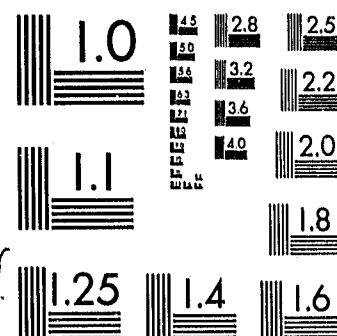


National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

DATE FILMED

8/13/81

Federal Probation

9RB

- [Disclosure of Presentence Reports in the United States District Courts *Philip L. Dubois*
- [Prosecutive Trends and Their Impact on the Presentence Report *Harry Joe Jaffe*
Calvin Cunningham
- [The Right To Vote as Applied to Ex-Felons *John R. Vile*
- [Action Methods for the Criminal Justice System *Dale Richard Buchanan*
- [Administrators' Perception of the Impact of Probation
and Parole Employee Unionization..... *Charles L. Johnson*
Barry D. Smith
- [Highlights, Problems, and Accomplishments of Corrections in the
Asian and Pacific Region..... *W. Clifford*
- [The Demise of Wisconsin's Contract Parole Program *Oscar D. Shade*
- [Detention Administration: Managing a Political Time Bomb *Robert C. Kihm*
- [Detention Program *Serge W. Gremmo*
- [Probation: A Skills Course—Crisis Intervention in a
Community-Based Correctional Setting *Margaret R. Savarese*

77612
-77621

55h

MARCH 1981

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Federal Probation
William A. Maio, Jr.

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

WILLIAM E. FOLEY
Director

JOSEPH F. SPANIOL, JR.
Deputy Director

WILLIAM A. COHAN, JR.
Chief of Probation

EDITORIAL STAFF

DONALD L. CHAMLEE
Deputy Chief of Probation
Editor

WILLIAM A. MAIO, JR.
Managing Editor

MILLIE A. RABY
Editorial Secretary

ADVISORY COMMITTEE

WILLIAM E. AMOS, ED. D., Professor and Coordinator, Criminal Justice Programs, North Texas State University, Denton

RICHARD A. CHAPPELL, Former Chairman, U.S. Board of Parole, and Former Chief, Federal Probation System

ALVIN W. COHN, D. CRIM., President, Administration of Justice Services, Inc., Rockville, Md.

T. C. ESSELSTYN, PH.D., Emeritus Professor of Sociology, San Jose State University

BENJAMIN FRANK, PH.D., Chief of Research and Statistics (Retired), Federal Bureau of Prisons, and former Professor, Southern Illinois University and The American University

DANIEL GLASER, PH.D., Professor of Sociology, University of Southern California

RICHARD A. MCGEE, Chairman of the Board, American Justice Institute, Sacramento

BEN S. MEEKER, Chief Probation Officer (Retired), U.S. District Court for the Northern District of Illinois

LLOYD E. OHLIN, PH.D., Professor of Criminology, Harvard University Law School

MILTON G. RECTOR, Director, National Council on Crime and Delinquency, Hackensack, N.J.

GEORGE J. REED, Commissioner (Retired), U.S. Parole Commission

THORSTEN SELLIN, PH.D., Emeritus Professor of Sociology, University of Pennsylvania

E. PRESTON SHARP, PH.D., Executive Director, American Correctional Association (Retired)

CHARLES E. SMITH, M.D., Professor of Psychiatry, The School of Medicine, University of North Carolina, Chapel Hill

MERRILL A. SMITH, Chief of Probation (Retired), Administrative Office of the U.S. Courts

ROBERTS J. WRIGHT, Commissioner of Corrections (Retired), Westchester County, N.Y., and former Editor, American Journal of Correction

Federal Probation is published by the Administrative Office of the United States Courts and is edited by the Probation Division of the Administrative Office.

All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

Manuscripts (in duplicate), editorial matters, books, and communications should be addressed to FEDERAL PROBATION, Administrative Office of the United States Courts, Washington, D.C. 20544.

Subscriptions may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at an annual rate of \$8.00 (domestic) and \$10.00 (foreign). Single copies are available at \$3.00 (domestic) and \$3.75 (foreign).

Permission to quote is granted on condition that appropriate credit is given to the author and the Quarterly. Information regarding the reprinting of articles may be obtained by writing to the Editors.

FEDERAL PROBATION QUARTERLY

Administrative Office of the United States Courts, Washington, D.C. 20544

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME XXXXV

MARCH 1981

NUMBER 1

This Issue in Brief

Disclosure of Presentence Reports in the United States District Courts.—This article is a summary by Philip L. Dubois of a report prepared by Stephen A. Fennell and William N. Hall under contract with the Federal Judicial Center. The author states that, on the one hand, it does appear that a large proportion of Federal districts have achieved disclosure of presentence report in a large proportion of their criminal cases. On the other hand, he adds, although the high rate of disclosure is a positive step, many districts utilize practices that limit the effectiveness of such disclosure.

Prosecutive Trends and Their Impact on the Presentence Report.—With Federal prosecutors launching aggressive prosecutions against white-collar criminals, narcotics traffickers, corrupt public servants, and organized crime racketeers, probation officers find they need significant enhancement of their investigation and reporting skills, assert Harry Joe Jaffe and Calvin Cunningham, U.S. probation officers in Memphis, Tenn. For these offenders, a presentence writer can prepare a useful presentencing document by concentrating chiefly upon three significant areas: the official version section, the financial section, and the evaluative summary.

The Right To Vote as Applied to Ex-Felons.—While rights are intimately connected to duties, laws disenfranchising ex-felons show that correlations between the two are often drawn imprecisely, writes Professor John R. Vile. While voting is a fundamental right, the Supreme Court has refused to void felony disenfranchising legislation, he reports. The Court's action is normatively questionable, he maintains, especially when applied to those whose incarceration has ended.

Action Methods for the Criminal Justice System.—Dale Richard Buchanan, chief of the Psychodrama Section at Saint Elizabeths Hospital in Washington, D.C., tells us that while role train-

ing, role playing, and psychodrama have been extensively used in the criminal justice system, there has been a lack of coordination among these terms and in the ways in which they were used. Action methods will probably continue to gain greater use within the criminal justice field, he asserts, because of their direct applicability to the jobs that are needed to be performed by criminal justice personnel.

Administrators' Perception of the Impact of Probation and Parole Employee Unionization.—This article by Professor Charles L. Johnson and Barry D. Smith presents information from a recent survey on the incidence of parole/probation unionization

CONTENTS

Disclosure of Presentence Reports in the United States District Courts	Philip L. Dubois	3
Prosecutive Trends and Their Impact on the Presentence Report	Harry Joe Jaffe Calvin Cunningham	9
The Right To Vote as Applied to Ex-Felons	John R. Vile	12
Action Methods for the Criminal Justice System	Dale Richard Buchanan	17
Administrators' Perception of the Impact of Probation and Parole Employee Unionization	Charles L. Johnson Barry D. Smith	26
Highlights, Problems, and Accomplishments of Corrections in the Asian and Pacific Region	W. Clifford	31
The Demise of Wisconsin's Contract Parole Program	Oscar D. Shade	34
Juvenile Detention Administration: Managing a Political Time Bomb	Robert C. Kihm	44
Parent Orientation Program	Serge W. Gremmo	53
Practical Probation: A Skills Course		
Intervention in a Community-Based Correctional Setting	Margaret R. Savarese	56
Departments:		
News of the Future		63
Looking at the Law (Legal Responsibility Update)		65
Reviews of Professional Periodicals		68
Your Bookshelf on Review		72
It Has Come to Our Attention		80

NCJRS
JUN 5 1981

ACQ11

and administrators' perceptions of the impact of unionization on the quality, cost, and difficulty of administering services. Some of the critical issues emanating from the increased parole/probation unionization are delineated and discussed as they are reflected in the literature and as a result of the survey.

Highlights, Problems, and Accomplishments of Corrections in the Asian and Pacific Region.—The Australian Institute of Criminology recently organized the First Conference of Correctional Administrators for Asia and the Pacific, which was well attended and prepared the ground for joint action. Already this has resulted in the collection of data on imprisonment, some of which are provided in this article by W. Clifford, director of the Institute. In this very broad survey, some of the problems of corrections in the region—and some of the approaches which are different from those in the West—are highlighted.

The Demise of Wisconsin's Contract Parole Program.—This article discusses the elimination of an innovative method of paroling criminal offenders in Wisconsin. The State abolished its creative Mutual Agreement Program because budget analysts deemed the program to be an ineffective method of paroling offenders when compared to the traditional method of parole decision-making. Although this program has been eliminated, Wisconsin Parole Board Member Oscar D. Shade says it is conceivable that contract parole is workable and could prove to be a most effective means of managing an offender's parolability.

Juvenile Detention Administration: Managing a Political Time Bomb.—Administering a juvenile detention center is one of the most difficult and frustrating jobs in the juvenile justice field,

asserts Youth Services Consultant Robert C. Kihm. Although it is clearly stipulated in idealistic terms how children ought to be cared for while in state custody, the detention administrator must deal with the reality of providing care with very limited resources and little control over who is admitted and discharged from the facility, he states. This article examines how these contradictions proved the demise of four detention administrators' careers, and what lessons can be gained by current administrators facing similar problems.

Parent Orientation Program.—Juveniles paroled from a correctional institution are faced with readjustment problems. Community resources are limited and families poorly equipped to offer assistance. To increase the effectiveness of families as resource people, the author, Serge W. Gremmo, has developed the Parent Orientation Program (POP) which orients families toward potential problems in the parole adjustment of their children, acquaints them with the mechanics of parole, disseminates information to assist juveniles during reintegration, and lends support during a difficult period.

Crisis Intervention in a Community-Based Correctional Setting.—Despite their widespread use in other practice settings, crisis-intervention theory and techniques have been woefully underutilized in community-based correctional agencies. This article by New York City Probation Officer Margaret R. Savarese is an attempt to help remedy that situation by presenting an overview of crisis theory and techniques and then illustrating their application at a particular crisis point in the criminal justice system—the point of sentencing—via two actual case situations.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Juvenile Detention Administration: Managing a Political Time Bomb

BY ROBERT C. KIHM*

THE PHONE rings in the detention administrator's office on a hot summer day in a large Western city. Yesterday, an escape attempt by two boys had been foiled by a detention guard. The boys had planned to knock the guard unconscious with a long piece of wood. In discussing their plans, the boys had emphasized using the sharp, rather than the blunt end of the wood to insure that the guard would be unconscious for a long time. Just prior to the escape attempt, the guard learned of the boys' plans and locked them in their rooms. The incident report completed by the guard concluded that severe overcrowding in the detention center contributed to the escape attempt since the staff was too overworked to adequately supervise the residents.

On the phone, the administrator talks to the state director of the ACLU. The ACLU is demanding that the boys be released from their rooms since state regulations prohibit detaining children in isolation for over 4 hours. The administrator explains that to release the boys would be dangerous and would set a bad example to the other boys in detention. The ACLU director threatens to sue the administrator or take the story to the press unless some action is taken. The detention administrator slumps in his chair and massages his forehead. Over his right shoulder a sign reads, "Welcome to Ulcer City."

Administering a juvenile detention center is one of the most difficult and frustrating jobs in the juvenile justice system. Detention administrators must work within a framework of contradictions. State statutes often dictate that children in custody be given "care as nearly as possible equivalent to that provided by their parents." Yet, detention administrators must develop a family-type setting in an environment of steel bars and locked cells. State statutes often require that secure detention be used only to protect the public safety or an orderly court process. However, the same state laws also place ultimate responsibility

for detaining children with the juvenile court judge. Consequently, the detention administrator has little control over admissions and discharges and often finds children in detention charged with truancy, "beyond parental control," or minor misdemeanors. Moreover, community leaders often proclaim that "children are our most precious resource," while the detention administrator is facing a shortage of qualified staff, school and recreational facilities, and other necessary services.

Because of these contradictions, detention administrators must be prepared each day to handle controversies which may ultimately threaten their careers. The administrator in the above scenario (which actually occurred) was facing at least four major problems simultaneously. First, overcrowded conditions caused by his inability to control the center's population contributed to the potential escape since his staff could not provide adequate supervision. Second, his lack of staff and other resources necessitated the violation of state regulations concerning the secure isolation of juveniles. Third, an apathetic public and a slow county bureaucracy prevented the development of needed alternatives to detention (e.g., shelter homes, foster homes, etc.) which could have reduced the detention population. Fourth, the ACLU's threat to involve the news media created a potential problem of establishing sympathetic press relations and also a working relationship with administrators in higher state and county offices.

Potential for each of these problems is commonly faced by detention administrators. Unless properly handled, they may combine to create a controversy which questions the administrator's ability to manage the detention facility and forces his resignation. The experience of other jurisdictions shows that such a crisis invariably disrupts not only the detention center, but also sends shock waves throughout the local juvenile justice system. Therefore, it is important for all juvenile justice practitioners to be concerned with the special administrative problems facing detention administrators.

*The author is working as a private consultant in the juvenile justice field with the Youth Services Institute in Denver, Colorado.

The purpose of this article, then, is to focus on these four problems stated above and examine four recent case studies where each of these conditions contributed to a detention administrator resigning under pressure. The article also presents potential steps which a detention administrator may take to neutralize these problems before they reach crisis proportions.

1. Inability of the Administrator to Control the Detention Population

It has been said that, "probably no other concept in corrections or youth services is as poorly understood as that of secure detention."¹ The traditional definition of detention employed by the National Council on Crime and Delinquency states, "Detention is the temporary care of children in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency. If detention is used properly, these are children who have committed delinquent acts and for whom secure custody is required for their own or the community's protection."² In most states, the decision to detain a child rests with the juvenile court judge. The judge (or his appointed intake officer) must abide by the state juvenile code which stipulates when detention is permissible. Increasingly, state statutes now require that a child must be released from pretrial custody unless: (1) the child poses a significant risk to the public safety, property, or himself, or (2) there is a substantial threat to an orderly court process (e.g., the child may not appear for court hearings, or may threaten witnesses, or may run away pending transfer to another jurisdiction or postdisposition program).

Despite these efforts to restrict pretrial detention, abundant evidence of pervasive detention abuse across the country still exists. The Children's Defense Fund in their 1976 study, *Children in Adult Jails*, found that only 39.5 percent of the 162 juveniles in jail on the day of their visit were charged with major person or property crimes.³ In response to a Community Research Forum survey in 1979 the juvenile detention staff in Lincoln, Nebraska, estimated that an average of 41 percent of the youth in detention could have been safely released to a supervised nonsecure setting.⁴

Another indicator of chronic detention abuse is revealed when detention rates between court

jurisdictions are examined. For example, one rural county in southern New Jersey had a detention rate in 1977 that was five times as high as another nearby rural New Jersey county. This disparity occurred even though both counties were operating under a strict New Jersey statute limiting the use of secure detention. Researchers in Pennsylvania found similar disparities across the State's counties. They concluded that the availability of a detention center in a county increased the likelihood of secure custody before trial, despite the presence of a single State statute attempting to regulate detention use.⁵

These findings have several implications for detention administrators. The indiscriminate use of detention often results in overcrowding at the detention center. Consequently, various minimum state standards must be violated to accommodate the additional children. These include: staff/resident ratios, room and facility occupancy limits, recreational and educational services, fire and health codes, and a host of other state and local standards. The state, the county, or the administrator himself may be in jeopardy of costly lawsuits if an incident involving a child occurs when the detention center is overcrowded and in violation of these minimum standards.⁶

Detention abuse also means that a wide range of children must be cared for in the same facility. These include older, aggressive youth charged with major offenses against persons, and young children detained only because their parents would not provide custody. Although an administrator may not have statutory authority to decide who is admitted to the facility, conditions such as these make a detention center ripe for a controversy which may be devastating to the administrator's career. The following case study illustrates how an overcrowded facility holding both violent offenders and children charged with minor crimes can lead to a serious crisis which endangers both staff and residents.**

MASON COUNTY JUVENILE DETENTION CENTER, 1979

Since 1970, the Mason County Juvenile Detention Center has been wracked by crises and controversy. Grand juries, special studies, and court cases have all concluded that the

¹ Virginia Division of Youth Services, *Minimum Standards for Secure Detention Homes*, effective July 1, 1974, p. 13.

² National Council on Crime and Delinquency, *Standards and Guides for the Detention of Children and Youth*, New York, N.Y.: 1958, p. 1.

³ Children's Defense Fund, *Children in Adult Jails*, Washington, D.C.: 1974, pp. 3-4.

⁴ Community Research Forum, *Final Report to the Lancaster County Juvenile Justice Advisory Committee: Removal of Juveniles From Adult Jails and Lockups*, Champaign, Illinois: 1978, p. 11.

⁵ John H. Kramer and Darrell J. Steffensmeier, "The Differential Detention/Jailing of Juveniles: A Comparison of Detention and Non-Detention Counties," *Pepperdine Law Review*, 5 No. 3 (1978), 795-807.

⁶ See: Mark I. Soler, "Legal Memorandum: Liability of Local and State Officials for Detention of Juveniles in Adult Jails," Juvenile Justice Legal Advocacy Project, San Francisco, California: 1979.

**NOTE: Fictitious names and locations have been inserted for all case studies presented in this article.

center is characterized by "poor food, worn and broken equipment, inadequate staffing, and too little recreational activity."⁷ The local newspaper reports, "Running the county facility—which on the same day may hold one boy charged with murder and another who won't mind his mother—is a challenge no single superintendent has conquered in a decade. Each time a crisis passes and public attention fades, the picture emerges of a captain steering a leaky battleship patched with bubble gum."⁸

Into this setting entered James Marshall in 1977 to become the new superintendent. Mr. Marshall replaced the previous superintendent who was fired after a 17-year-old boy died of a drug overdose while detained at the center. Mr. Marshall brought 15 years of child welfare experience and two master's degrees—one in social work and one in guidance and counseling—to his new position. He began his new job stating that "he saw it as a challenge and recognized 'there's a lot to be done.'"⁹

Throughout Marshall's tenure, the center continued to experience problems. The center's population capacity of 60 boys and girls was frequently exceeded. At times, over 96 children were detained at the center, forcing children to sleep on the floor. Marshall also had difficulty implementing new policies. This was partially caused by the low managerial level that the superintendent's post occupied in the Mason County government. "Unlike the head of the autonomous Metropolitan Corrections Department who runs the county jail, the juvenile detention center superintendent is a third level manager in the multipurpose county Department of Human Services. And the center itself is only one link in the chain of state, local, and federal juvenile justice services."¹⁰

Specific events leading to Marshall's dismissal began on April 24, 1979. On that day, a 17-year-old boy detained for running away from home was sexually assaulted by two other boys charged with burglary and theft. Only five weeks later, on June 1, another boy aged 15 years was sexually assaulted by three other boys in detention. The 15-year-old was detained because he was "beyond parental control," the three assailants were being detained for serious delinquency offenses, including murder.

Accounts of both incidents were released to the press on June 15. Shortly thereafter, Marshall's job was in jeopardy. On June 18, Marshall's immediate supervisor placed him on 2 months' probation. The supervisor wrote that the incidents "gave rise to this action," although they were "not the essential reason for it. You have evidenced a grave lack of awareness of what practices do in fact exist and whether such practices are or are not consistent with written policy or procedure."¹¹

Considerable media attention was devoted to questioning the propriety of placing children with running away, "beyond parental control," and other "status" offenses in detention with dangerous delinquents. An editorial on July 5 noted that, "If status crimes and really dangerous ones were looked at differently, those boys would not have been at the same place at the same time."¹² On July 11, the District Judge agreed not to send status offenders to the detention center, but to place them in nonsecure group homes.

This action came too late for Mr. Marshall, however. On July 12, he was fired by the executive director of the

county's Department of Human Services because he failed "to show the degree of decisiveness and action needed to manage the detention center, both in times of crisis and in its routine operations."¹³ Several judges and more than 2,000 letters and phone calls protested the decision to remove Marshall. One judge wrote, "It is my impression that the county government determined that decisive action had to be taken to satisfy the public that something was being done. That decisive action was to fire Jim Marshall." Another letter from a district judge described Marshall as "a man who has greatly improved the quality of detention in the past year and a half." A third judge added that, "the time has come for this community to meaningfully plan for its children's care and treatment, and stop reacting to tragic events by removing the closest available head."¹⁴

Despite these protests, the firing order remained in effect. It is interesting to note that only 2 weeks after Marshall was fired, the center operating under a new acting superintendent experienced an escape by two boys, an alleged assault on a resident by the detention staff, and a sexual assault on another boy in detention.

2. Lack of Staff and Other Resources

A shortage of adequate staff and other resources frequently poses major problems for detention administrators. A poor staff/resident ratio creates difficulties in supervising the residents and may require violations of state and local regulations to simply maintain order in the center. Staff morale suffers when concern for personal safety supersedes the staff's role as teacher and counselor. Inadequate staff salaries also negatively affect morale and turnover rates and inhibit persons with advanced counseling skills from applying for positions.

A lack of money to maintain proper sanitation in a detention center is another serious problem faced by administrators. The inconsistency between providing "homelike care" in a facility which is run-down and infested by roaches is usually vividly portrayed by grand juries and newspapers, and can create considerable pressure for an administrator to resign. The following case study shows how a shortage of staff combined with unsanitary conditions in the facility can be scandalously depicted by the news media.

CENTRAL CITY JUVENILE HALL, 1974

On May 17, 1974, the *Central City Times* ran a front page expose describing conditions in the Central Juvenile Hall. "... At Central Juvenile Hall, (the children) are all reduced to a common denominator—a very low one—and subjected to sexual degradation, savage racism and a rat-pack struggle to get through it. ... Many of the hall's 362 single rooms, bare except for a metal desk and cot, lack any plumbing at all. Many of these rooms reek of sweat and urine, particularly in the 100-degree summer weather. More fastidious inmates have for years relieved themselves through the heavily screened windows, thus staining the outside walls. Said one, 'You bang and bang on the door, but a lot of times they (the night staff) don't come so you gotta go out the window or under the door.'"¹⁵

Many of the problems cited in the article were attributed to a lack of trained staff and a high turnover rate which reached as high as 40% in some years. One counselor said, "You're sitting on a powder keg for eight hours and nobody seems to care. After a while, you don't care anymore and just try to survive the shift. If you can survive that place, you can survive anywhere."¹⁶ It was reported that many new counselors are placed on duty with no formal training and "find themselves faced with what are described as 'the most vicious punks in the book.' ... All (counselors) are supposed to get an intensive three-week course before assignment, but because of overcrowding and high staff turnover, recruits often must fill jobs on a crash basis and it may be weeks before they are pulled back for training."¹⁷

Following the May 17 article, the City Board of Supervisors ordered a task force to investigate the probation department which had responsibility for operating the Juvenile Home. Mr. Kenneth Fuentes, director of the probation department, had been in county service for 35 years and held a master's degree in public administration from USC. He had been director of the probation department for 6 years. Fuentes responded to the May 17 article by requesting a \$2.4 million increase in the probation department's \$56 million budget. The additional money would provide more staff positions, "improve housekeeping and security, replace worn-out mattresses and clothing, reorganize the Juvenile Hall kitchen and correct many mechanical deficiencies." He noted that, "A chronic problem has been the approximate 40% turnover of staff each year in our juvenile halls and camps. This results in a low experience factor of the staff and increases possibilities of incidents in the institutions between juveniles and staff, and between gang-warring factions in the institutions."¹⁸ The Board of Supervisors took the request under advisement. At a later date, the probation department received a \$300,000 increase from the Board of Supervisors, or about 13 percent of the money requested to improve sanitation conditions and staffing problems.

On July 30, seven doctors who worked part-time at the Juvenile Hall sent a letter to the Board of Supervisors documenting further abuses of children in the Hall. The doctors concluded that the Hall had a "general atmosphere that fosters further anger and hatred towards the system that has already become intolerant of these youngsters."¹⁹

On November 11, another *Central City Times* article decried a lack of clothing in the Hall. One counselor reported that, "youngsters sometimes chattered and shivered on chilly days, or in wet clothing during rainy weather because of clothing shortages or red-tape foulups."²⁰

On November 19, the Board of Supervisors fired Mr. Fuentes. The Board accused him "of many specific organizational failures, of failing to communicate with the Board of Supervisors on his problems and needs, and of failure to communicate properly with police and outside agencies." Fuentes, in turn, accused the Board of failing "to provide adequate facilities for the care of mentally disturbed juveniles and inexcusably delayed in providing funding for the appropriate modernization of juvenile halls and probation camps to make them safe and secure."²¹

An editorial in the *Central City Times*, although concurring with the Board's decision to fire Fuentes, seemed to agree

with his charge. "Although it is now moving to overhaul the total probation system, the board itself must accept ultimate responsibility. In its insistence on preserving an outmoded role as legislator-executive-administrator, the board is in no position to dump all the blame for repeated government failures on its managers. Obviously, a modernization of the Probation Department is required. So is an equally thorough modernization of county government."²²

3. Apathetic Public and a Ponderously Slow Bureaucracy

Sheer frustration from trying to persuade an apathetic public and a ponderously slow bureaucracy to improve detention conditions can force an administrator to resign. Although an administrator may identify urgent problems which must be addressed at his center, the needed reforms must pass through bureaucratic channels before they can be implemented. The simple acquisition of a washing machine may take years to accomplish, or the purchase of movies for entertainment may be denied by a fiscal officer as an "unnecessary frill." Fundamental changes in programs to provide improved counseling, educational, or recreational services may be thwarted by tax reform groups who believe that children should be "taught a harsh lesson" by meting out a spartan detention experience. As shown in the next case study, a detention administrator facing these political realities may feel compelled to resign before becoming a scapegoat when a serious incident occurs in the center.

ADAMS COUNTY DETENTION CENTER, 1978

On June 28, 1978, Maurice Ford informed Adams County officials that he was resigning as director of the Adams Detention Center. Mr. Ford cited the city's "frustratingly" slow response to the needs of its troubled juvenile justice system, and noted that repeated requests for facility improvements had been ignored by the city bureaucracy. Mr. Ford told the press that, "I received a response that something would happen, but nothing was forthcoming. Everything had to be put out for bids and contracts, and you know how long that takes."²³

The Adams Detention Center experienced increasing problems in the 2 years prior to the director's resignation. Escapes had risen from 98 in 1976 to 130 in 1977, and 63 assaults on staff were recorded in 1977. Demands by staff for improved security measures and other grievances escalated without action towards resolution. One official stated, "The staff problem has never been solved, and the labor-management situation is far beyond the director's authority."²⁴ Problems often became mired in conflicts between government agencies. The number of security guards in the center's school dropped from 11 to zero as the Board of Education and the Human Resources Agency bickered over which agency had responsibility. Several task forces concluded that the center should be replaced by several smaller facilities in the city, but city officials believed that the existing facility could be upgraded. Consequently, few improvements were actually made as various task forces continued meeting to decide what improvements should be made.

Two days following Mr. Ford's announcement, three youths raided the center, drew guns on unarmed counselors,

⁷ Carolyn Colwell, "Times Change: Problems Stay the Same," local newspaper, 13 July 1980.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Carolyn Colwell, "Detention Official's Career on the Line," local newspaper, 24 July 1979.

¹² "Attacks on Juveniles in Detention Raise Serious Questions of Policy," editorial, local newspaper, 5 July 1979.

¹³ Carolyn Colwell, "Juvenile Center Superintendent Is Fired After Safety Dispute," local newspaper, 12 July 1979.

¹⁴ Carolyn Colwell, "Judges Say Detention Official Was Scapegoat," local newspaper, 14 July 1979.

¹⁵ Mike Goodman, "Juvenile Hall: Powder Keg of Rage, Racism," local newspaper, 17 May 1974.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ray Zeman, "More Funds for Juvenile Hall Requested," local newspaper, 16 June 1974.

¹⁹ Mike Goodman, "Doctors Hit Conditions at Juvenile Hall," local newspaper, 16 June 1974.

²⁰ Mike Goodman, "Shortages of Clothing Found at Juvenile Hall," local newspaper, 11 Nov 1974.

²¹ Ray Zeman, "Probation Dept. Chief Fired by Supervisors, Will Ask Hearing," local newspaper, 20 Nov 1974.

²² "Curing the Ills in the Probation System," editorial, local newspaper, 21 Nov 1974.

²³ "Director Resigns From Post," local newspaper, 1 Aug. 1979.

²⁴ Laurie Johnston, "Two Agencies Contest Suggestion HRA Drop Center Supervision," local newspaper, 6 March 1979.

and fled with one of the youth's brothers who was detained at the center. This was simply one less crisis Mr. Ford would have been accountable for. A juvenile court judge noted, "The way the system moves makes it almost impossible for them to do what they want to do at the center. I do think they are committed and dedicated. But you get to the point where nothing is responsive, and you become frustrated. I understand it."²⁵

4. Unsympathetic News Media and Higher Administrators

Unlike most local public officials, the detention administrator may find himself on the front page of his community's newspaper. To the dismay of the administrator, however, these occasions are generally reserved for periods of crisis and controversy within the center. A study by Dr. Delmar Dunn of the University of Georgia notes that public affairs reporters are drawn to stories involving "conflict, controversy, or attack (to) pique the reader's interest. . . . Attacks make news," one reporter stated. Another explained, "violence makes news—not necessarily blood, but conflict—oratorical conflict in politics." Disagreements among officials, acrimony in interpersonal relations, misunderstandings, and conflict enhance the likelihood that a situation will become news."²⁶

Considering the previously mentioned problems facing detention administrators, the potential for conflict, controversy, or attack is very large indeed. The administrator may be the target of child advocacy groups condemning the detention of status offenders or misdemeanants. A state regulatory agency may prepare critical reports concerning the center's operations. The public and elected officials may criticize the size of the center's budget. Each of these possibilities can place the administrator at the center of a media controversy which may result in a serious questioning of his ability to manage the facility. Another study of public affairs reporting notes, "The result of many exposes has been scapegoating of particular public officials (e.g., a warden) and collective legislative clucking."²⁷

Once a controversy reaches the media, the administrator may be ill-equipped to persuasively present his case to the press because of the

technical nature of the center's operations and a lack of experience in handling press relations. Delmar Dunn notes that, "administrators, more than other officials, criticize reporters for a lack of technical knowledge."²⁸ For example, a harried reporter facing a story deadline may prevent an administrator from explaining the center's budget request or of methods to improve staff morale. In addition, administrators generally do not take time to know the reporters from their city's papers and have little experience with press conferences. Dunn found that, "Administrators, compared to other officials, put the greatest reliance on the press release as a method for transmitting information to the press. . . . Executive officials and legislative leaders, more than administrators, cultivate reporters and issue information to the press through individual contact with reporters."²⁹ Consequently, the detention administrator may face considerable difficulty in presenting his case when a crisis in the center demands a persuasive explanation. The next case study illustrates how negative publicity from a critical state inspection team's report was exacerbated by the administrator's careless remarks to the news media.

BROWN COUNTY DETENTION CENTER, 1979

In March 1979 the State Department of Corrections issued an inspection report on the Brown County Juvenile Detention Center. The report cited 48 state violations and claimed that negligent administration by the director, Mr. Martin Berman contributed heavily to the violations. The report said, "Berman does not spend enough time at the shelter and is not aware of day-to-day problems or of all the facility's policies. 'Because of the weak administrative structure, the facility suffers from a lack of organization and staff cohesiveness.'"³⁰ Among the several administrative problems found at the center, the Department of Corrections claimed that, "there is no communication between the social workers, guards, or youth and his or her problem. . . . (Also), record keeping is sloppy. On one day the master log book showed no record of boys admitted within the previous 28 days or girls within the preceding 37 days."³¹

The most serious charge by the Department of Corrections was that two suicide attempts could have been prevented given better admissions procedures. In one instance, a boy was admitted to the facility after 8 p.m. when no social worker was on duty. The youth was improperly admitted and later that evening tried to kill himself. The boy had a record of attempted suicides.

The newspaper accounts of Berman's responses to the charges portray him as a totally insensitive administrator. Concerning the suicide attempt, the newspapers reported that "Berman said supervisors obtain all the information that is available. 'It doesn't make sense to sit down with the kid and get everything at that hour. All he is going to do is go to sleep.'" The Department of Corrections charged that, "even when reports are made to him (Berman) it does not appear that they are always read or acted upon. Berman replied that, 'he does not review all the paperwork and delegated much of this responsibility to his assistant.'" When asked whether he was knowledgeable of the state regulations governing the shelter, Berman snapped, "Look, I don't work for the state."³²

It is interesting to note that Mr. Berman did not mention a detailed staff adjustment schedule that he had proposed to upgrade the salaries of his staff. In addition, Mr. Berman did not point to the improvements that had been made to the facility since a previous Department of Corrections inspection report. Instead, the majority of Mr. Berman's responses in the paper appeared defensive and suggestive of an attempt to pass the responsibility on to other parties. For example, in response to the entire report, Mr. Berman claimed that the report's author "has a vendetta against him. 'I think it's retaliation for some things I've said to him.'"³³

On March 16, a local paper attacked Mr. Berman in an editorial ("Kingdom and the Power") which especially criticized the tone of his responses to the report. "Mr. Berman . . . is using the old political ploy: if you have no defense on the facts, attack the accuser. The simple truth of the matter is that Mr. Berman has no defense. He is an inept and often absent administrator, who apparently doesn't know what's going on at the shelter, much less what should be going on. . . . What's clear to us from this report and from our understanding of the situation is that Mr. Berman is not suited to be director of the (detention center). If the county board wants to give him a nice job, fine, but it should be in an area where lives aren't dependent on him."³⁴

On May 25, Mr. Berman resigned from his director's position. The newspapers reported that, "Berman said yesterday the job is not enjoyable and complained the county administration would not listen to what needs to be done at the shelter. 'They never adhered to one of my recommendations, so why am I going through all this?'"³⁵

Suggested Administrative Steps to Minimize Detention Problems

Thus far, the tone of this article has been rather bleak, presenting seemingly insurmountable problems and describing consequences to administrators' careers who failed to overcome these problems. It is a valuable first step, however, to simply identify the major controversies which commonly force an administrator's resignation. With these problems outlined, suggested steps which an administrator may take to neutralize these controversies will now be presented.

1. Establish Procedures To Control the Admissions to the Detention Center

The response of many detention administrators when their detention center becomes overcrowded is often a desperate call for expansion of their facility. As previously mentioned, abundant evidence of pervasive detention abuse exists across the country. The experiences of many jurisdictions suggest that if detention space is available it will be used, regardless of the actual need for secure custody. Consequently, an ad-

ministrator who survives the lengthy process of obtaining an expansion of the facility may expect to experience similar overcrowding problems shortly after a new wing is opened.

A more effective response to an overcrowding problem is to establish admissions procedures which allow only children who pose a significant threat to the public safety or court process to be detained. One detention administrator has noted that, "Accepting the first improper admission is like becoming a little bit pregnant. The exceptions have a habit of becoming the rule. . . . As superintendent you are responsible for the program and the population" of the detention center to insure that only children charged with major offenses are detained.³⁶

The application of *specific and objective* detention criteria should form the foundation of procedures to control the detention population. Wide discretion granted decisionmakers has often been cited as a major factor in detention abuse. By developing criteria which are uniformly applied, the purpose of detention becomes clearly defined. As a result, pressure from police, parents, and probation officers to detain a child charged with a minor offense will fade if the facility's policy is clearly stated that such children do not meet criteria and will not be detained.

National standards detention criteria proposed by the National Advisory Committee on Standards for the Administration of Juvenile Justice are recommended to define children eligible for secure custody. In general, these criteria restrict secure custody to only those children who are charged with a serious offense and have a recent past record of committing serious offenses or of failing to appear for court hearings. Studies in other jurisdictions have shown that the public safety, court process, and the child's welfare can be effectively protected by following these detention criteria.³⁷

In most jurisdictions, the juvenile court judge has the ultimate authority to place children in detention. Consequently, the judge must be persuaded to adopt detention criteria as a means of controlling the detention population. This might be accomplished by presenting the judge and other key decisionmakers with a proposal to apply the criteria on an experimental basis for a 3-month period. During the trial period, the percentage of children referred to court who are subsequently rearrested prior to trial or who fail to appear for trial should be recorded. These figures can be compared with similar figures from a previous 3-month

²⁵ Leslie Maitland, "No Yesterdays, No Tomorrows, It's Only Today at Center," local newspaper, 4 Aug. 1978.

²⁶ Delmar Dunn, *Public Officials and the Press*, Reading, Mass.: Addison-Wesley Publishing Co., 1969, p. 26.

²⁷ George S. Hago, et al., *New Strategies for Public Affairs Reporting*, Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1976, p. 180.

²⁸ Dunn, p. 162.

²⁹ Ibid., p. 163.

³⁰ Ted Sherman, "State Report Assails Youth Shelter," local newspaper, 14 March 1979.

³¹ Denise Gellene, "Report Says Youth Shelter Endangers Lives," local newspaper, 14 March 1979.

³² Ibid.

³³ Ibid.

³⁴ "Kingdom and the Power," editorial, local newspaper, 16 March 1979.

³⁵ Ted Sherman, "Chief Quitting at Youth Shelter," local newspaper, 26 May 1979.

³⁶ James M. Jordan, "The Responsibility of the Superintendent To Maintain the Function of Detention," *Juvenile Court Judges Journal*, Summer 1968, p. 62.

³⁷ Robert C. Kihm, "Prohibiting Secure Juvenile Detention: Assessing the Effectiveness of National Standards Detention Criteria," *Family and Juvenile Court Judges Journal*, No. 3, 1980.

period when detention criteria were not used. If there is no significant increase in the rearrest or failure to appear rates when the criteria are used, then it can be argued that the criteria have been applied without an increased threat to the public safety or court process.

Jurisdictions which have implemented specific and objective detention criteria have been positively impressed with the results. For example, the detention center in Cuyahoga County, Ohio, experienced a 60 percent decline in the detention population following the adoption of strict detention criteria. The juvenile court judge reports, "Had we been told as we began our program that our average daily population could be reduced (60%), we would have been incredulous, especially so since we were in a period of rocketing delinquency. . . . We employed no consultative services, nor did we introduce any super-sophisticated procedures. . . . In a word, we challenged the necessity of detaining every child for whom detention was suggested."³⁸

Controlling the detention population can help eliminate many potential crises. The health and safety of detained children can be better guaranteed, the strain on staff is substantially lessened which can lead to improved services for children, and many state and local regulations will not be violated.

2. Introduce a Management by Objectives (MBO) Plan in the Detention Center

One observation that can be drawn from the case studies is that administrators are often forced to simultaneously handle a multitude of problems. These problems include: inadequate staff supervision, poor sanitation, insufficient communications between line staff and supervisors, and generally low staff morale. An administrator facing such a wide range of difficulties may understandably throw up his hands in confusion and despair. Controlling the detention population to reduce overcrowding and eliminate inappropriate detentions should ease many of these problems. However, underlying management issues should still be addressed.

One method of instilling order and direction to a complex organization is by developing a management by objectives (MBO) plan. Although MBO was initially designed for private, profit-oriented

businesses, it is actually highly adaptable to a juvenile detention setting. The purpose of MBO is to: (1) develop a mutually understood statement of the organization's direction, and (2) provide criteria for measuring the organization's performance. Mark McConkie notes, "MBO operates on the assumption that people work best when they understand what they are doing, why they are doing it, where they are headed, and what the final result will be. Its theoretical underpinnings are found in Douglas McGregor's celebrated theory 'Y', which proposes the integration of the individual and the organization and suggests that 'man will exercise self-direction and self-control in the service of objectives to which he is committed.' Because MBO provides both manager and subordinate with well-defined purpose and direction, it encourages self-management and increases motivation and satisfaction."³⁹

To implement this philosophy, the detention administrator should work to set objectives for the detention facility. Objectives must be directly related to the agency's mission, for once established they will largely determine the agency's future course. One of the benefits of objectives-setting is that the administrator can focus first on areas having the greatest potential for harm to the residents or the facility's operation. From the case studies it appears that an administrator would want to insure that the center is kept sanitary, that daily logs are in order, regular staff meetings are conducted, and supplies are delivered on time. Several objectives can be written to cover each of these areas and specific staff members can be assigned responsibility for achieving each objective.

Some guidelines for writing objectives include:

- They should start with the word "to" followed by an action verb.
- Objectives should specify a key result to be accomplished.
- Objectives should specify a target date for accomplishment.
- Objectives should be as specific and quantitative (and hence measurable and verifiable) as is possible.
- Objectives should be realistic, attainable, and challenging.⁴⁰

A simple example of an objective addressing one of the issues listed above might be: "To wash and wax the floors of the detention center once a week." Another example might be: "To reduce this year's annual staff turnover rate from 25% to 20%." Once the objectives have been established, a form similar to the one presented on the following

page could be used to record the objectives and progress toward their achievement.

Defining objectives and setting timetables for their achievement allows the detention administrator to obtain a better grasp of the facility's existing operation and goals for improvement. In addition, staff morale should improve as they witness and participate in efforts to enhance the quality of the center's services. Finally, outside interests such as, legislators, local and state administrators, and citizens can be easily shown current efforts to improve conditions in the detention center.

3. Improve Relations With the Community and the News Media

It is suspected that few people in the country know very much about their community's detention center. Traditionally, detention centers are mentioned in the news only when a serious crisis occurs. For detention administrators, this is often too late for initiating action to solve existing problems. Informing the public and news media of successes and problems in the detention center should be a major part of an administrator's responsibility. Citizens in the community have a right to know what is happening in the center since their tax dollars helped construct and operate the facility. Moreover, it is children from families in the community who are usually detained in the detention center. Consequently, an active public information campaign can mean improved responsiveness to existing problems, greater understanding during periods of controversy, and even the offering of volunteer help to the children in the center.

A public information campaign should start with a desire to open the detention center to the community. The public should be made aware of what's right with the center and what's wrong, and how the community can help to improve conditions.⁴¹ One method of involving the public is to speak before local civic organizations. For example, a speech before the local Parent/Teachers Association or League of Women Voters can highlight the development of an improved educational program at the center. At the same time, a request for volunteer tutors to supplement the professional staff could be made.

Other methods of informing the public of activities at the center include organizing tours of

the center, or involving the public in planning and budgetary activities by developing a citizens advisory committee. As an example, the detention center in Berrien County, Michigan, annually establishes goals to develop community awareness and communication. One of its successful goals has been the development of a speaker's bureau comprised of center staff and members of the citizens advisory committee who speak before community groups. In addition, the center has organized a job placement program by enlisting local businesses to hire youth who have been released from the center.

The news media should also be actively informed of problems and successes at the center. Communications with the news media should go beyond the distribution of annual reports to the press. A working relationship with the press should be established in which the administrator frankly discusses the center's operations and encourages the public to become involved in its activities.

When working with the news media, the following guidelines should be observed:

- Give accurate information.
- Avoid technical language.
- Do not favor one medium or reporter over another.
- Avoid hostility and feuds with the news media.
- Make sure that in all contacts with the news media the rights of children in detention are not jeopardized by activities of the news media representatives.⁴²

The role of the news media can be very important in fairly presenting to the public an administrator's efforts to improve conditions in a detention center. "Too many administrators overlook the positive contributions which they can make through the press simply because they fear public criticism or because they fail to realize that they need not wait for an escape or (a crisis) to bring the attention of the news media to the detention center."⁴³

Conclusion

This article has shown that juvenile detention administration is fraught with risks. Administrators must work within a framework of contradictions. Although it is clearly stipulated in idealistic terms how children ought to be cared for while in state custody, the detention administrator must deal with the reality of providing care with very limited resources and little control over who is admitted and discharged from the facility. These

³⁸ Walter G. Whitlatch, "Practical Aspects of Reducing Detention Home Population," *Juvenile Justice*, 24, No. 2, 1973, p. 29.

³⁹ Mark McConkie, *Management by Objectives: A Corrections Perspective*, U.S. Dept. of Justice, LEAA, 1976, p. 1.

⁴⁰ *Ibid.*, pp. 9-10.

⁴¹ Alice H. Blumer, *Jail Management: Community Relations*, U.S. Bureau of Prisons, p. 2.

⁴² *Ibid.*, p. 14.

⁴³ *Ibid.*, p. 17.

contradictions amount to managing a political time bomb which threatens to wipe out an administrator when an inevitable crisis explodes at the detention center.

Analyzing case studies where detention administrators have resigned provides some perspective on which problems can pose the greatest threat to an administrator's career. Four major problems were identified: (1) inability of the administrator to control the detention population, (2) lack of staff and other resources, (3) apathetic public and a ponderously slow bureaucracy, (4) unsympathetic news media and higher administrators. The case studies presented in this report had aspects of each of these problems. Consequently, it is important for other administrators facing similar difficulties to think of steps they

might take to neutralize these problems before a crisis occurs in their facility. Three suggested steps were offered: (1) Establish procedures to control admissions to the detention center, primarily through the application of strict detention criteria; (2) introduce an MBO plan which provides quantifiable objectives specifically addressing the major problems identified in this report; (3) improve relations with the community and the news media by informing them of successes and problems in the center and how they can help improve its operation.

These steps by no means provide a panacea for embattled administrators. However, they can significantly ease pressing problems and improve conditions for the children in detention who, after all, are the administrator's primary responsibility.

GUIDELINES FOR THE GOAL SETTING OF AGENCIES AND THEIR INDIVIDUAL STAFF MEMBERS

1. Are the goals stated in definite terms?

2. Are they specific as to what and when?

3. Do they represent operational improvements?
4. Are they stated in terms of measurable results?

5. Are they compatible with overall agency goals?

6. Are they practical and attainable?

MAJOR RESPONSIBILITIES	PERFORMANCE GOALS	STEPS FOR ACHIEVING GOALS	REVIEW CRITERIA	REVIEWING SCHEDULE				EVALUATION
				1	2	3	4	

END