the reasons for electing to impose that disposition rather than a less onerous alternative. (This requirement, I note parenthetically, epitomizes a theme that runs through all the standards: the least drastic alternative is utilized as a guide to all intervention in the lives of juveniles.)

A separate volume on Dispositions will be published to guide the judge in determining appropriate sentences. In contrast to prior practice, the court is directed, in selecting a disposition, to focus primarily on the gravity of the offense and the age and prior record of the offender. The individual child's "need" is no longer made the principal determinant of the sentence, for "need" has been found well-nigh impossible to ascertain. Experience taught us, moreover, that a standard based solely on "need" imposes in many cases unnecessary suffering in the name of treatment and may even have provided the basis for harsh punitive sanctions under the guise of benevolence. Concern with the gravity of the offense and the juvenile's prior record, however, also was believed to be essential because society itself has a right (independent of the child's interest) to be protected from the violence of serious recidivists.

Rehabilitative goals and the child's needs are not ignored by the standards. Disposition is viewed as an opportunity to help the child, not merely to punish him. Delinquents who are confined must be given access to services required for individual growth and development, including educational and vocational training programs. Moreover, the standards encourage, where appropriate, a wide variety of creative, constructive dispositions such as restitution to crime victims and mandatory community service, as alternatives to the more restricted options traditionally available.

The standards profit from another unhappy experience: they recommend that all sentences must be for fixed terms. Any subsequent change of sentence

may be only by the court—and then upon a showing of good cause. We were of the view that indeterminate sentencing, however attractive as a theoretical matter, had been proved to be little more than a game of chance or a lottery. The length of a juvenile's actual incarceration was all too often determined by factors as potentially arbitrary as the intuitive inclinations of parole boards and administrators of reformatories. We learned that violent offenders frequently are released after only a few months of incarceration because the institution's space is too limited, its budget inadequate, or, ironically, because the youth is found too difficult to control. For these reasons, the standards recommend removal of the power to determine a juvenile's actual length of confinement from the hands of correctional authorities. We believe that these important sentencing decisions will be best made by the judges of the family court. To encourage good behavior, however, the reformatory administrators are allowed to reduce a youth's sentence by no more than 5 per cent.

The use of determinate sentences also is related to our proposal that the maximum term of incarceration for juvenile delinquents should not exceed two years for any offense. Longer maximums, while meted out in the past, rarely have been served, and under the new standards serious offenders will receive longer periods of actual incarceration. We believe legislatures should not authorize more severe terms for youths. Studies have established that excessive periods of imprisonment have been counterproductive.

B. Children in Trouble. The delinquent is only one relatively small problem with which the juvenile justice system has been concerned. Most children "in trouble" have not become delinquent, and most delinquents cry out for help long before they break the law. The current system's attempt to deal with these problems is the amorphous jurisdiction known as "persons in need of supervision" ("P.I.N.S."). Children considered in this category are brought before the juvenile court, thus invoking the judicial processes. Usually these youths are placed in the custody of a youth agency or reform school. Studies have shown that this supposedly benevolent incarceration for trivial offenses has done more harm than good. In New York, for example, most of the children now confined under P.I.N.S. were guilty of nothing more than truancy or being away from the home until late hours. It is increasingly apparent, moreover, that P.I.N.S. programs are as likely to breed crime as to prevent it. And, decisions to confine often are based on race or economic status rather than behavior.

For these and related reasons, the volume on "Non-Criminal Misbehavior" recommends that P.I.N.S. jurisdiction be removed from the court system. The standards, of course, do not throw these children to the wind. They provide facilities to hold temporarily children found in circumstances endangering their safety—such as twelve-year-old children discovered aimlessly prowling the subways at 3 A.M.—while their parents are notified. Guidelines are established to deal with and shelter runaways on a voluntary, short-term basis. Our volume on "Youth Service Agencies," moreover, recommends the creation of community-based youth agencies to provide, among other things, crisis intervention, therapy, and job training. Participation in the agencies' programs, of course, would be voluntary and available to all youths (and parents), not merely those who formerly would have been classified as P.I.N.S. Our detailed recommendations for the organization of these agencies are based on studies of numerous youth agencies both in this country and abroad.

These programs, needless to say, will not provide sufficient aid for those children whose problems are caused by abusive or assaultive parents. The "Abuse and Neglect" volume sets forth guidelines for judicial action in these cases. Court intervention, under the standards, will occur only when substantial harm has resulted to the child. Examples are serious physical assaults, neglect that threatens to cause death or grievous injury, or grave emotional damage evidenced by severe anxiety, depression or withdrawal. The court will be required to find that intervention is necessary to safeguard the child from future danger. The intervention ordered in any case may not be more drastic than required to achieve the desired protection.

The standards provide comprehensive procedures by which the court's determination whether to intervene is to be made, including reporting of child abuse, filing of neglect petitions, probable cause hearings, agency investigation of the petitions, and court hearings. Separate counsel are to be provided for child and parent. Provision is also made for periodic review by the court of children under its "neglect" jurisdiction and (in extreme circumstances) for termination of parental rights. These procedures and guidelines seek to strike a balance between

the danger of overintervention and the need to prevent the parents' problems from irreparably scarring the child.

C. All Children. To prevent children from becoming delinquents or P.I.N.S., the scope of the project's standards extends beyond youths in need of assistance. They define the rights of all children and delineate the responsibilities of the institutions that deal with them. Our standards on the Rights of Minors, for example, attempt to bring order to issues currently dealt with under the confused—and confusing—doctrine of emancipation. This volume promulgates detailed standards outlining the scope of a minor's rights to support, to receive some medical care without parental consent, to seek employment, and to sign contracts.

The volume on Schools and Education focuses on the public schools. Methods of limiting and rationalizing the schools' disciplinary process are proposed in the belief that fairness will foster the students' self-reliance and sense of justice. Following the lead of the Supreme Court's recent decision in *Goss* v. *Lopez*, 419 U.S. 565 (1975), which required students to be accorded a hearing before a short-term suspension, the standards set forth procedures to be followed, including some form of notice and hearing, before any substantial disciplinary sanction may be imposed. The extent of the procedural protections will vary in each instance with the gravity of the possible penalty. The realities of operating a school system are, of course, fully recognized, and overcomplex procedures are not recommended. We do suggest, however, that the severe penalty of suspension for a period longer than one month be preceded by a full hearing before a board of education. Since expulsion or suspension for more than one year—occurring at a time when many jobs are geared to at least a high school diploma—may be, in effect, a life sentence to menial labor, the recommendations prohibit them.

The "Schools" volume also defines students' rights of expression, imposes realistic and reasonable limitations on searches and interrogations of students by school officials and police, and sets forth procedures for dealing with truancy.

The standards governing schools and youth agencies are complemented by a volume on "Records and Information," which recommends limitations on the gathering and dissemination by those bodies of private information. Perhaps the central tenet underlying these standards is that more information is not necessarily better information. Under these proposals, the youth may, with certain exceptions, see the contents of his or her files and challenge their accuracy. The child's consent generally must be obtained before files may be shown to anyone outside the agency which has compiled that information.

I would be remiss were I not to mention at this point one final volume. Although it does not, strictly speaking, affect all children, it deals with perhaps the most vital institution in our juvenile justice scheme: the family court. In many states the juvenile court unfortunately has been ranked below the courts of general jurisdiction. Under our standards on "Court Organization," however, the family court will be a division of the highest trial court of the state. It will have jurisdiction over all family matters, including juvenile offenses, child abuse, adoption, divorce, and offenses against children.

JUVENILE JUSTICE REFORM IS URGENTLY NEEDED

This brief and necessarily incomplete summary cannot fully describe the voluminous standards and commentaries that have taken five years to produce and will consume approximately twenty comprehensive volumes. Little more is intended than to convey some notion of the scope and thrust of these recommendations. But of this we can be sure: no other study on youth and their problems has ever been so comprehensive and so thorough.

The grave problems that led to the project's formation also demonstrate the urgency of promptly adopting its proposals for reform. In the coming year six hundred thousand P.I.N.S. petitions will be filed, and an equal number of youths will be incarcerated pending trial. Approximately one million juveniles will be arrested, and untold harm will be caused by violent youths. Each year that implementation of these standards is delayed, millions of children—and society as a whole—will pay the price of an outmoded, capricious, and inadequate system of juvenile justice.

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