

LEGISLATIVE BUDGET AND

MAIN CAPITOL BUILDING  
SENATE POST OFFICE, BOX 80



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ACQUISITION

SECOND INTERIM REPORT

ON

STUDY OF PENNSYLVANIA

DELINQUENT YOUTH SERVICE SYSTEM:

Results of Survey of Judges

August 1977

52477



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JOSEPH V. ZORD, JR.

TO: Members of Legislative Budget and Finance Committee

FROM: Richard D. Dario *Richard D. Dario*

SUBJECT: Second Interim Report on Study Project Regarding Juvenile Delinquency Service System

On February 9, 1977, a questionnaire developed by our staff was mailed to 120 selected judges of the courts of common pleas throughout Pennsylvania. This questionnaire was nine pages in length and contained 24 questions (several of which had multiple parts). The questions were intended to solicit certain information and opinions from judges who had responsibilities that included presiding at juvenile court proceedings. This survey of judges is one aspect of our comprehensive study of Pennsylvania's juvenile justice system; a study which our staff began in May of 1976, pursuant to Committee direction at that time.

We have completed our analysis of the responses received from judges that participated in our survey. This document is a report on the survey results; it constitutes the "second interim report" on our overall study of the juvenile delinquency service system. You may recall that our "first interim report" on this study dealt primarily with state and federal funds provided to private service providers for delinquent youths and was presented to you in September of 1976. Our staff is very close to completing the third and fourth interim reports on the study of the delinquent youth system. These upcoming reports will deal with (1) the results of a survey of police departments in Pennsylvania and (2) the results of a survey of probation offices.

This particular report document is structured as follows:

- (1) Section A - sets forth the "highlights" of the information resulting from our survey of judges.
- (2) Section B - provides basic information on the survey population, questionnaire structure and returns, manner in which data was organized for analysis and reporting purposes and related information.
- (3) Section C - contains a list of the questions asked of the survey participants and the corresponding replies, including statistical data regarding responses (e.g., number and percentages of "yes" and "no" answers) and selected "comments" that were

submitted by respondents (such "comments" are generally reported verbatim).

(4) Appendices - the primary item contained herein is a monograph on the juvenile justice system submitted by the Honorable R. Paul Campbell, one of the participants in our survey.

The information set forth in this report was compiled entirely by our staff, primarily Mr. Ronald Smith. The report would not have been possible, however, without the excellent cooperation that we received from the 53 judges who took the substantial personal time and effort required to complete and return the survey questionnaire. We extend a very sincere "thank you" to all such survey participants. We also extend a special thank you to Judge John A. MacPhail of Adams County. Judge MacPhail, who is Chairman of the Juvenile Court Judges' Section of the Pennsylvania Conference of State Trial Court Judges, provided helpful advice and support to our staff during the questionnaire preparation and distribution process. We also are appreciative of the assistance that we received from the staff of the Juvenile Court Judges' Commission early in the questionnaire process; the Commission staff provided us with the names and addresses of judges whom the Commission staff believed to be involved in "juvenile court" proceedings.

The very substantial length of the report is due primarily to the fact that we attempted to include as many as practical of the "comments" that we received from judges. I might call your special attention to Section A of the report which condenses the information set forth in the report and provides page references so that any Member may obtain further "detail" information in regard to issues of particular interest to him. Also, you may want to especially consult Section B of the report which contains a detailed explanation of the procedures used in this survey and further information on the manner in which this report is structured.

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## SECTION A - HIGHLIGHTS OF INFORMATION RESULTING FROM STUDY

The statements set forth in this Section are based entirely on information derived from questionnaires on "juvenile delinquency issues" completed by 53 judges of the Pennsylvania courts of common pleas\*.

1. Judges that replied to our questionnaire are evenly divided on the question of overall effectiveness of the Pennsylvania Juvenile Justice System; about one-half of the judges believe the overall system is generally effective and about one-half believe the system is not adequately effective and that major changes in it are required. (See page 16.)\*\*

2. Chart A on page 2 illustrates the particular segments of the juvenile justice system which the majority of survey participants believe require major changes; these segments are:

a. The Pa. Department of Public Welfare - A large majority of the judges that participated in our survey said that major changes are needed in the activities of DPW which involve services to delinquent youth. (See page 27.)\*\* The following two comments are illustrative of many submitted by judges regarding DPW:

- "The entire DPW treatment system is inadequate in these respects: (a) insufficient secure beds, (b) crowded conditions, (c) inability to serve the individual aspects of the delinquent's personality."
- "The DPW apparently is trying to take over much of the Court's responsibilities. Experience indicates that programs have not been successful and they have become overly expensive in comparison to the services rendered. It would be well for DPW to confer periodically with the Judiciary, in an attempt to solve juvenile problems. It is important that these two agencies forget past differences and make an honest attempt to get together for the benefit of the youth. The DPW has the funds while the Judiciary has the authority and somehow they must get together."

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\*An explanation of the procedures for this survey is set forth in Section B of this report (beginning on page 8 ). The particular information included here in Section A of the report represents only a small portion, of course, of the total information which resulted from this LB&FC survey of judges. A more complete understanding of the "results" of this survey can be obtained by reading Section C of this report (beginning on page 15) which contains detailed information on survey responses.

\*\*This page reference and other page references in this Section which are similarly set forth within parentheses indicate the specific page in this report on which further explanation is contained of the matter dealt with in the statement.

CHART A

SUMMARIZATION OF JUDGES' BELIEFS  
REGARDING CHANGES REQUIRED IN JUVENILE JUSTICE SYSTEM

<u>Question Asked</u>	<u>No. of Judges That Said YES</u>	<u>No. of Judges That Said NO</u>	<u>No. of Judges That Did Not Answer YES or NO</u>
1. Are major changes needed involving delinquent youth related activities of DPW <sup>a</sup> ?.....	41	4	8
2. Are major changes needed in usage or availability of detention <sup>d</sup> facilities?.....	37	7	9
3. Are major changes needed in the system of "private providers" of services to delinquent youths?	27	15	11
4. Are major changes needed in practices of the GJC <sup>c</sup> as they relate to the juvenile justice system?.....	21	18	14
5. Are major changes needed in the role or activities of the JCJC <sup>b</sup> ?	20	25	8
6. Are major changes needed in county juvenile probation services?.....	18	29	6
7. Are major changes required in the activities of police as they relate to delinquent youths?.....	12	31	10
8. Are major changes needed in the juvenile court system?.....	12	31	10

a/ Pa. Dept. of Public Welfare.

b/ Juvenile Court Judges' Commission.

c/ Pa. Governor's Justice Commission.

d/ Refers to pre-adjudication or pre-disposition facilities.

b. Pre-Adjudication Detention Facilities - A large majority of the judges that participated in our survey indicated that changes are needed in the usage or availability of such facilities. (See page 44.) The following comment is illustrative of commentary submitted by several judges:

- "Juvenile detention practices throughout this State are characterized by great disparity and an absence of services. The need to organize and integrate the multitude of programs and activities into a coherent and integrated whole is great, particularly if the goal of crime reduction is to be achieved, the State should provide the resources to counties so these goals can be achieved."

c. The System of Private Service Providers for Delinquent Youth - Several judges seem to feel that private service providers are being "discouraged" and unfairly treated by DPW. Also, several judges called attention to inadequacies in statewide funding, administration and/or evaluation in regard to the system of private providers. (See page 36.)

3. A majority (albeit slight) of the judges that replied to our questionnaire said that they do not have adequate information provided to them on a regular basis regarding the availability of service alternatives for delinquent youths. (See page 55.) The following two comments are illustrative of several statements by judges on this matter:

- "Information, when requested, is a long time in coming if at all and then is generally inadequate."
- "Juvenile Probation Officers must contact various facilities on a case by case basis to ascertain what spaces are available. This limits placement alternatives available to us."

4. The majority of judges that replied to our questionnaire said that services provided to delinquent youths are not adequately evaluated as to their quality and effectiveness. (See page 58.) The following two comments from judges are illustrative of this majority point of view:

- "Our court or probation staff has never been informed of any activity of this nature and have no knowledge of any agency that is performing monitor [ing or] evaluation services."
- "As of this time the only basis upon which we can determine the excellence of any of these facilities is by our personal observation or the degree of success achieved by children we commit to these institutions."

5. The judges were nearly unanimous in their belief that expansion is necessary in facilities/programs to serve delinquent youths. (See page 62.) The

following are specific types of facilities which the vast majority of survey participants believe "we need more" of:

- a. "Secure" Institutional Beds - (94% of the judges said more needed);
- b. Foster Homes for Delinquents - (85% said more needed);
- c. "Open" Type Institutional Beds - (81% said more needed);
- d. Group Homes - (79% said more needed);
- e. Community Mental Health Services for Youths - (72% said more needed).

The only specific service which a majority (51%) of the responding judges said "we have enough" of is county probation services. Several judges called attention to the absence of available residential type facilities for emotionally disturbed or retarded youths (see comments from judges on page 64 ).

6. About one-third of the judges that participated in this survey expressed a belief that their communities are generally not receptive to the treatment of court adjudicated delinquents in community based facilities. About one-fourth of the judges indicated that their communities have a favorable (or conditionally favorable) attitude to such community based services. Other judges did not express a specific opinion on this matter. (See page 69.)

The majority of responding judges said they they do not foresee any change in the near future in the general attitude of their community regarding the treatment of delinquents in community based facilities. (See page 73.)

The vast majority (85%) of all judges that completed a questionnaire said that their community's attitude in regard to treatment of juvenile delinquents does not substantially influence juvenile court dispositional decisions in their area. (See page 76.) An illustrative comment submitted by a judge is as follows:

- "Community sentiments are not 'thought through' and although a 'hang 'em' attitude may exist, they don't really mean it and I wouldn't accept it anyway."

7. The judges were nearly unanimous in their belief that community based facilities (even ones that are "properly staffed and operated") are not appropriate to serve all types of juvenile offenders. (See page 79.) The following comment from a judge is typical of many received from judges on this matter:

- "The armed robber, the violent youth who is returned to Court for his second or third offense, the house burglar and thief who repeats his offense after having been placed on probation for prior offenses, the juvenile who kills, the rapist, the arsonist - all these and others should receive institutional training."

8. The judges were split nearly evenly on whether or not there should be an increase in "direct referrals" of youthful offenders by police departments to service providers. (See page 83 .) The following two comments are representative of the varying points of view on this issue:

- "[Direct referrals by police are OK] If the person is a first time offender, or the person is involved in less serious matters."
- "This will lead to serious problems. In America, we have never believed the police should act as judges. Most do not have the training or temperament to do so."

9. A large majority of the judges that participated in our survey believe that adequate coordination does not exist among the various agencies that are involved with delinquent youths. (See page 87.) The following comments exemplify the expressed feelings of several judges:

- "The police, probation, the courts and most of the private sector are capable of coordination. The public schools, the MH/MR facilities and DPW are another story."
- "The lack of coordination, the attitude that each agency knows best, the failure to share responsibility for a serious social condition is at the heart of the entire problem."

10. The judges that replied to our questionnaire believe, overwhelmingly, that (a) the judiciary has had adequate opportunity to participate in policy shaping procedures of county juvenile probation departments and that (b) the judiciary has not had adequate opportunity to participate in the policy shaping procedures of the State Department of Public Welfare. (See pages 98 and 91 .) The following are comments from judges on this issue of judicial influence:

- "The judiciary currently has adequate input into policies and activities of the county Juvenile Probation Department, but all too often it does not have sufficient influence with regard to funding."
- "DPW determines policies and procedures with respect to detention and treatment facilities and delinquent youth services without consultation, or even following consultation without consideration and cooperation, in many instances, with the expressed desires of the judiciary."

11. A majority of the judges that participated in this survey believe that there should not be dispositional guidelines for the use of juvenile court judges in deciding the placement or other disposition of juvenile offenders. (See page 102.) Also, the judges that expressed an opinion were nearly unanimous in their belief that, if such guidelines are to exist, they should be "broad" guidelines, allowing for substantial discretion by individual judges.

(See page 106.) The following comment from a judge seems to exemplify the majority opinion on this matter:

- "Each juvenile is unique and disposition requires a weighing of so many factors that guidelines would have to be so broad as to be impractical."

12. A majority of the judges that participated in this survey indicated that adequate psychiatric, psychological and similar diagnostic services are available to them for determination of appropriate placements for delinquent youths. On the other hand, a total of 18 judges who said that adequate diagnostic services are not available indicated that this lack of such services hampers their dispositional decision process. (See page 108.)

13. A large majority (75%) of the judges that participated in this survey believe that "punishment" of juvenile offenders should be a recognized purpose of the juvenile justice system. (See page 112.) The following two quotes are comments from judges who expressed this majority opinion:

- "... 'Punishment' must not be the foremost consideration, particularly with the very young and first offender - but it must have a place in the dispositional process."
- "The juvenile is 'a person', and fair punishment is expected and natural - even irrational animals teach their offspring by punishment."

14. A substantial majority of the 53 judges that participated in this survey expressed satisfaction with the adequacy of the current system for lodging of an appeal against a judge's dispositional decision regarding a delinquent youth. The judges, by and large, were unaware, however, of any "successful" appeal that had been brought against such a decision within their judicial district. (See page 116 .)

15. A substantial majority of the judges that participated in this survey believe that the treatment needs of "status offenders" (as a group) differ from the treatment needs of juveniles who commit "adult-type" crimes. (See page 119 .)

16. A question was set forth in the questionnaire document requesting the judges to describe the committed "offenses" and/or "essential characteristics" of a delinquent youth that would influence the judge to "assign" that youth to a particular category of services. Many judges who completed other portions of the questionnaire declined to reply to this question; also, several judges answered the question only with expressed reluctance. The following comments exemplify the feelings of several judges on this issue:

- "This is a much too complicated and sensitive decision [i.e., where to assign a delinquent] to answer on a questionnaire --it must be based on the total circumstances in each individual case combined with a knowledge

of the present services being delivered at the available options --labels are often misleading."

- "It is very hard to answer this question without a lot of explanation."

Because of the wariness and caution with which many judges answered this question, no attempt will be made here to "highlight" or interpret the answers that were provided. The reader who is interested in this information is urged to read the actual responses provided by judges which begin on page 129 of this report.

17. Many judges in Pennsylvania have very strong feelings in regard to certain issues which they consider problems within the juvenile justice system; this is unmistakably clear from the effort that many judges took to express themselves in "extra" comments which they submitted to the LB&FC along with their completed questionnaire. Several of these "extra comments" are set forth beginning on page 124 of this report. The following are two of the specific "problems" called to attention in these comments:

- a. The "conflict" between the Pennsylvania Department of Public Welfare and the judiciary; and
- b. The need for additional "services" and "placement alternatives" for youths.

In addition to the "extra comments" which were submitted by several judges as attachments to or incorporated within their completed questionnaire, one judge, the Honorable R. Paul Campbell of Centre County, provided an 11 page monograph which discusses the juvenile justice system in a broad sense. Judge Campbell gave us permission to reproduce his monograph and include it as an Appendix to this report; it begins on page 157.





## SECTION B - QUESTIONNAIRE DISTRIBUTION AND RETURNS AND REPORT FORMAT

### 1. Distribution of Questionnaire

A total of 120 questionnaires were sent to selected judges of the courts of common pleas throughout the Commonwealth; the specific judges who were mailed the questionnaire were those identified by the Pennsylvania Juvenile Court Judges' Commission as having at least some degree of involvement with juveniles in court related matters. At least one judge in each of the 59 judicial districts in Pennsylvania was mailed a questionnaire. Chart B on page 9 displays a complete list of all court of common pleas judicial districts in Pennsylvania, the county(s) which each district encompasses, and the number of judges within each district to whom we mailed a questionnaire.

### 2. Questionnaire Returns

A total of 60 judges returned their questionnaire to us, a 50% response rate. Several of the "returned" questionnaires, however, were not completed (e.g., certain judges who returned their questionnaire indicated that they did not "currently" have responsibility for juvenile cases and, therefore, did not answer the substantive questions within the questionnaire); the "effective" total of completed<sup>1</sup> questionnaires received by our staff was 53.

The following is selected data concerning the 53 judges that completed and returned questionnaires for the purposes of this study:

- a. One judge submitted his completed questionnaire anonymously;
- b. At least one judge from 41 of the 59 judicial districts in Pennsylvania submitted a completed questionnaire;
- c. The maximum number of judges from a single judicial district that submitted completed questionnaires was 5 (from Judicial District No. 7); 3 completed questionnaires were received from one judicial district and 2 questionnaires from several others.
- d. Each judge was asked to report the nature of his/her current involvement with juvenile court cases:
  - (1) A total of 18 (or 34%) of the 53 judges who submitted a completed questionnaire indicated that they are "currently"<sup>2</sup> serving in a "single judge" judicial district, and therefore, handle all or nearly all proceedings, both juvenile and adult.<sup>3</sup>
  - (2) A total of 28 (or 53%) of the 53 judges indicated that they are "currently" serving primarily as judge in adult proceedings, but also preside at some juvenile court proceedings.<sup>4</sup>

1/ This includes questionnaires on which a substantial number of questions were answered, even though a few of the questions may have been left blank.

2/ It should be remembered that most of the questionnaires were completed in or about March 1977.

3/ These 18 judges include 2 judges who reported that they serve in a "two-judge" judicial district.

4/ This does not include the 18 judges dealt with in item (1) immediately above; it does include 1 judge who reported that he serves equally in juvenile and adult court.

# CHART B

## NUMBER OF JUDGES WITHIN EACH JUDICIAL DISTRICT OF PENNSYLVANIA THAT RECEIVED A LB&FC QUESTIONNAIRE ON JUVENILE DELINQUENCY MATTERS

<u>Judicial District Number</u>	<u>County(s) Encompassed</u>	<u>No. of Judges To Whom Questionnaire Was Mailed</u>	<u>Judicial District Number</u>	<u>County(s) Encompassed</u>	<u>No. of Judges To Whom Questionnaire Was Mailed</u>
1	Philadelphia.....	20	34	Susquehanna.....	1
2	Lancaster.....	3	35	Mercer.....	2
3	Northampton.....	2	36	Beaver.....	1
4	Tioga.....	1	37	Warren and Forest.....	1
5	Allegheny.....	3	38	Montgomery.....	1
6	Erie.....	1	39	Franklin and Fulton.....	2
7	Bucks.....	9	40	Indiana.....	2
8	Northumberland.....	1	41	Juniata and Perry.....	1
9	Cumberland.....	1	42	Bradford.....	1
10	Westmoreland.....	1	43	Monroe and Pike.....	2
11	Luzerne.....	1	44	Wyoming and Sullivan.....	1
12	Dauphin.....	1	45	Lackawanna.....	1
13	Greene.....	1	46	Clearfield.....	1
14	Fayette.....	1	47	Cambria.....	1
15	Chester.....	6	48	McKean.....	1
16	Somerset.....	2	49	Centre.....	1
17	Union and Snyder.....	1	50	Butler.....	2
18	Clarion.....	1	51	Adams.....	1
19	York.....	2	52	Lebanon.....	2
20	Huntingdon.....	1	53	Lawrence.....	1
21	Schuylkill.....	4	54	Jefferson.....	1
22	Wayne.....	1	55	Potter.....	1
23	Berks.....	2	56	Carbon.....	1
24	Blair.....	2	57	Bedford.....	1
25	Clinton.....	1	58	Mifflin.....	1
26	Columbia and Montour.....	1	59	Cameron and Elk.....	1
27	Washington.....	1			
28	Venango.....	1			
29	Lycoming.....	2			
30	Crawford.....	1			
31	Lehigh.....	1			
32	Delaware.....	11			
33	Armstrong.....	1			
				Total.....	120

- (3) A total of 4 of the 53 judges indicated that they are "currently" serving primarily as a "juvenile court" judge, but also preside at some adult proceedings.
  - (4) A total of 3 of the 53 judges indicated that they are "currently" serving exclusively as a "juvenile court" judge.
- e. Each judge was asked to report the "approximate" number of allegedly delinquent juveniles who are referred to them during a typical month; Chart C on page 11 displays the numbers of such youths as reported by the 53 judges that submitted a completed questionnaire. Please note that the information on Chart C is set forth according to categories of "juvenile court" responsibilities as reported by the responding judges. The following are additional items of information regarding the reported judge/juvenile contacts during a typical month:
- (1) The average number of juveniles referred monthly to all judges who reported such information for this survey is 30.
  - (2) The highest number of juveniles reported as referred to a single judge during a "typical" month is 300.
  - (3) The average number of juveniles reported as referred monthly to Category I<sup>5</sup> judges was 126.
  - (4) The average number of juveniles reported as referred monthly to Category II<sup>5</sup> judges was 22.
  - (5) The average number of juveniles reported as referred monthly to Category III<sup>5</sup> judges was 8.
- f. Chart D on page 12 displays a breakdown of the 53 judges that submitted a completed questionnaire according to the geographic area of the Commonwealth in which their judicial district is located. Please note that the boundaries utilized for purposes of geographic area designation are the boundaries of the 4 administrative "regions" of the Department of Public Welfare. A map displaying the counties within each of these "regions" is set forth as Appendix A to this report, page 156.

### 3. Format of Questionnaire Document

The questionnaire document used for the LB&FC survey of judges on juvenile delinquency matters contained 35 questions.<sup>6</sup> Four of these questions were intended to obtain basic identification and juvenile court involvement information; the remaining questions were intended to obtain opinions or factual knowledge from the judges on a variety of issues related to the juvenile justice system.

<sup>5/</sup> See definitions of Categories I, II and III on Chart C.

<sup>6/</sup> There were 24 separately "numbered" questions on the questionnaire; however, some of these questions had several parts, resulting in an effective total of 35 questions.

CHART C

NUMBER OF ALLEGEDLY DELINQUENT JUVENILES THAT APPEAR MONTHLY BEFORE JUDGES  
WHO RESPONDED TO LB&FC QUESTIONNAIRE

	<u>Category I</u> Judges Who are Exclusively or Primarily a Juvenile Court Judge	<u>Category II</u> Judges <sup>a</sup> Who Serve Primarily at Adult Court Proceedings*	<u>Category III</u> Judges <sup>a</sup> Serving in a "Single-Judge" Judicial District	Totals for All Responding Judges
No. of judges who have <u>-0-</u> monthly referrals of delinquents .....	-	1**	-	1
No. of judges who have <u>1 to 9</u> monthly referrals of delinquents .....	-	2	11	13
No. of judges who have <u>10 to 24</u> monthly referrals of delinquents.....	2	17	6	25
No. of judges who have <u>25 to 99</u> monthly referrals of delinquents.....	2	4	1	7
No. of judges who have <u>over 100</u> monthly referrals of delinquents.....	3	1	-	4
No. of judges who did not report number of monthly referrals .....	-	3	-	3
No. of judges that returned a completed questionnaire .....	7	28	18	53

\*This does not include such judges from judicial districts which have only one allocated common pleas court judgeship; these individuals are included within Category III.

\*\*This individual serves as an "administrative" judge.

a/See item 2d on page 8 for further description and explanation of certain exceptions.



CHART D

NUMBER OF JUDGES WITHIN EACH "REGION" OF THE COMMONWEALTH  
WHO SUBMITTED A COMPLETED LB&FC QUESTIONNAIRE ON JUVENILE DELINQUENCY MATTERS

<u>Region* of the Commonwealth</u>	<u>Number of Judges to Whom Questionnaire Was Mailed</u>	<u>Number of Judges From Whom Completed Questionnaire Was Received</u>	<u>Percent of Return</u>
Northeast	19	9	47%
Southeast	47	11	23%
Central	28	18	64%
Western	26	14	54%
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STATEWIDE TOTAL	120	53**	44%

\*Refers to the regional structure defined by the Penna. Department of Public Welfare for its own administrative purposes; see map on page 156.

\*\*Includes one judge who submitted his completed questionnaire anonymously, without identification of his judicial district or "region" of Commonwealth.

Generally the questions were structured so as to obtain a "YES" or "NO" answer (or other short answer) from the judge, and, also, to elicit any amplifying comment which the judge may wish to offer in regard to the question or his answer to it. This latter portion of the question (i.e., an invitation for the judge to "comment" or explain his answer) was considered a key element of the questionnaire intended to give judges the opportunity to express themselves "in their own words"; in fact, a few of the questions involved only an "essay" type of reply.

A copy of the complete questionnaire package that was mailed to judges (i.e., including the accompanying cover letter) can be obtained from the staff of the Legislative Budget and Finance Committee.

#### 4. Format for Reporting of Survey Results

Report Section C (pages 15 through 154 ) contains a description of the information and data resulting from the LB&FC survey of judges. The Section is organized into "outline" form and contains a total of 31 subsections, one for each of the individual questions on substantive matters that was contained in the questionnaire. Each of these subsections is designated by an Arabic numeral (1, 2, 3...31); also, each subsection begins at the top of a page.

In most cases, information and data is set forth within subsections according to the following uniform format:

- a. Question Asked - This is generally a re-statement of the question as it had been set forth in the questionnaire.
- b. Statewide Responses - This is generally a recap of the total number of judges that replied "YES" or "NO" to the question and the number of judges that returned a completed questionnaire but did not answer this particular question.
- c. Examples of Comments Submitted - Contained under this heading are comments (or, in some cases, excerpts from comments) which were submitted by the individual judges in regard to this particular question. The quoted comments are reported anonymously and are organized under convenient sub-headings (e.g., comments of those judges who answered "YES" to the question may be listed together, likewise for judges who answered "NO").
- d. Trends According to Category of Judges - As noted above on page 8 (item 2d), data from returned questionnaires was "categorized" according to the nature of the judge's involvement with juvenile court cases, specifically:
  - (1) Judges who reported that they serve exclusively or primarily as "juvenile court" judges were classified as Category I;
  - (2) Judges who reported that they serve primarily as adult court judges<sup>7</sup> but preside at some juvenile court proceedings were

7/ Except for such judges who are included in Category III.

classified as Category II;

(3) Judges who reported that they serve in a "single-judge" district and therefore handle both juvenile and adult proceedings were classified as Category III.<sup>9</sup>

Set forth under this heading, then, is a recap of the "YES" and "NO" answers to this particular question by judges within each of these three "categories".

- e. Trends According to Region of the Commonwealth - Contained under this heading is a recap of the "YES" and "NO" answers to this particular question provided by judges within each of four geographic "regions" of Pennsylvania (i.e., the Northeast, Southeast, Central and Western Regions as defined in administrative regulations of the DPW)<sup>8</sup>. Each judge that submitted a completed questionnaire was designated to be "from" the "region" in which his judicial district is located.
- f. Special Commentary - Set forth under this heading are any "special" notes or information regarding this particular question.

As described above under subsection 3, the questionnaire document used for this LB&FC survey of judges was especially structured to elicit written commentary from individual judges on several key issues. The judges that participated in our survey were very cooperative in this regard; many of them obviously exerted a substantial effort to express the reasons for or otherwise amplify their answers to questions via "comments". With an awareness of this "special effort" on the part of many judges, the preparers of this report have taken pains to include within the report as many of the judges' comments as practical.

This inclusion of so many "comments" is the major reason for the very substantial length of this report (total of 168 pages). Because the report is quite long, the preparers developed Section A which encompasses pages 1 through 7. This "summary" contains the highlights of information set forth in detail in Report Section C and, also, provides page references to alert the reader to the particular part of Section C which contains information related to a specific issue.

8/ See item 2(f) on page 10, Chart D, and Appendix A for further information on this regional breakdown.

9/ See footnote 3 on page 8.



SECTION C - COMPILATION OF INFORMATION FROM QUESTIONNAIRE  
BY SPECIFIC SUBJECT (QUESTION)

This Section of the report contains the detailed information obtained from the LB&FC questionnaire survey of judges. The information is presented in "outline" form on a question-by-question\* basis, generally in the order of which the questions were presented in the questionnaire. The format for presentation of this information and numerical data consists in most cases of six sub-parts which are: (a) Question Asked, (b) Statewide Response, (c) Examples of Comments Submitted, (d) Trends According to Category of Judges, (e) Trends According to Region of the Commonwealth, and (f) Special Commentary. (A more complete description of this reporting format and the structure of Section C is contained on pages 13 and 14 of this report.)

Information pertaining to question number one begins on the next page.

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\*The questionnaire to judges contained 24 "numbered" questions, several of which had multiple parts; hence, there was an effective total of 35 questions. Four of these questions were concerned with identification type information, which has been summarized in Section B of this report; information on replies to the other 31 questions are contained here in Section C.

1. a. Question Asked - Do you believe (1) that the Pennsylvania juvenile justice system as a totality is generally effective with no major changes required, or (2) that the Pennsylvania juvenile justice system is not adequately effective and major changes in it are needed?

b. Statewide Responses -

23 judges (43% of the respondents\*) said the system is currently effective, major changes are not required.

23 judges (43% of the respondents\*) said the system is not currently effective, major changes are required.

7 judges (13% of the respondents\*) answered the question with a response other than one of those set forth above. (Six of these 7 judges provided a "comment" to express their feelings on this matter; their comments are included below under item c-2.).

c. Examples of Comments Submitted -

(1) The following are comments from judges who said the system is generally effective:

(a) "But changes would improve it".

(b) "Except in the manner of the State's handling of dispositions after entry of Court orders."

(c) "But some change is desired...."

(d) "Except for the need for a secure facility in unusual cases."

(e) "Additional funding necessary to provide a greater number of alternatives."

(2) The following are comments from other judges:

(a) "I believe the system is generally effective with major exception of facilities and options available and that major changes are needed there."

(b) "Some areas involving referable service providers and educational programs need evaluated and changed."

(c) "I believe the system can be improved but it is operating 'adequately' at present."

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\*Refers to all judges that submitted a completed questionnaire.

- (d) "Changes are necessary in corrections and treatment."
- (e) "The system is adequate but can benefit from the right changes."
- (f) "It is substantially effective and needs moderate changes."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

- (a) 4 judges said current system is effective;
- (b) 1 judge said current system is not effective;
- (c) 2 judges provided some other answer.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

- (a) 10 judges said current system is effective;
- (b) 17 judges said current system is not effective;
- (c) 1 judge provided some other answer.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

- (a) 9 judges said current system is effective;
- (b) 5 judges said current system is not effective;
- (c) 4 judges provided some other answer.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

- (a) 3 judges said current system is effective;
- (b) 9 judges said current system is not effective;
- (c) 2 judges provided some other answer.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

- (a) 6 judges said current system is effective;
- (b) 7 judges said current system is not effective;
- (c) 5 judges provided some other answer.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

- (a) 5 judges said current system is effective;
- (b) 4 judges said current system is not effective;
- (c) - judges provided some other answer.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

- (a) 8 judges said current system is effective;
- (b) 3 judges said current system is not effective;
- (c) - judges provided some other answer.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- (a) 1 judge said current system is effective;
- (b) - judge said current system is not effective;
- (c) - judge provided some other answer.



2. a. Question Asked - Are major changes needed in the activities of municipal police departments as they relate to delinquent youth?

b. Statewide Responses -

12 judges (28% of respondees\*) said YES.

31 judges (72% of respondees\*) said NO.

10 judges did not answer.

c. Examples of Comments Submitted -

(1) Some of the comments of those who answered YES, major changes are needed, were:

(a) "More personnel to deal with youth and related causal problems."

(b) "Documented dispositions should be available so that a check can be made to ascertain if a juvenile has been involved prior to coming to Court. Too many times, police release the same youth without keeping records and then when he does become involved in the juvenile system, it appears that it is the first time."

(c) "Police still need to be reminded that there is a considerable difference between a minor and an adult and that they need more than the Miranda rights read to them."

(d) "Greater understanding of the true purpose of juvenile court."

(e) "Departments should have specialists in juvenile matters, i.e., officers who handle solely juvenile matters."

(f) "Education of police in juvenile procedures. Appreciation for public relations. Intake procedures when detention is necessary."

(g) "Additional training provided by Commonwealth to assure uniformity to officers assigned to juvenile duty."

(2) Comments from judges who answered NO, i.e. major changes are not needed, were:

(a) ". . .in my experience of 25 years in the Juvenile Court . . . there have been great improvements in the activities of our police in the matter of delinquent youth and further progress in that area should not be impeded by major changes."

(b) "In those communities where it is lacking, a specialized Juvenile Aid Unit should be established."

\*Refers to the total number of respondees to this particular question.

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

2 said YES; 4 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

7 said YES; 15 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

3 said YES; 12 said NO; 3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

4 said YES; 7 said NO; 3 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

5 said YES; 7 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

1 said YES; 7 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

1 said YES; 10 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

3. a. Question Asked - Are major changes needed in the juvenile court system?

b. State-wide Responses -

12 judges (28% of responde s\*) said YES.

31 judges (72% of respondees\*) said NO.

10 judges did not answer.

c. Examples of Comments Submitted -

(1) All 12 of the judges that responded YES to this question provided a short explanation of the "changes" which he/she believes necessary; some of the issues raised by more than one judge are the suggestion that the "making of restitution" by delinquents become a legally authorized dispositional alternative and the recognition of juvenile court as a high priority within the overall court system of the Commonwealth. The following quotes are taken from some of the comments submitted by the judges that replied YES to this question:

(a) "More judges should be assigned in \_\_\_\_\_ so that each case can receive adequate attention. A broader spectrum of dispositional facilities is required."

(b) "We need more time to devote to cases, more time to devote to preventative programs, more sophistication in dispositions, more coordination with existing agencies (particularly mental health) and more stature within the judicial system."

(c) "A modest return to the concept that good behavior is to be expected, if not rewarded, and that bad (criminal) conduct must result in punishment for the offender. Our 'enlightened' approach to juvenile misconduct has led the offender to hold the law, and those who attempt to enforce it, in contempt - (not unexpectedly).

"A system which will permit the Juvenile Judge to be innovative in probation conditions - such as the requiring of a juvenile who has stolen or damaged property to work after school hours and on Saturdays at some publicly supported income producing job - in order to make partial restitution possible."

(d) "Task of a juvenile court judge is most difficult. Dispositional decisions are complex and frustrating - in light of limited available resources or options. We need broader utilization of Community-based rehabilitation program including the use of detention as a disposition. The system should convey a realization with the juvenile of the consequences that can ensue from violation of any law which should include some form of punishment."

(e) "At times the 'adversary system' does more harm than good in the rehabilitative process. It is time consuming, expensive. Perhaps, it

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\*Refers to the total number of respondees to this particular question.



should be utilized in only the most serious cases."

(f) "Judges should receive more intensive training in behavioral sciences and they should have a thorough indoctrination by the Supreme Court in the complexities of the System. It (Juv. Ct. ) should not be the Siberia of the courts or tag end of the term."

(g) "To accord the Courts full discretion as to type and nature of rehabilitation - restitution, fines, etc., in addition to the limited present means."

(h) "The juvenile Court system should be made more uniform as to mechanics; a system of state wide reporting should also be implemented in an attempt to secure data to substantiate or refute statewide juvenile programs. The Juvenile Court Judges' Commission should work toward an overall mutually developed statewide philosophy for handling juveniles."

(i) "Methods of incarceration - and methods of rehabilitation."

(j) "(1) Publicity of offenders (2) Legislative authority for restitution (3) Community and non-profit work programs for juveniles, properly paid with portion applied to costs and restitution."

(k) "Improvement in administrative processes, management techniques and procedural functions: utilization of modern business practice and management technology. Development of innovative programs designed to insure the most effective rehabilitation of offenders. Leadership in presenting to the community service needs for children which are unmet."

(2) Two of the 10 judges who did not answer YES or NO to this question submitted a comment in regard to it; they follow:

(a) "It might make sense to permit attorneys to be appointed as special masters to hear adjudicatory proceedings as well as detention hearings with approval of the Supreme Court of Pennsylvania for each county - make this optional."

(b) "More probation services; a secure facility for boys and girls."

[ITEMS 3d AND 3e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

3 said YES; 3 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

5 said YES; 17 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

4 said YES; 11 said NO; 3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

3 said YES; 8 said NO; 3 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

3 said YES; 9 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

2 said YES; 6 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

3 said YES; 8 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.



4. a. Question Asked - Are major changes needed in county juvenile probation services?

b. Statewide Responses -

18 judges (38% of respondees\*) said YES.

29 judges (62% of respondees\*) said NO.

6 judges did not answer.

c. Examples of Comments Submitted -

(1) Virtually all of those judges who answered YES and commented on this question indicated that more services/more funding for juvenile probation is desired. Some of the comments of those who answered YES follow:

- (a) "More financial support for additional Juv. Probation officers. These funds can be diverted from many of the present ineffective but expensive programs."
- (b) "State support must increase. County Commissioners, generally, place a very low priority on probation services."
- (c) "County probation systems should be expanded by increased aid from the state. Turnover is much too high because of inadequate salaries. This is not good for the system. Juvenile Court Judges Commission should be given more power to avoid fragmentation at the state level."
- (d) "More staff and more intensive probation. Monies spent to provide community advocates and other soft programs would better be spent on enhancing court services in probation."
- (e) "More staff for more emphasis on early intervention [of] relatively minor matters. These are now ignored or handled 'unofficially' (unfortunately almost the same thing) until [a] major problem occurs."
- (f) "The state grant-in-aid program of probation officers' salaries administered through the Juvenile Court Judges' Commission should be increased in amount to insure participation, but also placing a limit on the size of allowable case load per probation officer so as to accomplish an effective program of supervision."
- (g) "Major changes should be developed by educational institutions to train juvenile personnel to be more individually oriented and to attack the juvenile problem from an objective or pragmatic point of view, rather than looking at all juvenile problems as an idealist. It might be well to consider that all probation services should be under the direct supervision of the State Supreme Court Administrator, financed by state and federal funds."

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\* Refers to the total number of respondees to this particular question.

- (h) "Consulting services should be made available to all juvenile probation officers. . A kid in the rural area needs as much attention as a kid in the city."
  - (i) "Increased funding for increase in probation officers, group homes."
  - (j) "I believe the answer should be yes and no. There should be either regional facilities or county facilities that could be utilized. Oftentimes Probation Officers spend too much time traveling. Alleviate case load."
  - (k) "Implementing innovative treatment modalities. Development of highly trained staff through effective recruitment and training. Sufficient staff with on-going analysis of case-load and efficient case load management. Concerted efforts to utilize volunteers in a variety of services."
- (2) The comments of those who answered NO follow:
- (a) "Our staff is working effectively."
  - (b) "Not in my county. I do believe that services are sadly lacking in some other counties."
  - (c) "I feel after 14 months on the bench that [my] county has a dedicated and able juvenile probation department."

[ITEMS 4d AND 4e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

4 said YES; 3 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

9 said YES; 15 said NO; 4 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

5 said YES; 11 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

4 said YES; 9 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

5 said YES; 9 said NO; 4 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

3 said YES; 5 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

5 said YES; 6 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.



5. a. Question Asked - Are major changes needed in the Pa. Dept. of Public Welfare (DPW) in regard to its activities involving delinquent youth?

b. Statewide Responses -

41 judges (91% of respondents\*) said YES.

4 judges ( 9% of respondents\*) said NO.

8 judges did not answer.

- c. Examples of Comments Submitted - Each of the judges that replied YES to this question was asked to provide suggestions on changes he/she believes necessary; further, each judge was asked to separately list changes he believes should be made in the DPW system of YDC/YFC's and changes he thinks are necessary in other (non-YDC) DPW activities related to delinquent youths.

(1) A total of 39 judges (87% of all judges that responded to this question) submitted one or more suggestions for necessary changes in the DPW system of YDC/YFC's. Some of the specific recurrent suggestions were:

-Need for more bed spaces at YDC's and YFC's, especially secure beds and forestry camp beds.

-Need for improved special services in conjunction with YDC's, especially diagnostic services, programs for emotionally disturbed, and educational programs.

The following are some of the actual comments regarding YDC/YFC's:

(a) "Although the push has clearly been in the direction of less and less utilization of institutional programs reality still demands the existence of institutions. They do have a significant and positive role in helping certain kinds of youngsters; the alternatives for Courts are few and DPW has contributed to this by reducing institutional alternatives. DPW is characterized by chaos, by placing restrictions on Courts without providing alternatives."

(b) "Maintain an adequate number of bed spaces to allow for admissions by court commitments to avoid holding a juvenile in custody (detention) following order of disposition but pending availability of bed spaces at DPW facilities. Also, the number of secure facilities for commitment is inadequate following the closing of Camp Hill."

(c) "Lack of bed space and lack of detention facilities. Also, lack of diagnostic services."

(d) "Additional facilities to provide more alternatives at a reasonable cost."

(e) "Offer a diverse spectrum of treatment programs meeting children's different needs and allowing flexibility outside of regional boundaries to assure his placement in the most appropriate program. Prompt reception of committed juveniles to avoid lengthy stays in detention."

\*Refers to the total number of respondents to this particular question.



(f) "Insufficient in number and quality. A variety for female offenders is absolutely necessary as is provision of special facilities for emotionally disturbed and/or retarded."

(g) "Better training and more spaces."

(h) "The entire DPW treatment system is inadequate in these respects: (a) insufficient secure beds, (b) crowded conditions, (c) inability to serve the individual aspects of the delinquent's personality."

(i) "YDC's and YFC's are under-staffed and over-populated. There is no continual outside evaluation and currently are not providing the kind of service for which they were established."

(j) "The system should be enlarged so as to be able to accommodate more children but more importantly these institutions should provide a full range of educational and therapeutic programs including vocational training."

(k) "There should be more such centers."

(l) "Adequately fund it. Sufficient number of beds to provide the length of training period to be effective - turnout because of crowding rather than rehabilitation as the rule. Also a meaningful security program for 250 residents is needed."

(m) "More funding is required to enlarge the program. It requires almost 2 months to obtain placement. I have had more success with Y.F.C. than any other source."

(n) "We need more of them (forestry camps) and adequate staffing and programs."

(o) "It is almost impossible to get needed placements in the Youth Development Centers and Forestry Camps when they are needed and since the closing of Camp Hill, Warrendale and the limitation of Waynesburg. This Department has done nothing in the pressing matter of security for violent offenders and I deplore the attempts of the Department to close the facilities of the George Junior Republic."

(p) "The establishment of secure juvenile facilities - mostly non-existent since the ill-advised closing of Camp Hill; immediate mental facilities for juveniles."

(q) "None other than it is a mistake to convert a part of a Youth Development Center into a secure institution. A Youth Development Center lacks the services, programs and facilities of a Camp Hill."

(r) "Y.D.C.'s are completely ineffective and are lacking in security. There are not enough forestry camps available."

(s) "More adequate facilities including a greater number and more secure facilities."

(t) "There is a critical need for more secure facilities and for additional facilities in existing YDC's and Forestry Camps."

(u) "More security, more discipline, better educational and vocational training facilities. Much more attention to basics such as reading. Most delinquents are functional illiterates."

(v) "Greater security."

(w) "Secure facilities need to be provided either as an adjunct to YDC's and camps or as an available alternative when required."

(x) "There is need for secure (post adjudication) beds facility to which delinquents from [my] County needing this environment can be sent."

(y) "Programs should be expanded to provide services to emotionally disturbed delinquents who do not need hospitalization and to acting out mentally retarded delinquents."

(z) "More emphasis on the youth's responsibility for his acts - not so many explanations why his problem is somebody else's."

(aa) "Need smaller centers on a local basis. DPW should refrain from trying to decide who is eligible for entry and when they should be released."

(bb) "Secure beds and evaluation services (effective) are the only area I believe DPW should be involved in."

(cc) "Elective (to the juvenile) education or vocational training programs."

(dd) "There is no care, we need some."

(ee) "These facilities are crowded, but we can find an opening when needed. If capacity were enlarged, counties would simply make more placements, which they would otherwise be required to find local alternatives for."<sup>2</sup>

(2) A total of 31 judges submitted one or more suggestions for changes in DPW activities which involve delinquent youth but are not a direct part of the YDC/YFC program; the following are some of the comments submitted (please note that they are categorized according to the subject area of the comment):

(a) Comments suggesting the need for more and a greater range of DPW sponsored services:

- "Better release planning and follow-up - more community homes or halfway houses as a reentry program."

- "Funding a broad spectrum of options from foster homes - group homes - community based on up to secure units - special need: more slots where mental/emotional problems can be addressed."

z/ The judge that submitted this comment replied NO to this question; i.e., he indicated a belief that no major changes are necessary in delinquent youth related activities of the DPW; all other comments quoted [a through dd] are from judges that responded YES to the question.

- "DPW needs to be more actively involved in delinquent matters in rural areas. Regulations on housing juveniles initially (i.e., short-term detention & treatment) should be more flexible to allow multi-purpose units to function. Assistance, both programmatic and monetary, should be increased to individual counties or groups of counties (rural especially) to develop alternatives to institutions such as group homes, foster care homes, runaway facilities, etc."

- "To make funds available for halfway houses, shelter houses and group homes for delinquent children or those sometimes regarded as status offenders."

- "We need good, quick evaluation services."

- "The DPW should be given the objective (which includes the capability) of organizing regional treatment centers...."

- "DPW should establish more diversified programs to accommodate all requirements, particularly including the emotionally disturbed borderline mental health juvenile who is also a delinquent. There is no present place for commitment from the northeast region, placing juvenile courts in an impossible situation. Also, DPW arbitrarily manipulates the number of bed spaces and programs without consulting counties as to requirements."

- "Essential that the DPW recognize the need for maximum and medium security facilities for the commitment of young habitual criminals for whom all other methods of treatment have failed. The present phantom alternatives to Camp Hill are a farce and fail to provide the kind of training some require."

- "Secure facilities are needed."

- "Totally secure institutions for the violent and dangerous juvenile. Appropriate facilities for the retarded, and disturbed, with suitable education, vocational, and therapeutic programs."

- "We need more secure facilities that are truly secure and with better programming, including drug, alcohol and mental health problems."

- "A sufficient number of humanely administered secure beds outside of Camp Hill or a similar institution must be provided. Furthermore, sufficient facilities for emotionally disturbed youth must likewise be provided."

(b) Several judges believe that DPW's current approach to or role in the juvenile delinquency service system needs major revision; some comments of this type follow:

- "The Department of Public Welfare is too big and has too many things to look after to function well and to be of any use and it would be better that the matter of children and youth be separated from it. In addition, the Health and Mental Department should be separated also."

- " . . . activities and powers of the Department of Public Welfare affecting the juvenile justice system should be transferred to a new department which could be designated the Department of Youth Services. This Department would allocate funds for the juvenile justice system as provided by the legislature, inspect, classify and publish reports on both public and private institutions and furnish expertise to aid and improve the local juvenile court services."

- "Get DPW out of the field."

- "The DPW apparently is trying to take over much of the Court's responsibilities. Experience indicates that programs have not been successful and they have become overly expensive in comparison to the services rendered. It would be well for DPW to confer periodically with the Judiciary, in an attempt to solve juvenile problems. It is imperative that these two agencies forget past differences and make an honest attempt to get together for the benefit of the youth. The DPW has the funds while the Judiciary has the authority and somehow they must get together."

- "Quit trying to take over the disposition decisions from the Juvenile Courts."

- "The Department does not seem responsive to community needs or community efforts to deal with the problems if the community's programs do not fit the concepts of the Department. In short, it is stifling community efforts."

- "Adoption of a more liberal and tolerant attitude toward privately operated juvenile facilities. DPW has been guilty of literally destroying the private sector. In my view, the best of the private facilities are far superior to DPW."

- "DPW should lend its support to good private institutions which are often offering excellent programs."

- "Encouragement of independent agencies to engage in youth rehabilitation activities. These agencies are far superior to those run by DPW."

(c) The following are examples of comments submitted in response to this question which would not be readily categorized in item (a) or (b) above:

- "Providing counties with a feasible detention plan."

- "Emphasis on specialized services to youth who need strict supervision and guidance during formative years since they cannot function well except in a structured environment."

- "Implementation of community-based alternatives to institutionalization. Clarification of DPW organizational structure to eliminate the confusion and misdirection resulting from overlapping authority and internecine conflict permitting clear assessment of responsibility and accountability."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

7 said YES; - said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

21 said YES; 2 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

13 said YES; 2 said NO; 3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

10 said YES; 3 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

12 said YES; 1 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

8 said YES; - said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

10 said YES; - said NO; 1 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

6. a. Question Asked - Are major changes needed in the role or activities of the Juvenile Court Judges' Commission (JCJC)?
- b. State-wide Responses -
- 20 judges (44% of respondents\*) said YES.
- 25 judges (56% of respondents\*) said NO.
- 8 judges did not answer.
- c. Examples of Comments Submitted - Each judge that replied YES to this question was asked to comment on the changes he/she believes necessary in the role or activities of the JCJC. The following are some of the comments submitted:
- (1) Suggestions that the JCJC take on expanded authority and/or activities:
- (a) "They must become more aggressive in promoting improvements and sponsoring changes. They must also be more aware of the role of the Legislature."
- (b) "JCJC must become more active in the legislative and financial areas. The JCJC could be a major factor in developing a strong juvenile legislative program if they exert their influence. The JCJC should also permit local officials to have more discretion in using JCJC funds."
- (c) "Should be given more authority in developing and approving new programs."
- (d) "The Commission should have more authority in the operation of the Juvenile Justice System of Pennsylvania."
- (e) "The training programs provided are good, but there is a need for a greater advocacy role in the area of legislation, and promotion of necessary residential services for juveniles with special needs."
- (f) "This agency's staff should be more involved with the juvenile court judges; we need research, compilation of existing disposition facilities, up-dating on new legislative proposals and constant (and consistent) evaluation."
- (g) "But not in attitudes and function. The need is to establish real authority in the commission."
- (h) "More active participation as opposed to passive reaction."

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\*Refers to the total number of respondents to this particular question.

(i) "Commission should be given more money for Grant-In-Aid, Juvenile Court Judges' Commission should be given more power to avoid fragmentation at the state-level."

(j) "Its budget should be increased so that it can accomplish more and be more effective."

(k) "Broader funding for P.O.'s; more extensive training programs, much more research, statistical compilation, and evaluation is needed."

(2) The following are some of the other comments received in regard to this question:

(a) "The Commission should actively pursue the concept of regionalized services to delinquent and deprived juveniles in rural areas where separate programs for each individual county are not economically or logically feasible. An example: 2 counties sharing a group home, detention facility (long-term), etc."

(b) "Remove the staff from the intimidation of the administration and render them free to represent and fight for judges' views."

(c) "This commission I hope will not find the need to constantly fight DPW. I trust the commission's thinking far more than DPW."

(d) "Much closer liaison with the Executive and Legislative branches so that we do not continue to follow divergent philosophies and policies."

(e) "The commission is oriented toward the needs of the metropolitan areas. In itself this is not bad because those areas have more serious problems than we have. However, the commission takes positions which may not represent the thinking of many judges. Our input has little or no effect on shaping its decisions."

(f) "The functions of the Juvenile Court Judges' Commission should be absorbed by a Department of Youth Services, Juvenile Court Judges, Legislators, Social Workers could serve as an advisory board."

(g) "I seriously doubt whether the Commission is worth the money it takes to operate it. It ought to be thoroughly examined and evaluated."

(h) "Mandated maximum case loads [should] be incorporated into the criteria for qualifying for grant-in-aid programs...."

(i) "Unfamiliar with their activities."

(j) "It would be desirable to establish an officer to act as continuous liaison with the legislative and executive branch clearly presenting the Judges' position and expediting action on matters relating to children."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

4 said YES; 2 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

9 said YES; 14 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

7 said YES; 9 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

7 said YES; 6 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

5 said YES; 8 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

3 said YES; 5 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

4 said YES; 6 said NO; 1 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.





7. a. Question Asked - Are major changes needed in the system of private service providers for delinquent youth (e.g., training schools, group homes, advocates, etc.)?

b. State-wide Responses -

27 judges (64% of respondees\*) said YES.

15 judges (36% of respondees\*) said NO.

11 judges did not answer.

c. Examples of Comments Submitted -

(1) Several of the judges that commented on this question displayed a positive attitude toward private service providers, many expressing a belief that DPW should cease what the judges believe to be a discouragement of the usage of certain private provider agencies. Some of the statements of this nature follow:

(a) "...They should be encouraged and supported rather than disparaged and harrassed by DPW and other state agencies."

(b) "The State must encourage them and stop discriminating against them in monetary matters, etc."

(c) "Encouragement instead of discouragement of effective private service providers such as George Jr. Republic, St. Gabriel's, etc."

(d) "The use of private service providers needs to be encouraged by financial assistance to the private providers. As a general rule I find the private service provider does a better job than DPW operated services."

(e) "The animosity of the Department of Welfare to such institutions as Sleighton Farms, Glen Mills, Oakdale, Luzerne County Industrial School at Kis-Lyn and now George Junior Republic have removed from the Juv. Ct. institutions which served the courts better than the courts are now being served and while they may have required improvements they are closed down for the desire of the Dept. of Welfare to gather power."

(f) "Stop over-regulating them and forcing them out of business."

(g) "The changes needed are not within the private training schools - but from without. That is to say that State must lend more support to them. Most have been doing a good to excellent job for years, but now must combat the DPW's and Governor's Justice Commission's effort to destroy them."

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\*Refers to the total number of respondees to this particular question.

(h) "Additional funds from the State should be provided for private services providers, particularly juvenile institutions (private). It appears that the Department of Welfare is attempting to force the private institutions out of business but are unable to take care of the children now being sent to the State institutions by the Courts."

(i) "Basically they do a better job than the state agencies."

(j) "The training schools should be adequately funded. I believe they do a better job than DPW."

(k) "But DPW is determined to take over and control them and DPW should stay out."

(2) Several judges indicated a belief that changes are needed in the procedures for public control over, usage of, or evaluation of the system of private provider facilities; the following are some of the comments of this type:

(a) "The elimination of the power of life and death over these services by the Department of Public Welfare. The establishment of a Department of Youth Services to allocate funds, supply expertise, inspect and rate facilities, services, etc."

(b) "Lack of clarity as to goals and objectives has had marked influence on institutional programs. Programs in youth institutions have reflected a variety of objectives, many of which are conflicting. Judges order juveniles to institutions because there are no effective alternatives."

(c) "Better training and preparation as a prerequisite; more reasonable and realistic charges based on services performed."

(d) "Continuous private evaluation should be made on each private service provider. Their programs should be constantly up-dated and trained professional personnel should be available at all times."

(e) "As to delinquent youth, take supervision out of DPW and give it to a New Bureau of Juvenile Justice."

(f) "These programs should be more closely aligned and responsible to the courts than to an administrative body."

(g) "Stricter by reasonable and effective supervision by DPW. Good regional training schools needed. Group homes should be local."

(h) "They are pricing themselves out of market. Better financial control needed."

(i) "A greater number; more adequate facilities; financing by the State as needed; and subject to the control and direction of the local courts where located."

(3) A few judges suggested in their comments to this question that more privately operated services are needed, especially community based services and/or specialized services; the following are some of these comments:

(a) "Group homes - we need them"

(b) "More community programs particularly group homes - foster homes - more intensive treatment units in institutions for emotionally disturbed."

(c) "(1) Provide essential services in unique cases. For example, it is next to impossible to place a child who is mentally disturbed. (2) Eliminate overlapping services and substitute a coordinated broad spectrum of services."

(d) ". . .Additional funding necessary to provide more group homes."

(e) "Occupational facilities at costs which do not drive county commissioners to an early grave."

(4) The following are examples of other comments submitted by judges in response to this question:

(a) "Less stringent criteria for admission. Presently the delinquent youths who need the services the most are shut out of the services."

(b) "They are too selective and are retreating from taking somewhat difficult or mildly aggressive juveniles. They do not fill much of a role by taking easy cases for which there are alternatives."

(c) "I have had little success in this area as there is no way in which the juvenile is compelled to remain. Frequently the juvenile flew within one week of admission."

(d) "More are necessary."

(e) "There is a need for comprehensive planning to avoid duplication of services, fill gaps in resources and provide a broad continuum of services."

[ITEMS 7d AND 7e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

5 said YES; 1 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

14 said YES; 9 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

8 said YES; 5 said NO; 5 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

9 said YES; 4 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

6 said YES; 6 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

4 said YES; 1 said NO; 4 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

7 said YES; 4 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

8. a. Question Asked - Are major changes needed in the practices of the Pennsylvania Governor's Justice Commission as they relate to the juvenile justice system?
- b. Statewide Responses -
- 21 judges (54% of respondents\*) said YES.
- 18 judges (46% of respondents\*) said NO.
- 14 judges did not answer.
- c. Examples of Comments Submitted -
- (1) Several judges that provided a comment in regard to this question expressed dissatisfaction with the current allocation priorities and/or procedures involving award of GJC grants. The following are some of these comments:
- (a) "Provision for continued funding of sound programs and quick termination of programs of marginal value. A real rather than professional concern with the vital problem of juvenile delinquency demonstrated by maintaining and increasing the funding flow. Make more funding available to Juvenile Courts and established social agencies rather than the present practice of leaning heavily toward funding newly created entities."
- (b) "Make funds available for brick and mortar for the construction of halfway houses and shelter homes."
- (c) "Heretofore Governor's Justice Commission funding has been available for salaries of additional probation officers, on a continuing year to year basis but by a reduced amount of contribution. Latest information is that all of this funding will be eliminated for the ensuing fiscal year, the effect of which will be to destroy what has been a gradually improving probation program in that many counties will in all probability not be able to fund entirely on the local level the additional employees whose positions will have to be eliminated. Governor's Justice Commission should immediately modify this new policy and return to the former policy of funding."
- (d) "I don't think anybody in the state except those on the inside are aware of the tremendous sums of money that the Juv. Court Justice Commission has wasted in the field of juvenile justice. The result of the expenditures in each case are nil. Our experience with -- demonstrates the lack of wisdom in the handing out of large sums of money to irresponsible operators... . Most of the Halfway houses, Community Advocates and Group Homes, etc. should be thoroughly investigated before any more money is wasted."
- (e) "They must become more aware of the juvenile problems and realize that change in and of itself does not necessarily mean progress."
- (f) "It is hard to have a program approved on its merits unless it fits exactly into the scheme of DPW who make a lot of regulations which frustrate initiative in the community and whose employees are arbitrary."

\*Refers to the total number of respondents to this particular question.

(g) "Governor's Justice Commission must involve public officials, community groups, universities and planning bodies in program development and execution."

(h) "Let decisions be made at a local level and out of politics."

(i) "The rural areas do not have the votes; accordingly, they don't receive their fair share of funds."

(j) "They should eliminate the requirement that all grant applications be directed to Harrisburg. The old regional method made it possible for good local programs to be considered. Additionally, the regional employees of the Governor's Justice Commission should be required to visit their area at least once each quarter. These visits could be used for evaluation, in-service training and to bring all field workers up to date on new approaches to these problems."

(k) "Probation as a treatment plan has not failed; in many areas it has never been tried. It would be nice to see a county or counties have sufficient staff to actually try probation. Grants for this purpose would be of greater value than grants for untried innovative experiments."

(l) "More attention must be given to programs for hard core delinquents - too much emphasis is directed to soft community programs - money is being wasted on community groups whose sole purpose appears to be to attack the courts and undermine the juvenile justice system - little help is given to courts directly to assist in upgrading their operations."

(m) "The Commission should re-evaluate and prioritize its allocations to insure that all counties in the Commonwealth have basic programs and facilities for handling juveniles before funding secondary programs. For instance, facilities & programs for initial detention & treatment should be established throughout the various regions of the GJC, either in each individual county or on a regional basis, before secondary programs are implemented in areas which already have these basic services. To date, this has not been the case, as the more urban areas of the Commonwealth have received funding for both primary programs such as detention, treatment and diagnostic and secondary programs such as group homes, foster group homes, runaway shelters, etc., while the rural areas still lack even the primary programs mentioned above.

"The Commission should allocate more of its funds for single year programs which would not have to be funded on a continuing basis. Many, if not most, juvenile programs require funding initially to get an existing facility ready for use and to make the program operational. Thereafter, the per diem rates of each program should be sufficient, with the appropriate reimbursements from the various state agencies, to meet the operational costs necessary to continue the program.

"The Commission should streamline its application procedures so as to eliminate as much of the bureaucratic "red tape" as possible. More active assistance in preparing the application would result

in fewer delays at the latter stages after submission to the regional office. Merely simplifying the format of the sub-grant application would be beneficial as parts of the narrative are redundant and sections of it are totally irrelevant to some programs."

(2) The following are examples of other comments submitted in regard to this question:

(a) "No central agency...[such] as the Governor's Justice Commission should be granted the power or permitted to assume the power of mandating policies and programs. Invariably, a new director or administrator has a different idea and changes the policies and programs."

(b) "Take the Governor's Justice Commission out of Juvenile Justice System."

(c) "A de-emphasis on the unrealistic viewpoint that all juvenile offenders are to be treated alike and none should be placed in structured environments."

(d) "Develop facilities regionally. To piecemeal it is a mistake. Although the more that can be held to a local level, the better."

(e) "Get rid of Jerome Miller and his followers as soon as possible. The philosophy espoused by Miller has been the greatest single destructive influence upon the Juvenile Justice system in modern history. He has an unrealistic dream, the espousal of which has lessened morale of the professionals within the system. He seeks personal aggrandizement from all appearances and has little regard for fact. Somebody, sometime, will have to recognize that a very large (and increasing) percentage of criminal acts are committed by those under 18. Until this criminal element is contained, and the trend reversed society will suffer increasingly. With Miller in a position of influence little change can be expected."

(f) "It ought to be abolished - A tragic waste."

(g) "...it seems to me they could use a few staff people who are at least familiar with the juvenile system."

(h) "Frankly, I don't know what it is the Governor's Justice Commission is supposed to be doing, what it is doing, or what its role is in juvenile justice. I get periodic communications from an agency almost every day and I must confess, I'm lost when I try to conceive what is happening."

(i) "(1) Provide full statements of available funds and distribution of funds - eliminate secrecy or what appears to be secrecy in entire area - available revenues and expenditures; clarify pass-through provisions to local jurisdictions. (2) Modify assumption schedule to provide a more flexible approach; i.e., continuation of 'good' projects and elimination of 'bad' projects. (3) Development of objectives and guidelines should be predicated upon considerations of needs and goals of criminal justice agencies as well as those proposed by planners and advisory bodies; i.e., an annual plan



should include full input of professional operational agencies and not exclusively staff and citizen advisory groups. (4) The entire area of evaluation of projects' results should be reconsidered. Emphasis should be on assessment of substantive results - by knowledgeable people in the substantive field - rather than on peripheral aspects. Evaluators should be objective substantive experts with no ideological axes to grind and no commitments to attack or eliminate established criminal justice agencies. (5) Return to original concept of true local option. Move toward centralization and additional funds to be distributed at discretion of States should be reversed."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

5 said YES; - said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

10 said YES; 11 said NO; 7 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

6 said YES; 7 said NO; 5 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

7 said YES; 5 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

5 said YES; 5 said NO; 8 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

3 said YES; 2 said NO; 4 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

5 said YES; 6 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

9. a. Question Asked - Are major changes needed in the usage or availability of pre-adjudication or pre-disposition detention facilities?

b. Statewide Responses -

37 judges (84% of respondees\*) said YES.

7 judges (16% of respondees\*) said NO.

9 judges did not answer.

c. Examples of Comments Submitted -

(1) Several judges indicated a need for more detention facilities; several judges commented that suitable juvenile detention facilities should be made available, perhaps on a regional basis, if the county does not provide such. Comments of the judges who answered YES to this question follow:

(a) "More are needed."

(b) "More facilities - or in \_\_\_\_\_ County's case, some facilities."

(c) "There is sometimes a shortage of spaces."

(d) "The Courts do not have adequate facilities and personnel in number and training."

(e) "We need a reasonably large increase in detention (80 beds) and shelter (140 beds) facilities to assist counties without them. We could also use runaway houses and group homes for crises intervention."

(f) "We need new and expanded facilities for detention which cannot be constructed without State or Federal financial assistance."

(g) "Such facilities are needed so as to eliminate resort to county prisons, undoubtedly requires state funding."

(h) "Providing such facilities at the cost of the Commonwealth and under the control of the local Courts using the same."

(i) "Juvenile detention practices throughout this State are characterized by great disparity and an absence of services. The need to organize and integrate the multitude of programs and activities into a coherent and integrated whole is great, particularly if the goal of crime reduction is to be achieved, the State should provide the resources to counties so these goals can be achieved."

(j) "Tight security facilities, including accommodations for isolation when advisable, are required for violent juvenile offenders."

(k) "Strict compliance with existing law requiring segregation of classes of juveniles."

(l) "These must be made into safe and habitable facilities. Many juveniles are terrorized by the more aggressive inmates and the staff are ill trained, inadequate and frightened."

\*Refers to the total number of respondees to this particular question.

- (m) "They should be regional and better equipped. Provide for violent youth; education; recreation, etc."
- (n) "Smaller counties such as my own do not need and cannot afford separate detention homes. Someone should undertake to compel consortiums of counties to cooperate in providing such facilities."
- (o) "There is a real need for regional pre-disposition detention facilities to serve the low-population counties such as ours."
- (p) "The funding of such facilities in reasonably accessible locations by the Commonwealth or in the alternative less interference in locally funded facilities."
- (q) "The construction of this type of facility in the rural areas on a multi-county regional basis."
- (r) "Make funds available either on a regional or county basis depending on the size of the county in its geographical location for proper detention facilities."
- (s) "These types of facilities are almost non-existent in rural areas and as a result juveniles needing detention are housed in county jails, senior citizens' homes, etc. These types of facilities are needed by rural counties just as much as urban areas if on a somewhat smaller scale. Without these facilities, the alternatives will be the same - send the juvenile outside the county, which results in loss of contact with family and friends and places a severe financial burden on the county as well as creating serious transportation problems ; or, keeping the juvenile in the county in an environment that is totally unsuited to housing juveniles."
- (t) "There should be state-aid for construction or enlargement of individual detention facilities for third class and higher populated counties so as to ensure readily available and closely located detention facilities. If Pennsylvania wants to comply with the Juvenile Justice and Delinquency Prevention Act of 1974 (Birch Bayh Act) in order to obtain federal funds, necessitating elimination of commitments of juveniles to prisons for detention, then the state should help pay for the cost of necessary detention facilities. Regional detention facilities should be used only for the sparsely populated counties where an individual facility would not be feasible."
- (u) "Each county should provide facilities for detention of their own youths."
- (v) "The state should build detention facilities to suit each county's needs."
- (w) "Many of the smaller counties do not have a detention facility available to them. Therefore, county jails are used for the detention of children. All counties must have available the use of detention facilities for children so that children may not be detained in county jails."

(x) "Jail is too often the only realistic option for tough, runaway, delinquent. Secure non-jail detention on one end - and facilities less restrictive than detention on other end are needed."

(y) "Holding facilities are sadly lacking - jails used too often,"

(z) "California is eliminating detention facilities while Pennsylvania proposes to saturate the state with them. A detention facility may be bad in that it will be used unnecessarily if available. Local authorities should decide the need."

(aa) "Remove the restrictions against use of separate detention facilities in rural county jails merely because they are contained in the same building."

(bb) "If the legislation banning the use of county jails as a temporary holding facility is enacted without availability of other facilities, chaos will result."

(cc) "Statewide, yes - [my] county, no. We have an excellent well-supervised facility."

(dd) "The -- Detention Center is a poor structure and has been plagued with staff problems although there may be some improvement recently in the latter respect."

(ee) "Either the DPW should provide what is necessary or give prior approval without great expense in planning to the counties that are willing to order the development of detention facilities. Counties are in a 'damned if you do, damned if you don't' position."

(ff) "Changes and decisions should be left in local authorities,"

(gg) "Individual cases should be left to the discretion of the Judges."

(hh) "Provision for secure detention and detention alternatives in counties where required. Prompt removal of committed juveniles from detention facilities."

(2) Those judges who answered NO to the question commented as follows:

(a) "Not at least in the \_\_\_\_ Judicial District."

(b) "The attempt in [my] county to set up unrealistic ironclad standards for such facilities throughout the Commonwealth is questionable. There should be an emphasis on the use of diagnostic preadjudication and predisposition facilities."

(c) "There of course should be more detention homes. In my acquaintance with the situation there are less than half of the counties with detention homes. Out of 18 counties in the Northeast District there are only 6 detention homes."

(3) The following two comments were written by judges who did not indicate YES or NO to the question:

(a) "We obviously must have adequate pre-disposition facilities for the children who represent a threat to society."

(b) "Possibly in other areas, but \_\_\_\_\_ County is fortunate to have \_\_\_\_\_ Hall."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

5 said YES; - said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

17 said YES; 6 said NO; 5 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

15 said YES; 1 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

12 said YES; 1 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

10 said YES; 1 said NO; 7 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

7 said YES; 1 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

7 said YES; 4 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

10. a. Question Asked - The judges were invited to comment on any other\* "agency segments" of the juvenile justice system which they believe require major changes and/or to comment on changes they believe necessary which are broadly applicable to the system (such as, changes in the laws which underlay the system).
- b. Statewide Responses - A total of 32 judges (60% of the respondents to the questionnaire) wrote comments in response to this request. Two themes were apparent among several of the comments: (1) desire for more services and facilities for youth, with four judges specifically alluding to a need for suitable placement slots for mentally ill or mentally retarded youths, and (2) encroachment of DPW into areas of concern which the judges apparently consider to be the province of the courts. Other issues mentioned were: "status offenders", need for additional security units, and change of the law to allow for judicial treatment of some juveniles more in the manner as adults are handled.
- c. Examples of Comments Submitted -
- (1) The following comments pertain at least in part to the desire for more and better treatment programs for youth:
- (a) "Court should have psychologist [or] psychiatrist available immediately, not weeks or months from time of offense."
- (b) "The need for occupational training as part of a rehabilitation program is absolutely required and nowhere substantially available."
- (c) "Facilities and programs for the multi-problem child . . . are not available. DPW, Mental Health, and Education all duck the responsibility by saying it is the other department's problem resulting in juvenile courts having no place for commitment and treatment of this type juvenile."
- (d) "The MH/MR system must provide substantial beds and programs for the aggressive acting and mentally disturbed and retarded youngster who is dumped on the courts. The Education system must provide alternative schools and intensive tutoring and counseling for hard core truant and behavior problems."
- (e) "I believe that the primary thrust of Juvenile correction should be community oriented with the individual counties encouraged to provide facilities for most if not all adjudicated youth. With appropriate funding the counties can provide a broad range of community based treatment programs as well as group homes,

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\*That is, agencies other than those specifically referred to in the questionnaire, note items 2,3,4,5,6,7,8 and 9 of this summarization of questionnaire results.

detention facilities and shelter care facilities. I believe that some State maintained facilities are necessary and these should be made available as an alternative to the Juvenile Court Judge. I believe that the laws should be changed so that status offenders are no longer treated as delinquent children."

(f) "The constant tinkering and watering down of the basic laws which underlay and define the juvenile justice system should be stopped. Instead of changing statutes emphasis should be placed on providing specialized and effective treatment facilities."

(g) "The Juvenile Judicial System is to rehabilitate not punish or deter. Therefore, the provision of counsel to parent or to child should be abolished. Time requirements as specifically made should be abolished. Adequate facilities should be more available in counties requiring it, at the cost of the Commonwealth."

(h) "The biggest problem with the Juvenile Justice System is the lack of secure facilities in sufficient amount to see to it that hardened juvenile criminals are removed from society, are not allowed to terrorize other inmates and are detained as long as necessary to secure rehabilitation."

(i) "The most serious defect - which needs immediate attention - is to provide more maximum security facilities. In short, the closing of Camp Hill was ill advised and pre-mature."

(j) "We need additional funds to provide more group homes, more psychotherapy, a greater variety of detention facilities for delinquents."

(2) The following six comments are apparently principally concerned with the respective areas of authority of DPW and the Courts:

(a) "Too long Judges have fought with DPW. Let DPW handle neglected, deprived, etc. and let Bureau of Juvenile Justice handle delinquent."

(b) "DPW is profoundly involved in the system, yet the relationship between DPW, the judiciary and the Juvenile Judges' Commission is at best an 'armed truce'."

(c) "Not clearly understood - but one thing is certain. We must not allow the DPW to take over the juvenile justice system as they have directly and indirectly tried to do in recent years."

(d) "Entirely too many 'agency segments'. The matter of youth treatment and correction was properly placed with the Department of Public Welfare. However, the Department was never adequately funded. The system is hopelessly fragmented and youth treatment almost a farce. Problems in corrections could have been resolved, now correction is inadequate."

(e) "Without constitutional amendments there is relatively little change that can be made in the juvenile justice system. The Legislature should end the attempts by DPW to change the system by administrative rules and policies. The Legislature should strip the DPW of the power to destroy private institutions."

(f) "First, we have a new Juvenile Act in Pa. which has only been in effect for several years and which was the result of a lot of effort and consideration and which has empirically proved to be a good piece of legislation. I do not see any need to change this. Second, it would be a grievous error to attempt to curb any of the power and authority now exercised by the Juvenile Court or any other court and transfer that to a non-judicial body which is in my judgment the unstated inquiry in the above question."

(3) Several comments were directed at changes in the law or other court related matters:

(a) "Within the constitutional framework, the Juvenile Act should be amended so as to emphasize the "Juvenile" aspects of the hearing process - and de-emphasize the equation to a criminal trial, which unfortunately now is the fact."

(b) "Status offenders oftentimes need more strict facilities and supervision than delinquents. Do not make status offenders immune from detention, perhaps separate but equal. Bring services to local level except for secure detention and good evaluation."

(c) "A review should be made concerning the present manner of handling status offenders. Summary offenses should be removed from the jurisdiction of the magistrate."

(d) "Non-delinquent children (status offenses) should be diverted out of the court system. Non-delinquent and social problem cases [can] be served better in other programs and the penetration of these cases into the juvenile justice system should be minimized. There is a pressing need for state standards to improve the quality of juvenile contacts with the system."

(e) "I believe the Juvenile Act should be amended to provide for fines and restitution. I think rules of procedure would be very helpful to juvenile courts. I'm wondering if a family court in every county may not be inevitable and desirable with one judge doing that work exclusively. The cost would be substantial but in the long run, we may save money."

(f) "Too many juveniles are juveniles in age only, but behave as adult offenders, and are 'repeaters'. In my opinion they should be so treated. Therefore, I recommend a change in the law to permit a juvenile court judge to commit them to jail, segregated from adults, for short periods so that they may savor what may be awaiting them as adults. I believe it would have deterrent value."



(g) "The Juvenile Act is not adequate. The age of the juvenile should be lowered to 16 years. Certification hearings are on the increase. Consumes more time. Youth Development Centers cannot hold the physically mature youth."

(h) "Truants should be placed in the delinquency class; otherwise, let the 1974 Act alone."

(i) "The laws are adequate...."

(j) "The Supreme Court of Pennsylvania was charged with writing rules and procedures when Juvenile Act #333 was signed into law in December 1972. These rules have never been written and are very much needed."

(k) "We have some court personnel problems the most serious of which is the training and quality of court representatives. We also have had a problem of service of notice and process which, hopefully, we may be working out presently. Juvenile Court Judges should have exclusive jurisdiction over all summary offenses committed by juveniles. Fines are not a remedy in such cases."

(l) "Habitually truant and habitually disobedient-ungovernable juveniles should not be classified as deprived under the Juvenile Act, and if not to be classified as delinquent there should be a special category for "child in need of supervision" under care of the Juvenile Court rather than by referral to a child welfare agency as a deprived child, as provided in SB 70."

"The Juvenile Act (Act 333) should be amended to specifically allow for the court to impose restitution and performance of certain services by delinquent youth in appropriate cases as set forth in SB70."

(m) "Resolution of dilemma as to optimum method of handling status offenders. Review of method of handling summary offenses so that children are not involved in the adult system."

d. Special Commentary -

(1) No analysis was done of the answers to this question according to "category" of judges or regions of the Commonwealth.

(2) One judge submitted comments pertinent to this question in a letter accompanying his completed questionnaire. These comments are set forth on page 124 of this report, item 30c(1)(c).

11. a. Question Asked - Please comment on changes you wouldn't classify as "major", but consider to be desirable minor changes that should be made within the juvenile justice system.
- b. Statewide Responses - About 46% of those judges who completed questionnaires responded to this particular question.
- c. Examples of Comments Submitted -
- (1) Several judges wrote comments that had to do with punishment, restitution, incarceration in jails, and revision of the law with regard to "status offenses". These comments follow :
- (a) "Permit incarceration in county jail of juvenile offenders who commit major crimes, e.g., robbery, rape and aggravated assault. A short, crisp sentence in these situations would be worth a year in some other institution."
- (b) "I reiterate the need to include the concept of 'punishment' within the system. We should not shy away from this, though to some it may be unpopular at the moment. The modern parent often has failed to 'punish' the unruly child, and it remains for the Juvenile Justice system to do so when indicated. The kid for whom probation didn't work, for example, and who commits more house burglaries must be punished as well as 'treated' (in the sense of education, etc.)"
- (c) "I believe judges should be given discretion to place mature 17 year olds in adult programs. At present this can be accomplished only through transfer of the case to adult court, which means a criminal record."
- (d) "Major charges in my opinion are felonies as defined in the Pennsylvania Penal Code and must be in juvenile court. Other charges regarded as minor [which] should be in juvenile court are possession and use of drugs, consumption and possession of alcoholic beverages and repeated truancy from school."
- (e) "Revision of the public school law relative to truancy. The best thing is not always having a child in school. Mental health treatment for children is needed very much."
- (f) "Abolish the so-called 'status offender' category. There is no such person. If one is a repeated truancy or runaway problem, he should be considered as any other delinquent juvenile. A 'summary violation' is the same as many other acts - an act of delinquency."

(2) The following comments pertain to the size of institutions and method of finding available spaces for placement of children:

(a) "More smaller institutions (capacity no more than 50) of the Forestry Camp nature should be developed."

(b) "More local personnel, e.g., juvenile probation people, group home employees, skilled. Local physical facilities, properly staffed."

(c) "I believe some central control of all available beds should be maintained so that one phone call would answer the question of where Johnny or May should be placed."

(3) The following comments pertain to the role of the court judges in the juvenile justice system:

(a) "The supremacy of the courts in the system is a posture which must be modified. The fact that a person has a law degree, some experience in the profession and a commission as a Judge does not qualify him as an infallible expert."

(b) "Authority should be in the Juvenile Court Judges' Commission or a similar department to create facilities, rules, etc. ... to deal with court committed juveniles."

(c) "More use of court appointed masters."

(4) The following comments pertain to police and probation:

(a) "Supervision of Probation Officers by a statewide agency, supervised by the Juvenile Judges or their agent. An attempt to develop accountability on a statewide level."

(b) "Police officers should be authorized to handle minor offenses informally and should be encouraged to do so."

(c) "There might be greater support and encouragement for municipal police departments to continue to develop and train officers for juvenile duty."

(5) Other comments were:

(a) "It should be noted that all of the institutions (including Loysville YDC, New Castle YDC, Warrendale YDC, Waynesburg YDC, Youth Forestry Camps Nos. 1 and 3) with the exception of Cornwells Heights YDC and Youth Forestry Camp No. 2 are located west of the Susquehanna River in Western Penna. and it is ridiculous to send these commitments so far away from the Eastern part of Penna."

(b) "We must have some state operated maximum security facility to use as a 'last resort' disposition."

(c) "We could use a pilot occupational facility and time to establish the effectiveness of such program as a rehabilitation tool."

(d) "More concern with the results to be accomplished than with the form and procedures."

(e) "A public relations effort must be assembled to alert the public about the true scope and nature of our problems. At present, the media is being whipsawed by charlatans, anti-institution types and demagogues who seek exposure for ego satisfaction and to gain financially from attacks on the system."

d. Special Commentary -

(1) No analysis was done of the answers to this question according to "category" of judges or regions of the Commonwealth.



12. a. Question Asked - Do you currently have adequate information provided to you on a regular basis regarding the availability of placement and other service alternatives for delinquent youth?

b. Statewide Responses -

25 judges (48% of respondees\*) said YES.

27 judges (52% of respondees\*) said NO.

1 judge did not answer.

c. Examples of Comments Submitted -

(1) Several judges who said YES, indicated that such information is available from their probation staff:

(a) "Our probation staff is in constant contact with the deliverers of service."

(b) "Provided through capable probation personnel."

(c) "The \_\_\_\_\_ Juvenile Court is extremely efficient in this respect."

(d) "Information source is generally through juvenile probation staff."

(e) "Through in-house procedures providing constantly up dated information on availability of placement, detention control and community resources."

(2) The following comments were those of judges who answered YES, that adequate information is available, but had further comment about the unavailability of suitable placement alternatives:

(a) "Information available. Adequate placement alternatives for unusual cases (e.g., physically or emotionally deficient juveniles) not available."

(b) "However, the range of alternatives is not sufficiently broad and diverse."

(c) "However, the more appropriate and desired spaces are often unavailable or require waiting for a month or more before admission can be had to a youth development center or youth forestry camp."

(d) ". . .the information usually is; the placement or service does not exist."

(e) "The information is available; the facilities are not."

(f) ". . .there seldom is availability of space."

(g) "We know what is available. Frequently there is a substantial waiting period."

\*Refers to the total number of respondees to this particular question.

(h) "But so what? When the court is limited to "A" youth development [center] for so-called rehabilitation - this is a disgrace."

(3) The following are comments of the judges who answered NO to this question. (Several of the judges indicate via their comments that obtaining of information requires great effort by their personnel.):

(a) "No sadly lacking"

(b) "This is a very definite need."

(c) "Information, when requested, is a long time in coming if at all and then is generally inadequate."

(d) "The only information we get from New Castle YDC, Loysville YDC, Cornwells Heights YDC and Warrendale YDC, before it closed, is that they will not be able to take any commitments for the next month or more. Loysville YDC in November gave us a reservation for one inmate for April 1st. We do not have adequate information or adequate facilities provided to us."

(e) "At any given time we have no idea of the availability of beds in any of the Youth Development Centers, Forestry Camps or secure facilities."

(f) "The most frequently received information we get is that the state facilities are crowded and can't accept any additional placements."

(g) "Every agency run by DPW constantly tells us they are full and can't take any more youths. The Camp Hill alternative project was a horrible failure."

(h) "The only information is when we ask for it. When we have specifically asked Mr. DeMuro he has responded!"

(i) "Juvenile Probation Officers must contact various facilities on a case by case basis to ascertain what spaces are available. This limits placement alternatives available to us."

(j) "What we get we have to 'dig out' but as a judge I must say the Probation Department of the county does a good bit of digging - so maybe my answer should be yes."

(k) "...I know that the [Juvenile Court Judges'] Commission is making efforts to make this information available on an on-going basis. There were promises from the Camp Hill project known as community alternatives to supply the same information which were never realized."

(l) "A monthly report should be available indicating the number of beds and their location, which could be used for placement."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

6 said YES; 1 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

13 said YES; 15 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

6 said YES; 11 said NO; 1 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

7 said YES; 6 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

7 said YES; 11 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

4 said YES; 5 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

7 said YES; 4 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.





13. a. Question Asked - Are services provided to delinquent youth adequately evaluated as to their quality and effectiveness? If yes, what agency is accomplishing this monitorship and evaluation?

b. Statewide Responses -

13 judges (31% of respondees\*) said YES.

29 judges (69% of respondees\*) said NO.

11 judges did not answer.

c. Examples of Comments Submitted -

(1) Eight of the judges who responded YES to the question indicated which agency carries out the monitorship/evaluation; these responses follow:

(a) "Probation and Parole Department of our Court."

(b) "Our own staff, \_\_\_\_\_ Hospital and \_\_\_\_\_ Hospital Mental Health Staffs."

(c) "Our Juvenile Probation Service evaluates the program and services that we use. This is the best approach. However, I recommend that there be assigned to a Department of Youth Services the duty to inspect, classify and publish reports on all services, public and private. The power to control by rule and regulations would be reduced or preferably eliminated."

(d) "Through written reviews; probation staff follow-up during commitment, and visits by judge and staff."

(e) "Juvenile Court Judges' Commission. Members of the Juvenile Court Judges' Commission and staff members visited all of the State institutions this last year with an invitation to all juvenile court judges who desired to participate with them on stated days and times."

(f) "DPW, boards of directors, advisory boards, public officials, etc."

(g) "DPW."

(h) "YDC Loysville and the Youth Forestry Camps."

(2) One judge responded YES and wrote the following:

(a) "The day to day programs are monitored adequately. I do not believe anyone in the country has devised a satisfactory means of monitoring program adequacy or success. We have good or bad 'vibes' about what is happening but little hard data."

\*Refers to total number of respondees to this particular question.

(3) The following statements are those of judges who answered NO, a belief that adequate evaluation/monitoring of service agencies does not take place, and commented that they were not aware of any such information:

(a) "Our court or probation staff has never been informed of any activity of this nature and have no knowledge of any agency that is performing monitor[ing or] evaluation services."

(b) "I have no knowledge as to how the 'provider agencies' are evaluated."

(c) "Don't know this answer. I would think probably not."

(d) "Can't answer because not sure there is any evaluation on-going."

(e) "Probably not."

(f) "I know of no such activity."

(g) "I have no idea what is being done."

(h) "The reason I say no, is because I don't receive the information."

(i) "If an ongoing evaluation of non-local activities is being conducted, I'm not aware of it!"

(j) "Personally I do not know who or when evaluations are made. I did assist on one evaluation of a YFC through the Juvenile Court Judges' Commission, and I am aware of the Commission's efforts in this area which is not all encompassing as suggested by the question."

(4) Several judges who answered NO or didn't indicate YES or NO to the question made comments which could suggest that such evaluation/monitoring should be done and/or also indicated the manner or agency by which such activity should or should not be done; the comments follow:

(a) "Create new Bureau of Juvenile Justice not connected with D. P. W."

(b) "But don't let the DPW do it - it would be a further disaster."

(c) "Such evaluation should be under jurisdiction of the local juvenile courts; not some state or social agency."

(d) "There should be such but out of the hands of DPW. I depend on my probation staff who are in constant touch via visits to advise me of the quality and effectiveness of the various services. No judge has the time to do this on his own. One robin doesn't make a spring and one judicial visit doesn't make the judge an expert."

(e) "No, but any attempt to evaluate the quality and effectiveness of those services should be done individually as the needs of the various systems in Pa. are vastly different. Also, these evaluations should not use preconceived notions of what the desirable results of any given program should be."

(f) "Such an evaluation must be made by an objective observer from outside the system. I personally think that present evaluations are biased and prepared in furtherance of the Miller philosophy."

(5) Other comments of judges who answered NO to the question follow:

(a) "When some of the juvenile facilities have failed to perform satisfactorily, prompt action was not taken."

(b) "The current system is only creating more problems - the State facilities are woefully inadequate in beds, training, etc."

(c) "The evaluation is not based on results but on artificial bureaucratic standards."

(d) "As of this time the only basis upon which we can determine the excellence of any of these facilities is by our personal observation or the degree of success achieved by children we commit to these institutions."

(e) "Recidivism studies are difficult to perform in a meaningful way, but data on the relative success/failure of various institutions would be helpful."

(f) "A great deficiency in the program of providing services for youths is almost total lack of evaluation. This [is] particularly true of the educational program."

(g) "The Juvenile Court Judges' Commission does excellent and steadily expanding work in the probation services area. No similar agency provides the same level of service in the other areas mentioned."

[ITEMS 13d AND 13e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 3 said NO; 3 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

9 said YES; 16 said NO; 3 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

3 said YES; 10 said NO; 5 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

5 said YES; 5 said NO; 4 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

3 said YES; 11 said NO; 4 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

3 said YES; 4 said NO; 2 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

2 said YES; 8 said NO; 1 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

14. a. Question Asked - Do you believe that expansion is necessary in facilities/programs to serve delinquent youths?

b. Statewide Responses -

50 judges (96% of respondees\*) said YES.

2 judges (4% of respondees\*) said NO.

1 judge did not answer.\*\*

In addition to responding YES or NO to this question, each judge was asked to illustrate his point of view by examining a list of 12 individual categories of programs/facilities and indicating for each category whether he believes that (a) we have enough of these services, (b) we need more of these services, or (c) he (the judge) is reluctant to use these services.\*

(1) The following is a list of the 12 categories of programs/facilities and the number and percentage of all 53 judges that responded to this questionnaire that indicated a belief that "we need more" of each listed service:

<u>Category of Program/Facility</u>	<u>No. of Judges that Said "We Need More"</u>	<u>% of All Judges that Responded to this Questionnaire</u>
1. "Secure" Institutional Beds (Post-adjudication).....	50 .....	94%
2. Foster Homes for Delinquents.....	45 .....	85%
3. Non-Secure Institutional Beds (Training Schools, Open YDC's & YFC's).....	43 .....	81%
4. Community Treatment Beds (e.g., Group Homes).....	42 .....	79%
5. Community Mental Health Services for Youths.....	38 .....	72%
6. Non-Secure Detention (e.g., shelter care)	37 .....	70%
7. Secure Detention (Pre-adjudication).....	35 .....	66%
8. Community Mental Retardation Services for Youths.....	34 .....	64%

\*Percentages are based on the number of judges that replied to this question.

\*\* In addition, several judges did not provide answers to certain parts of this question; see analysis of responses to "detailed" portions of the question under items 14b(1), (2), and (3).

<u>Category of Program/Facility</u>	<u>No. of Judges that Said "We Need More"</u>	<u>% of All Judges that Responded to this Questionnaire</u>
9. Community Treatment "Day" Programs (Non-resident).....	30	57%
10. "Outward Bound" Programs.....	24	45%
11. County Probation Services.....	24	45%
12. Community-Based Advocacy Programs.....	22	42%

(2) The following is a list of the 12 categories of programs/facilities and the number and percentage of all 53 judges that responded to this questionnaire that indicated a belief that "we have enough" of each listed service:

<u>Category of Program/Facility</u>	<u>No. of Judges that Said "We Have Enough"</u>	<u>% of All Judges that Responded to this Questionnaire</u>
1. County Probation Services .....	27	51%
2. "Outward Bound" Programs.....	17	32%
3. Community-Based Advocacy Programs.....	17	32%
4. Secure Detention (Pre-adjudication).....	16	30%
5. Community Mental Retardation Services for Youths.....	15	28%
6. Non-Secure Detention (e.g., Shelter care)	13	25%
7. Community Mental Health Services for Youths.....	12	23%
8. Community Treatment "Day" Programs (Non-resident).....	12	23%
9. Community Treatment Beds (e.g. Group Homes)	8	15%
10. Non-Secure Institutional Beds (Training Schools, Open YDC's & YFC's).....	7	13%
11. Foster Homes for Delinquents.....	4	8%
12. "Secure" Institutional Beds (Post- adjudication):.....	2	4%

(3) A total of 4 of the 12 categories of programs/facilities were indicated by 5 or more judges as services which the judges were "reluctant to use". They include:

- (a) Community-Based Advocacy Programs (named by 11 judges);
- (b) Community Treatment Day Programs (named by 5 judges);
- (c) "Secure"(post-adjudication) institutional beds (named by 5 judges); and
- (d) "Secure" (pre-adjudication) detention (named by 5 judges).

c. Examples of Comments Submitted - Judges were provided space to offer whatever comments they believed important in regard to this question. The following are some of the comments submitted, grouped according to the subject they deal with:

(1) Comments suggesting the need for additional services other than the 12 service categories specifically listed under this question:

- (a) "[We need] Residential Beds for Emotionally Disturbed Delinquents [and] Residential Beds for Retarded Delinquents."
- (b) "[We need] Volunteers in Probation, Education Alternatives, Vocational Training and Jobs."
- (c) "[We need] Residential Programs for Emotionally Disturbed Children."
- (d) "[We need] Job Programs [and] Summer Employment."
- (e) "[We need] Occupational School - the real issue is the number of facilities available."
- (f) "[We need] meaningful job programs [and] community service programs....We have proposed a small dwelling house type of supervised crisis intervention home for deprived and delinquent youth [who] await evaluation, court or transfer...."
- (g) "[We need] Institutional beds for the emotionally disturbed and/or retarded delinquent."
- (h) "...at the present time there are no facilities available for the mentally disturbed delinquent child...."
- (i) "...the lack of services for the unusual emotionally disturbed and retarded repeat juvenile offender on a statewide basis is serious since individual counties do not have enough cases to set up their own facilities (except possibly Phila. and Pittsb.) and private facilities are not interested or abortively expensive."
- (j) "[We need more] Crisis Housing and Remedial Education and Vocational Training."



(k) "...There is no place for treatment of delinquent-psychotic youth in the entire Commonwealth of Penna."

(l) "There is a true need for a residential facility to serve aggressive youths who act out and who are either mildly emotionally disturbed and/or retarded and who become labelled a 'delinquent' by violation of the law. At the present time there is no such facility or service available. This is a real problem area. . . ."

(m) "The Northeast region has no beds for juveniles with mental problems."

(n) "Institutional beds for more serious mental emotional cases."

(2) Comments suggesting the need for additional "secure" facilities:

(a) "We need drastically facilities to bed, house, etc. [the] seemingly violent and/or mentally unstable...There are virtually NO closed facilities available to the Court...Waiting lists are endless for those few facilities in the state system."

(b) "If legislation is enacted for compliance with the Juvenile Justice and Delinquency Prevention Act of 1974 eliminating commitments to prisons for detention, there will be a serious shortage of secure detention facilities...there is presently an inadequate number of beds in a secure institution since the closing of Camp Hill."

(c) "We need secure facilities such as the county jails for large, able bodied violent delinquents."

(d) "...I would urge the development of small residential but secure facilities to provide supervision and intensive service - obviously a costly undertaking."

(e) "The greatest unfilled need is a secure facility for females and more secure facilities for males."

(f) "There is a very real need to develop and/or reestablish secure facilities for the serious offender....There is increasing use of the Transfer to Adult Court provisions of the Juvenile Act to fill the obvious void that has been created. The use of Adult facilities while necessary for some serious juvenile offenders is not in order for all. There is no question that some serious juvenile offenders need secure facility treatment to resolve their problems."

(3) Comments amplifying the dissatisfaction with or reluctance that some judges feel in regard to the usage of certain of the service types:

(a) "Outward Bound is a travesty! Of the few we sent, most were sent back for having committed felonies. . . ."

(b) " Effectiveness [of outward bound programs] seriously questioned."

(c) "Community Mental Health Services for Youths [are] there but don't provide actual treatment."

(d) "There is now no mental retardation service for youths, MH & MR has no program in the community to find these youths and no programs for them once discovered. Most retarded youths languish in school special education classes, which is no program at all. They are unable to gain admission to Vo. Tech Schools, thus receive no attention until they commit offenses. Courts must then find placement for them when the problem is one for education and MH & MR, not the Juvenile Courts."

(e) "... Our experience with advocacy and outward bound programs has not been successful; until they are strengthened, I would be reluctant to use them."

(f) "There is a complete lack of effective services available to the Court except by the private sector. The 'secure' detention facilities are insecure. . . ; the group homes are practically non-existent; foster homes are only discussed in the abstract and community mental health services are difficult to obtain."

(g) "... I am loath to place our 'country boys', no matter how serious their offense, in facilities where they are thrown in with street-wise sophisticated urban delinquents. This may be a personal bias but I know it is shared by numerous other 'country judges'."

(h) "More youths are coming into the system due to divorce, etc., the current services are only adding to the problems, e.g., the youth development centers do little if any rehab. In fact are causing bigger problems when youth leave (after a 4-6 mon. stay)."

(i) "I have had no success in the 'outward bound' programs and have grave doubt as to its value."

(4) The following are some of the other comments submitted in regard to this question:\*

(a) "Obviously I believe there is a need for every conceivable type of treatment modality for children..."

(b) "The juvenile justice system is basically understaffed, underfunded, and underserved. It cannot function with reliance on only one modality but must have available many options with varying degrees of freedom and security depending on the needs of different children whose needs are different at different times. I am sure if schools would enhance their programming and MH/MR could do more consistent mental health, family and mental retardation counselling, the courts and institutions would see fewer children."

(c) "Detention centers reject the difficult, violent and dangerous juvenile, the placement of such juveniles in 'separate and apart facilities' in the county prison should be in the discretion of the

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\*One judge commented on the overall system of "treatment facilities" in a letter accompanying his completed questionnaire; these comments are set forth beginning on page 152 of this report.

Juvenile Court Judge. Legislative restrictions on such placements constitute a disservice to the public and the juvenile."

(d) "Additional funding would allow more alternatives for disposition of cases."

(e) "[Our county] has a large enough day treatment center but there is something of an integration problem. We also have mental health and mental retardation services but it is still extremely difficult to place a retarded child or a child with an emotional or mental problem who is also definitely a delinquent. Some of the other services are not overburdened in [our county] but that is only because they are not sufficiently used as alternatives for more restrictive ones."

(f) "...Our probations office also says we need more probation services but I am in favor of cutting their workload by providing for unsupervised probation in some cases. I think the effort should be to impose more responsibility on parents rather than make it easy for them to foist on the courts their problems."

d. Trends According to Category<sup>x</sup> of Judge -

(1) 72% of the 18 judges representing "single judge" judicial districts that responded to our questionnaire said "we need more" secure detention (pre-adjudication) facilities; this compares to 71% of the "primarily or exclusively juvenile court" judges and 61% of the responding judges who are from multi-judge districts and preside primarily at adult court proceedings.

(2) Judges from "single judge" districts were also generally in agreement regarding non-secure detention (such as shelter care), with 78% of such judges saying "we need more" non-secure detention facilities.

(3) Although less than half (45%) of the 53 judges of all categories that replied to our questionnaire said "we need more" county probation services, a majority (5 of 7) of the responding judges who preside exclusively or primarily at juvenile court proceedings said "we need more" county probation services.

(4) The 7 primarily or exclusively juvenile court judges that responded to our questionnaire were unanimous in their agreement that more secure post-adjudication institutional beds are needed.

(5) On the whole, slightly more than one-half (57%) of the judges that responded to this questionnaire said "we need more" community based "day" programs; however, a large majority (72%) of the judges from "single judge" districts that participated in our survey said "we need more" day programs.

(6) A total of 17 of the 18 responding judges from single judge districts indicated a belief that "we need more" foster homes for delinquents.

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<sup>x</sup>/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

(7) Less than one-third (32%) of the responding judges who described themselves as "primarily adult court, some juvenile court" judges from multi-judge judicial districts said "we need more" community-based advocacy programs; five such judges said they are "reluctant" to utilize such services. Also, five judges from "single judge" districts indicated a reluctance to use community-based advocacy services.

(8) A total of 6 of the 7 responding judges who preside primarily or exclusively at juvenile court proceedings said "we need more" of both community mental health and mental retardation services for youths.

e. Trends According to Regions<sup>z</sup> of the Commonwealth. -

(1) 78% of responding judges from the Central Region of the Commonwealth and 79% of responding judges from the Western Region said we need more non-secure detention facilities. This compares to 64% of responding judges from the Southeast and 44% of responding judges from the Northeast who believe that additional facilities of that type are needed.

(2) Judges from the Western Region of the Commonwealth were nearly unanimous in their agreement that more group home type facilities are needed; 13 (93%) of the 14 responding judges from that area so indicated.

(3) Less than half (45%) of the responding judges from the Southeastern Region of the Commonwealth indicated a belief that we need more community-based day treatment programs; on the other hand, the vast majority (79%) of the responding judges from the Western Region believe that we need such facilities.

(4) 94% (17 of 18) of the judges from the Central Region that responded to this questionnaire said they believe that more foster homes for delinquents are needed.

(5) The Western Region of the Commonwealth was the only area which had a majority of responding judges who believe that more community-based advocacy services are needed; 64% of the 14 responding judges from that Region so indicated. On the other hand, only 33% of the 18 responding judges from the Central Region believe we need additional advocacy services; also, 6 of the 11 judges statewide who said they are reluctant to use community-based advocacy services are from the Central Region.

(6) Judges from the Western Region of the Commonwealth displayed the most interest in additional "outward bound" type programs; 64% of responding judges from the West so indicated. Responding judges from the Northeast, on the other hand, showed the least interest in having additional programs of that type; only 22% of the 9 judges from the Northeast that participated in our survey said we need more outward bound programs.

(7) Ten of the eleven judges from the Southeast indicated that more community mental health services are needed for youths.

z/ See footnote "z" on page 61.



15. a. Question Asked - How would you characterize the general attitude of the community-at-large that you serve toward the treatment of court adjudicated delinquent youths in community based facilities?
- b. Statewide Responses - All of the judges who completed the questionnaire wrote a comment in response to this essay-type question.

Five of the judges (9% of the total) made unqualified remarks indicating that their communities have a favorable attitude toward treatment of delinquent youth in community based facilities; another 9 judges (17% of the total) made remarks that indicated acceptance with certain reservations; three judges (6% of the total) indicated that their communities were "uninformed"; seventeen judges (32% of the total) indicated that their communities are not receptive to community based facilities; and 10 judges said few such facilities are in their area.\*\*

(1) Comments indicating (apparently) community acceptance of community based facilities:

- (a) "Would favor community based facilities." C\*
- (b) "Generally favorable." SE
- (c) "Excellent" C
- (d) "Good. Our communities in \_\_\_\_\_ County are very cooperative as are the citizens as a whole." W
- (e) "Good." SE

(2) Comments indicating community acceptance with certain conditions:

- (a) "Ambivalent. Opposed to serious offenders placement in community based facilities. Cautious acceptance of use of such facilities where appropriate." SE
- (b) "I believe it would be accepted if introduced on a gradual basis without fanfare and if adequately staffed." C
- (c) "The attitude 'is turning' to community based." W
- (d) "There has been an increasing acceptance on the part of the community that community based treatment is preferable for most, but not all, delinquent youth." SE
- (e) "Receptive except for those youths who commit violent type crimes where secure facilities are definitely deemed necessary." C
- (f) "Approval, if delinquency does not involve a crime of violence." C
- (g) "The community attitude would be receptive provided each was screened carefully and dangerous juveniles were not placed in these community based facilities." W
- (h) "Favorable as long as it is not a half-way house or group home." C
- (i) "Wary- But can be brought around given proper facility, staff, screening." C

\*\* Other comments indicated no knowledge of community attitude or provided other information.

(3) Comments indicating that the particular communities are not "informed" about community based facilities:

- (a) "Uninformed therefore ignorant." C
- (b) "Community-at-Large needs more training and understanding." W
- (c) "Supportive but uninformed." C

(4) Comments indicating that the particular communities are generally opposed to community based treatment facilities for delinquent youth:

- (a) "The attitude is generally one of ambivalence, however, most residents will agree with community-based facilities in concept, but when faced with having one in their own neighborhood, reject the whole idea." NE
- (b) "Generally, opposed to the use...of community based facilities." C
- (c) "The community favors long custody, great security and punitive measures." SE
- (d) "The general populous prefers them to be 'sent away' and 'locked up' rather than be treated at a community based open facility." NE
- (e) "The public would be suspicious because of many bad experiences locals have had with \_\_\_\_\_ YDC runaways." C
- (f) "There is a growing public dissatisfaction with juvenile crime, with pressure on 'toughness'. We do not have substantial community based facilities and little or no willingness or ability to afford new facilities." NE
- (g) "Troubled." C
- (h) "The general attitude of the community at large is that they do not want any community based institutions in their community and feel that delinquent youths should be sent away to public institutions." NE
- (i) "Negative." SE
- (j) "The community is distrustful because it has an inadequate understanding of delinquent youths." SE
- (k) "Opposed." NE
- (l) "Critical." C

(m) "The community is rightfully disgusted - 'fed-up' with a system which permits the criminally-minded youth to remain in the community. I speak of the second, third, fourth, etc. multiple offender who commits an offense whenever the opportunity presents itself and who nonetheless is not 'sent away'. We have no 'community based facilities.' This is a myth - at best we have understaffed probationary services. The citizen whose home is burglarized has little concern for the age of the burglar." SE

(n) "Hostile and with great resistance." W

(o) "The general attitude of the community at large almost borders on fury and is one of complete helplessness. They generally feel that whatever community based facilities exist are worthless." SE

(p) "Generally hostile and negative." NE

(q) "Because of limited disclosure, reaction is biased." SE

(5) Comments indicating that judges are apparently not sure of their communities' attitudes inasmuch as there are few if any such facilities in their area:

(a) "We don't have community based facilities." NE

(b) "We don't have any." W

(c) "No real experience in this community." W

(d) "We have no such community based facilities in my district. However, I suspect the attitude of the community-at-large would be favorable to such facilities as long, of course, as the facility is not near them." W

(e) "Since we have virtually no community based facilities, I can't answer the question." C

(f) "Have so few community based facilities I can make no meaningful comment." W

(g) "No way to answer as we have no community based facilities other than juvenile probation department." W

(h) "We have no community based facilities at this time. However, I believe such a facility would be accepted by our citizens if same was properly supervised." C

(i) "We have no community based facilities." W

(j) "We have no community based facilities as such, in our district." C



(6) Some of the other comments follow:

(a) "Our community respects our probation department and feels they do a good job." C

(b) "I think that in general the public, the Board of County Commissioners, police authorities, public officials and others in \_\_\_\_\_ County accept and are proud of our juvenile service programs and facilities." W

(c) "No way of knowing." NE

(d) "My community seems satisfied with present case dispositions. They share with me the concern that there are no adequate secure state institutions for hard core delinquents." C

c. Trends According to Region<sup>2</sup> of the Commonwealth -

(1) In order to provide the reader with some indication of the comments submitted by judges according to the location of their judicial district, each quoted comment set forth above has been coded with one of the following:

- SE - indicating that the judge who submitted the comment is from the Southeastern Region,
- NE - indicating that the judge who submitted the comment is from the Northeastern Region,
- W - indicating the judge is from the Western Region,
- C - indicating the judge is from the Central Region.

d. Special Commentary -

(1) No analysis was done of the answers to this question according to "category" of judge.

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z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

16. a. Question Asked - Do you foresee any change in the near future in the general attitude of your community regarding the treatment of court adjudicated delinquent youths in community based facilities?

b. Statewide Response -

12 judges(27% of respondees\*) said YES.

32 judges(73% of respondees\*) said NO.

9 judges did not answer.

c. Examples of Comments Submitted -

(1) Seven comments appear to indicate that the communities' attitudes are changing or may change toward the greater acceptance of community based treatment facilities; they follow:

(a) "Hopefully!"

(b) "We are trying to improve the attitude."

(c) "I sense a slow favorable trend."

(d) "The residents in this area have never had any experience with these facilities and are apprehensive at present. However, once they are educated and have a chance to see these programs in operation, it is my opinion that they will generally accept them."

(e) "Attitude will probably progress toward the negative. If a successful program were to be started here, the attitude would change favorably."

(f) "Possibly - the fact remains [however] that rural community sentiment generally opposes community based facilities."

(g) "This approach is well established here - should be continued, slow expansion."

(2) At least two of the comments indicate that the more serious or violent offender being treated in a community based facility is an obstacle to public acceptance:

(a) "Unless some secure facilities are provided for dangerous delinquent youth who need to be removed from the community, the attitude of the public will continue to harden against all delinquent youths."

(b) "If the repeated and seriously violent offenders are treated in structured environments to reduce inflammatory incidents to a minimum."

(3) The following are some of the other comments submitted:

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\*Refers to total number of respondees to this particular question.

- (a) "Antipathy is increasing."
- (b) "Public is concerned about and scared of crime."
- (c) "The term 'community based facilities' is grand sounding but where are they? What are they? The boy who doesn't learn after his second probation (for crime) is not likely to learn to be law-abiding by his being kept in the community. As I sense the public attitude, it is one of frustration and anger at a system which affords no protection from further abuse, and no compensation for property loss and personal safety."
- (d) "The movement to the community has been seriously hampered by the poor placement and planning of the Center for Community Alternatives."
- (e) "No one cares unless its their child."
- (f) "Group home operators and State MUST DO more public relations and educational work in this regard."
- (g) "The attitude would appear to be leaning toward 'more structured programs'."
- (h) "Their resentment will increase unless positive progress is demonstrated."
- (i) "Change will depend upon degree of wisdom with which the concept is implemented. . . ."

[ITEMS 16d AND 16e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

3 said YES; 2 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

4 said YES; 22 said NO; 2 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

5 said YES; 8 said NO; 5 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

2 said YES; 7 said NO; 5 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

4 said YES; 11 said NO; 3 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

2 said YES; 6 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

4 said YES; 7 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.



**CONTINUED**

**1 OF 3**



17. a. Question Asked - Does your community's attitude in regard to treatment of juvenile delinquents substantially influence juvenile court dispositional decisions in your area?

b. Statewide Responses -

2 judges (4% of respondees\*) said YES.

45 judges (94% of respondees\*) said NO.

1 judge (2% of respondees\*) said both YES and NO.

5 judges did not answer.

c. Examples of Comments Submitted -

(1) Four of the judges indicated via a "comment" that their community's attitude has a "limited" influence on dispositional decisions (it should be noted that one of the judges whose comment follows here answered NO to the question; one answered YES and NO, and two did not answer YES or NO but provided the comment); the comments follow:

(a) "The Court takes many things into consideration when sentencing a juvenile including the victim's statement. There are a number of factors considered which include the community's attitude."

(b) "Sometimes yes!"

(c) "Probably!"

(d) "It is one of many factors - but not a substantial one."

(2) The following comments expressly indicate that the judges, in making dispositional decisions, are generally not influenced by the community's attitude:

(a) "Most of our judges, perhaps all, are not influenced and follow their own inclination."

(b) "Each of our 9 judges, I am sure, acts from his own sense of what is right and just under given circumstances - as influenced by his own philosophy in such matters."

(c) "Community sentiments are not 'thought thru' and although a 'hang 'em' attitude may exist, they don't really mean it and I wouldn't accept it anyway."

(d) "I do not feel myself pressured by community attitude."

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\*Refers to the total number of respondees to this particular question.



(e) "I cannot answer this question for all Judges in this jurisdiction. Personally, it does not affect or influence my disposition which is totally controlled by the needs of the juvenile as balanced against the protection of the community as I perceive it."

(3) Other comments in response to this question were:

(a) "We try to make our judgments on all information available which indicates the kind of program most beneficial for the youth."

(b) "The Court tries to tailor the disposition to the necessary treatment of the juvenile, but also protecting the overall safety of the community."

(c) "Individualized justice requires that such disposition be considered in relation to the protection of the community and the treatment needs of the juvenile."

(d) "Our decisions are dominated by stark fact of limited options - we seldom have much choice."

(e) "Without having any juvenile programs available, our decisions are so limited to preclude influence by the community."

(f) "I personally fight to get community programs created and have gone to citizens groups, public officials and Administrative boards to get them created."

(g) "Burglary and senseless destruction of property with no real solution is causing continuing dissolutionment among voters."

(h) "I suspect that, in general, the community attitude is about the same as that of our juvenile probation staff and the Court."

[ITEMS 17d AND 17e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

- said YES; 6 said NO; - DID NOT ANSWER.\*

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

2 said YES; 24 said NO; 2 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

- said YES; 15 said NO; 3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

1 said YES; 11 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

- said YES; 16 said NO; 1 DID NOT ANSWER.\*

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

- said YES; 9 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

- said YES; 9 said NO; 2 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

\*One judge said "YES and NO".



- (i) "The armed robber, the violent youth who is returned to Court for his second or third offense, the house burglar and thief who repeats his offense after having been placed on probation for prior offenses, the juvenile who kills, the rapist, the arsonist - all these and others should receive institutional training."
- (j) "The hard core young criminal."
- (k) "The hard core, vicious juvenile who repeatedly commits major assaultive offenses will not be served in such a setting."
- (l) "Serious crimes."
- (m) "Chronic recidivists and those youths who demonstrate that they are a danger to themselves or others - the serious offenders."
- (n) "Repeat offenders involved in crimes of violence."
- (o) "The hard core, dangerous repeater needs more structure than can be provided by a community based setting."
- (p) "The violent [offenders who are] engaged in most serious crimes - many of these are juveniles in name only."
- (q) "The youths that require maximum security/difficult to secure them without extreme expense."
- (r) "Murder and rape."
- (s) "Violent crimes or ones of great property damage."
- (t) "Juveniles that are rejected by the Forestry Camp & Youth Dev. Center after failing on probation, foster and group home programs, cannot be helped by a so-called community based treatment facility operated by Department of Public Welfare or any other agency."
- (u) "It is unrealistic to expect each community to have a secure treatment facility for the rapists, murderers, armed robbers and others with emotional or retardation difficulties."
- (v) "Aggressive, dangerous, offender as well as chronic thieves, burglars and uncontrolled drug and alcohol cases."
- (w) "Only minor offenders should be in a community setting."
- (x) "A very few hard core violent criminals could not be taken care of."
- (y) "Those exhibiting persistent serious anti-social behavior."
- (z) "Kids who need structuring. Kids who cannot help themselves."
- (aa) "Those offenders who act out in a way which constitutes a danger to other persons' lives and property. That type delinquent must be in a secure setting."

18. a. Question Asked - Do you believe that community based treatment facilities (if properly staffed and operated) are appropriate to serve all types of juvenile offenders? If NO, please indicate the general characteristics of offenders who should not be served in a community setting.

b. Statewide Responses -

4 judges ( 8% of respondees\*) said YES.

49 judges (92% of respondees\*) said NO.

0 judges did not answer.

c. Examples of Comments Submitted -

Forty - seven of the fifty - three responding judges wrote comments or general characteristics of youthful offenders who should not, in the judges' opinions, be treated in a community setting. The overwhelming majority of judges apparently believe that the type(s) of youthful offenders who are a serious threat to society should not be placed in a community setting. Generally, such youth are characterized as having committed crimes of violence (murder, rape, arson, assault), or as "hard core" repeaters of other major crimes (burglary, robbery, theft), or those offenders who have apparent emotional/mental difficulties and are serious threats to their own safety or the safety of others.

Other types of youthful offenders mentioned by some judges who, according to those judges, should not be placed in a community setting are: persistent "runaways", repeaters who have failed to adjust after several other types of placements, those in "need of authority", and the youth who needs some time to "get himself together."

Some of the judges' comments follow:

(a) "Violent offenders. Offenders who need a new environment away from family and friends."

(b) "Dangerous or violent offenders."

(c) "Juveniles involved in serious crimes of violence and repeat offenders who show no evidence of rehabilitation."

(d) "Those who have failed to adjust after repeated attempts; violent offenders who repeat; persistent 'runners'; also, the occasional child whose main problem is his parents in his home."

(e) "Those prone to commit violent felonies."

(f) "The violent; the hard core repeaters of burglary, robbery and thefts."

(g) "Hard core cases - murder, etc."

(h) "There are hard core juveniles who are dangerous and require special security facilities to serve the courts and groups of communities."

\*Refers to the total number of respondees to this particular question.

(bb) "There are some incorrigible juveniles who require restraint and who are not amenable to treatment, and for such offenders, secure facilities must be provided."

(cc) "There are certain juveniles who represent a threat to either society or themselves that need a very secure, structured environment that is not usually found in a community based facility, unless one considers a secure detention facility community based. Also, juveniles with severe mental or emotional problems may require services not available in most community based facilities."

(dd) "...I feel a secure facility is needed in some cases; you can't treat them if you can't hold them."

(ee) "Each youth is unique, thus the solution to his problem is never one avenue or device."

(ff) "Those requiring secure facilities around the clock, close supervision; some must be excluded from the public school and population generally. Expense indicates that staffing is a major problem."

(gg) "Those few who are dangerous to themselves and others and possibly those in need of temporary authority."

(hh) "Those who are a serious threat to the safety and welfare of the Community."

(ii) "Aggressive and 'runaway' juveniles requiring security."

(jj) "The community facilities cannot deal with the chronic, violent, sociopathic, or mentally disturbed juvenile offenders."

(kk) "Regional secure facilities needed for youths who repeat violent type crime and also for emotionally disturbed and/or mentally retarded youths who have committed crimes."

(ll) "Offenders, who are mentally disturbed or who have physical conditions which require highly specialized treatment."

(mm) "Mental cases, retarded children and older juveniles in need of high security."

(nn) "Violence prone, aggressive juveniles; arsonists; those with special psychological-psychiatric problems and requirements for treatment. All of these would pose considerable risk to the community while undergoing treatment in a community based treatment facility."

(oo) "The only area I think not in is the secure detention area and mental health area."

(pp) "Emotionally disturbed, violent, sexual aggressive."

(qq) "The violent offender and the mentally ill."

(rr) "The emotionally disturbed, the violent youth, the youth who needs some time to get away, to "get himself together", the youth who has failed at the most restrictive community program."

(ss) "Dangerous, violent offenders who have behavioral disorders."

(tt) "Repeated offenders; offenders of serious nature; if repeated the second time; those of deficient mentality needing treatment."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 6 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

2 said YES; 26 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

1 said YES; 17 said NO; - DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

2 said YES; 12 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

1 said YES; 17 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

- said YES; 9 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

1 said YES; 10 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

19. a. Question Asked - Should there be an increase of direct referrals (without going through the Court) of youthful offenders by police departments to service providers?

b. Statewide Responses -

23 judges (46% of respondees\*) said YES.

26 judges (52% of respondees\*) said NO.

1 judge (2% of respondees\*) said both YES and NO.

3 judges did not answer.

c. Examples of Comments Submitted -

(1) The following are examples of comments submitted by judges who replied YES to this question:

(a) "We have been quite successful with this approach in our community."

(b) "Anything is better than ignoring them [the youths]."

(c) "We are doing this in [our] county."

(d) "It is my observation that most police departments are sufficiently sensitive to the needs of many of the children with whom they have contact to recognize that court referrals are not always necessary if no court referrals are available and services can be provided."

(e) "We have an on-going program encouraging such referrals and meet bi-monthly with all police agencies about this."

(f) "Increased emphasis needs to be placed on the development and use of youth-aid departments in police departments as important tools in 'handling' the juvenile problem as well as 'prosecuting' the offender."

(g) "If the person is a first time offender, or the person is involved in less serious matters."

(h) "First offender - non-serious matters."

(i) "Provided that the service providers will not hesitate to send juveniles to court intake in appropriate cases."

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\*Refers to the total number of respondees to this particular question.



(2) The following are examples of comments submitted by judges who replied NO to this question:

(a) "This will lead to serious problems. In America, we have never believed the police should act as judges. Most do not have the training or temperament to do so."

(b) "The police are faced with community pressure and personal frustration which does not augur for impartiality."

(c) "The juvenile probation office, under supervision of the Juvenile Court, accomplishes such referrals on an informal basis and without hearing before the court. This evaluation can be better made by the juvenile probation office than by the police departments."

(d) "No, as our system is one of checks and balances I feel the courts should be involved in making referrals. Also, since referrals are made in some cases on the basis of the child's needs for specialized care, I think more than just a policeman is needed to make those kinds of decisions."

(e) "The juveniles need the due process protection of the court. I would hate to see an innocent child whose case should be dismissed, even on a technical basis (Miranda, etc.) accept service because it looks more attractive than a court appearance."

(f) "If a child commits serious criminal activity or does not respond to community programs for less serious offenses, the court needs to be involved."

(g) "I do not believe that the police should have such discretionary power and authority to make non-court referrals. I do not agree that diversion of youthful offenders from the Juvenile Court system is wise or has any merit."

(h) "Control and supervision should be under court jurisdiction."

(i) "At least police departments should work through the juvenile probation department for the county."

(j) "Ideally, the answer would be YES! This probably succeeds in places with large P.D.'s trained juvenile officers. We have no large P.D.'s in my jurisdiction so all juveniles go through juvenile probation."

(k) "What do you mean by 'service providers'?? Who oversees? Who is responsible?"

(l) "In [my] county, the police departments have been trained through the Probation Office to attempt referrals if possible prior to filing petitions on non-violent offenders."

(m) "Appropriate referral to a variety of service providers requires professional expertise."

(n) "If the officer makes an arrest, he is required by his superiors to make the referral. This is a policy matter considered necessary as a result of the Civil Rights Act. Our 'intake officer' and the staff divert the less serious cases and many first offenders. Only the more serious cases and the repeaters reach the hearing stage before the Master in Juvenile Court."

(3) The following are examples of comments submitted by judges who answered YES and NO or refrained from answering YES or NO to this question:

(a) "A problem here because many times youth and family will not follow police recommendations."

(b) "Police referrals to capable, local personnel are fine, but those personnel should be court related. But, the whole effort at this stage should try to prevent entry into juvenile justice system."

(c) "This is being done in [our] county primarily due to courses offered for juvenile law enforcement personnel at the \_\_\_\_\_ Community College."

(d) "This would depend upon the youth training which has been received by the various police departments and the kind of services available."

[ITEMS 19d AND 19e ARE CONTAINED ON THE NEXT PAGE]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 6 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

14 said YES; 12 said NO; 1 DID NOT ANSWER.\*

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

8 said YES; 8 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

5 said YES; 7 said NO; 1 DID NOT ANSWER.\*

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

12 said YES; 5 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

1 said YES; 8 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

5 said YES; 5 said NO; 1 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

\* One judge said "YES and NO".

20. a. Question Asked -Do you believe that adequate coordination exists among the various agencies that are involved with delinquent youths?

b. Statewide Responses -

13 judges (26% of respondees\*) said YES.

37 judges (74% of respondees\*) said NO.

3 judges did not answer.

c. Examples of Comments Submitted -

(1) Of the 30 judges who wrote comments to this question, twelve gave indication that they were, among other items, dissatisfied specifically with coordination efforts of DPW (other comments which indicated dissatisfaction but did not specifically mention DPW are included in (2) below); the DPW related comments follow. (Note: The first two comments are those of judges who answered YES to the question; all other comments are those of judges who answered NO.):

(a) "Although more and better coordination and communication is needed especially with DPW and public schools."

(b) "With the exception of the Department of Welfare and its agencies and institutions."

(c) "Our major problem of coordination exists with DPW and the legislature. There is too much turnover, inconsistency, vacillation and bowing to vociferous pressure groups who represent unproven theories and who resent judicial power - wishing to assume this power themselves."

(d) "I am convinced that the Governor's Justice Commission and DPW are pursuing a course that is doomed to failure. The Governor's Justice Commission should be scrapped - there is no need for a proliferation of agencies. One agency should coordinate but not dictate to County Juvenile offices. In [our county] there is adequate local coordination among the agencies, except that Dept. of Child Welfare is not as cooperative as we would like; and this grows out of their independent attitude, which in turn, I believe, emanates from their feeling that they are a 'State' agency rather than a local agency."

(e) "I believe DPW is uncooperative, and aiming toward full control of juveniles."

(f) "...the biggest problem is with D.P.W. whose arbitrary standards do not take community circumstances into consideration."

(g) "The Department of Public Welfare is so large and unresponsive to the wills of the people and is so suspect due to many past failures in the field of juvenile care that consideration should be given to removing the entire field of juvenile care and delinquency from that agency with consideration to the creation of a

\* Refers to the total number of respondees to this particular question.

separate agency solely for youth with a consolidation of the various youth services with the possible exception of the Juvenile Court Judges' Commission therein. The latter should probably be excluded in order to retain its independence on thought and expression."

(h) "But it never will happen so long as DPW continues to postulate that only the DPW can be trusted to handle troubled youth and the Juvenile Court role should be limited to adjudication only - a Jerome Miller posture."

(i) "The police, probation, the Courts and most of the private sector are capable of coordination. The public schools, the MH/MR facilities and DPW are another story."

(j) "There is a great need for more cooperation on the part of those component agencies of the Department of Welfare with probation and the courts."

(k) "Probation is frequently a remedy without reality. Public Welfare is overly possessed with theory, new untried processes lacking reality. There are no MH/MR facilities."

(l) "Certainly the state-level agencies seem unaware of the problems at the local levels, e.g., reduction of beds, closing needed institutions in the face of mounting commitments."

(2) Several other comments of judges who perceive inadequate communication among the several concerned agencies to be a problem are as follows:

(a) "Some of these agencies find themselves as adversaries of each other due to the misunderstandings, unclear guidelines or requirements, arbitrary decisions by bureaucrats far removed from and unaware of the actual situation."

(b) "There has been a lack of communication between the various agencies and this has created problems to both the service providers and the consumer."

(c) "Very definite lack of coordination - this is one area that needs considerable attention."

(d) "We have a satisfactory local situation but on a regional and statewide basis coordination is inadequate and, in some cases, non-existent."

(e) "There is a tremendous gap in communication between some of the agencies involved with delinquent youth. This is especially true between the public schools and the courts, probation and police. Most school administrators and faculties have very little, if any, knowledge of the juvenile system and vice versa. The administrative agencies such as MH/MR, DPW and GJC are all bound up in rules and regulations that are both inconsistent and incompatible. Also, a lack of knowledge of each others responsibilities and

needs create overlaps in some areas and gaps in others. These rules and regulations are also inconsistent with the needs of the court systems and make some of these agencies less responsible to the courts and juveniles than to their own bureaucracies."

(f) "All too often the various components of the Juvenile Justice System operate independently without adequate coordination and interchange of information."

(g) "There is too much independence and inadequacy to insure coordination and cooperation, and too much shifting of the blame."

(h) "The lack of coordination, the attitude that each agency knows best, the failure to share responsibility for a serious social condition is at the heart of the entire problem."

(i) "Too many people involved, but really no way to break the bureaucracy."

(j) "Response applies to certain agencies rather than all in general. In some instances communication is good and coordination of effort exists. In other instances, it is limited."

(3) The following are some comments of judges who answered YES, that adequate coordination currently exists among the various agencies:

(a) "The Juvenile Court must continually stimulate this coordination."

(b) "In our area - YES."

(c) "YES - insofar as this county is concerned."

(d) "In [our] county there is excellent coordination and cooperation among the various agencies. In some measure, this is indicated by ~~the titles assigned to some members of the staff.~~ The staff is charged with the duty of utilizing the services and help of all agencies."

(4) Other comments were:

(a) "I am unable to respond since unfamiliar with what coordination, if any, exists!"

(b) "Have no information on this - probably a lot of over-lapping."

(c) "The coordination should fall to the local Probation Departments and the Courts involved."

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 5 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

6 said YES; 21 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

6 said YES; 11 said NO; 1 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

2 said YES; 11 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

5 said YES; 12 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

4 said YES; 4 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

2 said YES; 9 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

21. a. Question Asked - Do you believe that the judiciary currently has adequate opportunity to participate in the policy shaping procedures of the Department of Public Welfare (DPW)?

b. Statewide Responses -

5 judges (10% of respondees\*) said YES.

45 judges (90% of respondees\*) said NO.

3 judges did not answer.

c. Examples of Comments Submitted -

(1) The following comments were made by judges who answered YES, i.e. the judiciary has adequate input into DPW policy shaping procedures:

(a) "DPW officials are most cooperative I find.

(b) "I'm not sure that sufficient weight is given to the input; perhaps weight should be limited."

(2) The following three comments are those of judges who answered NO to the question, but indicate that part of the problem of not having adequate input into DPW policies may be attributable to the judges:

(a) "While the judiciary has the most direct responsibility, it seems to have the least weight in the policy making process. Many judges are too busy with everyday duties to devote the time to these problems being 'studied' by other agencies as full-time positions."

(b) "...it is often difficult to have adequate judiciary input because all too often there is no consensus among the judiciary as to needs and policies."

(c) "That's not necessarily DPW's fault. Judges just don't have the time."

(3) Three comments of judges indicated that there is a "hostile" attitude between DPW and the judiciary:

(a) "There is a hostile atmosphere, probably generated from both sides that makes cooperative policy shaping virtually impossible."

(b) "DPW seems indifferent, if not hostile, to judiciary input."

(c) "DPW has a history of antagonizing the Courts, of placing blame on the Courts unjustly, in failing to provide needed services and of ignoring the judges.

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\* Refers to the total number of respondees to this particular question.



(4) The following group of comments are from judges who answered NO, or did not answer YES or NO, and who ascribe the lack of adequate judiciary input into DPW policies to bureaucracy, lack of concern or disregard on DPW's part, or other reasons:

(a) "Our views are offered and occasionally even solicited by DPW. Largely these views are simply ignored or, at worst, disparaged by DPW."

(b) "I don't think the D of W pays too much attention to what the Courts think!!!"

(c) "It appears DPW established its policies and activities without regard to the judiciary."

(d) "It frequently appears that the judiciary is the last group of those dealing with juveniles consulted, yet the judiciary is not only responsible for determining the fate of the juveniles, but also has an obligation to see that they are properly cared for."

(e) "I believe the efforts of the judiciary to influence policy shaping procedures are largely ignored. Those who shape policy believe that the Courts should be removed from the field in favor of more modern, more capable, more intelligent, more understanding, (etc.) sociologists."

(f) "DPW determines policies and procedures with respect to detention and treatment facilities and delinquent youth services without consultation, or even following consultation without consideration and cooperation, in many instances, with the expressed desires of the judiciary."

(g) "We are asked to participate - sometimes belatedly - but other groups seem to influence policy decisions at the state level."

(h) "Unrealistic laws which attempt to shackle the Judiciary passed as the result of sometimes self-seeking pressure groups cause problems."

(i) "This has been a miserable failure. No input and when there is, it is ignored."

(j) "The judiciary is thoroughly ignored in the plans and procedures in regard to proposed changes and services in regard to delinquent youth and the judges have been forced in many instances to carry their case to the legislative committees involved."

(k) "The judiciary is not usually requested to have input."

(l) "Again, a bureaucratic problem. Get lines of communication direct and clear and definite."

(m) "I do not know whether the judiciary has adequate 'opportunity' for input to DPW policy and activities, but if the judiciary does, DPW's policies do not appear to reflect the judiciary's concerns and recommendations."

(n) "The DPW has their own policy and program for youths and presently wants no interference from other agencies."

(5) Other comments included:

(a) "Often the relationship has been good, but the Camp Hill Project was a bad exception."

(b) "Frequently none. Camp Hill closed without alternative facilities; state application of federal funds (Sen. Bayh) without court approval either had or sought until demanded as a condition precedent for any approval."

(c) "The Legislature should determine policy regarding institutions to serve juvenile delinquents, rather than Department of Public Welfare."

[ITEMS 21d AND 21e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 6 said NO;     - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

2 said YES; 26 said NO;     - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

2 said YES; 13 said NO;    3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

    - said YES; 11 said NO;    3 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

4 said YES; 14 said NO;     - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

    - said YES; 9 said NO;     - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

1 said YES; 10 said NO;     - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

    - said YES; 1 said NO;     - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

22. a. Question Asked - Do you believe that the judiciary currently has adequate opportunity to participate in the policy shaping procedures of the Pennsylvania Governor's Justice Commission?

b. State-wide Responses -

19 judges (44% of respondees\*) said YES.

24 judges (56% of respondees\*) said NO.

10 judges did not answer.

c. Examples of Comments Submitted -

(1) The following judges' comments indicate their belief that there is not adequate representation into the Governor's Justice Commission policy procedures or that judicial input is sometimes negated by other influences:

(a) "Although judges do sit on the regional councils, they have very little input into the planning state-wide as evidenced by the percentage of funding allocated to the judiciary of the total amount allocated to the entire region. Also, in many cases, particularly those involving private service providers, judges are not involved in the early stages of development when their input could be most beneficial, but are informed later, if at all. With most, if not all, juvenile programs relying on the courts for referrals, the judiciary should play an integral part in developing these programs."

(b) "There are only two judges as members of the Southeast Region Council of the Governor's Justice Commission"

(c) "Not only is there insufficient representation of Juvenile Court Judges, but it appears that input by the Juvenile Court Judges' Commission and by individual judges receives scant consideration."

(d) "The Juvenile Court Judges' Commission and the Juvenile Section of the Pennsylvania State Trial Judges' Association should have representation or at least be invited to have input on those matters involving youths coming before the Commission."

(e) "The Governor's Justice Commission should make more use of the expertise of the Judiciary."

(f) "There appear to be influences on the Commission which sometimes negate Judicial input."

\*Refers to the total number of respondees to this particular question.

(g) "The attitude of the Commission which is shaped by the Federal policy relating to the distribution of LEAA funds does not place sufficient emphasis on the function of the court in law enforcement activities."

(2) Assorted other comments of judges that replied NO to this question are as follows:

(a) "There does not appear to be sufficient funding directed to court policies and needs."

(b) "Heretofore yes, but if the reported change of policy eliminating continued funding of new probation officer positions in the county juvenile probation offices is the fact, this comes as a complete surprise and without consultation. Our Juvenile Court is utilizing such funding to a great extent."

(c) "...This Commission should be abolished."

(d) "The present Dauphin County Detention Home imbroglio is a classic example."

(e) "Better than the DPW, but too politically inclined."

(f) "It seems to me that the Governor's Justice Commission usurps legislative authority when it orders either the construction of detention facilities or the termination of all LEAA grants."

(3) Three comments of judges who did not answer YES or NO were:

(a) "Not Sure."

(b) "As I am not a member I have no knowledge as to this question; in any event I have no input."

(c) "I have no comment. I have associates that are active in the commission affairs."

[ITEMS 22d AND 22e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

1 said YES; 4 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

8 said YES; 14 said NO; 6 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

10 said YES; 6 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

5 said YES; 7 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

8 said YES; 7 said NO; 3 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

4 said YES; 3 said NO; 2 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

2 said YES; 6 said NO; 3 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.



23. a. Question Asked - Do you believe that the judiciary currently has adequate opportunity to participate in the policy shaping procedures of the county juvenile probation department?
- b. Statewide Responses -
- 45 judges (92% of respondees\*) said YES.
- 4 judges ( 8% of respondees\*) said NO.
- 4 judges did not answer.
- c. Examples of Comments Submitted -
- (1) Several judges that replied YES to this question indicated that influence over "funding" level is an exception:
- (a) "Except as to funding."
- (b) "The judiciary currently has adequate input into policies and activities of the county Juvenile Probation Department, but all too often it does not have sufficient influence with regard to funding."
- (c) "Except as to 'funding'. At the mercy of the County Commissions and the State Agencies."
- (d) "But county probation still receives the short end of the financial stick."
- (e) "This is a 'Yes' with the exception of funding at the local and state levels."
- (2) The following are examples of other comments from judges who replied YES to this question:
- (a) "We enjoy good rapport and both desire a close affiliation."
- (b) "The court controls probation - it is effective to the degree we can receive support from county officials."
- (c) "But obviously operated by the Courts."
- (d) "County Probation Officers are selected by the Courts and operate under their supervision. Therefore, there is close liaison between the two."

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\*Refers to the total number of respondees to this particular question.



(e) "Usually it does although it is not always listened to."

(f) "This relates to the Juvenile Judges' Commission funding. It does not apply to Governor's Justice Commission."

(g) "An excellent rapport exists in [my] County between judiciary and Juv. Prob. Office - and between judiciary and County Commissioners, budgetwise."

(3) A comment was written by one of the four judges who answered NO to the question, as follows:

(a) "Although judiciary determines policies and activities, the county commissioners through the salary board have the final say as to the numbers of positions and amounts of salaries which are as important considerations as the types of policies and activities to be carried out."

(4) The following comment was submitted by a judge that declined to answer YES or NO to this question:

(a) "The County Juvenile Probation Departments have always been left out of policy making sessions and are not given enough opportunity to make contributions which would be basic to the development of a Youth Program. These men and women are in the field daily and know the needs and problems of youth, but are never consulted. This is a great waste of human resources."

[ITEMS 23d AND 23e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

6 said YES; - said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

27 said YES; 1 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

12 said YES; 3 said NO; 3 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

11 said YES; 1 said NO; 2 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

16 said YES; - said NO; 2 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

6 said YES; 3 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

11 said YES; - said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

24. a. Question Asked - In addition to asking for the opinions of judges in regard to adequacy of opportunity for judicial input to policies of the DPW\*, GJC\*\*, and county probation (see items 21, 22 and 23), the questionnaire also gave judges an opportunity to comment generally on this matter.
- b. Statewide Responses - Two judges offered such extra comments.
- c. Examples of Comments Submitted -
- (1) The comments received follow:
- (a) "Courts are essential to provide authority and usual judicial safeguards, but policies should be formulated by true experts in the field."
- (b) "Legislative Committees do not seem to look to the experience of juvenile court judges."
- d. Special Commentary - Trends according to "category" and geographic region are, of course, not applicable.

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\*The Pennsylvania Department of Public Welfare.

\*\*The Governor's Justice Commission.

25. a. Question Asked -

Part 1: Do you believe that "dispositional" guidelines should exist for the use of juvenile court judges in deciding the placement or other disposition of juvenile offenders? Please state the reason for your answer.

Part 2: If your answer is YES, should such guidelines be broad or narrow in scope?

Part 3: If your answer is YES, should such guidelines be developed by a group consisting of (1) judges only, (2) judges and others, or (3) only persons other than judges?

Part 4: What are your comments on this issue?

b. Statewide Responses to Part 1 of this Question.-

22 judges (44% of respondees\*) said YES, dispositional guidelines should exist.

28 judges (56% of respondees\*) said NO, dispositional guidelines should not exist.

3 judges did not answer this question.

c. Comments Pertaining to Part 1 of this Question -

(1) Of the 22 judges who answered YES, 18 wrote explanatory notes with their answer. Some of these comments are grouped below into two categories.

(a) Several judges indicated that such guidelines would be an aid to the court and/or promote uniformity of placements:

- "Would serve as an advisory aid."
- "Judges can always benefit from constructive advice."
- "I would welcome all the assistance I could get in trying to arrive at the right decision in handling a juvenile."
- "The courts should have a wide variety of disposition alternatives available when a juvenile is formally found to have committed a delinquent act."
- "Once adjudicated, the Court needs all the help it can get in placement or disposition generally."
- "To hopefully lessen the disparity of sentencing."
- "Any standards to circumscribe a judges' unfettered discretion is desirable."
- "Would be some help to the Court and have some tendency to stabilize and standardize dispositions."

\* Refers to the total number of respondees to this particular part of this question.

- "Guidelines can do no harm, make for uniformity of dispositions and help new, inexperienced judges."
- "Many conditions vary from county to county, but I suspect that, because of ignorance or inadequate local facilities, some very inappropriate placements are made."

(b) Six of the judges' comments indicated that such guidelines should be broad and/or flexible and should not abrogate the judges' final authority:

- "Seems obvious that guidelines are desirable if they allow room for some flexibility in application. We have these now - locally - in a sense - per probation recommendations and past practice."
- "Guidelines are always helpful; its only when we get to mandatory commitments or dispositions that trouble starts."
- "I support this concept only in its broadest sense. Every case and every child is different and no guidelines would be better than narrow or inflexible guidelines. Same thing is true of adult sentencing guidelines."
- "Provided they are general and only guidelines."
- "Some uniformity of disposition is always desirable, however, any guideline must accept differences in community standards."
- "I believe that there should be dispositional guidelines so long as they are discretionary with the court and not mandated."

(2) Of the 28 judges who answered NO, 27 supplied an explanatory note with their answer. Most of these responses referred to the belief that the uniqueness of each case precludes effective and useful guidelines.

(a) The following comments seem to indicate a belief that guidelines as to where to place adjudicated youths for treatment would adversely affect the process because such guidelines could not account for the uniqueness of each case and each situation:

- "Disposition must be made on a case to case basis. Therefore, the decisions of the judge should be unfettered by guidelines from sources unconnected with the cases."
- "Cases too varied for generalization."
- "No two children are the same and the problems differ widely. It would be impossible to obtain dispositional answers by computer. Within limitations, guidelines might be useful but should not be controlling."
- "Such guidelines inhibit the treatment of human beings on an individual basis."

- "I believe that this type of guideline would be most difficult to prepare with any value due to the extreme differences (including attitudes) between large cities such as Philadelphia and the more rural areas."
- "Such guidelines are rarely broad enough to cover the multitude of variables a judge must consider and frequently are a fertile ground for appeals."
- "The kids are different. Answers for Philadelphia may be irrelevant to Susquehanna County."
- "Dispositional guidelines would tend to dilute the philosophy of individualized justice and create, rather than equal, unequal and uneven treatment."
- "We do have guidelines but since, theoretically at least, dispositions should 'suit or fit' the child, the guidelines must be flexible. Such guidelines might become what mandated sentences are for adults."
- "Judge is in best position to make this decision based on knowledge of youngsters, available community resources and patterns of community conduct."
- "There is no substitute for an honest judicial exercise of discretion by the hearing court."
- "Individual dispositional treatment would necessitate broad, somewhat meaningless guidelines."
- "Each case must be decided on its own facts, considering the nature of the offense and particularly the nature of the juvenile involved. Dispositions cannot be computerized. Further, depending upon the locality, whether predominately urban, suburban or rural considerations as to disposition must of necessity vary because of the nature and concerns of the community."
- "Juveniles coming before the Court are individuals, to be effective the rehabilitative program should be designed to cure individual needs; therefore, this must be done on the basis of what is best for each individual."
- "Each juvenile is unique and disposition requires a weighing of so many factors that guidelines would have to be so broad as to be impractical."
- "Plans, like sentencing, should be based on individual juveniles. Our trial judges conference does provide guidelines in principal."
- "Disposition should fit the facts of the case before the Court, rather than the crime. For example - some 'burglaries' are very serious, and some relatively minor violations."

(b) Other comments of judges who objected to such guidelines were:

- "Maybe for new judges, but one's empirical knowledge soon points the way."
- "Most Juvenile Judges are specialists. They have enough to do without trying to fit unusual cases into usual situations."
- "Probation Staff, if well trained, can provide recommendations. If their training is adequate they can provide very competent assistance."
- "The existing statute is adequate."
- "The strength of the judiciary is its independence. Dispositional guidelines quickly become directives with appeals invited by failure to follow the so-called guidelines in a particular case. Disposition must be left to the discretion of the individual judge, subject only to protection of due process rights."
- "Dispositional guidelines are too much akin to mandatory sentences. I think that the trial judge is best able to establish his own guidelines."
- "Establishing guidelines in this area would take away the flexibility that is one of the cornerstones of dealing with juveniles. Even if the guidelines were general and broad, it would be a start toward restricting the alternatives a judge has in making placements which are already severely restricted. Further, there are guidelines of a sort in the Juvenile Act of 1972."
- "I believe that within the limits of our authority, and given the paucity of alternatives, we should have full discretion. 'Guidelines' do exist, being an outgrowth of reality. I do not believe that Dr. Miller or another of his kind should be asked to guide us - but we do need more institutions as I indicated before."
- "The present attitude of all state facilities (and they are few indeed), is one that bring to mind the phrase 'revolving door'. No sooner have we succeeded in finding a bed for a delinquent youth, than we are importuned to approve release. The current cliché is that 'our 6 (or 10-or 12) week training program has been completed', etc. I believe this pressure comes from the top and indirectly is related to the goal of closing out all state institutions - a la Miller."

b<sub>2</sub>. Statewide Responses to Part 2 of this Question -

30\*\* judges (97% of respondees\*) said that such guidelines should be broad in scope.

1 judge (3% of respondees\*) said that such guidelines should be narrow in scope.

b<sub>3</sub>. Statewide Responses to Part 3 of this Question -

28\*\*\* judges (100% of respondees\*) said that such guidelines should be developed by a body consisting of judges and others.

None of the respondees indicated that only judges or only persons other than judges should develop such guidelines.

c<sub>2</sub>. Comments Submitted as Requested in Part 4 of this Question - Comments of judges on this issue of development of "dispositional" guidelines for the use of juvenile court judges were largely limited to statements about who should have input into development of such guidelines.

(1) Comments indicating who should have input into development of dispositional guidelines follows:

(a) "The wider the input the broader the result."

(b) "People from different parts of the criminal justice system and the community should best develop these guidelines, including judges."

(c) "The experience of all people who work professionally with delinquent youth should be utilized."

(d) "Of course there must be community input. Spare us the 'social engineers', however."

(e) "I believe citizen output and input is most valuable."

(f) "Judges and correctional personnel."

(g) "Judges should continue to be involved with Juvenile Law and should participate with specialists in this area."

(h) "Of judges and others? - Other disciplines are needed, e.g., psychiatrists, probation officers and specialists in the field."

\* Refers to the total number of respondees to this particular part of this question.

\*\* Please note that only 22 of the responding judges answered YES to Part 1 of the question, indicating that guidelines should exist, yet 31 judges answered Part 2 of the question, indicating that such guidelines should be either broad or narrow. One of the judges who answered NO to Part 1, but answered Part 2, wrote this note - "Will answer although NO to Part 1 above."

\*\*\* The phenomenon described in \*\* footnote above occurred with this part of the question also.



(i) "Most assuredly if such guidelines are to be devised they should not be more than 'suggested' guidelines; they should be broad; and juvenile court judges should be in a majority of any group designated to develop 'guidelines'."

(2) Other comments follow:

(a) "Existing dispositional guidelines are adequate - we need more programming, facilities, etc., within those guidelines."

(b) "With the dispositional alternatives presently available, such guidelines would seem meaningless."

(c) "...Judges have the problems. They don't have the answers."

d. Special Commentary -

(1) No attempt was made to analyze the answers to this question on the basis of the "category" or geographic region of the responding judges.

26. a. Question Asked - Part 1: Are adequate psychiatric, psychological or similar diagnostic services currently available to you for determination of appropriate dispositional placements for delinquent youths? If "yes", from whom do you obtain such services? Part 2: If "no", does the unavailability of such services hamper your dispositional process?

b<sub>1</sub>. Statewide Responses to Part 1 -

32 judges (60% of respondees) said YES, adequate diagnostic services are available.

21 judges (40% of respondees) said NO, adequate diagnostic services are not available.

- b<sub>2</sub>. Statewide Responses to Part 2 - A total of 21 judges said NO to Part 1 of this question, indicating that adequate diagnostic services are not available; of these 21 judges, 19 responded to Part 2 of the question and the results follow:

18 judges (95% of respondees\*) said YES, the unavailability of diagnostic services hampers their dispositional decision process.

1 judge ( 5% of the respondees\*) said NO, the unavailability of diagnostic services does not hamper his dispositional decision process.

- c. Examples of Comments Submitted - Thirty-four judges wrote comments pertaining to the source of their courts' diagnostic services (this included 3 judges who said NO, current diagnostic services are not adequate). The sources of such diagnostic services mentioned in the comments most frequently are as follows:

- 16 judges indicated that they obtain such services from mental health centers and/or facilities;
- 10 judges indicated that they obtain such services from various court staff (mostly psychologists);
- 8 judges indicated that they obtain such services from a DPW youth development center (mostly YDC Loysville); and
- other sources of services prominently mentioned included detention centers, private organizations or individuals, hospitals and schools.

The specific comments submitted by judges are as follows:

- (a) "Schools, local Family & Children Services, and a local mental hospital."
- (b) "Loysville, MH/MR, Court Psychologist."

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\*Refers to the total number of respondees to Part 2 of this question.

- (c) "Loysville, Sleighton."
- (d) "Mental Health Center."
- (e) "MH/MR, Y.D.C., Private sources, State hospitals."
- (f) "Our own psychologist, two psychiatric staffs of local hospitals."
- (g) "Local MH/MR.service units."
- (h) "Various community services, e.g., MH/MR, D&A, YDC Loysville, all coordinated by this county's P.O. & C.W.S."
- (i) "Mental Health/Mental Retardation Services of our county."
- (j) "Staff psychologists, county MH/MR, purchase from private sources."
- (k) "\_\_\_\_\_ County Youth Center (detention facility)."
- (l) "We have a Juvenile Court Diagnostic Clinic funded by the Governor's Justice Commission and \_\_\_\_\_ County. We understand that the Governor's Justice Commission will also eliminate funding of this program as well as a number of probation officers for the ensuing year, the loss of which will be disastrous."
- (m) "Local Court Study Teams, MH/MR."
- (n) "Court disposition team."
- (o) "Diagnostic staff of the Juvenile Court."
- (p) "Mental Health Center, County Memorial Hospital, private psychologists and psychiatrists' services furnished by Detention Centers."
- (q) "Our court medical and psychiatric department and from our probation service. An increase in personnel would be desirable in this respect."
- (r) "From the Court personnel."
- (s) "Guidance clinic and independent psychiatrists and psychologists."
- (t) "Private psychiatrist and school psychologist."
- (u) "Local agencies, Loysville, Topton and other out of county facilities."
- (v) "MH/MR and private sources."
- (w) "Private sources - and \_\_\_\_\_ Detention."
- (x) "County Guidance Center, County Mental Health Unit."

(y) "Mental Health/Mental Retardation Center."

(z) "Local Mental Health Center."

(aa) "We use our Mental Health Center, but must turn to YDC for indepth diagnostic workups. These services are essentially unavailable for 'deprived' malé juveniles, which is serious!"

(bb) "Family Counseling Center, Detention Facilities, hospitals, etc."

(cc) "YDC Loysville."

(dd) "Local Mental Health Center and Diagnostic Facilities at Loysville."

(ee) "Psychological testing is available through our Juvenile Detention Center. We do not have a competent psychiatrist service."

(ff) "We have adequate evaluation to a degree, but each of dispositional alternatives defeats it."

(gg) "Sadly lacking."

(hh) "We have a Medical Branch as an integral part of the court structure which provides such services."

[ITEMS 26d AND 26e ARE CONTAINED ON THE NEXT PAGE.]

d. Trends\*According to Category<sup>x</sup> of Judges - (Responses to Part 1 only)

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

4 said YES; 3 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

18 said YES; 10 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

10 said YES; 8 said NO; - DID NOT ANSWER.

e. Trends\*According to Region<sup>z</sup> of the Commonwealth - (Responses to Part 1 only)

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

6 said YES; 8 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

11 said YES; 7 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

7 said YES; 2 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

8 said YES; 3 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

\*Only answers to Part 1 of this question were analyzed on the basis of the "category" or geographic location of the reporting judges.

27. a. Question Asked - In your opinion, should "punishment" of juvenile offenders be a recognized purpose of the juvenile justice system?

b. Statewide Responses -

40 judges (80% of respondees\*) said YES.

10 judges (20% of respondees\*) said NO.

3 judges did not answer.

c. Examples of Comments Submitted -

(1) Comments of judges who answered YES follow:

(a) "The question is misleading. In some cases, punishment is an essential to corrective treatment."

(b) "Sometimes."

(c) "Yes, in those cases where the circumstances warrant."

(d) "It should not be the primary purpose of the system but must be recognized if the system is to be effective with some youth."

(e) "To a limited extent; some youngsters will respond to this approach; can be an attention getting device."

(f) "If it serves the juvenile offenders needs."

(g) "But whether it should be an end to be achieved must be determined on a case to case basis."

(h) "... 'Punishment' must not be the foremost consideration, particularly with the very young and first offender - but it must have a place in the dispositional process."

(i) "In my judgment, 'punishment' of the proper nature is the best rehabilitation measure in many cases."

(j) "It is something everyone understands and is a part of rehabilitation."

(k) "If it has correctional value, but emphasis should be on remedial."

(l) "Punishment is a necessary part of rehabilitation in many cases."

(m) "Although rehabilitation is the primary goal, punishment for the violation of criminal acts is part of rehabilitation. Persons who commit criminal acts, whether adults or juveniles, expect to be punished for their acts and society should carry out that expectation."

(n) "Only a small but very important initial encounter, then it should be rehabilitation."

\* Refers to the total number of respondees to this particular question.

- (o) "Both rehabilitation and punishment should be available for a Juvenile Court Judge."
- (p) "To a very limited degree. Rehabilitation is definitely the primary purpose."
- (q) "Punishment must be recognized as a purpose 'in reality' because no matter how much we claim to 'treat' rather than 'punish', no one believes it."
- (r) "Punishment furnishes a necessary deterrent to repetition of the same behavior."
- (s) "Punishment is already a purpose of the system because whenever you place any restrictions on a juvenile, you have punished him. Also, in some cases the root cause of the juvenile's problems may be a lack of discipline, for which punishment is an appropriate response. In other cases, a period of short detention will have as much impact on a juvenile as anything, acting as somewhat of a deterrent."
- (t) "I use punishment in the broad sense. Not abuse. How better can we deal with a juvenile with no family tradition of sanctity of private possession than punishment by way of depriving the juvenile."
- (u) "When you have the hard core, vicious offender you are only encouraging his lifestyle when you ignore this factor. As a result, he continues the same life style until the adult court receives him."
- (v) "Part of the process of learning is that the penalty for an offense is retribution. When rehabilitation fails, there must be retribution."
- (w) "The juvenile is 'a person', and fair punishment is expected and natural - even irrational animals teach their offspring by punishment."
- (x) "Punishment should be appropriately recognized as a purpose, but, obviously not the only purpose. The treatment needs of status offenders, particularly runaways and truants, are peculiar to them because they generally are shown to be disturbed children often reflecting poor parenting. Often these are the treatment needs of juveniles who commit adult type criminal acts, but not always."
- (y) "Certainly!"
- (z) "I feel 'punishment' is a factor, but generally less than with adult offenders. Restitution should also be recognized."
- (aa) "There are a minority of juveniles who absolutely refuse treatment and refuse to take part in a prescribed program. Without the means of discipline or physical control, or punishment aspect for want of a better term, supervision of these few individuals would be impossible."

(bb) "In this sense: We require that most property offenders perform a number of hours of uncompensated and supervised community service work as part of probation - with good effect. Also, we have had cases where one month of 'shock treatment' in a maximum security facility has been effective."

(cc) "I answer 'YES' only because there are a very few children whose attention we cannot get any way but thru sheer punishment. This would be a last resort, of course."

(2) Some of the comments of those who answered NO follow:

(a) "Children should be helped by offering them an opportunity to acquire the tools necessary to be successful in society."

(b) "Punishment for the sake of punishment as respects juveniles is of most questionable value, but it cannot be removed from the system. It goes with almost every disposition, it requires careful handling."

(c) "The law requires the Court to act for the welfare of the child only."

(d) "In serious cases, however, I think it should be."

(e) "I answer the question 'NO' on the assumption that the term 'punishment' means incarceration for the sole purpose of loss of liberty without being related to rehabilitation programs."

(f) "I believe in the care, treatment and supervision of juveniles in trouble. This may include restitution, strict rules and discipline - which the juvenile may consider to be punishment."

(3) The following comments are of judges who did not answer YES or NO.

(a) "In some cases it is perhaps one of the minor considerations; certainly not a major one."

(b) "It depends on the individual case."

[ITEMS 27d AND 27e ARE CONTAINED ON THE NEXT PAGE.]



d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

6 said YES; 1 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

22 said YES; 5 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

12 said YES; 4 said NO; 2 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

9 said YES; 4 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

14 said YES; 3 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

7 said YES; 1 said NO; 1 DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

10 said YES; 1 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

- said YES; 1 said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

28. a. Question Asked - Part 1: Since the enactment of the Juvenile Act of 1972, has any "appeal" been successfully brought within your judicial district against a juvenile court judge's dispositional decision regarding a delinquent youth? Part 2: Do you believe that the current system for lodging of such appeals is adequate?

b<sub>1</sub>. Statewide Responses to Part 1 - (Have there been any successful appeals?)

4 judges ( 8% of respondees\*) said YES.

47 judges (92% of respondees\*) said NO.

2 judges did not answer.

b<sub>2</sub>. Statewide Responses to Part 2 - (Is current system for lodging appeals adequate?)

40 judges (85% of respondees\*) said YES.

7 judges (15% of respondees\*) said NO.

6 judges did not answer.

c. Examples of Comments Submitted -

(1) Three judges' comments indicated personal knowledge of appeals; they follow:

(a) "Two appeals are presently pending."

(b) "We have one pending denying the courts' power to assess restitution."

(c) "In the 24 years of service on this Court there has only been one appeal to an Appellate Court which was dismissed."

(2) The following are some of the other comments submitted:

(a) "There should be an en banc appeal to other judges in county as preliminary step."

(b) "If we continue to bog down the legal system with repeated and intricate appellate statutes, we contribute to the destruction of the system."

(c) "The Superior Court is inundated with appeals of all types. It cannot adequately resolve the hundreds of cases flooding it, including juvenile appeals."

(d) "We use public defenders in most cases."

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\*Refers to the total number of respondees to this particular part of this question.

(e) "Public Defender is present and active...we are just plain careful."

(f) "Public Defenders who represent 95% of the cases are over-worked."

(g) "The Juvenile Act of 1972 is unclear relative to the appeal procedure. The former Act of 1933 was more explicit."

(h) "Legal issue appeal procedure is OK. Discretion of court is hard to overturn and higher courts aren't in good position to dispute judge's disposition. Local judge should be open constantly to expert advice."

(i) "By the time that an appeal is decided, the issue is moot or practically moot."

(j) "The closing of Camp Hill, in effect, was the overruling of decisions of Juvenile Judges as to commitments outstanding."

d<sub>1</sub>. Trends of Part 1 Answers According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

2 said YES; 4 said NO; 1 DID NOT ANSWER

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

2 said YES; 25 said NO; 1 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

- said YES; 18 said NO; - DID NOT ANSWER.

d<sub>2</sub>. Trends of Part 2 Answers According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

5 said YES; 1 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

21 said YES; 4 said NO; 3 DID NOT ANSWER.

---

x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):  
14 said YES; 2 said NO; 2 DID NOT ANSWER.

e<sub>1</sub>. Trends of Part 1 Answers According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):  
1 said YES; 13 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):  
1 said YES; 17 said NO; - DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):  
- said YES; 9 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):  
2 said YES; 7 said NO; 2 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):  
- said YES; 1 said NO; - DID NOT ANSWER.

e<sub>2</sub>. Trends of Part 2 Answers According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):  
10 said YES; 1 said NO; 3 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):  
12 said YES; 4 said NO; 2 DID NOT ANSWER.

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):  
9 said YES; - said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):  
9 said YES; 2 said NO; - DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):  
- said YES; - said NO; 1 DID NOT ANSWER.

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z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.



29. a. Question Asked - From your background and experience, do the treatment needs of "status offenders" as a group differ from the treatment needs of juveniles who commit "adult-type" criminal acts?

b. Statewide Responses -

36 judges (71% of respondees\*) said YES.

14 judges (27% of respondees\*) said NO.

1 judge (2% of respondees\*) said both YES and NO.

2 judges did not answer.

c. Examples of Comments Submitted -

(1) The following are selected comments from judges who answered YES to this question:

(a) "The status offender concept is valid. The offender should be treated differently."

(b) "Good heavens, YES! What a question!"

(c) "Status case only involves the juvenile - others the public."

(d) "I believe there is better hope of rehabilitating a status offender."

(e) "Except that there is rarely a pure status offender situation. Usually it is a syndrome involving much delinquent behavior."

(f) "This is qualified. Many factors are the same in both types of cases."

(g) "But not nearly so much as the 'progressive, current' thinking would have us believe."

(h) "And in all cases we have adequate treatment responses for the 'status offender'; in my estimation the concern that 'status offenders' are being co-mingled with hard core delinquents is exaggerated."

(i) "However adequate disposition can be made under the present system."

(j) "Unfortunately the alternatives available for 'status offenders' are extremely limited."

(k) "This does not imply that 'status offenses' should be lightly dismissed as of no consequence. The status offender may have undergone life experiences which result in deep treatment needs."

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\*Refers to the total number of respondees to this particular question.

(l) "Seems obvious - more likely to reflect family/school problems than set criminal pattern. But caveat, all status offenders [are] not misunderstood angels - some every bit as bad or worse than the typical delinquents."

(m) "Many of these youths have family, emotional and 'growing up' problems. It would be well if they could be treated separately."

(n) "'Status' offenders often have home and parental and school problems they can't cope with. However, it has been my experience that many 'status' offenders present far more difficult treatment problems than the straight delinquents. Secure confinement should not be entirely ruled out as an alternative for the intransigent status offender."

(o) "We cannot treat youth the same as an adult. However; we must have a 'structured program' for status offenders so that their behavior can be modified to become more acceptable. We cannot continually give them 'a slap across the wrist' and then forget about them."

(p) "The status offenders obviously are in an entirely different class as a general rule from the type of offender that commits acts which would be criminal if they were adults, however, it is under the power and authority of the court alone what must be utilized to bring these youngsters to a realization that their ultimate welfare will be threatened by their continuation of truancy, running away and ungovernable behavior."

(q) "Much of the legislative concern, I believe may have been fostered by misinformation of the type consistently released by Jerome Miller\* in his effort to secure support for his crusade against institutional care and training of the delinquent youth. In point of fact, the status offender - the runaway, the truant - is not punished. He is evaluated, studied and placed, when necessary, in that facility which offers the most promise of success in guiding and educating such a child."

\*[the judge's footnote follows] "I should note - I don't know this man personally nor do I have any personal axe to grind with him. But I've read of the disastrous consequences which followed his brief tenure in Mass. - and have witnessed the negative impact he has had upon our system. I am thankful that our Pa. legislature has not given him his head."

(r) "Although the treatment needs of status offenders would appear to differ from the treatment needs of criminal offenders, there are no known available programs that specialize in treatment of status offenders or that show promising results. However, status offenders should not be classified as deprived but really are a type of Juvenile with certain attributes of delinquency as well as deprivation so that

there should be a separate category for such child in need of supervision as provided by SB 70."

(s) "'Status offenders' perhaps should be even a 3rd category distinct from 'delinquent' and 'deprived'...."

(t) "The label 'status offender' is frequently deceiving as to what the juvenile actually did. If the juvenile actually committed adult type crimes but is brought into court only as a status offender, the label has little meaning as to what is actually needed in the way of treatment and care. The juvenile should be judged as an individual as opposed to the label the society wishes to place upon his act."

(u) "Status offenders should remain under Juvenile Court jurisdiction. If DPW or Child Welfare refers to community agencies for 'treatment' and parents or child refuse to cooperate there is no way short of a juvenile court order that the child can be controlled."

(v) "Wherever possible, status offenders should be diverted from the juvenile justice system."

(w) "Courts are not equipped to deal with status offenses."

(2) The following are examples of comments from judges who answered NO to this question:

(a) "I am reluctant to think of treatment needs in terms of groupings. Each case is unique in some respects."

(b) "Each case is different and practically no case fits in a definite category."

(c) "No, not necessarily. Many status offenders present more problems and are more likely to recidivate than some juveniles who commit adult-type offenses. Also, statistics reveal that many 'delinquent' juveniles have committed status offenses in the past and graduated from there to the real thing. Treatment of status offenders may be different than other juvenile offenders, but not in every case."

(d) "The line of demarcation between the two groups is fine and, at times, artificial."

(e) "Rules of conduct for children differ from rules for adults. Breach of the rules must be appropriately handled. More than a quarter century of experience has taught me that today's incorrigible or truant is tomorrow's violator of the criminal law. Proper treatment of the incorrigible and truant obviates the need to treat a criminal or delinquent."

(f) "The level of treatment varies, but the needs seem about the same. We see status offenders progress to juveniles who commit 'adult-type' crimes."



(g) "Both are the same."

(h) "Status offenders are basically the same type of child as those who commit criminal type acts. Some are much more sophisticated. They simply manifest their underlying problems in a different way. The majority also commit criminal type acts."

"The juvenile justice system pushes many kids out of the system who will be branded as deviants and brought under a huge costly umbrella of community services, without appeal as due process if the great push regarding status offenders succeeds. The failure of New York and California (10 year experience) should give us pause about diversion - turnstyle programs and complete reliance on Departmental wisdom. I can send a juvenile into an adult ward of a mental hospital - even into programs (drug rehab.) with adjudicated criminals, without harm. I can't understand why status offenders and delinquents need to be separated."

(i) "The adoption of the label of 'status offender' for the child who is a runaway or is incorrigible and the legislating of separate care and treatment for status offenders will create serious problems. There are few purely status offenders. Usually, the runaway requires secure facilities or he will run again. As a practical matter most of the runaways and the incorrigibles have committed a crime. For the few status offenders a separate classification may do more harm than good."

(j) "The judge always has the option of deciding that a runaway delinquent is to be adjudged deprived and treated as such. However, a repetitive runaway who is a danger to himself and others requires the treatment afforded to delinquents."

(3) The following comments were made by judges who answered the question YES and NO or did not answer YES or NO:

(a) "Many status offenders should be treated as 'deprived' children. But there is a definite incidence of 'incorrigible' status offenders whose treatment needs are indistinguishable from many 'criminal' offenders. Juvenile judges should be trained and trusted to make the distinction."

(b) "Unless status offenders are dealt with firmly, lovingly, and effectively, they will commit 'adult-type' criminal acts."

(c) "Treatment needs should relate to the 'cause' of the problem involved, not to the form which the problem takes. I find many 'status offenders' are just as much or more disturbed and mixed-up as those who in fact do commit adult-type offenses. I see little to be gained through categorizing along the lines of 'status offenders' vs. 'adult criminal offenses.'"

d. Trends According to Category<sup>x</sup> of Judges -

(1) Judges that responded to this questionnaire and reported that they are currently serving exclusively or primarily as a "juvenile court" judge (total of 7 judges):

4 said YES; 3 said NO; - DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they are currently serving primarily as a judge in adult proceedings but also preside at some juvenile court proceedings (total of 28 judges):

20 said YES; 6 said NO; 1 DID NOT ANSWER.\*

(3) Judges that responded to this questionnaire and reported that they are serving in a "single judge" district (total of 18 judges):

12 said YES; 5 said NO; 1 DID NOT ANSWER.

e. Trends According to Region<sup>z</sup> of the Commonwealth -

(1) Judges that responded to this questionnaire and reported that they serve within the Western Region (total of 14 judges):

10 said YES; 3 said NO; 1 DID NOT ANSWER.

(2) Judges that responded to this questionnaire and reported that they serve within the Central Region (total of 18 judges):

11 said YES; 6 said NO; - DID NOT ANSWER.\*

(3) Judges that responded to this questionnaire and reported that they serve within the Northeastern Region (total of 9 judges):

6 said YES; 3 said NO; - DID NOT ANSWER.

(4) Judges that responded to this questionnaire and reported that they serve within the Southeastern Region (total of 11 judges):

8 said YES; 2 said NO; 1 DID NOT ANSWER.

(5) Judge who responded to this questionnaire without reporting judicial district (total of 1 judge):

1 said YES; - said NO; - DID NOT ANSWER.

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x/ For purposes of analysis, we "categorized" answers from judges who responded to this questionnaire on the basis of their reported judicial proceedings responsibilities; see further explanation on page 8.

z/ Refers to geographic region of the Commonwealth according to classification for administrative purposes by the Penna. Dept. of Public Welfare; see page 10 for further explanation.

\*/ One judge replied "YES and NO".



30. a. Question Asked - Please make any other general comments that you would like to add to the information provided in this questionnaire.

b. Statewide Responses -

Several judges provided comments in response to this invitation.

c. Examples of Comments Submitted -

(1) Several judges remarked about the apparent conflict between DPW and juvenile judges; such comments follow:

(a) "The conflict between the Judiciary and DPW must be resolved. Currently, it has produced nothing but chaos in both the Juvenile Court System and DPW's Youth Service System. Somehow, these two agencies will have to come together and make an honest attempt to solve these problems. If this means bringing new personnel and starting from scratch to develop a new youth program, then we should get started immediately."

(b) "The care of juveniles has created substantial division between the judiciary and the Department of Welfare over the years. This arises from a philosophical difference in concept of the nature of the treatment required in certain instances. Judges are elected representatives responsible to the people in the area in which they serve. The Department of Welfare is not similarly responsible. Therefore, the judges reflect in part at least the will of the people from which they are elected. That will should not be disregarded onto the belief the judges are too harsh or unbending and that the social workers, physiologists and other professionals are in a superior position because of their education or training. Rather, it requires a blending of the two concepts as much as possible for the benefit of the juvenile."

(c)\* "If any progress is to be made in finding solutions to the problems of juvenile delinquency, a joint open-minded effort must be made by each segment responsible. I am now in my 6th year on the bench and I deplore the attitude of many judges toward the DPW. One of the prime characteristics of the judiciary should be 'open-mindedness.' Unfortunately, I do not believe this attitude exists as it relates to the functions and problems of the DPW. With regard to the DPW, its operational methods in relationship to the judiciary and the problem of juvenile delinquency has been completely frustrating. To decry the fact that it is the bureaucracy begs the question because every governmental agency, in fact, every institution consisting of more than one person is a bureaucracy. Somehow, attitudes must be changed so that there can be a continuing dialogue and an understanding of each other's problems. The DPW necessarily insists on standards, procedures and in-

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\*This particular comment was set forth in a letter accompanying a completed questionnaire and was directed at the question "Are major changes required in the juvenile justice system?" See page 48 of this report.

volvement in the treatment of juveniles. There is nothing wrong with this except that the courts have neither the facilities nor the resources to comply. In this area, the Legislature must bear its share of the burden because too frequently laws in this area are enacted without proper provisions for funding and implementation. For the most part, these enactments have been directed toward an enlightened purpose, but if the result of their enactment is to create ways and means of avoiding them, the problem is not solved, but on the contrary, aggravated. In short, some method must be devised to create a good faith working relationship between the Legislature, the Executive (principally the DPW), and the Judiciary."

(2) The following comment is about "status offenders":

(a) "While removal of 'status offenders' from the jurisdiction of the juvenile court would be a great relief to our workload, I do not feel the proposal is viable until some authority is established by the Legislature to serve as a substitute for the Court. Such an authority must have the power to compel attendance at hearings; enter orders designed to abate the continuation of the offense; and enforce such orders when necessary."

(3) The comments submitted by three judges call attention to the need for additional services; these comments follow:

(a) "The system works well because there can be a quick disposition of cases. If the hearings are held quickly the system can be effective.

"Disposition alternatives is the real problem. Girls dispositions are a problem. Mental Health is a problem.

"Involvement of parents and payment of restitution is a problem."

(b) "[Needs] for juveniles:

-Diagnostic services for dispositional purposes should be given priority.

-Mental Health, including inpatient secure facilities are priority needs.

-[The services cited above] very much needed for BOYS AND GIRLS!

-We would utilize more group homes if they were made available and adequately staffed.

-We need more facilities for DEPRIVED as well as delinquent children."

(c) "The major problem facing us is availability of adequate placement alternatives. I am also concerned by the high cost of the present facilities."

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\*Another "comment" discussing the inadequacies of the current system of "treatment facilities" begins at the bottom of page 152.

(4) Other selected comments follow:

(a) "DPW cannot handle many of the runaways in \_\_\_\_\_ and try to have the court intervene. The alternative is expensive and not that much of an improvement - i.e., a separate set of somewhat secure facilities. This applies also in extreme cases of truancy and incorrigibility."

(b) "Give budget priority to our youth!!"

(c) "I compliment you for seeking some input from those who are on the firing line - the Juvenile Court Judges who are concerned for their respective communities, their youth, and for the rule of law. I do not suggest that my expressed attitudes will...necessarily be those of the majority of your respondents, but I suggest that a sampling of community attitudes may produce similar suggestion."

(d) "I hope many judges availed themselves of this opportunity. Few judges can devote the time to prepare papers or appear as witnesses to compete with others less experienced who devote full time to talking [about] problems while judges deal with those problems on a daily basis."

(e) "In many cases the charge which brings the juvenile in to court has little to do with his particular needs for rehabilitation and successful adjustment to the community."

(f) "A large majority of youth offenders should be dealt with on a local level. Police should be educated to refer only repeated offenders. If this is being done the Courts should have the discretion to deal firmly and effectively with those who need structured environments or similar treatment at an early age so that they will not continually return to the Criminal Justice System."

(g) "During 1976, HB 748, and during 1977, SB 70, SB 221 and HB 1 have dealt or deal with various proposed amendments to the Juvenile Act. I strongly believe that SB 70 is the only one of these drafts that comes close to effectively dealing with the problems involving juveniles and I feel that the amendments included therein would be very helpful toward upgrading the system."

(h) "I can capsule my opinion which is not new to you or any Judge, there simply does not exist physical facilities or qualified personnel to tend to the juvenile delinquent caseload. The trend is towards community treatment, however, the majority of the rural counties simply do not have the facilities or personnel to cope. A small county such as I have does make a difference in the problem, to-wit, what does a juvenile judge do with a 16 year old farm boy who is 6'1", weighs 200 pounds and insists on committing burglaries or larcenies? Quite obviously the answer is to certify to adult court but this is not getting at the root of the problem and probably making it worse. In my opinion we need maximum security units at least on a multi-district basis.

"Finally, I would encourage the Budget and Finance Committee to visit the two Youth Development Centers in the State. I can't imagine any intelligent person seeing firsthand the current disgraceful situation could take any different position than I have on the questionnaire."

(i) "...I am convinced that society itself is the principal cause of the increasing number of children in trouble. As people and institutions change for the better the incidence of youthful crime and children in trouble will lower. It should be recognized that there is no general legislative formula that will successfully attack the causes of the juvenile problem in Pennsylvania. The problem is much too great and complex.

"In addition, there are a variety of ideas promoted by sincere and dedicated people for the care and treatment of children in trouble. There is absolutely no way to measure whether one plan is better than any other plan. The reason is that every youngster is as different as the people who care for and treat the child. There are no reliable statistics to prove one treatment plan is superior to another. There never will be as long as we are dealing with human beings and not robots.

"Even if the experts could agree on a program or programs for the treatment of children in trouble, the problems that exist from city to city and county to county across Pennsylvania vary widely. Programs that may be necessary and possibly helpful in one judicial district are not only unnecessary but actually harmful and a waste of money in other districts. An example is the detention center which experience establishes will be used if it is available. Detention is always the easy solution to placement.. While Pennsylvania proposes to build detention centers they are being eliminated in California.

"...I submit that [a plan of local rather than state responsibility and control for youth in trouble] will avoid expensive and colossal blunders administered on a statewide basis by welfare or any other agency for that matter. It seems to me that [such a plan] will be best for our children, good for democratic government and will save the taxpayers money.

"There may be better programs in Pennsylvania than that which we have developed in [our] County but I am not convinced. Who is to be the judge: The Legislature? The Department of Public Welfare? or The Juvenile Court of the district in cooperation with the Board of County Commissioners?

"I vote for the latter. Combine it with greater financial help from the Legislature, advice from a Department of Youth Service and pressure from local citizens and agencies and you have more democracy and less government bureaucracy at work.

"During the past 10 years with increasing juvenile crime, etc. [our] County has reduced its juvenile population in institutions by approximately 50 percent."

(j) One judge submitted a lengthy "position paper" which includes an "historical background", commentary on "facilities now available" and suggestions for restructuring of the juvenile justice system. This position paper is included in its entirety as Appendix B to this report, beginning on page 157.

- d. Special Commentary - No attempt was made to analyze the responses to this question on the basis of the "category" or geographic location of the various judges.





31. a. Question Asked - The judges were asked to "look over" a list of 13 specified "dispositional options" and to indicate for each dispositional option the "offenses and/or essential characteristics of a delinquent youth that would generally influence [the judge] to assign that youth to each or any of the specific service categories [i.e., dispositional options] listed."

b. Statewide Responses - Thirty-eight of the 53 judges who completed questionnaires responded in part or in full to this particular question.\* The thirteen categories of placement alternatives are listed below and include examples of the judges' responses.

(1) SECURE INSTITUTION - Twenty-six judges wrote remarks about the characteristics of juveniles who judges would commit to a secure institution; generally the chief characteristics as reported by the judges are: dangerous offender, repeat offender of felonious crimes, and persistent "runner". The judges' comments follow:

- "This alternative should be used as a last resort for multiple offenders who have committed serious violent offenses and are dangerous to the community. It should be used for juveniles who have run away from less secure facilities often and who cannot be benefitted in them."
- "There are two general categories of cases where we use a secure institution: (1) where the youngster has not been taking the process seriously and needs a short (one month) eye opener, so as to get his attention to work with him locally; (2) where the youth has failed (repeated absconding or assaultive behavior) at a YDC or YFC. The placement should not be prolonged."
- "Repeating violent offender. Persistent runner with record of serious offenses. Uncontrollable status offender. Confirmed sociopath. Offenders who have failed to adjust in any less restricted setting."
- "'A 'runner' or one with known dangerous or combative characteristics."
- "Dangerous offender."
- "Violent offender. Repeated offender. A danger to self or community."
- "The youth who is acting out in such an anti-social manner as to be a threat to personal safety of other persons."
- "Violent repeat offender who lacks a proper home environment."
- "Repeater of serious offenses - primarily involved violence."
- "Second offenders charged with crimes of violence."

\*This question was made optional in the questionnaire since the feeling was that some judges would not want to address the issue dealt with by the question within the structural format provided.

- "Homicide, rape, armed robbery and other heinous crimes."
- "Older juveniles with long records. Violent and aggressive boys and girls. Where less restrictive facilities do not or did not avail."
- "Crime of violence - or repeated major felonies, i.e., repeat burglaries, etc."
- "Sexual aggressive, assaultive, violent behavior, arson (sometimes)."
- "Most major felonies, repeated serious misdemeanors, or a chronic pattern of assaultive or disruptive behavior that cannot be handled in other facilities."
- "Criteria: sociopathic individual, no concern about welfare of others, record of anti-social behavior."
- "Nature of the offense, the necessity for community protection and the personality of the offender."
- "Juveniles who have committed violent acts against a person and in rare occasions extensive property damage indicating a disrespect for the rights of others; and juveniles who have repeatedly run away from existing institutions and can be cared for only by secure detention."
- "Those who are violent and a physical danger to others in the community; and those requiring institutionalization who are persistent in escaping."
- "Violent offenses - robbery, rape, etc. Mental health problem when no other facility available."
- "Any youth who demonstrates a serious propensity for physical violence upon others."
- "Any juvenile who has demonstrated that he is not amenable to an open-type institution. For example, a juvenile who is dangerous to others and refuses to remain in an open setting and continues to commit serious crimes while A.W.O.L."
- "Some offenders who have committed violent crimes (using weapons, etc.); severe mental or emotional problems."
- "An older juvenile with a history of aggressive tendencies toward violence and/or serious felony convictions are involved. He has probably had previous unsuccessful placements in one or more private institutions and in a public facility (YDC or YFC). Ages 15-17."
- "(1) Offense is serious and is clearly established and a serious pattern of delinquency has been established. (2) Child is not psychotic. (3) Child has demonstrated inability to live within community limits and a need for maximum restraint."

- "Violent dangerous offender (rape, robbery). Repeated serious property crimes - showing no remission after prior commitments - or crimes while on leave. Constant runaway from open institution - or violence to others in open institution."

(2) PRIVATE INSTITUTION (TRAINING SCHOOL) - Twenty-six of the judges wrote descriptive comments about characteristics of youth placed in training schools. The responses of the judges appear to frequently allude to the following characteristics: the child's level of intelligence and/or personality, children needing a "structured" regime, repeat offenders (major or minor offenses), and those youth who may favorably respond to vocational training.

(a) Comments referring to the youth's intelligence level and/or personality follow:

- "Such institutions are good for intelligent children who are not too aggressive or violent and whose records are not too bad."
- "We normally reserve our limited county monies for the child with sufficient intellect to accept the training available at a private institution and [for] whom we cannot find a proper foster home in our own County nor are the parents willing or able to return the child to their residence. We very seldom send a child to a private institution who has not committed a criminal act as opposed to mere disobedience."
- "Average I.Q. or above. Removal from the home is necessary because of family and school chaos and the child is of moderate delinquent behavior."
- "Intellectual capacity. Destructive family setting."
- "Second and third adjudications of delinquency; up to 16 years of age; fair home situation; educable."
- "Virtually any crime committed by a child, but the important criteria has to do with the child's temperament, family supports, length of stay (usually longer than Y.D.C.) and special educational needs - also relatively few prior appearances. Status offenders are also likely candidates. Structure is not as necessary as personal contact."
- "Nature of the offense, the element of recidivism and the personality of the offender."

(b) The following comments appear to indicate a belief that a structured regime is needed:

- "(1) Delinquency is of such nature that child is not considered to need a maximum control institution but there is a need for a controlled group experience. (2) Study has established inadequacy of parents. (3) Child's relationship to parents precludes capacity to live in foster home. (4) Study indicates need for specialized training, education and therapeutic experience."

- "Any juvenile whose crimes and history (after benefit of a comprehensive social investigation including any needed psychological and/or psychiatric examination) needs more structure than probation in his community. Safety of the community is also a consideration. Usually these juveniles have had a chance on probation and did not respond properly."
- "The youth who has sufficient social stability to be able to participate in the type of programs offered by the private institution, yet lacks the stability to handle public schools, adverse peer groups, etc."

(c) Comments of some judges indicated that a characteristic of youthful offenders which indicates a placement in a training school is repeated offenses; these comments follow:

- "Some major felonies (burglary - some types of robberies), most misdemeanors, chronic runaways, chronic absenteeism and disruptive behavior in class."
- "Drug and alcohol cases, prolonged pattern of delinquency."
- "Repeated offender who has demonstrated an inability to form proper habits while on probation."
- "Habitual violator."
- "Repeater - minor offenses."
- "Child with home, parental or school problems who has demonstrated inability to adjust to community and with record of repeated serious offenses. Persistent status offenders."
- "Removal from community or family. No self control. Moderate to serious offenses. A repeater or pattern of acting-out."

(d) The comments indicating that the youth will likely benefit from vocational or other educational training is a criterion for placement in a training school follow:

- "Those who should be placed in an unsecure institution and who desire or will benefit from vocational training."
- "Child needs training - future in doubt."
- "Any youth whose primary need is vocational training where that need cannot be furnished in the community."
- "First offenders, non-violent offense, educational or vocational capability."
- "Those who should be out of the community and might have use for a trade."

(e) Other comments follow:

- "Same type of case as YDC. We use this choice when the YDC waiting lists are too long or when there has been prior use of the YDC."
- "Younger, less aggressive youngster often coming from a 'deprived' family setting. Ages 12-15."

(3) DPW YOUTH DEVELOPMENT CENTER (OPEN COTTAGE) - The comments of the judges appear to indicate that the characteristics of a case leading to placement in a YDC are similar to those for private institutions (see above). Several judges flatly said "same as for private institutions." However, two judges specifically stated that they utilize YDC's when the youth has previously been to a private institution. Often, the older youth who is a repeat offender is mentioned as the type of case to be referred to open cottage YDC.

(a) The following comments mention private institutions:

- "Substantially same as for private institutions."
- "Same as private institution but generally in the 16-17 year age [group]."
- "Same as private institution."
- "Same as private institution. Repeating - minor offense."
- "Same as private institution. However, private institutions can refuse to accept certain juveniles whereas state facilities do not have this option. In any instance, we do not just shop for bed space but attempt an appropriate match of the individual's needs with the institution's program."
- "Where private institutional placement did not turn out well; or probation violators."
- "Median age level (14-17) with prior unsuccessful placement in a private institution or an individual who has failed on probation and is 15 or 16 years old and will not be accepted by an appropriate private facility."

(b) Among other items the following comments cite repeated offenses as a characteristic of cases to be referred to YDC's:

- "Repeat offenders."
- "Repeat violator - lesser offense."
- "Types of cases: (1) chronic offender who has not worked out in our most restrictive local program, (2) serious early offender, especially where there is assaultiveness, emotional disturbances and/or sexual problem."

- "Non-violent repeat offenders. Offenders who fail to adjust in private facility. First or second violent offense of serious nature."
- "Second and third adjudications of delinquency. 15-17 years of age. Poor home situation."
- "The youth who has either committed a relatively serious offense or has been a persistent delinquent and is not sufficiently motivated to participate in the programs of other private and public facilities."
- "Repeated offender who has had the opportunity to adjust but needs a structured environment."
- "Recidivists who have not responded to one or more dispositions of probation should be committed to YDC's."
- "Repeated offender who has been labeled as dangerous to the community and to himself but can function in an open setting."
- "Generally, the child has committed a criminal act and has been placed on probation numerous times. Frequently they have been placed in a foster home and either ran from the home or forced the foster parents to request that they be removed."
- "Any crime but where security is not considered essential. Structure is an important element and the child would generally be harder, more chronic and in need of better supervision than a private institution would provide."

(c) Other comments follow:

- "Theft, burglary and when evaluation needed."
- "Those who will benefit from continued education but who should not be returned home, and are in need of supervision."
- "Any child whose home is detrimental to his own well being and who requires and [is] amenable to additional education."
- "I doubt if I would send any youth to these facilities as they now exist. In my opinion, they are generally worthless."

(4) DPW YOUTH FORESTRY CAMP - Judges' comments indicate that the characteristics of a case which results in placement at a Youth Forestry Camp are similar to those of Youth Development Centers and private institutions (training schools). The one distinguishing characteristic mentioned or alluded to most often by judges is that the expected educational attainment of youths committed to Youth Forestry Camps is for little or no more academic achievement but hope for development of vocational skills.

(a) The following comments mention the educational/vocational expectations:

- "This program would provide more counselling, less structure and more vocational training than a YDC. The stay would be somewhat longer. Generally, the child would not be as aggressive or chronic as those sent to YDC but would require more structure than private institutions."
- "Any child whose home is detrimental to the child's well being and who may not be amenable to further education."
- "Those who should not be returned to their community, who require supervision and discipline, short of a secure or private institution, and for whom continued education does not appear to be appropriate."
- "A 16 or 17 year old generally not interested in pursuing a high school education."
- "Repeated offender who has been labeled a threat to the community and who could benefit from vocational and a forestry camp setting."
- "Little education, no goals, low learning ability. Excess energy. No family strengths."
- "Those up to age 18 who will not go to school."
- "Limited intellectual capacity. Destructive family setting."

(b) The following comments indicate that the Youth Development Centers appear similar to the Youth Forestry Camps in terms of criteria for placement of youths:

- "Same as for Youth Development Centers."
- "Similar to YDC considerations, except for these youngsters we believe the emphasis needed is more work-training oriented and less academic."
- "Same as YDC cited above except YFC used as matter of preference, all other things being equal."
- "Same as for YDC's. Selection between private institution, YDC and YFC would depend on individual traits and needs."
- "Same as for YDC's. However, we seldom ever get to use a Forestry Camp because they have had long waiting lists. If a juvenile needs removed from the community, he needs it at the time of his court determination, not 4 to 10 weeks later, and they will not accept 'forthwith' commitments. (Work experience more realistic than educational goals.)"

(c) The following comments illustrate the perceived similarity of some judges between private institutions and Youth Forestry Camps in terms of criteria for placement:



- "Same [as for private institution (training schools)]."

- "Same criteria ... as that of [training schools]."

- "Same as [private institutions] but add the influence that family background has on the offender's behavior."

(d) Other comments on Youth Forestry Camp placement criteria follow:

- "I send juveniles to Forestry Camps who have previously been committed to YDC's (like Cornwells Heights) or equivalent private institutions and have not remained out of trouble. If the child is not rehabilitated at Forestry Camp a further offense may require a secured unit commitment."

- "Repeated contacts. Lesser offenses but a developing pattern of anti-social conduct."

- "Repeat violator - lesser offense."

- "The youth whose needs are not so much those requiring intense programs, but needs to have a change of scenery and companions."

- "Youths who have committed a criminal act, frequently a felony, are 16 years of age or older and are mature. We seldom send a youth with feminine tendencies to such an institution."

- "I think the idea is excellent but I have never been able to place a youth in one because of unavailability of space."

- "Do not use."

(5) GROUP HOME (YOUTH'S FREEDOM HEAVILY RESTRICTED) - Although the content of the judges' comments varies, there is a general statement which seemingly covers the range of opinion but captures the thrust of the general approach; that statement follows:

"This is used whenever the juvenile is not appropriate for probation and the circumstances are not serious enough to require the structure of a private institution or state Youth Development Center. The group home is in effect a compromise between the institution and probation while living at home or foster home."

(a) The following group of statements center on various characteristics by which judges are guided in placing youth in restricted group home settings:

- "These youngsters would be involved mostly in property crimes and status offenses. Some hard core types who did well in institutions but with weak homes would be considered. Routine, discipline, friendly family atmosphere fill the needs of some children. This must be ascertained."

- "The type of youngster best suited for this type of group home is the moderate offender who needs a less personal (intimate) and more structured controlled environment than is the case in another situation."
- "Juveniles who demonstrate a real need for discipline or supervision."
- "Some education potential - need for intensive counselling and close control. Non-violent offenders."
- "Offender who for some reason has either not responded to parental guidance or comes from a family where there is little [such guidance]."
- "Rebellious youth coming from a bad home situation that can benefit from discipline."
- "Any child whose home is detrimental to his well being but who can still function to some degree in the community and attend public schools."
- "Those who should not be returned home, but may remain in and be educated in the community, require supervision and discipline but not institutional placement."
- "First or second violent offense of less serious nature. Serious non-violent offenders - 2 or more offenses. Repeating 'runner' - persistent status offenders."
- "A rather young offender with repeated offenses."
- "Minor violations, frequently repeated."
- "Youths who have committed violent acts or have propensities for doing so after having committed a less severe criminal act as determined [by] physiological or psychiatric testing and who needs close to one-on-one supervision."

(b) Six judges indicated, among other things, that group homes which heavily restrict the youth's freedom are not available to them as placement alternatives; the comments follow:

- "Unavailable."
- "None of these are available to me so I have no thoughts on the type of juvenile which I would place in such a setting."
- "None available."
- "Not available."
- "I do not know of any heavily restricted group homes in \_\_\_\_\_. Most juveniles seem to get into group homes via YDC \_\_\_\_\_ commitment and commitments to the Environmental Center."

- "...; if we had a group home."

(c) Some judges apparently utilize group homes with restricted freedom as they would an institution or in conjunction with such institutions; three comments indicating this follow:

- "Just about the same as [private institutions], if properly operated."
- "Substantially same as [private institutions]."
- "Usually a treatment step for those committed to [private institutions and YDC institutions]."

(d) One judge submitted the following descriptive statement:

- "We have 2 types of such programs. One is for delinquent boys who are still in school. They attend regular classes, and have a behaviour modification program at the home wherein they earn increasing liberties. The other is a work-residence program primarily for 16 and 17 year olds who are no longer in school and who are in need of basic work habits and discipline."

(6) GROUP HOME ("OPEN" TYPE) - The following comment illustrates the apparent basic thrust of the judges' opinions as to the characteristics of cases which result in placement of youth in open type group homes:

"More mature, self-sufficient youngsters who are self-motivated but need a stable living environment while they work out of their own destinies. These are not hard offenders but children who can't deal with a family situation."

(a) Descriptive comments of the judges follow:

- "The youth with family and some emotional problems."
- "Any child who can well continue to function in the community and attend public schools and receive the services of community based treatment modalities but whose home is detrimental to his welfare."
- "This youngster must be able to adapt to community life and to develop new socially appropriate behaviors for coping with the stresses and demands of life."
- "Deprived, neglected truant."
- "Bad family situation and control. Anti-social pattern. Average intelligence. Amenable to group living."
- "Non-violent offenders with parental, home or school problems who have not adjusted under street supervision. Status offenders who will not stay at home or who are not welcome at home."
- "Minor violations - poor home environment."

- "...For less serious offenders or those without a family to accept them or for offenders who have been over-institutionalized but who still hold some promise of responding and, where specialized, for mildly addicted juveniles and those recovering from addiction."
- "Short term, temporary stay - minor offenses."
- "First offenders of serious non-violent crimes; some status offenders or deprived children."
- "The distinction between [open and restricted group home commitment] may very well depend on such elements as drug involvement or alcohol."
- "The younger offender who has repeated but not very serious offenses."
- "Child needs to be removed from own home and can use and benefit from family living experience, though not such as would be expected of him in a foster home."
- "Youths who cannot be retained at home because of inability of parents to supervise and who cannot adjust in foster homes or where foster home is unavailable."
- "We use foster homes to fill this need."
- "Similar to those in a [heavily restricted freedom group home] but requiring less supervision and discipline."
- "Same as [group home with restricted freedom] - just a matter of degree. It depends upon how much structure the juvenile needs. We tend to start at a low structure level and if the juvenile succeeds, fine. If not, his structure is increased through a more freedom-restricted program."

(b) Other comments included the following:

- "Same as [Youth Forestry Camp]."
- "Substantially same as [private institutions]."
- "Unavailable."
- "None available in this area."

(7) COMMUNITY DAY TREATMENT CENTER - Judges' comments seem to indicate that they see community day treatment centers as a means of providing some supportive services and additional supervision for the youths who can live at home and function acceptably in society with this additional support.

Three judges said that community day treatment centers were not available to them and three other judges said that they "have no experience" with them or do not use these centers. Some of the other comments follow:

- "These are young delinquents generally a combined incorrigible - school - community and family problem who also steal and burglarize to some degree. They need intensive supervision and family support which can be supplied by a strongly structured community program with court back up."
- "Mostly youths with school problems - disruptive , somewhat assaultive, the chronic absentee."
- "Juveniles who are out [of] school because of age or expulsion and have a sufficiently strong home that with assistance from the Probation Officer they can remain at home during the day."
- "Offender who has committed criminal acts because of an inability to adjust to school, and home environment is supportive but not completely sufficient."
- "This program would permit the child the ability to live at home but would provide him with the alternative educational and vocation program he may need."
- "Those who may remain at home but who require treatment programs available in the community."
- "Any child whose home is adequate to his needs but who requires extensive community based treatment modalities."
- "An individual on probation, regardless of age, usually for his first involvement with the court, requiring supportive services."
- "Child meets all criteria for probation but needs an alternative school program and its supportive services such as that offered in a community day treatment center."
- "First offenders on probation needing supportive help not available at home."
- "Minor violator lacking proper parental supervision...."
- "Same as [for an open type group home] and as a supplement or substitute for street supervision."
- "Useful for non-acheivers at school whose offenses are not too serious or dangerous."
- "We have a day training program for the trainable retarded, who have a minimum amount of motivation. Also, we have a Community Service program to which probationers are assigned to do a given number of uncompensated hours of community related work (cleaning up public areas, maintenance and repair of public building, etc.)."

(8) COMMUNITY ADVOCACY PROGRAM - Of the eighteen judges who commented, three indicated that they have no such program available; three judges indicated that they had negative experience with community advocacy programs. Other descriptive comments indicated that community advocacy programs are generally conceived as serving best the youth who has committed not-so-serious offenses and is in need of parental type guidance and support.

(a) Descriptive comments follow:

- "Acceptable where no violence involved."
- "Any child whose home is adequate for the child's needs but who requires various types of support not furnished by the home."
- "Community volunteers used in various capacities dependent upon age and needs of individual youth. Seems to work best with non-aggressive youths."
- "Juveniles just out of institution needing further intensive contact."
- "A less serious offender."
- "Habitual offender, non-violent; inadequate parental control; under-achieving in school or resistive to a school program."
- "Offender without a parent or parents or otherwise needs guidance not obtainable at home or school."
- "Any youth in need of a stable adult companion is referred to our volunteer 'Friends of the Court' program. Over 60 such referrals are maintained through the juvenile court, and there are many more through Child Welfare and through Adult Probation."

(b) Comments indicating that community advocacy programs were not available follow:

- "I have no such program and no knowledge of subject."
- "None available in this area."
- "I am unaware of any advocacy program in \_\_\_\_\_ which conforms to such a service."

(c) "Negative experience" with community advocacy programs follow:

- "Our experience with this is an absolute failure. This is an inadequate unmonitored unaccountable substitute for probation."
- "Disappointing experience with this."
- "Never used locally. Tried once in other community. No success."

(d) Other comments are as follows:

- "No real experience with this which is a volunteer program. We have initiated such a program but it hasn't 'got off the ground' yet."
- "This is a duplicate probation system and in my opinion is less realistic, less efficient, less effective, less accountable, and more expensive than county juvenile probation. If county juvenile probation had the funds and personnel it needed, there would be no need for advocacy programs."

(9) "OUTWARD BOUND" PROGRAM - Judges seem to generally perceive the Outward Bound type of program to be useful for the youth who needs a boost in self confidence. Of the 22 judges who wrote comments, two indicated that the program was not available to them and three said they hadn't used such a program; one of the comments indicated that Outward Bound is utilized in conjunction with other treatment programs.

(a) Some comments describing when this program is used follow:

- "Non-major offenses in need of improvement in self-concept and self-discipline. (We've had few who 'lost' through these programs.) They may be too tough."
- "Any child whose basic need is to succeed at something so as to improve his own self image."
- "This is a good program for a boy who has reached a point where his self-confidence and achievement needs to be enhanced. I feel it is a good cap to an institutional program to be used prior to release."
- "As yet unused, but seems to be appropriate for insecure or introverted youth and will be used when deemed appropriate."
- "...a 16 or 17 year old who needs to break away from his home situation, who needs self-confidence."
- "Excellent for energetic juveniles who need a change of environment and a challenge. Good for children requiring new values and better orientation."
- "Offender who needs a real challenge to place his relationship and dependency on others into perspective."
- "A very rare type of youth who seemingly needs self-confidence and an ego building trip."
- "Minor case."
- "Deprived."

(b) Other comments follow:

- "Treatment step for those committed to [private institutions and open YDC's]."
- "Same as [community advocacy program]."
- "We have had very little experience with 'Outward Bound'. One juvenile successfully completed the program and shortly thereafter continued his delinquent acts."
- "This is of limited value."

(10) COUNTY PROBATION - Twenty-five judges wrote comments about the characteristics of cases which result in a youth being placed in county probation. The consensus of the judges' remarks seems to indicate that county probation is utilized most often for first or "early" offenders (mentioned by 11 of the judges), when the offense has been minor ('status offenders', public safety not in jeopardy), and in cases where the family can be expected to be of assistance.

- "First offenders who, we hope, will not offend again. But, alas, second, third and fourth offenders because of lack of an appropriate facility for placement to administer to their needs."
- "Early offenders and those who are being phased back into the community after institutional placements. We try to avoid long term supervision. Caseloads do not exceed 30. We discourage repeated use of probation. One caseworker has the evening shift (3 P.M. - 11 P.M.) and his caseload consists of the toughest 12 cases on probation at a given time."
- "Frequently allowed for first offenders with parents who can or will help."
- "All first offenders except most serious violent offenders. Most repeaters of less serious offenses. Careful consideration is given to adequacy of home environment and degree and quality of parental concern."
- "Should be tried for most children who have committed a fairly serious first offense, particularly if a prior consent decree has been ineffective. Should be used where possible in preference to institutionalization."
- "Status offenders. First offenders. Family setting amenable to treatment."
- "Most first offenders and youths who can succeed with some help and supervision."
- "Most juveniles are offered a chance on probation upon first referral to court unless a serious felony or felonies have been committed."



- "We make extensive use of probation. Unless public safety is in jeopardy and the first offense happens to be very serious, practically all juveniles are given an opportunity on probation. In any disposition, of course, the needs of the juvenile are of prime concern."
- "First [offender], or even repeater, charged with less serious offenses."
- "Offenders who have committed theft, burglary, vandalism, etc. for first or second time and have homes with which probation officer can work."
- "Minor cases - adequate parental supervision."
- "Minor offense."
- "Deprived."
- "Most children [who are] adjudicated delinquent."
- "Vast majority of all cases."
- "Used in most every juvenile case where the juvenile remains in the County, even though placed in a foster home."
- "Most cases where we can work with the youth while he still remains at home."
- "All offenses; use this most frequently; we have regular probation and intense probation; youngster has to demonstrate that such supervision will be ineffective before we contemplate commitment."
- "Delinquents or those who have committed delinquent acts who are not in need of placement."
- "Offense is minor but seems to be a part of a pattern of delinquent behavior. Offense is serious but child has demonstrated growing capacity to take responsibility for himself and potential to use social services. Child has evidenced need for support in living with a different family situation. Parents evidence need of support in maintaining standards of behavior for themselves and child. Community pressure on child and/or her family is great."
- "Age of offender, nature of offense, whether offender is a recidivist and nature of family support."
- "When the charges are serious or supervision is needed because of weak school, community, or family conditions, warrant contact and direction. Probation is virtually always tried before any consideration is given to removal."
- "This youngster must show signs that he is amenable to the resources that probation can offer him."

- "The youth whose current difficulty does not seem the result of any deep-seated anti-social attitudes but needs the personal contact with a professionally trained probation officer to steer him into responsible conduct."

(11) FOSTER HOME - Twenty-five judges wrote statements regarding the characteristics of cases in which a foster home is considered a suitable placement. The following statement by one judge seems to be descriptive and inclusive of the basic theme of the responses from several other judges:

"Any child whose home is detrimental to the child's welfare but who in all other respects, can continue to function in the community."

The other judges' responses follow:

- "Removal from home is indicated and foster family living is treatment of choice for child."
- "Deprived or neglected kids."
- "This is the youngster whose own home circumstances preclude (at least for the foreseeable future) remaining in their own natural family, yet who are capable of coping with life in another family unit."
- "Poor home situation - abused child."
- "Where home situation is a disaster."
- "Destructive family setting."
- "Those needing a home environment but who should not be returned to their families."
- "Children who basically disagree or have serious conflicts at home or school but have not committed serious crimes."
- "The same general type youth as for county probation except the youth does not have a sufficiently satisfactory home environment to enable the re-direction efforts to succeed."
- "Same as [for county probation] except where the family situation hampers treatment."
- "Where true home life is not possible otherwise and the one involved can profit thereby."
- "Status offenders who will not remain at home. Delinquents whose problems arise from home, parental or school problems."
- "This is a difficult approach and works with relatively few delinquents. It appears to have better short term than long term success. It is most effective in a situation where the child is in a disruptive family situation."

- "Whenever the juvenile's home situation is detrimental to his/her welfare and it is not in the juvenile's best interests to remain in the home, even while attempts are made to have the situation improved. Hopefully, this is a temporary situation and efforts are made to correct the problems so as to make possible an early return."
- "We have increased our foster home placements from 3 to 20 over the past two years, and are actively seeking more homes. Some placements are longterm, where the family situation is destructive and prognosis is poor. Some are planned for short-term while family counselling is attempted."
- "Those children who cannot be returned to their own home or whose acts or conduct is not sufficient to be institutionalized. County foster homes are used very extensively."
- "Most non-violent, minor criminal types, or youths with family or environmental problems."
- "Non-violent - non-sex offender, who needs a stable home life with meaningful and enforced guidelines."
- "Minor cases - status offender."
- "Minor offense."
- "Presently unavailable for delinquents unless names are provided by juveniles' relatives or friend of family."
- "Generally not available except [with] the juvenile's family or friends."
- "I am unaware of a Foster Home Program for delinquents in [our area]."
- "Not available."

(12) CERTIFY TO ADULT COURT - Twenty-four judges wrote statements regarding the characteristics of cases which lead to a referral from the "juvenile court" to the "adult court" for prosecution of the individual under the rules governing proceedings for adults. The most prevalent factors mentioned as leading to "certification" to adult court are: (1) the youth has committed a major felony and/or is a repeat offender, (2) the youth appears unamenable to treatment alternatives available to the juvenile court, and (3) the youth is approaching 18 years of age. The judges' comments follow:

- "Nearly 18, not amenable to treatment as a juvenile, long history of delinquency."
- "Repeat offender - felony cases - juvenile - 17 years of age."
- "Repeated offender who has had benefit of other treatment and has shown that he will continue to commit serious crime."

- "The extremely serious offender who has failed other efforts. Also the offender whose offenses have been persistent and relatively serious who is close [to] the age of adulthood."
- "Age 17 and repeated offender for serious crimes. Has already been under J.C. jurisdiction and committed new similar or serious offenses."
- "Serious offenses - 17 years of age - no longer amenable to rehabilitation through resources of juvenile court."
- "One advanced in age or charged with a very serious criminal adult offense."
- "Normally not done except for gravest violent offenses and/or in cases where all else has failed and juvenile is now at or near adulthood or has been emancipated."
- "Ordinarily limited to 17 year olds who are physically mature and who would get nothing from a juvenile placement. Some of these cases would have been short term ( 1 to 3 months ) placements at Camp Hill, when that option was available. Most of these cases are destined for an adult work release program or for an adult behavior modification program run by the County."
- "Only murder cases, or severely aggressive juveniles."
- "When the child has made numerous appearances, has had frequent commitments, shows adult patterns of criminality, approaches 18 years of age, is largely aggressive, appears to require long separation from community - relatively few."
- "Reserved for youths 16 to 18 years of age in our County who have committed a felony generally in connection with adults; have an extensive previous record through juvenile court and usually have been institutionalized in juvenile state facilities without success previous to the conviction of the most recent crime."
- "Usually an assaultive 17 year old with prior convictions. Could be a 16 year old who has totally 'struck out' in prior institutional placements and commits additional felonies. Also, both types when involved with accomplices 18 or 19 years of age involved in a group crime or crimes."
- "Murder - rape - any brutality toward victim."
- "Repeater - serious crimes of violence."
- "Most major felony cases - arson, robbery, rape, aggravated assault, possession of guns, repeated burglaries, repeated thefts."
- "Criteria include a bad record, a serious offense, failure to be rehabilitated on commitment to the other available juvenile facilities or the lack of a juvenile facility which can contain and benefit the juvenile."

- "Child is over the age of fourteen years and the nature of the offense and the past behavior and record of the juvenile shows him unable to use the service available to the juvenile court."
- "Only those individuals who demonstrate that they are no longer amenable to juvenile court resources and procedures. The social investigations reveal an extensive history of delinquency (serious crimes), hardened attitudes, and numerous attempts to help the individual while under jurisdiction of the juvenile court."
- "Any child who demonstrates that none of the facilities or programs available to the Juvenile Court will in any way affect his behavior and who has committed a serious offense."
- "Those who have committed a serious violent offense, or are repeaters of serious offenses, and the dispositions which a juvenile judge may make are not adequate to protect the community or to punish the offender. At the present time we do not have a tight security facility for juveniles in Pennsylvania except Camp Hill, and the Attorney General and DPW are striving mightily to close that to juveniles."
- "This youngster would be the hardcore sociopathic individual who would have no concern about the welfare of himself or others and would be dangerous to the community. The resources of the juvenile justice system could not handle this child."
- "Nature of the offense and age."
- "Should be kept to a minimum and only as a last resort."

(13) INFORMAL ADJUSTMENT/CONSENT DECREE - The following statement of one of the responding judges seems to summarize the beliefs of judges with regard to the characteristics of cases which result in an informal adjustment or consent decree:

"When the delinquency is situational, no violence or serious property damage, or where parents show capacity to do appropriate things to control behavior, this is the disposition of choice."

Other comments of the judges follow:

- "We encourage police to handle minor cases within their departments, and they do with success. Of the cases referred to juvenile court, about 40% are handled through informal adjustment - where all parties, including the victim, agree. These are first offenders or very minor offenses or both. Community service is often included. Probably 10% of the formal court cases result in consent decrees - cases where one party had rejected informal adjustment."

- "Any child in whom it appears that the act of delinquency is atypical in his case."
- "The less serious offenses, the home environment is adequate, there is a reasonable expectation that there will not be a repeat."
- "Juveniles who have committed minor misdemeanors or summary offenses with stable families who can remain at home."
- "Minor offenses, where the offender has a cooperative family or supportive friends."
- "The great majority consisting of juveniles against whom petitions have been filed, but the offenses are not serious but should be 'recognized' as being offenders."
- "No prior record - no violence."
- "First referral for juvenile who is not charged with act of violence, burglary of private home or violation of the drug act classified as felonies."
- "This is for the minor offenses which any youth may get into: disorderly conduct, street fighting, minor thefts, vandalism, trespasses, etc."
- "First offender."
- "Minor, technical offenses of first offenders."
- "First mistake cases with good family support."
- "The youth involved in his first trouble with the law but needs the authority image of the court to make him realize the seriousness of his action."
- "First offenders. Non-violent. No objection from DA or police."
- "Minor delinquencies, interested and involved parents."
- "Very young first offenders; those charged with inconsequential offenses."
- "Same as [for county probation] except usually done only on first offense or minor second offenses."
- "For first offenders, as a rule, who have not committed an offense involving violence, the threat of violence or weapons. Useful where a clean record is important and warranted."
- "Very young first offenders from family setting amenable to treatment."
- "We use this in a large number of cases - successfully."

- "The juvenile probation office presently adjusts approximately 45% of all juveniles referred to that office in this manner."
- "This child's case would be too serious for informal handling, but not grave enough for formal probation."
- "I have not used the Consent Decree as such. We have adopted a procedure which accomplishes the same objectives. We make extensive use of informal adjustment. Whenever the social investigation reveals little or no prior delinquency history, good attitude, offense not serious or threat to public safety, and an indication that a period of supervision longer than six months is not necessary."

(14) COMMENTS - The last part of this question provided the opportunity for judges to comment about any issue pertinent to the topic of the question, the "offense" categories or other characteristics pertinent to a child that would influence a judge in the deciding of the dispositional placement of the child. Of the 20 judges who made comments in response to this last part of this question, 13 wrote statements which indicated that there is an individuality to each case that defies the practical application of generalizations of the type that the judges apparently thought would be generated by the format and scope of this question.

(a) Comments which apparently reflect a concern about the individuality of cases and the potential difficulties of generalizing about types of characteristics which determine the type of dispositional placement follow:

- "I believe there is great danger in assuming too much or too little from the above comments by me or any other judge. I could write a chapter on each of the above dispositional considerations and there is much information available to me that provides shadings and variations that influence my decision. To lose that flexibility is to destroy one of the best features of our system."
- "The answer to [this question] would require the writing of a treatise which would be subject to constant revision. Only broad generalizations should be employed in legislation and regulations classifying or affecting juveniles and institutions. Under statutory and constitutional limitations those involved and charged with the care and treatment of juveniles in trouble should have wide discretion..."
- "The problem, in my view, is impossible of response within the format [i.e., the format of the questionnaire]."
- "All 13 of these categories are utilized by us. The general policy is to fit the child to the category best suited to his rehabilitation. I can't generalize."
- "It is very hard to answer this question without a lot of explanation."

- "The information used to determine placement, institution, and type of program is too individualized and complex to attempt to answer each category separately. The aim of this Court is to match the abilities of the youth with the service of the institution, so that he will receive the training and education for him to become a successful citizen. We are not always successful in our aims because most of the institutions are so poorly and professionally understaffed and overcrowded, that in most cases they do little or nothing to help the youth. Therefore, we are extremely selective in the institutions we use and are currently directing our efforts more toward local programs."
- "The service directed would be the one I felt was indicated from all evidence available. I really can't handle [this question] otherwise."
- "Each case is decided on its individual merits, based upon a thorough pre-disposition report prepared by the Juvenile Probation Officer."
- "This is a much too complicated and sensitive decision to answer on a questionnaire - it must be based on the total circumstances in each individual case combined with a knowledge of the present services being delivered at the available options - labels are often misleading."
- "The disposition process must be on an individual case basis. Generalities are totally inadequate."
- "Depends on the offenses committed - previous record of juvenile."
- "The above answers are quite condensed. The court dispositions are with the benefit of comprehensive social investigations for identifying the needs of the child and possible risks to the safety of the community. It is important for a judge to have an adequate staff to compile factual data so that the courts can base the decisions on facts and a knowledge of available treatment resources."
- "I regret that I do not have the time to answer the optional questions. To properly answer these would require many months of in-depth analysis and research and would require the writing of a minor treatise. I shouldn't think that my answer to the questions as designed would be worth reading. One last observation, that after the dispositions were formulated you will not find an opening in an institution which would have the necessary facilities and beds in which to accommodate the offender."

(b) Other comments of judges follow:

- "Juveniles in our county are offered every realistic option before commitment to an institution, and particularly to a secure institution, is ordered by the court."



- "We need facilities that will take the 'risky' youth - arson, sexually aggressive, etc."
- "We don't have all these options. In a typical case we're lucky to have any realistic choice at all. In general we start with least restrictive and work up if prior placement doesn't work."
- "In all of the above categories I have refused to denominate specific offenses for which I would commit to the particular programs. I do not believe that it is appropriate to determine the commitment based upon the offense, but rather the decision should be based upon the needs of the child and balanced against the right of the community to be protected."
- "Although we frequently adjudge a child guilty of the offense committed, it is much less frequent that we determine him to be delinquent. We then put him on an informal adjustment in the nature of probation with the understanding that if he commits additional acts he will be declared to be delinquent or if there is a substantial violation of the conditions of probation."
- "We rigidly enforce the time limits for handling juvenile cases. Speed increases the meaningfulness of the entire process - to the juvenile, his parents, victims, witnesses, police, and our staff. This speed is extremely important, and we feel that a degree of informality must be maintained in juvenile proceedings in order to achieve the end of fast processing."
- "We need a total re-examination of the juvenile question. This field, if any, needs a basic idealism. Idealism, without a practical reality, is worthless. We have too long closed our eyes to pragmatic reality (redundant!)."
- "A violent youngster - hold-up, etc. naturally would go to secure institution. If a kid had a good intellectual potential I would send him to a private school with good program. An older rural youth to Forestry Camp - Outward Bound. Younger kid to group home or foster home, etc."

-\*"Treatment Facilities - There is general dissatisfaction with the available treatment facilities - public and private. In my opinion, these facilities should fall into the following categories:

"Secure Facilities - There is no need to dwell at length on the necessity for secure facilities, both pre- and post-adjudication. I agree with the concept

\*This particular comment was not made directly in response to this question (#31); but, rather, was included in a letter which was submitted with the completed questionnaire; we have set forth the comments at this place in the report because they deal with the system of "treatment facilities". Another excerpt from the letter begins on page 124 of this report.

and the enactments which prohibit placement of juvenile delinquents or status offenders in county jails or institutions where there are adults even if they are segregated. I believe it is the obligation of the Commonwealth to furnish secure facilities on a regional basis. Post-adjudication facilities should be smaller and placed in convenient locations.

"Non-Secure Institutions - I believe the state and private institutions should be maintained, strengthened, coordinated and functional on a non-overlapping basis. I believe the overcrowding can be eliminated by the use of community treatment beds.

"Local Community Treatment Beds - I favor the encouragement of the establishment of this type of resource through the increased subsidy arrangement. However, many counties like \_\_\_\_\_ County are unable to handle a facility limited to the county alone. Accordingly, I believe that a regional facility should be established serving as many as three counties. In this general area, a forestry camp arrangement would be ideal.

"Detention Centers - This county and others like it have no such centers. The regional detention center could well serve this county and several of the adjoining counties and might be made an adjunct of the community bed or forestry camp facility without violating the law governing the separation of one category of offender from the other.

"Institutions for Status Offenders - The deprived child or status offender must have a place. This, too, could be handled on a regional basis and with proper management, as an adjunct to the regional institutions for delinquents and detainees. I quite realize that the professional social worker will say that it cannot be done properly. I believe it can be done properly by the application of principles of common sense and good management.

"Other Programs - These are community based programs, sometimes called volunteer programs, sometimes called youth advocacy programs. In this area, it should be a primary community responsibility. However, the Governor's Justice Commission seems amenable to funding these programs because there are always certain persons who are more interested in getting the grant and creating the job than carrying out the objects of the program. I believe that before any such program is funded by public money, it should originate through the will and determination

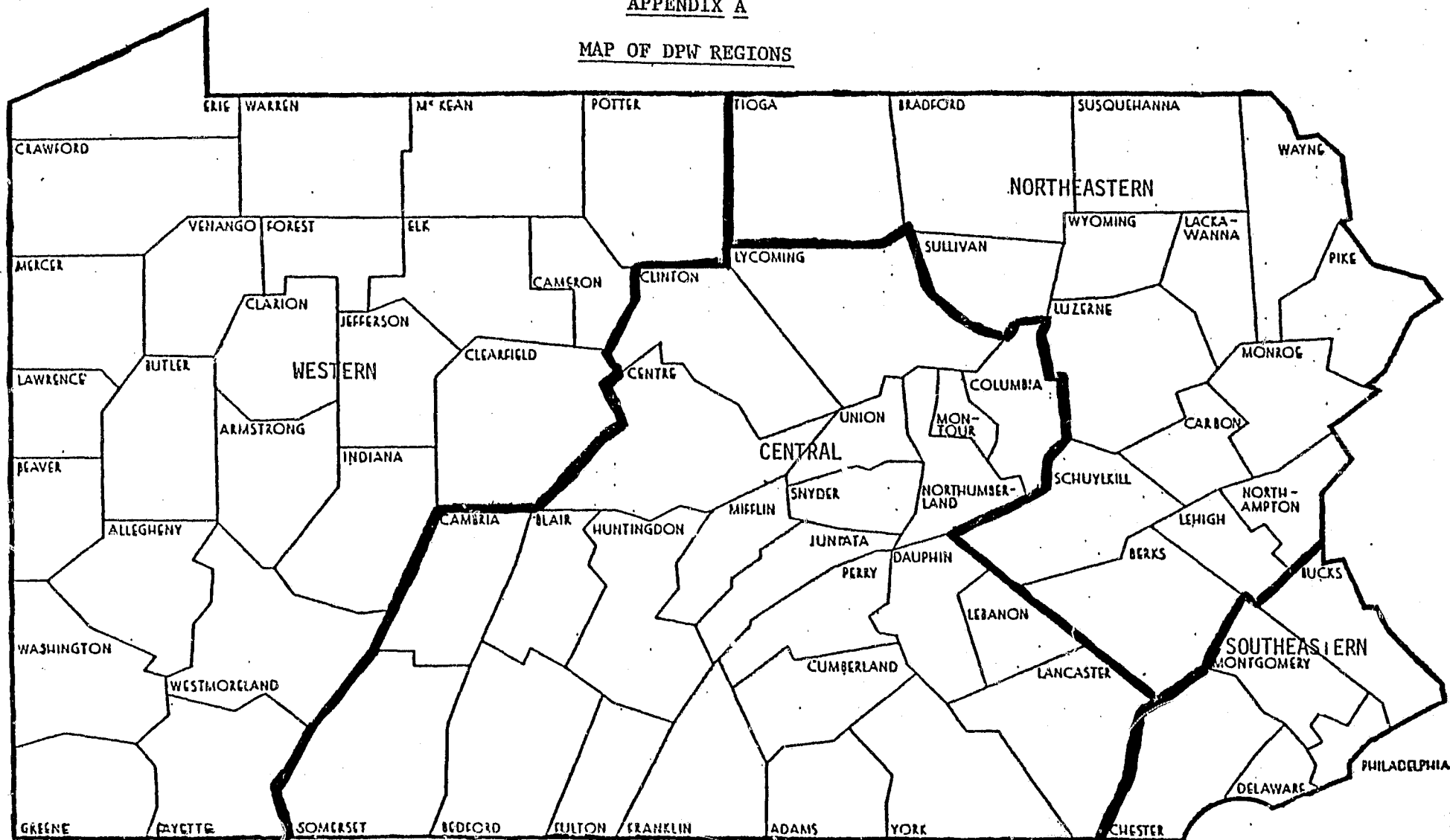
of the community and with the positive support of the court which has the responsibility of the matter. At the present time, I have been advised of the proposal of such a program in this county by an individual whom I have never met. I understand that an application will be made for funds from the Governor's Justice Commission and that the object of the program will be to act as a supportive resource to the court. In my opinion, this is a good example of obtaining a grant for the purpose of creating a job.

"In my opinion, all of us who are involved, the Legislature, the Executive and the Judiciary, know that any combination of programs [to serve delinquent youths] will cost a great deal of money which must come from the pockets of the taxpayers. The taxpayers will not accept increased burdens unless they understand the reasons requiring the increases. This requires a program of enlightenment and education. Whether this can be conducted with productive results is problematical."

- c. Special Commentary - No analysis was done of the answers to this question according to "category" of judge or geographic region of the Commonwealth.

A P P E N D I C E S

APPENDIX A  
MAP OF DPW REGIONS



SOURCE: Pennsylvania Department of Public Welfare



A P P E N D I X B

Position Paper of

The Honorable R. Paul Campbell, President Judge

Forty-ninth Judicial District, Centre County

on

THE JUVENILE JUSTICE SYSTEM

in

PENNSYLVANIA

[Note: The following position paper, beginning on this page and ending on page 168, was prepared by the Honorable R. Paul Campbell, President Judge of the 49th Judicial District, and submitted (along with the Judge's completed questionnaire) to the Legislative Budget and Finance Committee. The paper is reprinted here verbatim for the reader's edification.]

### Preface and Historical Background

Juvenile justice in Pennsylvania is presently in a state of disarray, and is a fragmented, disjointed system with responsibility divided among the State Department of Public Welfare, the judges and private groups. Each of the three tends to avoid responsibility for its own area of concern and to point the finger at others for not doing their job properly. This is compounded by the fact that the system does, in fact, allow enough ambiguity that no one is exactly sure of where their responsibility and powers begin and end.

Within each of the three groups assigned some power in the present system there is also enough disorganization and lack of ability so that it is difficult for anyone to get control of the system. Persons in positions of authority in the Department of Public Welfare complain that because of the size and complexity of their agency and because of confusion between their central office and their regional offices they are, in effect, powerless to bring about meaningful change. Instead of dealing with this problem, they satisfy themselves by blaming the judges and private institutions for the dilemma.

The private group is a loosely united organization known as the Pennsylvania Council of Voluntary Childcaring Agencies. Even this organization does not represent all agencies in the State. At best this group can bring about change only by what little influence it can wield through its promise of strength -- and thus survival by numbers -- organization and



legislative influence. It has failed in its responsibility to police its own members and to deal with serious situations and lack of service that exists in many of their own institutions. This group satisfies itself by talking about how far the private institutions have advanced in recent years and blaming the Welfare Department for not doing its job. These same institutions are constantly contacting local judges, and many of our local judges serve on their boards of directors; and many of our judges have "pet" private institutions which they try to promote.

The judges are also to blame for the mess. Judges have failed to police their own and to deal with abuses that have occurred on a regular basis. There is a disparity of dispositions and there are some judges who regularly use commitment without adequate consideration for other alternatives.

There is a real need for some uniformity and some standards. County programs and probation have developed helter skelter with no one taking any responsibility for their quality or even for their compliance with the law. No one even knows the condition of probation service in the state. There has been over-use of institutions by some counties and the right to use jails for detention is abused in others. The judges, however, have satisfied themselves by blaming the Department of Public Welfare for not supplying enough resources, and they blame child welfare in the counties for not providing appropriate services.

It is easy to see how this system of everyone not doing their job, but blaming someone else for the failures, has led to chaos in which everyone seems more interested in protecting their own power and prerogatives than in caring for their own kids. In the vacuum thus created the kids lose, services are not developed, and the real problems are not dealt with.

### Facilities Now Available

Fortunately, before the present state of chaos reached its present peak, there were some services in place and although these services have been tampered with and altered and are in many cases inadequate, they remain about all that is available for delinquent kids. There are presently 1245 non-secure beds for boys, 249 non-secure beds for girls; 122 secure beds for boys, 8 for girls; 18 intensive treatment unit beds for boys, none for girls; there are 171 group home slots for delinquent boys, 21 for delinquent girls; 59 foster placements for boys and 8 for girls; 527 day treatment slots for boys, 32 for girls; and 28 diagnostic slots for boys, 10 for girls. These figures do not include any space that may be used for delinquents in facilities primarily for the deprived. Is this enough? How many are required?

No one has any way to really say definitely how many of what kind of services are needed, so a philosophical argument develops; each hides behind a noble argument, but no one faces the real inadequacies or attempts to face facts in what is needed. I personally feel that many youth placed in secure units have been inappropriately placed and do not really need to be in security. On the other hand, there is definitely a real need for secure facilities in some instances. We, as judges, have often dealt with the youth who runs away from an institution, and our tendency is to blame the youth. I firmly believe in some instances that the environment in the institution is intolerable, and if you or I or any other person would also find it intolerable, we may perhaps run away. When a child does run away our only solution is to place him in a more secure unit, which may be even more intolerable. Granted that frequently in their desperation to get away, youth may occasionally commit a serious crime, such as auto theft, which is then used to justify further punishment. If you were ill and a doctor gave you medicine which made you even more ill, he would not intensify the dosage; he would change the medicine. We some-

times assume that if a youth runs away, something is wrong with him. We never look at what might be wrong with the institution. At the same time, Public Welfare and private institutions have been guilty of providing intolerable environments which do not provide the promised services, and against which no action is taken when they fail youth on a consistent basis.

I firmly believe that some secure institutions are necessary, but they must be made responsible, tolerable and just. They must be environments which clearly communicate to a youth that their major purpose is to help that youth change their behavior. Our present institutions tend to communicate to a youth that he is bad and that the court wants to hurt him. This cannot lead to respect for the law or the court or the community.

Our present system indicates a responsibility as follows:

- (a) The court is supposed to decide if a youth is delinquent and, if he is, what disposition is to be made. The court also is to provide probation services and to decide when a youth can be returned to a community.
- (b) The Department of Public Welfare is supposed to supply institutional services and to evaluate and monitor institutional services, both that it provides and that is provided by others.
- (c) The institutions are supposed to supply services according to an individualized plan for each youth and to recommend to the court when release is in order.

Institutions, courts and private groups have all begun to develop some community alternatives. It can be safely said that each of the three areas is meeting its requirements to a minimum extent. The problem is with the quality of their performance and the organization of the system which allows them to escape the responsibility for quality and which allows regular abuse of power.

### There Must Be A Better Juvenile Justice System

(I realize that any suggestions will no doubt meet open criticism based on one's point of view, and I am sure that modification of the suggestions made herein will be warranted and accepted. The following suggestions are based on the assumption that a full range of service options is necessary and that nothing now in place needs to be kept if it does not serve an effective function.)

(1) Filing Petitions -- Under the present law, anyone may file a petition. There should be a uniform method and some person or agency charged solely with the responsibility of processing juvenile complaints. Under our present system some complaints go to children's services, others go to probation. In some counties by reason of the rivalry between probation and children's services the whole process gets off to a shaky start.

I would suggest that all complaints come to a juvenile justice advocate who would be solely responsible for the filing of petitions. He would have available an intake staff and would make a preliminary determination as to whether the matter involved delinquency; if so, it could be referred to the probation staff, and if it involved dependency or neglect it could be referred to children's services. (Much thought has been given to the creation of a juvenile justice advocate. Consideration has been given to its control by children's services, by the probation staff, by the district attorney's office, or by the court. The idea may have a better opportunity of implementation if it were under the jurisdiction of the court. If the idea is not adopted, the only other option would be to continue under our present system.)

(2) The office to which the complaint is referred would investigate and based on what they found, would either find the complaint inappropriate and so inform the complainant, or petition the court to find the child neglected and/or delinquent or dependent, as the case may be. The agencies involved should be

mandated to complete their investigation within thirty days and if the complaint is inappropriate it should be dropped; otherwise it should be presented to the court.

(3) When the petition is presented to the court by either children's services or the probation office the court would finally determine whether it involved the area of child welfare or whether it involved delinquency, and make an appropriate finding and declaration.

(4) If the court finds the child to be delinquent, he is immediately referred either to the county probation staff or the bureau of juvenile justice for a diagnosis and evaluation. The diagnosis and/or evaluation unit shall have thirty days to complete a needs assessment of the youth and return him to court with one or more recommended dispositions. (The county would elect to utilize its own juvenile probation staff or refer the case to a state mandated facility to make the evaluation. This plan would contemplate sufficient mandated strategically located facilities operated by the state to perform the required evaluations.)

(5) The court will choose one of the recommended alternatives and order it executed by the department of juvenile justice or an appropriate locally operated facility. The recommendations may include any form of the following alternatives: probation, foster care, group home, alternative school, day treatment, non-secure institution, intensive treatment, advocacy, outward bound, community resources such as Big Brother or Nip' Em, a secure institution, or release or unsupervised probation.

(6) Once the court orders that a particular recommendation be carried out, if the plan fails the child shall not be held totally responsible for that failure. He shall be evaluated and new recommendations developed which may not be more severe or punitive than the first. The court will then choose again and order the execution of its choice. (See Flow Chart on page 167.)



**CONTINUED**

**2 OF 3**

(7) Since it may be necessary in some instances to detain a child while an investigation is conducted, the following provisions are recommended: the police, on arresting a child for a criminal offense and filing a complaint with the juvenile justice advocate, if there is reason to consider the child to be a danger to himself or the community and if the juvenile justice advocate agrees, they may place the child in secure detention. This placement must be followed by a hearing within 72 hours, and in no case may detention last more than five days. If there is reason to believe that the child may abscond or if he cannot be placed back in his home for any other reason, the juvenile justice advocate may place the child in a shelter care facility, providing that a hearing be held within 72 hours and that such placement may not exceed five days.

#### Implementation Requirements

(1) To implement the aforementioned plan it would be necessary to tie together some elements, both of children's services and juvenile probation staff.

(2) A close tie and possibly supervision of juvenile probation staff should be transferred to a newly created department of juvenile justice. (To make the plan more palatable, it would appear necessary to give each county the option to run its own juvenile probation staff or allow it to be under the jurisdiction of the department of juvenile justice. In any event, standards or guidelines set up either by [the Juvenile Court Judges'] Commission or the newly created department of juvenile justice would apply to all juvenile probation personnel and practices.)

(3) A department of juvenile justice would have to be created. This agency would operate probation or probation supervision, highly specialized institutions and secure units and would license and supervise foster care for delinquents, group homes for delinquents, alternative schools, day treatment



for delinquents, intensive care units, advocacy programs, outward bound programs for delinquents, and any community program used for delinquents. (See page 168 for "Table of Organization" of department of juvenile justice.) Under this new plan the state would not operate any non-secure institutions, but would operate some secure institutions. The following is suggested and recommended as a means of disposing of those facilities the state presently operates, but would not operate under the new plan:

- (a) New Castle and Cornwells Heights YDCs and secure units would be transferred to the Corrections Bureau for use as minimum security for adult offenders. These facilities are unworkable as youth facilities and this should be recognized.
- (b) Waynesburg YDC could be transferred into a co-ed long term care facility for the emotionally disturbed delinquent.
- (c) Loysville and Warrendale YDCs could function as diagnosis and/or evaluation centers.
- (d) The forestry units could be transferred into secure units for forty youths each.
- (e) Philadelphia YDC-DTC would continue to operate as a day treatment center, a diagnosis and/or evaluation center and a secure unit.

(4) Several new secure institutions would have to be developed to join those in place at Weaversville and Youth Resources and Philadelphia YDC. Those planned at Oakdale and Muncy may be enough.

(5) Institutions would be limited in size to one hundred and would be closely monitored by the department of juvenile justice.

(6) The Juvenile Court Judges' Commission would function as an independent agency doing planning, research, statistics, and evaluation of programs, as well as serving in an advisory capacity to the judges of the state.

(7) The department of juvenile justice would have to develop the capacity for diagnosis and/or evaluation. This would occur both in several residential facilities and in the community through the use of mobile teams.

(8) This plan would envision the Department of Public Welfare continuing to operate and control its own institutions for neglected and dependent children, and possibly institutions for status offenders. They would also provide programs and physical facilities for mentally disabled and emotionally disturbed children.

(9) This plan would envision the option to maintain at the county level a juvenile detention home, juvenile probation staff, shelter home facilities, group home facilities, day care facilities, alternate care facilities, foster care facilities, etc. as a parallel system to that operated by the department of juvenile justice, provided they would meet reasonably mandated standards.

(10) Finally, this plan would envision that the judge would not be mandated to take the recommendations of the evaluation team, that he could elect to surrender or retain control of his authority to release the child when the institution deemed that the release was advisable.

(11) The creation, funding, and status of secretary or commissioner of department of juvenile justice could be as the legislature would determine.

#### Conclusions

We have struggled many many years seeking some order out of the chaotic condition and haphazard manner in which we handle juveniles. I realize the foregoing plan and suggestions are far from perfect, but with suitable modifications I believe that Pennsylvania can make a sensible step forward if the above plan or a similar plan were implemented. I fully realize it will take a great deal of time, but it would hold out to legislators and others a positive approach to the processing and handling of juvenile problems in the state.



# FLOW CHART FOR RECOMMENDED JUVENILE JUSTICE PROCESS\*

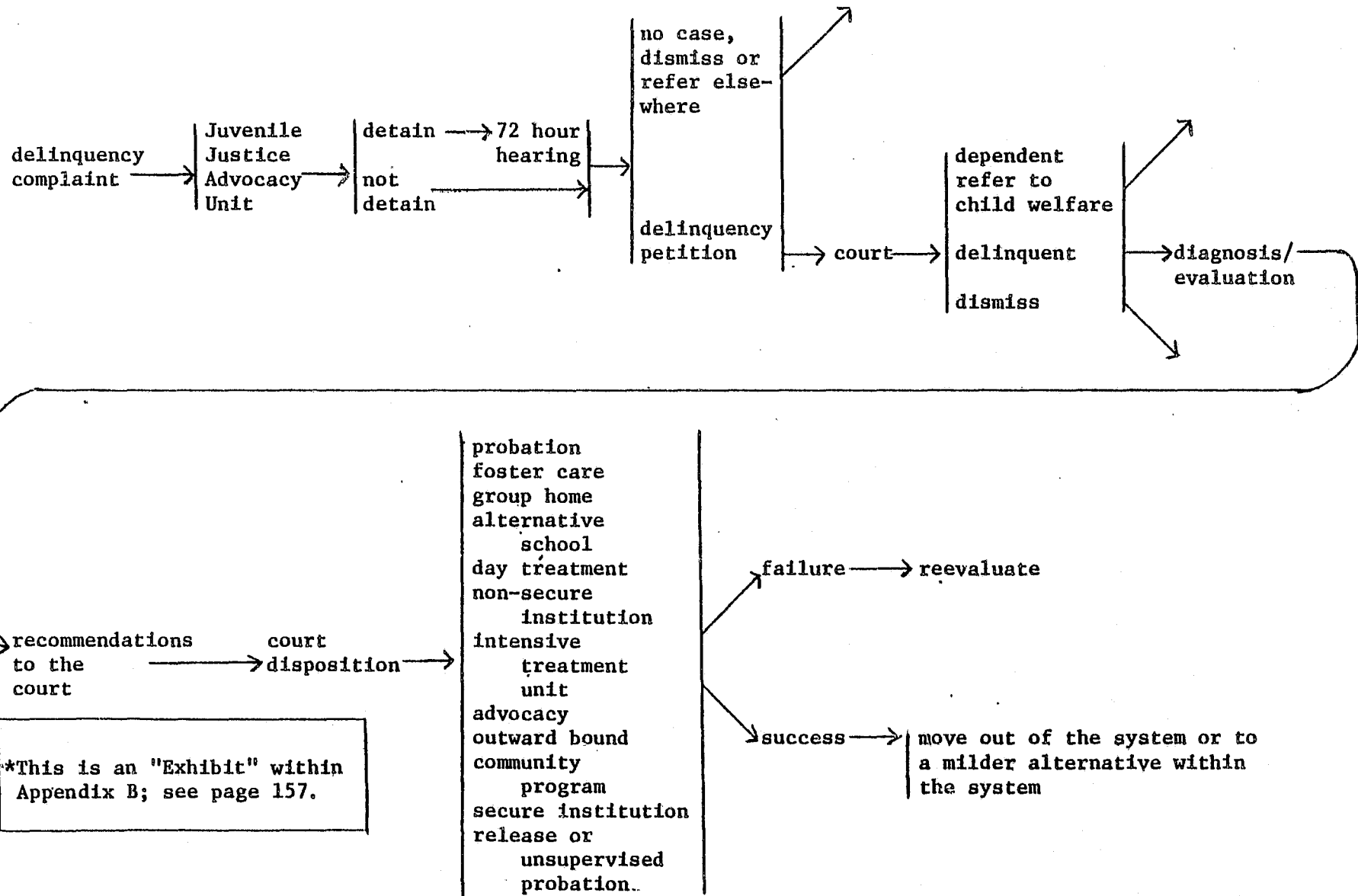
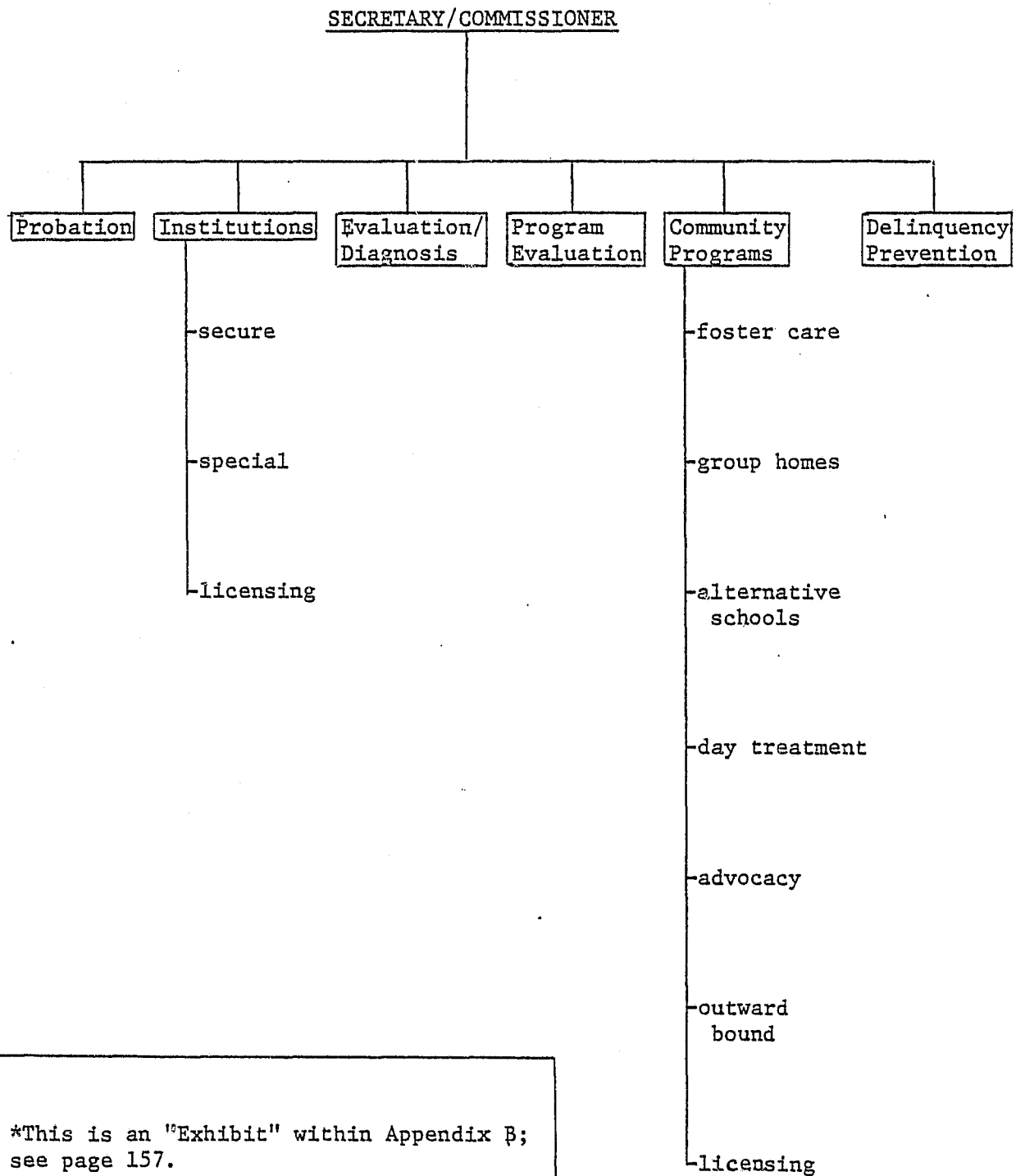


TABLE OF ORGANIZATION FOR PROPOSED  
DEPARTMENT/BUREAU OF JUVENILE JUSTICE\*





**END**