IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

SEPTEMBER 27, 28, AND OCTOBER 25, 1977

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IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

TUESDAY, SEPTEMBER 27, 1977

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

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 1318, Dirksen Senate Office Building, Hon. John C. Culver (chairman of the subcommittee) presiding.

Present: Senators Culver, Bayh, and Mathias.

Staff present: Josephine Gittler, chief counsel; Steven Rapp, staff director; Cliff Vaupel, assistant chief counsel; Mary Jolly, counsel to Senator Bahy; and Mike Klipper, counsel to Senator Mathias.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. The hearing will come to order.

The U.S. Senate Judiciary Subcommittee to Investigate Juvenile Delinquency is convening today to hear testimony concerning the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

This subcommittee was responsible for the drafting of the Act of 1974, making Federal funds available to the States, localities, and public and private agencies for the purpose of improving existing systems of juvenile justice.

In the act, Congress placed extremely high priority on the removal of so-called "status offenders," the noncriminal youths, from adult jails and other secure facilities and institutions.

Congress specifically required that all States that received grants under the act must cease the practice of locking up juveniles who are alleged to have engaged in conduct which would not be criminal if engaged in by adults.

Under the act, States were given a specified period of time within which to stop this practice. The subcommittee has a long history of concern about the treatment of the status offender. Running away, truancy, defiance of authority, and promiscuity are typically defined and treated as status offenses.

The problem of juvenile status offenders is a large one. It is estimated that there are from 700,000 to 1 million runaways each year. These young people are dealt with by the police, courts, and corrections process of the juvenile justice system.

In the course of the past hearings, the subcommittee has found that perhaps the most disturbing aspect of the treatment of status offenders was the fact that many were being detained in adult jails or other secure facilities, for long periods of time under undesirable conditions before or during court processing of their cases.

Moreover, the subcommittee discovered that a substantial number of youths who were determined to be status offenders by the courts were ultimately sentenced to training schools or other secure institutions. There is a great deal of evidence that locking up juvenile status offenders in either detention or correction facilities is ineffective. Most authorities agree that children often suffer permanently damaging legal, social, and economic consequences, as a result of being treated in this manner.

In addition, there is evidence that locking up noncriminal juveniles tends to promote, rather than prevent, later antisocial behavior. It is against this background that Congress required States participating in the 1974 act to make a commitment to end the practice of placing status offenders in secure, detention, and correction facilities.

Our purpose here today is to ascertain how fully and effectively the act and the deinstitutionalization provision are being enforced and whether the States are living up to their commitment to stop locking up juveniles who have not committed any crimes.

We are going to have a number of witnesses today. The floor situation is very complicated by the current Senate debate on the Energy bill. It is likely that we will be interrupted a number of times. It may not be possible to complete our hearings this morning, although we will make a good faith effort to do that.

Under the Senate Rules we are limited as to how long we can meet. I would, therefore, request that to most effectively use the time we have available, the witnesses try, as best they can, to summarize their remarks. We will make their statements part of the record rather than having them read in their entirety. This will hopefully give us some time for questions. We may also wish to submit some questions to the witnesses for response in the record.

Senator Mathias?

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR FROM MARYLAND

Senator MATHIAS. Today the subcommittee begins its oversight hearings into the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, of which I was an original cosponsor. In particular, the subcommittee will review the progress to date under the deinstitutionalization of status offender provisions of the 1974 act. In brief, these provisions were aimed at phohibiting the detention or incarceration of certain categories of young people—such as runaways and truants—and helping insure that these youngsters would be treated in noninstitutional settings.

When Congress enacted the 1974 act, it declared that the deinstitutionalization of status offenders should be a focal point of the Federal effort to prevent juvenile delinquency. Most important, the ac

required all States seeking to participate in the Federal formula grant program to deinstitutionalize status offenders within 2 years (section 223(a)(12)).

Congress recognized that compliance with this deinstitutionalization provision would not be easy. We were well aware that several problems, including those administrative, political, and philosophical in nature, would have to be overcome in many jurisdictions before widespread compliance with the deinstitutionalization provision could be achieved. At the same time, however, we knew that some jurisdictions, including my own State of Maryland, had enacted legislation requiring deinstitutionalization of status offenders, and it was hoped that the Federal law would act as a stimulus for additional jurisdictions to opt for deinstitutionalization.

As the subcommittee noted earlier this year, there has been substantial compliance with the goal of deinstitutionalization since the 1974 act became law. Specifically, 46 out of 56 eligible jurisdictions have made a commitment to comply with this provision. At the same time, however, a number of jurisdictions—facing problems, including the 2-year limit and escalating costs associated with deinstitutionalization—have declined to participate in formula grant programs. Equally disturbing, several currently participating jurisdictions may lose their eligibility because of failure to meet the 2-year deadline.

Congress has not been insensitive to the problems faced by jurisdictions seeking to maintain their eligibility and by others eager to begin participation in the formula grant program. The Juvenile Justice Amendments of 1977, now awaiting final House action, are aimed at responding to these problems. Specifically, the act would be revised to extend the compliance period to 3 years, and provides flexibility when deinstitutionalization is not achieved during this time period. It is anticipated that relaxation of the period for compliance, coupled with the increased funding levels, will result in increased participation in the formula grant program.

Several issues relating to deinstitutionalization will be discussed at length during these oversight hearings. Foremost among these will be the status of State efforts to monitor properly attempts aimed at achieving deinstitutionalization, alternatives to detention of status offenders, and the appropriate role to be played by the Federal Government in encouraging participation in the program and in developing alternatives to detention.

During the course of these hearings we will receive testimony from individuals and organizations familiar with the efforts aimed at deinstitutionalization of status offenders. Among them will be John Rector, Administrator of the Office of Juvenile and Delinquency Prevention, and Rex C. Smith, director of the Maryland Juvenile Services Administration. For the subcommittee's benefit, Mr. Smith will review Maryland's experience since it enacted its deinstitutionalization statute in 1973.

In addition, we will hear from William J. Anderson, of the Government Accounting Office, who will discuss with the subcommittee the preliminary findings regarding GAO's review of State efforts to comply with section 223(a)(12) of the 1974 Act.

I look forward to these hearings and would like to take this opportunity to thank the witnesses for appearing today.

Senator CULVER. Our first witness this morning is Mr. John Rector.

It is a pleasure to welcome you here this morning, Mr. Rector.

Approximately 3 months ago Mr. Rector assumed the duties of Administrator of the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration.

As the new head of this office he has primary responsibility for implementing the Juvenile Justice and Delinquency Prevention Act of 1974.

I would like to welcome you here today and ask you to proceed with your statement at this time.

STATEMENT OF JOHN RECTOR, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, ACCOMPANIED BY EMILY MARTIN, DIRECTOR, SPECIAL EMPHASIS DIVISION; JOHN FORHAM, EXECUTIVE ASSISTANT AND SPECIAL COUNSEL; AND DAVID WEST, DIRECTOR, TECHNICAL ASSISTANCE AND FORMULA GRANT DIVISION

Mr. RECTOR. Thank you very much. I am pleased to be here today.

I would like to introduce the persons appearing with me. To my far left is Emil Martin, Director of our special emphasis program.

To my immediate left is my Executive Assistant and Special Counsel, John Forham.

To my right is David West, Director of our technical assistance and formula grant programs.

In light of the chairman's comment regarding the floor situation, I will briefly highlight my prepared statement.[1]

As you indicated Mr. Chairman, I have been Administrator of the Office of Juvenile Justice and Delinquency Prevention for 3 months. I understand that the subcommittee is particularly interested in the track record of the Office in implementing the deinstitutionalization and monitoring requirements of the Juvenile Justice Act. I would therefore like to provide an assessment based on my 3 months on the job.

While there were some program accomplishments under the former administration, there have been notable shortcomings in implementation of the act. Despite strong bipartisan congressional support for the program, there was opposition to funding and implementation within the former administration, as well as what could be only characterized as "administrative sabotage" at the highest levels.

These facts have been well documented by the subcommittee. Given the lack of commitment to the act, it is surprising that any of its objectives were achieved, especially the objective that we are here to focus on today.

[1] See p. 161 for Mr. Rector's prepared statement.

The absence of such essential support, together with the difficult but predictable problems inherent in achieving compliance, worked to largely nullify the congressional deinstitutionalization mandate. As you are well aware, Congress had little choice but to extend the original period for achieving deinstitutionalization.

In view of this sorry chronology, I am cautiously optimistic that the flexibility provided by the Juvenile Justice Amendments of 1977 will encourage more States to fully participate in the program and comply with the requirements of the act.

I have had the opportunity, Mr. Chairman, to review the comments of the General Accounting Office regarding implementation of the act as well as the remarks of several other witnesses. I would like to address those comments, Mr. Chairman.

The commentary in the GAO statement is, I understand, based upon an interim and tentative report rather than a final and complete product. The report has not yet been submitted to executive agencies for comment. Because of this interim nature of the report, my reaction should not be construed as the final official comment of the Department of Justice.

The GAO commentary includes considerable discussion of opposition to deinstitutionalization and lack of leadership in this area. Placing the issue in the context of "lack of leadership" is not speaking clearly and truthfully to the sorry track record of implementation. There was outright opposition, not just lack of leadership, within the involved executive agencies and within the White House regarding the deinstitutionalization requirement.

As a result, an extremely high priority of a strong bipartisan majority of the Congress was disregarded by the administration that had responsibility for its implementation.

Only after 3 years did the administration request any funds for the program. Although the act was signed by President Ford in September 1974, hearings on the nomination of my predecessor, Mr. Milton Luger, were not able to be held until November 1975 because of the President's delay in making the appointment.

It is important to note that the formula grant program, which is the key aspect of today's inquiry, was not the responsibility of the Office of Juvenile Justice. This is an example of the administrative sabotage to which I referred. Control of the formula grant program was removed from the operative discretion of the Office.

Implementation of the very item that we are focusing on today—the deinstitutionalization requirement—was not the responsibility of the very office that Congress had created to carry it out. It became the responsibility of the Office of Regional Operations, which in turn largely deferred to the 10 LEAA regional administrators. This was no small problem relative to the task of the Juvenile Justice Office.

At best, the persons working in the Juvenile Justice Office during this time period could influence, but only influence indirectly. They did not have primary decisionmaking powers with regard to compliance with the deinstitutionalization requirement.

Specifically, the staff of the Office did not have primary decisionmaking power with regard to the regulations. They did not have

primary decisionmaking power with regard to the policy behind requests for General Counsel's opinions in matters affecting the Office. They did not have primary decisionmaking power with regard to the information and background materials disseminated to ostensibly educate public and private interests with regard to the deinstitutionalization requirement.

Such matters were frequently handled by persons at LEAA and elsewhere who were not supportive of the congressional objective. It is within that context that I say it is surprising that anything was accomplished with regard to deinstitutionalization.

One of the things that concerns me about the GAO tentative report is that it is mainly a forward-looking report. It touches basically on the historical problems, but it is more contemporary in its survey and speaks to the future.

The GAO commentary essentially puts the whole discussion in the context of problems with deinstitutionalization.

In spite of the sorry chronology and lack of support by the administration which I mentioned, Mr. Chairman, there has been some progress. We have some supporting documents that we will submit later for the record. I feel that the issue should be addressed in context, so that we are not looking solely at problems.

There is a bit of naivete demonstrated in the GAO commentary in the sense that opposition is seemingly discovered for the first time. That is something of primary concern. Knowledgeable persons who understand in a basic way what the deinstitutionalization of status offenders involves, realize, for example, the sexist nature of the juvenile system. I understand that 70 percent of the young women in the system are status offenders. There is and always has been primary opposition to the statutory deinstitutionaliation requirements.

The Juvenile Court Judges' Council, right up until 3 or 4 months ago, labored long and hard to excise from the statute these very provisions.

There are a host of persons who have vested interests in the unnecessary, costly, and wasteful incarceration of dependent, neglected, and delinquent young people.

There are other people—probably a majority of those in the system—who are far more comfortable with the status quo than they are with any change one way or the other. It is in that context that we should view the deinstitutionalization requirement. To note that there is opposition is to exhibit some primary awareness of what this is all about.

I was disappointed to note that GAO basically failed to acknowledge the broad-based support around the country for this program. I had a meeting yesterday, for example, with the AFL–CIO Executive Council, including General Counsel Wall. The executive council is on record, as of February of this year, in support of the deinstitutionalization mandate. The American Legion, the National Sheriff's Association, and a whole host of people involved in a myriad of youth advocacy groups throughout the country support it.

It is important to put deinstitutionalization in the context of a whole host of different perspectives. Persons other than State officials and persons other than those who are in the system—in fact,

persons other than those who may well be part of the problem rather than part of the solution—should be surveyed. The answers which will be given are predictable. Problems are going to be highlighted by persons who are somewhat hesitant or recalcitrant to conform with what we are discussing today.

I understand that one of the primary objectives that the committee wants to accomplish through these hearings is the alleviation of any doubt as to whether Congress is serious about the deinstitutionalization requirement.

You will recall, Mr. Chairman, that during my confirmation hearings I was asked that question and I indicated that I viewed deinstitutionalization as the primary objective of the act. I regarded it as the primary focal point for all the operative aspects of the Juvenile Justice Office.

I recalled, as I will again, Attorney General Bell's strong endorsement during his confirmation hearings, as well as President Carter's strong articulated support during the budget review process. As recently as last week, Attorney General Bell, in the Atlanta Journal, again articulated his support for the program generally. He specifically cited the folly of continuing to act in an indiscriminate fashion in sentencing and handling young people in the justice system.

Senator Kennedy raised a question in my confirmation hearing as to whether I felt that the Office to date had allocated an excessive amount of its available dollars to the area of deinstitutionalization of status offenders. I have had several months to look at that question from a different perspective. My current assessment is that a relatively insignificant amount of the available resources of the Juvenile Justice Office have been allocated to this objective.

We have had one major initiative—the status offender initiative—utilizing our discretionary money. The program is attempting to touch the lives of 26,000 young status offenders in a number of jurisdictions.

However, with regard to our technical assistance program, with regard to our training, with regard to our public awareness efforts, and with regard to the formula grant program generally, I think far too little has been done.

I want to mention in that context some of the issues we have considered in the last few months to help ameliorate this lack of focus in the office on the topic of today's hearing.

I mentioned that technical assistance was not being made available in a fashion that was most efficacious with regard to this objective. This is another situation where there was at least mild administrative sabotage. It took almost a year to process the basic application for the technical assistance contract through the complex LEAA apparatus—not that it is a great deal more complex than a host of other administrative agencies. When persons at five or six junctures in the process do not support the basic policy objectives they can encumber it. In fact, a delay of up to a year resulted.

In this instance, for a whole host of reasons, the technical assistance with regard to the DSO initiative did not actually hit the street until the first part of this year—more than a year and a half

after the primary initiative itself. We will assure, in the future, with regard to the formula grant program and with regard to any initiatives we undertake, that technical assistance, any necessary training, and all other logical program ingredients will hit the street either at the same time as the action grant money or far enough in advance to adequately prepare, educate, and otherwise proselytize on behalf of this congressional objective.

We have under contemplation a rather major special emphasis initiative. We are going to call it "Alternatives to Incarceration Incentive Project." The essence of it is that we will select, through our plan review process and other processes that are available, States, localities, private entities, coalitions of persons, and other organizations that are showing that deinstitutionalization can be accomplished. The program will help shore them up.

This would be an affirmative program. It will involve rewards and incentives.

Another area that we are pursuing with a great deal of enthusiasm is one I also mentioned at my confirmation hearing. It relates to the role of the coordinating council. We are very pleased with the new language in the 1977 amendments which gives additional specific authority to the coordinating council, of which I am vice chairperson, to look into the practices, policies, and programs of other Federal agencies to determine if they are consistent with the objective of deinstitutionalizing status offenders.

That is an area in which we certainly welcome a bipartisan and cooperative long-term effort between our office and Congress, particularly this committee.

Frequently, as you will probably hear from Mr. Harris today, who is representing State Planning Agency Administrators and others in the process, there are complaints that resources are not available to accomplish the deinstitutionalization objectives.

The multiple hundreds of millions of dollars that are expended by other Federal agencies should be brought to bear on this problem. Under the Economic Development Act, for example, $2 billion in public works money will be available next year.

There is an opportunity here to encourage local communities, rather than exclusively building jails and correctional facilities, to use these funds for shelter facilities, group homes, and other projects that will begin to ameliorate the problems.

I understand that the chairman also serves on the Public Works Committee. Given concern regarding the Youth Employment A[illegible] and other interests, some consideration might be given to setting aside a significant portion of the public works money for promoting the objectives of the Juvenile Justice Act.

Currently, LEAA reviews EDA applications for correctional projects. One of the things the office has done in the relatively short time since I have been there is insert itself into the EDA review process. Therefore, the office has input with regard to all correctional facilities and other projects proposed in the criminal justice area generally. $2 billion is being awarded this year, of which approximately $142 million will go for criminal justice projects. With regard to this $142 million, the office has been able to work into a

situation whereby we are reviewing all the proposals. If there is a proposal to construct an institution, we can reject it if, in fact, it violates the policy thrust of the Juvenile Justice Act.

There are other moneys under control of various Federal agencies that could be brought to bear, including title I, elementary and secondary education funds, and a host of other programs. All could be redirected in a fashion that is far more sensible and consistent with the deinstitutionalization policy thrust.

I would certainly be remiss, Mr. Chairman, if I did not mention the effort of the Juvenile Justice Office, despite the fact they did not have primary decisionmaking powers with regard to deinstitutionalization, was the responsibility of only three persons. We need some additional assistance. We are reorganizing our office in a way that more effectively skews the staff toward this particular goal.

Anything the Appropriations Committee could do to help assist us in achieving this bipartisan congressional objective would certainly be appreciated.

I failed to mention that the maintenance-of-effort moneys under control of LEAA would be another source of funds to build some needed facilities or to refurbish existing facilities. We could thus have more alternative measures, such as the group homes and shelter facilities.

For the first time in the history of the Juvenile Justice Office, we are now involved in the plan review process. When I indicated that someone else had primary decisionmaking powers, that meant, in part, that the office did not have any decisionmaking power with regard to the Safe Streets Act Plan or the Juvenile Justice Act Plan.

As of 2 weeks ago, we have sign-off authority with regard to the juvenile justice aspects of the Crime Control Act, as well as right of approval with regard to Juvenile Justice Act formula grants.

Even being semi-creative, there are a number of things that can be done in the plan review process to encourage States to take this congressional initiative more seriously.

I would like to address a complaint I have heard from some States recently, including the State of California. They say they do not have the resources to provide shelter facilities. The problem is that they are receiving $7.5 million under the act and are allocating it to other areas of interest. They are not allocating it to deinstitutionalization of status offenders. They are not allocating other Safe Streets Act moneys—namely, maintenance-of-effort funds for this purpose. There is a long, sordid history to this.

A lot could be accomplished by specially conditioning Safe Streets Act plans and the Juvenile Justice plans to begin to encourage the States to spend these dollars where the Congress wants them spent. If we do not do that, States are going to be coming both ways. They are going to be saying that they do not have the resources for deinstitutionalization, but the money they obtain is going to be spent for other things. Therefore, a couple of years from now they are going to be articulating the same arguments.

We have not been able to utilize another lever that I wanted to mention to the subcommittee. A State may accept, on the bonified signature of the Governor and the State planning agency director,

Federal moneys to achieve these objectives and otherwise articulate that it has the authority to assure compliance. If it then appears that a State really has not complied with the act, in order to recover the moneys that the State has received, the General Counsel has determined that our office must demonstrate lack of good faith on the part of the States. Otherwise we cannot recover moneys that have been taken by a State.

That is another area where we would like to change the burden of proof so that we could, through special conditioning, and through a different General Counsel's opinion begin to get the message out.

People talk about lack of leadership and lack of enthusiasm regarding these initiatives. These are some of the things that we should begin to do to get the message out to the State planning agencies and to other interested persons in the communities.

I do have, as I mentioned earlier, a recent report that was prepared by the Arthur D. Little Co. for the office. It is in a draft form, but will be finalized within the next few days. I would like to submit for the record this report, entitled "Case Studies in the Deinstitutionalization of Status Offenders." [2] It is a critique of activities in 10 States. It highlights some of the progress rather than exclusively focusing on the problems.

Senator CULVER. With objection, it will be inserted in the record.

Mr. RECTOR. On that note, I will conclude my comments.

Senator CULVER. Thank you very much, Mr. Rector.

As you note in your statement, one of the things that concerns me very much is the fact that these monitoring reports that were submitted by the States on December 31, 1976, were woefully inadequate

Specifically, of the 42 States that submitted reports, only 9 States provided what could be considered to be complete data. Seven States provided no data at all. Seventeen States provided incomplete data. Thirty-three States had not established any baseline data from which to measure progress toward deinstitutionalization goals. Only five States monitered private facilities at all. Is that correct?

Mr. RECTOR. Those are correct statistics.

Senator CULVER. Based upon the data in the 1976 monitoring reports, we have very little idea as to what precise progress the States are making in complying with the deinstitutionalization requirement. Is that correct?

Mr. RECTOR. That is correct if you limit that to the monitoring reports. There are other bases for ascertaining progress and level of compliance. However, based on the monitoring reports that were submitted at the end of last year, and some as late as February of this year, that is correct.

Senator CULVER. You mentioned that your office is taking a number of steps to remedy this situation. Could you be more specific with regard to what suggestions have been made to the States with respect to possible options for providing baseline data that would serve as a meaningful index?

Mr. RECTOR. Let me comment generally. Dave West can speak to some of the specific aspects such as random sampling and some other steps that are being considered.

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[2] See p. 465 for text of report.

We have basic informational problems. Beyond the inadequacy of information yielded through the reports, there are persons in State planning agencies who do not understand the basic aspects of the deinstitutionalization requirement.

It is not just a question of persons opposing it on a philosophical basis. It is a combination of the lack of leadership in the past and a whole host of competing interests.

We can do a lot to improve the enthusiasm of the persons in the process who are primarily responsible for monitoring. As a part of that, we are going to be meeting with some of these people. I personaly will be involved, as well as a number of other persons on my staff. We will make it very clear that this is a congressional priority and that it is an administration priority. If they desire to be allocated dollars, they had better take it seriously.

It would be appropriate for Dave West to discuss some of the things that we have done in the last several months and some of the things on the drawing board.

Mr. WEST. Mr. Chairman, one of the things that obviously occurred is the classification of the guidlines that were released in July 1975, requiring the States to report on specific information. These were interpreted quite a few different ways. For example, five of the States reported only on private facilities.

One of the issues that we have had to deal with is a reinterpretation of those guidelines, as well as definitions in relation to the monitoring and compliance on the part of the States.

We issued information covering what is expected and what will be minimally acceptable after individual analysis of the monitoring reports. We prepared information on the analysis for every State. We provided the regional office staff for workshops that were held with the States, information regarding the limitations of the information that was submitted.

We have also developed formats indicating what facilities in the country have to report at the minimal level in order for the States to be in compliance with statutory monitoring requirements.

We have also prepared formats for the States to aggregate the information for us.

Another problem that really shows up in those monitoring reports is the lack of a data base from which to make any kind of a comparison. We are now in a posture to provide technical assistance and other help requested in relationship to the problems that States are having on developing base line data.

We will be dealing with problems in workshops that are coming up. We will work on an individual basis with each State to try to get a fix on their base line data, as well as whatever problems they are having with information that they are collecting.

Many of the problems that we experienced before were related to the fact that the States indicated to us that they had either waited too long in starting to collect information or that the information was not available when they started looking for it. We also received information from some States that there is no mandatory way that they could force facilities to report whether or not they hold status offenders.

Senator CULVER. When do you expect issue of the new format?

Mr. WEST. We are having those workshops with the States starting October 10 and 11. We are holding four separate workshops in October with the information being made available to them at that time.

Senator CULVER. Is that when you will provide technical assistance to the States?

Mr. WEST. We have provided technical assistance planning with all of the States through the regional offices on a 6-month basis. Therefore, we are in the position of having had two different cycles of technical assistance for monitoring compliance available to the States prior to the time to which I am referring.

Senator CULVER. Mr. Rector, as you know, the submission of adequate monitoring reports is due around December 31, 1977.

Mr. RECTOR. That is correct.

Senator CULVER. If certain States were to submit monitoring reports that are grossly inadequate, as are some of the reports that were submitted at the same time last year, what action would your office contemplate taking?

Mr. RECTOR. Some of these deficiencies, to the extent that they are current and consistent with the problems we had last year, would be quite apparent in the plan review process.

Obviously, what they put on paper does not necessarily reflect the reality out in the community. The situation is so bad that a lot of what is on paper indicates deficiencies. Even before we receive the monitoring reports at the end of this year we will be directing our technical assistance and other efforts of the office to deficiencies revealed through the plan review process.

We will, therefore, have a lead on some of the real problem States and problem areas. We already have an indication of difficulties, but this process will shore up our thinking as to where the real soft spots and the weak links are.

The fund cutoff process is not necessarily linked to plan reviews. If we find ourselves in a situation where, after a State has been exposed to some degree of technical assistance and has made representations that certain action is going to be pursued, and then we find a lack of good faith, there are ways of putting the States on notice. There are ways of instructing them. There are ways of specially conditioning their money, as I indicated earlier.

We are going to come down on the side of the young people who are in institutions who should not be there. If we have some close calls to make it will be to be on behalf of the young people and be a little more rigorous with regard to the interests of the State governments that are involved.

Senator CULVER. I think the thrust of the act is not only to remove status offenders from detention or correctional facilities, but also to encourage State and local governments to establish alternative programs and services to meet the needs of status offenders.

I was wondering in this regard whether LEAA has any information as to what percentage of your formula grant funds in the JJDP program were actually obligated for creating such alterna-

tives? Also how much of the funds made available under the Safe Streets Act were earmarked and directed at these activities?

This may be something that could best be developed and provided for the record, but I would be interested in getting some trend line in each of the last 3 fiscal years—beginning in 1975.

Mr. RECTOR. I do not have that information today. I do not recall it. I will expeditiously have it submitted if you wish. I would imagine, based on my current knowledge, that it is not extraordinarily high. I would be surprised and pleased if it turned out to be a significant percentage.

There is one point I did not mention that I should have regarding the monitoring reports and the questionnaires that go out to the States. A clearance process is required. The OMB is involved in clearing any forms.

Senator CULVER. I want to find out how much emphasis is being placed by LEAA on the need for the States to provide this.

Mr. RECTOR. I understand that. I just wanted to pick up on something I overlooked in responding to an earlier question. The business of monitoring and changing formats, the nature of the questions that are asked, and the number of the questions all has to be submitted to OMB for approval prior to submission to the States.

With regard to the services question that you asked, there are some very basic philosophical differences in this area. There is the opposition that I touched on earlier.

My personal view, and the view of a number of other people involved with young people is that there is a certain percentage of status offenders for whom the appropriate alternative is not intervention. A lot of people talk about status offenders as if each and every one of those persons is in need of some lengthy agenda of services. I would like to note that there is a perspective that is different. There are some people for whom the best alternative is to have the State back out from intrusion into their lives and focus on some of the more serious problems that we have in our communities.

Senator CULVER. Mr. Rector, I have a number of other questions that concern this general deinstitutionalization area, many of which are rather technical in nature. In the interest of our time pressures this morning, I would like to submit these questions to you in writing and then include your response as part of the record.

Mr. RECTOR. Certainly; we will respond expeditiously.[3]

Senator CULVER. Thank you very much.

Mr. RECTOR. Thank you very much.

Senator CULVER. We are pleased to welcome our next witness, Mr. William Anderson, Deputy Director of the General Government Division of the General Accounting Office.

I understand that the GAO has conducted this review of the State efforts to deinstitutionalize status offenders.

You are accompanied this morning by some of the people who worked on that GAO review. Do you want to identify them for the record?

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[3] See p. 265 for Mr. Rector's answers to Senator Culver's written questions.

STATEMENT OF WILLIAM ANDERSON, DEPUTY DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY NORMAN STUBENHOFER, SUPERVISOR AUDITOR; HARRY EVERETT, SUPERVISOR AUDITOR; AND JOHN PAYNE, AUDIT MANAGER

Mr. ANDERSON. Yes, sir. To my left is Norman Stubenhofer, who works here on my Washington staff.

On my right are two gentlemen from our Norfolk regional office. These men were actually out in the States speaking to law enforcement correctional officials dealing with juvenile delinquents. To my immediate right is Harry Everett, and to his right is John Payne.

Senator CULVER. Mr. Anderson, will you please begin the summary of your statement?

Mr. ANDERSON. Yes, sir. I have a statement which I would like to submit for the record.[1] I also have a shorter one that I will read now.

Senator CULVER. Without objection, it is so ordered.

Mr. ANDERSON. Before I begin, I would like to speak to a comment that Mr. Rector made regarding, perhaps, the fact that our statement is problem oriented and does not recognize the progress that has been made.

I can agree with him on that. I would expect that to the extent that you can document any progress we will do so and refer to it in our final report. It would be wonderful to be able to say that in 1971 the best estimates were that there were 20,000 to 25,000 status offenders incarcerated and that today there is x number. Unfortunately, we lack the hard information to even apparently estimate with any precision what the x number is today.

However, it is rather apparent that a lot of progress has been made. A number of States have passed deinstitutionalization legislation. I think that is to a large part a result of this committee's activities.

We know progress has been made. Unfortunately, neither we nor the office can really measure it with any accuracy.

Let me commence with my statement.

We are pleased to be here today to discuss our preliminary findings regarding the GAO's review of State efforts to remove status offenders from detention and correctional facilities as required by the Juvenile Justice and Delinquency Prevention Act of 1974.

The process of removing status offenders from detention and correctional facilities is hereinafter referred to as deinstitutionalization

While we did not attempt to evaluate the merits of deinstitutionalization we have indentified a number of problems that in our opinion must be dealt with if deinstitutionalization is to be achieved even within the extended time frames provided by the amendments now being considered by the Congress.

We found that effective monitoring systems have not been established to determine whether deinstitutionalization has been or will be achieved.

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[1] See p. 163 for Mr. Anderson's prepared statement.

State laws and practices frequently conflict with the act's deinstitutionalization mandate.

We also found that appropriate alternatives to incarceration have generally not been identified and developed.

Few States have established comprehensive systems to monitor jails, detention facilities, and correctional facilities to insure that deinstitutionalization of status offenders is achieved. Without adequate monitoring systems LEAA and the States cannot evaluate progress nor demonstrate when full deinstitutionalization is achieved.

This information is extremely important, since future funding is contingent upon a State's ability to demonstrate compliance with the deinstitutionalization mandate of the act. In addition, the lack of reliable statistics on incarcerated status offenders would also appear to make it difficult for States to properly plan alternative services.

LEAA is responsible for assisting States in establishing systems to monitor deinstitutionalization results. At the time of our review accomplishments in this area were essentially confined to the review and analysis of initial State monitoring reports and the modification of LEAA guidelines to define key terms associated with the monitoring requirements.

Efforts were underway to develop: One, strategies and techniques for monitoring jails and detention and corrections facilities; and two, a model report format for States to use in preparing their second monitoring reports due December 31, 1977.

Although States participating in the act have agreed to comply with the deinstitutionalization mandate, three of the five States we reviewed have legislation that allows status offenders to be placed in detention facilities. Two of the three also have legislation that allows such placement in correctional facilities.

Data was not available on the extent to which the laws were being implemented, but information we obtained indicates that all three States are detaining some status offenders and that one State is placing them in correctional facilities.

In one of the States that did not have such legislation we were told by State officials that in practice certain status offenders were being detained.

One reason for this could be that a number of State officials we interviewed believed that the detention of some status offenders was justified. Some officials expressed the opinion that there are a small number of status offenders who should be placed in secure correctional facilities.

An LEAA official told us that he is aware of opposition to deinstitutionalization among juvenile authorities. He said that opposition to deinstitutionalization exists partly because the concept has never been emphasized from the national level and because deinstitutionalization conflicts with the status quo of juvenile justice.

We also noted that, although States receiving funds under the act must provide evidence that their State Planning Agency has or will have authority to implement the provisions of their criminal justice plan, including deinstitutionalization, State Planning Agency officials in all five States we visited stated that they generally do not have implementing authority over other agencies in the State. There-

fore, they stated, they could not be expected to bring about deinstitutionalization by fiat.

LEAA needs to examine this problem. If States agree to deinstitutionalize they must accept the responsibility for carrying it out.

Uncertainty exists over the alternatives that are most appropriate for stauts offenders under various situations. Also, there is a generally recognized shortage of alternatives in most States. Accordin~ to some State officials, status offenders needing assistance are sometimes assigned to programs that are not structured to deal with their problems or returned to society without receiving help.

LEAA has indicated that services for processing and treating status offenders are generally inadequate, inappropriate, and often destructive.

Preliminary work on an LEAA funded study of the impact of deinstitutionalization on selected States indicates that little attention has been devoted to the specific service needs of status offenders.

After visiting one State, the contractor performing the study indicated that no one had thought very much about alternatives for status offenders and that no one seemed aware of what, if anything, happened to status offenders.

In each of the five States visited we found indications of problems with limited availability of alternative dispositions for status offenders and/or dispositions being used that were not considered appropriate for dealing with status offender problems.

To date, little information has been developed at the national level on the types of service alternatives that appear most effective for status offenders under various situations. LEAA has recognized the need for such information and a number of research efforts are under way.

Because of the delay in initiating and completing most projects, however, the States have generally been left on their own to deal with the problems.

LEAA efforts to assist States in establishing alternative services for deinstitutionalized status offenders have primarily been through providing formula grants under the act and block grants under the Omnibus Crime Control and Safe Streets Act, and through a variety of technical assistance efforts.

LEAA officials told us that although it is important that status offenders' service needs be met outside of institutions LEAA is not in a position to mandate service requirements in the States. They view their role as one of encouraging the States to establish viable alternatives through financial and technical assistance.

Mr. Chairman, our report, which we expect to issue in the next few months, will discuss these matters in more detail and provide certain conclusions and recommendations regarding it.

That concludes my summary. I will be pleased to respond to any questions you have.

Senator CULVER. Thank you very much, Mr. Anderson.

You were present earlier today when Mr. Rector discussed the inadequacies of the monitory system in most States.

Based upon your review of the current monitoring systems in five States, do you believe that these States will be able to produce

sufficiently reliable data to demonstrate compliance with the deinstitutionalization requirement?

Mr. ANDERSON. I am going to have to buck that one to our gentlemen who were out there.

Harry, can you speak to that?

Mr. EVERETT. Yes.

I would say that presently the answer would be no, Mr. Chairman. We found that none of the five States we visited actually monitored all types of facilities required by the act and the LEAA guidelines. I think on that alone we could say that they probably could not demonstrate compliance.

Senator CULVER. However, it certainly is within their physical capabilities to obtain this kind of data assuming the appropriate amount of interagency cooperation in overcoming some of those problems, isn't it?

Do they have the capability? Does it impose a burden that is unrealistic in terms of their resources to comply?

Mr. EVERETT. As a matter of fact, most States told us that they had problems with resources in terms of personnel and funding. I think one of the biggest problems that we may have touched on earlier was that the States told us they actually lacked authority to monitor certain facilities. Primarily we are talking about local facilities—local jails and private facilities.

Senator CULVER. Mr. Anderson indicated, however, that if States sign on and indicate that they want to participate in this program, then in a sense they undertake an understandable obligation to clear away that kind of underbrush in terms of their own impediments to compliance.

Mr. EVERETT. I would certainly think so, yes.

Mr. ANDERSON. Mr. Chairman, that brings up, perhaps, a necessary first step that has not yet been taken that would shed a lot of information on this. It would mean getting back to the base line study. A preparation by the States of an analysis of exactly where the decision points are within the system that result in the incarceration of status offenders would be made. Who are the people who are deciding that this status offender will be detained or will be sent to an alternative facility or something like that.

In the course of that we could gain a better understanding of what facilities within their jurisdiction status offenders are being detained in, what facilities they will need to obtain information from, and what the present situation is with respect to the numbers of status offenders incarcerated.

Senator CULVER. I assume that you are working very closely with Mr. Rector's office and sharing some of these insights and suggestions so they can be utilized in some of these technical assistance and workshop programs that they are contemplating. May I assume that?

Mr. ANDERSON. We are in constant discussion with them. We have made several references here to statements by officials of his organization. We will be providing them with a draft of our report containing any specific recommendations we make to give them an

opportunity to comment on them and be available to discuss them with us.

Senator CULVER. I hope you can be good enough to make sure in a timely way that you pull these things out of your studies even a a preliminary stage so that the information and suggestions are available to them.

Mr. ANDERSON. We will make a greater effort than we have.

Senator CULVER. Good. I think this is really a very critical problem. A State's future funding under the act is contingent upon the State's ability to demonstrate compliance with the deinstitutionalization mandate. Under the 1974 amendments most States will have to demonstrate at least 75 percent compliance by August 1978.

In order to comply with those monitoring provisions of the act therefore, I think it is clear that the States will have to implement an adequate monitoring system prior to August of 1978. If we do not have reliable and meaningful baseline data there is no way we can responsibly determine that compliance index.

Mr. ANDERSON. That is correct.

Senator CULVER. Your statement indicates that some of the individuals you interviewed were opposed to the policy of not detaining status offenders on an interim basis.

Mr. ANDERSON. Right.

Senator CULVER. Who were these individuals and what was the precise nature of their opposition?

Mr. ANDERSON. First, I can characterize them generally by saying that they were decisionmakers in the process.

Senator CULVER. I assumed that. It does not matter particularly what their views were if they were not.

Mr. ANDERSON. Correct.

Harry, would you speak to that, please?

Mr. EVERETT. Yes; the types of people we are talking about here are juvenile judges; probation officers; court intake workers; law enforcement people; corrections personnel; and to some extent we are even talking about persons within social service agencies that are serving status offenders outside of secure facilities.

Senator CULVER. You mentioned. Mr. Anderson, if I understood you correctly, with regard to LEAA and the SPA's—and LEAA particularly—the kind of technical assistance they were giving was minimal. I think your words were that they were giving encouragement. They viewed their role as that of a cheerleader.

Mr. ANDERSON. No sir, I am afraid we gave an erroneous impression. They stand ready to provide technical assistance to those who request. In fact, they are providing that.

Senator CULVER. Could you be more specific as to what type of technical assistance LEAA has—and the SPA's, for that matter—provided the States to assist them in developing alternative services for status offenders? What additional assistance should these two particular agencies be providing?

Mr. ANDERSON. Let me again defer to my compatriot here.

Mr. EVERETT. I think there are basically two types of assistance we are talking about here. One is almost a daily or continuous process of responding to very specific requests—for example, from

specific status offender projects to help them in training individuals, educating the community, establishing reporting systems, record-keeping systems, etc. That type of thing is going on.

There are other efforts in terms of identifying—mostly in terms of identifying—the types of alternatives that are appropriate for status offenders.

Mr. ANDERSON. I think that is basically the research effort centered in the National Institute, sir. They have a two-prong effort, as we view it. No. 1 is the specific technical assistance needs, especially of organizations that are trying to provide services to status offenders and youths.

On the other hand, they have this research that is sponsored by the National Institute that is trying to seek out better alternatives than are presently identified.

Senator CULVER. Senator Bayh?

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM INDIANA

Senator BAYH. Thank you, Mr. Chairman.

I want to apologize for not being here earlier. We are involved in a debate on the floor on the energy measure, and I was unable to break away earlier.

I want to salute you, Mr. Chairman, for the emphasis that I understand you placed, prior to my arrival, on the importance of this particular matter of deinstitutionalization as far as the entire nationwide juvenile justice program is concerned. It is certainly not the only building block in a better juvenile justice program, but it seems to me it is a most important building block from the standpoint of how we can keep the system from making matters worse.

To continue to take relatively minor status offenders and permit them to cohabit with major juvenile delinquent offenders is to continue to have the unacceptable and increasingly high rate of recidivism that we have seen as far as young people are concerned, skyrocket.

Mr. Anderson, let me just ask a couple of questions. First of all, would it be possible for you to give me a critique of what the situation is in Indiana with respect to deinstitutionalization? Could you give that to me in writing later on and not take the committee's time right now?

Mr. ANDERSON. Anything that we provide you would have to rely on information that the Office of Juvenile Justice has obtained. That State was not included in the scope of our review. We did go to nine States. Indiana, unfortunately, was not one of them.

If you would care to have us do it, we would be glad to undertake a special examination and get back with a report.

Senator BAYH. You might just give me a critique of the information that the Office of Juvenile Justice has on this.

Mr. ANDERSON. All right, fine. We will review their prior report.

Senator BAYH. From your expertise, give me a judgment as to what sort of progress is being made in Indiana. Then we will determine whether we need to have a more specific survey made.

Second, in talking about the kind of survey you are conducting are you going to be able to relay back to the committee the particular problems that various size communities have. I would make specific reference to the real difficulty there seems to be in obtaining formal compliance in the smaller communities with smaller penal facilities and less options available to them. I am interested in how they are able to separate status offenders.

Is your study going to be able to sort out and separate the different sized communities?

Mr. ANDERSON. It was not designed to do that, Senator. It would not show much more than what you have said now. It would say that the smaller communities are the ones without the options. If detention is required they probably do not have a shelter, as the committee defines it, and perhaps would have no alternative.

It will show that the smaller communities, in fact, are the ones where there is trouble getting information and that they have the most trouble in providing suitable alternatives. It will not, as presently designed, contribute much beyond that.

Let me refer to our men who were out there for confirmation.

Mr. EVERETT. I think what you said is generally true. It will address the problem. As a matter of fact, that has been pointed out to us by State officials and by people in the various child serving agencies. Therein lies a big problem. They do not have these types of facilities. They do not have monitoring systems.

However, in terms of specifically identifying who these communities are, no; we would not.

Senator BAYH. The type of expertise that you said was made available—is that type of expertise available for those small communities to try to help them see what alternatives would be available to them?

Mr. ANDERSON. Yes, sir, except that they would have to come forward and ask for it. In other words, it is definitely available. I am really not sure that a lot of the smaller communities have been convinced of the need for it. The big uncertainty right now, especially because of the data gaps in the reporting last year, was, exactly what is the situation with respect to local jails? These are primarily the situations we are talking about. Since most of the States, in fact, did not include jails in their statistic-gathering activities, that is right now the largest void of all in understanding what the situation is out there.

Senator BAYH. I would hope that we would pursue the chairman's direction in his statement a moment ago when he said that it is really indispensable—and he said it better than I—that we have the kind of data base that will make it possible to determine who is complying and who is not.

From the Senate standpoint, we have given 2 extra years to comply completely. I think the committee has been tolerant in working with the House to give local communities extra time, realizing that they have specific problems. When push comes to shove, if those communities and those States say "We are going to cloud the data and we are going to keep putting status offenders, runaways, and truants with hardened criminals" then they are making the decision up front, as far as I am concerned, that they are not going to have resources under this act.

We cannot make this decision without the data. I salute the chairman for urging you to assist us in this regard.

Thank you, Mr. Chairman.

Senator CULVER. Thank you, Senator Bayh.

Senator Mathias?

Senator MATHIAS. Mr. Chairman, thank you very much.

I associate myself with the Senator from Indiana both in his praise for the chairman, whom I think has been very vigorous in leading this committee this year, and for his concern about the mixing of hardened criminals with status offenders. I think that is contributing to the problem in the criminal justice system in this country.

I would like to ask Mr. Anderson and his colleagues what types of guidelines and what technical assistance LEAA provided to the States prior to the submission of the 1976 monitoring reports?

Mr. ANDERSON. Let me refer that one to Mr. Everett.

Mr. EVERETT. Prior to the submission of the reports it is our understanding that the guidance was primarily in the form of LEAA published guidelines which, in effect, restated the law. It did tell the States which types of facilities they had to monitor. However, it provided very little in terms of how to go about doing it, how they could collect that information.

There were guidelines published prior to the submission of the reports.

Senator MATHIAS. From the tone of your answer, I am at least receiving a suggestion that you personally do not feel it was adequate guidance.

Mr. EVERETT. I would say that LEAA officials did tell us that the extent and the significance of the problem was really not recognized prior to the time those reports were received or prepared. I do not think that anyone envisioned that it was that big of a problem prior to that time.

They also told us that for many States it was actually the first time they had attempted to set up monitoring system within the juvenile justice area.

Senator MATHIAS. Let me approach it from the other side. What kind of technical assistance should LEAA provide the States in order to assure that the new monitoring format is a successful one?

Mr. ANDERSON. I would like to venture an answer to that, sir. I think it would be applicable today—and I spoke of this a little earlier—it is the necessity of a better understanding of what the problems of the States are out there of the SPA's in providing the information that has been requested of them.

Obviously, I do not think it was refused. The reporting requirements are rather clear. I think perhaps it was a case that there was a lot of difficulty with respect to a lot of SPA's in mustering the resources that would be required to go out and gather the data and with respect to their inability to compel the production of data.

I think, perhaps, that a necessary first step would be to have each one of the SPA's do some kind of an analysis of exactly what its measurement problem is and how they would go about coping with it. Perhaps we could have that submitted to the office for some kind

of an analysis and review. We could then approve the data gathering plan rather than waiting until the statistics themselves are forthcoming.

Senator MATHIAS. I think that is a reasonable observation. It will prevent, it seems to me, misunderstandings. It will prevent delays when we have to go back and trod over the same ground.

Mr. ANDERSON. Yes.

Senator MATHIAS. Returning to the subject that the Senator from Indiana raised, in your statement you noted that two of the participating States, which you visited, have legislation which forbids the placement of status offenders in detention facilities. You said that the other three permit such detention only in limited circumstances. Is that correct?

Mr. ANDERSON. That is correct, sir.

Senator MATHIAS. My question is: What is your perception of the observance of these limits? Are the States living up to their own rules so that status offenders are placed in security detention only in rare situations and only for short necessary periods of time? Or, in actual practice, are statutes of this kind just winked at and not really rigidly adhered to?

Mr. ANDERSON. Well, I am going to have to speak from hearsay. We really did not go out and review the records—the admission records of institutions—to see who exactly was getting in there.

Senator MATHIAS. I am asking for your perception, however you arrive at your perception.

Mr. ANDERSON. The perception that we have is that in fact those States with legislation are living up to it and that in general—there was only one case where a State—and again, this is hearsay—despite legislation was still incarcerating status offenders in training facilities.

However, overall, it appears that those States that have passed legislation are adhering to this legislation.

Senator MATHIAS. Do they have facilities which are adequate in order to handle the problem in that way?

Mr. ANDERSON. That was a mixed bag and varied considerably even within the States we looked at. When you get into rural areas frequently it is a case where "not incarcerating" means no treatment whatsoever. However, when you get into the more urban areas and the areas where some voluntary programs have been established there is a greater opportunity for alternative treatment.

Senator MATHIAS. Thank you, Mr. Chairman.

Senator CULVER. Thank you, Senator Mathias.

Mr. Anderson, we may have some additional questions we would like to submit to you for written replies for the record.

Mr. ANDERSON. Fine, sir.

Senator CULVER. We want to thank you and the members of your staff and associates for joining us here this morning. We look forward to your finished report.

Thank you.

Mr. ANDERSON. Thank you, Mr. Chairman.

Senator CULVER. Our third witness today is Mr. Hunter Hurst, the director of the National Center for Juvenile Justice.

Mr. Hurst, it is a pleasure to welcome you here today. I understand that the center which you head on juvenile justice has recently completed a survey of State compliance with regard to the deinstitutionalization requirement. We appreciate very much your willingness to come here today and share with us the results of that survey.

You may proceed with your statement.

STATEMENT OF HUNTER HURST, DIRECTOR, NATIONAL CENTER FOR JUVENILE JUSTICE, PITTSBURGH, PA.[1]

Mr. HURST. Thank you for the invitation, Mr. Chairman.

The National Center for Juvenile Justice did conduct a survey last November utilizing what we call a respondents panel, which is one resourceful, knowledgeable person in each State.

We conducted the survey to determine whether the States had developed legislation and whether the States had developed regulations to comply with section 223(a)(12) and section 223(a)(13). The subject of my remarks today is compliance with section 223(a)(12).

On November 19 of last year we found nine States that either by legislation or regulation prohibited the detention of alleged offenders. We found 28 States that either by statute or regulation prohibited the incarceration of status offenders in public correctional institutions.

We also found 16 States that had legislation proposed.

Last week, in anticipation of this appearance today, we went back to the respondents panel and asked them again what had happened since November in their States. At that time we found that 12 additional States had either passed legislation or had adopted regulations to prevent the detention of alleged status offenders awaiting hearing by the court.

We found 7 additional States that had either passed legislation in this session or adopted regulations that would bring them into compliance with the prohibition against a commitment of adjudicated status offenders to correctional institutions.

Some of this legislation has a future effective date. Some of it has caveats. For example, the State of Arkansas is one of those States that passed legislation in this session to prevent the detention of status offenders. It does, however, permit 72-hour holding in detention status.

The State of Georgia is another such State that recently passed legislation with that kind of caveat in it.

We concluded both from the initial survey and certainly from this past week's work on this matter that while there may be opposition and while there may be problems, certainly there is considerable will and strength on someone's part which is affecting legislation and regulation at the State level.

We did see, however, both in this survey and in a survey on issues that the less densely populated States are having some very active

[1] See p. 169 for Mr. Hurst's prepared statement.

difficulties in complying with the detention provision. They first have to develop detention facilities for delinquent children—those charged with criminal acts. Many States do not have such facilities now.

Of course, this act requires not only that they separate delinquents from criminals, but that they also separate classes of juveniles.

Some way or another the Federal Government will have to get the resources to the local level to provide the alternatives, or they have to provide some compelling incentive for the States to assume fiscal responsibility for those alternative services.

Thank you.

Senator CULVER. Thank you very much, Mr. Hurst.

As I understand it, your survey does not purport to be all that sophisticated or comprehensive in its composition and its findings. By that I mean it did necessarily suffer from that fact that you did depend on the "knowledgeable respondent" in each State to provide you with this information.

It is also true, is it not, that a State could be in statutory compliance, but that that may be misleading. The State may not be seriously and vigorously implementing actual compliance?

Mr. HURST. That is certainly correct.

Senator CULVER. Even given these acknowledged limitations, you do nevertheless say confidently, that while the survey shows we have made a great deal of progress, we still have a long way to go. Would you essentially subscribe to that observation?

Mr. HURST. Yes; especially in the detention area which is the most difficult area to develop resources in.

Senator CULVER. Your survey would, nevertheless, show substantial progress over the last few years in achieving at least statutorily deinstitutionalization objectives.

Mr. HURST. I think in view of the limited resources available in some ways there are amazing changes. I know that at the time legislation passed there was perhaps one State in the Union that had legislation that anticipated the requirements of this act. There are now a minimum of 20 that virtually emulate the language of the [illegible]

Senator CULVER. I note that in a majority of cases the authority for actually prohibiting the placement of status offenders in detention or correctional facilities is a State statute. Certain States, however, have reportedly complied through executive or judicial action. Is that correct?

Mr. HURST. That is correct.

Senator CULVER. Could you describe some of those actions in greater detail?

Mr. HURST. There are certain conditions that must exist for administrative regulation to be effective. The primary condition is that the State agency responsible for providing services for these children must have the authority to determine where they are placed. If that authority already exists, then administrative regulations can be extremely effective in accomplishing the mandates of the act.

Also, if the agency has licensing authority such authority can be used to develop regulations to achieve compliance. An example is the State of Mississippi. On the matter of commitment of statu

offenders to public correctional institutions, the Department of Youth Services there does have such statutory authority. In July of 1975 that agency did issue such an administrative regulation. Last week they only had three status offenders in the State correctional institution. That is a tremendous drop from 1975 both in total population and status offender population. Therefore, it can be effective.

Senator CULVER. At the conclusion of your statement you offered the opinion that if deinstitutionalization is to be achieved, State governments must assume more fiscal responsibility for providing these social services. Can you give us any examples of States that have assumed these responsibilities?

Mr. HURST. I think that historically the State of Virginia is one that has assumed some State responsibility for pretrial detention of children. The State of Delaware is another one. More recently, the State of Florida, the State of Massachusetts, and the State of Georgia, have made direct movement to assume some State fiscal responsibility for pretrial detention.

The State of Pennsylvania has also done this by committing its total resources under this act to the prevention of detention of status offenders. That is another example of State leadership in meeting these local needs.

Senator CULVER. Senator Mathias?

Senator MATHIAS. Moving back to the question of statutory prohibition, do you know how many States now have pending legislation and how many are moving in that direction?

Mr. HURST. Are you interested in the particular States? There are seven, to our knowledge—through the respondent's panel—with legislation proposed and pending at the moment. There are two additional States—the State of Indiana being one of them—that have just completed an extensive legislative study process. The Judicial Study Commission in Indiana has developed legislation which will be introduced in 1978.

There are a total of nine by our count that have pending legislation or are in the process of preparing such legislation. The other States are Colorado, Delaware, Iowa, Illinois, Ohio, Michigan, North Carolina, and Wisconsin.

Senator MATHIAS. One of the responsibilities of the full Judiciary Committee concerns the question of correctional institutions and whether the facilities are really available to carry out rational and reasonable and positive programs of rehabilitation.

Do you feel that local governments have made use of existing local facilities and services? I am thinking now both of public facilities and private facilities? Do you think they have made proper use of these facilities and services in dealing with the needs of status offenders?

Mr. HURST. I am not sure I heard your question correctly. Was it: Have local communities or have State departments of corrections made use of alternatives?

Senator MATHIAS. Have they and are they making use of all of the possible facilities? That may involve a combination of public and private facilities or it may involve sequential use of public and private facilities.

Mr. HURST. I think the answer to that question—although I do not want to be unfair to States that have made considerable progress—is generally no. I think it can be reflected again in some factual information.

On June 30, 1973, the State of Mississippi had 586 children in training schools. On September 22 they had 298. Certainly, the money that has been made available under this act plays some part but it is not totally responsible for that decrease.

The State of Texas is another example. It has made tremendous progress in the last few years. Imaginative use of existing resources by the Texas Youth Council Community Services Division has been the key ingredient in these gains.

Senator MATHIAS. Is the problem too great a sense of caution—an overcautious approach on the part of State authorities? Is it lack of imagination? Is it lack of information? What is it?

Mr. HURST. I think it is the sum of all of those things combined with some actual fears about putting public moneys into the private realm. We have gone around in circles in the justice system in this country. There was a time when we depended entirely on the private realm to provide human services, especially for children.

We reformed that proposition and gave it to the public domain. We are now reforming that proposition and we are going back in the other direction. I think the GAO comments are very appropriate in this regard. There is some healthy skepticism about how we are going to monitor the private contractor. Unless you lay your groundwork for that before you start contracting there will be instances where you cannot control abuses.

If you start developing resources without these provisions for finding out what private contractors are doing to and for the kids you may not accomplish the objectives of the act.

By and large, a combination of community standards, resistance to the utilization of certain kinds of services, some deficit in resources, some lack of imagination, and some concerns about how to monitor are the causes of the problem.

Senator MATHIAS. Thank you, Mr. Chairman.

Senator CULVER. Thank you, Senator Mathias.

Thank you very much, Mr. Hurst. We appreciate your sharing the results of your survey with us.

Mr. HURST. By the way, the State of Iowa does have proposed legislation.

Senator CULVER. We are going to hear more about that later today.

We will include your written testimony as part of the record of this hearing.

Our next witness is Mr. Richard Harris, director of the division of justice and crime prevention for the Commonwealth of Virginia.

Mr. Harris, I understand you are appearing on behalf of the National Conference of State Criminal Justice Planning Administrators. I would like to welcome you here today along with your colleagues.

Because of our time constraints, we would appreciate it if you could give us a brief summary of your statement. We will include the entire text of your statement in the record.

Perhaps you would also like to identify your associates.

STATEMENT OF RICHARD HARRIS,[1] DIRECTOR, VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION, RICHMOND, VA., REPRESENTING THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, ACCOMPANIED BY GWEN HOLDEN, MEMBER OF THE NATIONAL CONFERENCE STAFF; RICHARD GELTMAN, ACTING EXECUTIVE DIRECTOR OF THE NATIONAL CONFERENCE; PORTIE WESTON, MEMBER OF THE VIRGINIA AGENCY OF CRIME AND JUSTICE; AND WILLIAM WEDDINGTON, DIRECTOR OF THE VIRGINIA DIVISION OF YOUTH SERVICES

Mr. HARRIS. I certainly will.

I have prepared a statement that is a summary of the written statement, and I certainly will present that, Mr. Chairman.

May I present the persons at the table with me? On my left is Ms. Holden and on my extreme right is Mr. Geltman, of our national conference staff. On my immediate right is the director of Virginia's division of youth services, Mr. William Weddington. On his right is Mrs. Weston of my state planning agency staff.

I apologize for bringing such a huge crowd, Mr. Chairman, but I thought perhaps there were some questions that you might wish to direct to them that they could better answer than I.

As you have mentioned, I am the director of the Virginia Division of Justice and Crime Prevention, which in Virginia is our State criminal justice planning agency. We administer, among other things, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice Delinquency Prevention Act of 1974, to be shortly amended.

I am present today at the request, of course, of this subcommittee on behalf of the National Conference of State Criminal Justice Planning Administrators. That is the national organization representing my counterparts throughout the country and the territories.

I am here to testify on the progress of the States toward achieving deinstitutionalization of status offenders and the separation of adult and youthful offenders in places of incarceration. These are two major mandates established by Congress in the JJDP Act.

The national conference has submitted to you written testimony in which it concludes, basically, that considerable, reasonable, and significant progress has been and continues to be made by the States toward the achievement of deinstitutionalization and separation, especially in the context of the political, legislative, management, and fiscal impact of these mandates.

We assert that substantial compliance with the requirements of the act will indeed be achieved by the majority of participating States within the 3-year time frame established by the 1977 amendments.

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[1] See p. 171 for Mr. Harris' prepared statement.

We ask Congress and LEAA to provide continued and, indeed, increased support to the States and territories in order to assist them in achieving these objectives.

My written testimony provides a factual basis for the remarks which follow. I will simply highlight my conclusions from the written testimony.

Let me briefly touch on the context in which the States had to work toward these twin objectives. From late 1974 to mid 1977 the States, to put it bluntly, were in the midst of an uncertain world. First, the 1974 legislation was passed but its meaning in all cases was not clear. Definitions from the administrative agency, LEAA, were slow in coming. Indeed, to some degree, they are still not certain.

The passage of the 1977 amendments clearly introduce new terms and in turn new uncertainties. The central question of the standards for compliance with the deinstitutionalization mandate remains. It is now in the process of being reconsidered, of course, by the new amendments. We hope that prompt interpretation of the application of those new provisions will be forthcoming.

Second, the amount of money that would be available from the Federal Government for LEAA has been constantly in flux, not only in the JJDP Act, but also in the Crime Control Act as well. Conflicting actions by the Nixon and Ford administrations and by the Congress over the funding levels for both of these acts has made it extremely difficult to administer them. Indeed, it has made it extremely difficult to anticipate what the available resources would be. No one can effectively plan without some firm idea of what available resources might be in the future.

The sharply shifting economic conditions in the States and in the localities have also made these problems difficult or compounded the problems.

Third, the uncertain administrative support from LEAA has created problems. Mr. Rector spoke to some of those points. LEAA guidelines have sometimes been confusing. Its technical assistance and its level of special emphasis support for the twin objectives, in my judgment—and I am speaking personally—have been inadequate.

Last, there has been little, if any, attention to the problem of planning for the utilization of the block formula funds in concert with the utilization of the special emphasis funds. Indeed, they have been treated as two totally independent grant programs by LEAA. To me, that is the height of futility.

Yet, it seems to me, in spite of these uncertainties and problems the States—both the participating States under the act and the 10 presently nonparticipating States—have made good faith efforts in achieving these ends. These efforts, indeed, many have been at some cost in terms of what might have been greater efforts toward achieving the objectives if some of the problems I articulated a moment ago had not been present.

The States, in my judgment, will continue to make good faith efforts to achieve these twin objectives. I am concerned that the climate of insecurity will continue. I think we all need to do our best to overcome that. That affects not only the Juvenile Justice Act, Mr

Chairman, but also the Crime Control Act. I address my remarks about insecurity at that as well.

First, it seems to me that we need some attention to the definitions under the act as soon as the amendments are passed and signed by the President. The amendments should give direction to LEAA for some final firm conclusion about what the act means, and they should be published rather promptly and not be constantly changed so that they will create, in turn, high degrees of insecurity and uncertainty.

Second, it seems to me that prompt approval of the fiscal year 1978 plans, which were in most cases submitted by the States by the deadline of July 31, 1977, should be approved within 90 days of their submission. That is required by the Crime Control Act.

Indications from LEAA, however, are, that that will not be the case with the JJDP portions of those plans. Discontinuances of ongoing programs, as you might well imagine, will undoubtedly result from failure of prompt approval.

Third, the closing of the LEAA regional offices undoubtedly will cause delays in processing both the Juvenile Justice and the Crime Control Act plans and other kinds of grant applications, grant adjustments, and requests. With the usual bureaucracy that is involved in a grant program, delays will be incurred.

Fourth, it seems to me that the closing of these regional offices is going to disrupt technical assistance.

Fifth, the amount of appropriations under the Crime Control Act which can be applied to juvenile justice purposes has been significantly reduced. Indeed, Congress has supported the JJDP Act, moneywise, at the expense of parts C and E of the Crime Control Act. As they do that they simply rob Peter to pay Paul. I can name examples of juvenile delinquency prevention programs which were being supported from part C funds that have had to be disestablished because part C appropriations fell off. You have the ironic situation of dropping prevention programs supported by part C and then starting a new program from JJDP funds somewhere else. This makes little sense.

Sixth, but by no means least, LEAA strongly needs the appointment of a permanent and effective administrator who has the support of the White House and of the Attorney General.

The States have, in my judgment, instituted effective monitoring procedures. Some comments have been directed by previous witnesses to this particular subject. I cover this in my formal statement. The comprehensiveness of the data collected under these procedures, of course, varies with the difficulty confronted by individual States and territories in establishing or assuring delegation of the necessary authority to conduct the monitoring of the correctional and detention facilities. Other witnesses have spoken to that question.

One witness, I believe, mentioned the observation that I would make. In most States there is some doubt as to the authority of any State agency to monitor the activities in private organizations unless there is licensing authority. If there is no licensing authority, there is hardly any monitoring authority.

Senator CULVER. Can much be done through voluntary questionnaires and so forth?

Mr. HARRIS. Yes, I think that is the greatest possibility short of seeking licensing authority. I would imagine that in most instances the private parties would cooperate. However, the degree of sophistication might not be comparable with that in the public facilities. That is one of the big problems.

In identifying facilities and programs to be monitored, there is another difficulty, it seems to me, relating to the one I just commented on. In some States there is not even an inventory of private community-based alternative-care facilities, given the absence of some licensing or other authority.

Another difficulty is establishing data on the institutionalized populations of effected facilities as a basis for assessing progress. This was referred to, I think, by some other witnesses as the data base. It is the starting point. That indeed, of course, needs to be done. I think LEAA can make significant technical assistance contributions in assisting States and localities in doing that.

Now, as you know, under the amendments the monitoring requirements have been expanded to include such nonoffenders as neglected and dependent youths. I might point out that neglected and dependent youth are also a category provided for under other Federal assistance programs. Therefore, there is going to have to be cross sharing of any data collection as between, say, State departments of welfare, which under title XX would be primarily the agency dealing with dependent and neglected youth.

Even where nonoffenders are not confined in institutions or incarcerated with adults the addition of these youths under the requirements places a further burden of proof on the States.

Additionally, where States and their local jurisdictions share the responsibility for the administration of juvenile justice the State planning agency, of course, must work with each individual local unit of government in the development and implementation of monitoring procedures. It is much neater, for example, in a State such as mine where there is some central authority as through our division of youth services, for the collection of data. However, in a State where you do not have that situation a one-on-one relationship has to be created between whomever the State collecting agency is and the provider—namely, the local unit of government.

However, despite these difficulties, I believe that considerable progress has been made by the States toward fulfilling the monitoring requirements. I have not seen the data reports that were referred to by the GAO witnesses and by others, so I am not familiar with the assessments that they made about the quality of the reports.

Implementation of the deinstitutionalization and separation requirements are covered beginning on page 5 of my written statement.

It seems to me that these cannot be accomplished without the development in each jurisdiction of a broad range of alternative methods of dealing with troubled youths. That has been said over and over again. In this area, the National Conference can state without hesitation that States have made considerable and substantial progress. The alternatives range in focus from those developed in police

departments—sometimes referred to as "police discretion, the first component of our criminal justice system—to nonresidential youth services, to residential facilities in which adjudicated youths can be placed as an alternative to their incarceration.

The development of services programs and facilities for predelinquents did not begin with the passage of the Federal Juvenile Justice and Delinquency Prevention Act. These programs are formulated, implemented, refined and expanded prior to the passage of that act by funds from block and discretionary under the Crime Control Act and from initiatives and financial support from States and localities all over this country.

Lest anyone has the impression that the initiatives addressed in the JJDP act only started when that act was passed, I want to emphasize that that was not necessarily the case in many States.

The early juvenile justice program administered by HEW indeed provided some financial support to the development of a comprehensive network of community-based youth services strongly advocated by that agency prior to the passage of the JJDP act.

The primary resources for the expansion of youth service bureaus, an outgrowth of that early initiative has been from two basic sources: State appropriations on the one hand and the Crime Control Act on the other.

State Planning Agencies have continued and will continue to supplement Juvenile Justice Act allocations with large allocations of parts C and E Crime Control moneys, in many cases far exceeding the Maintenance of Effort requirements of the Crime Control Act.

That is a very brief summary, Mr. Chairman and committee members, of my formal comments. I will be happy to try to respond to your questions.

Senator CULVER. Mr. Harris, what additional technical assistance could you suggest that would be helpful for LEAA and the SPA's to provide the States the necessary capability to develop adequate monitoring systems? Do you think there is more that can be done? You indicate that generally you feel there has been a good faith effort. Do you have some specific suggestions on the kind of assistance they could provide?

Mr. HARRIS. The obvious answer for that question is a model or series of models. It seems to me that instead of having each State—and I know this phrase is terribly overused—reinvent the wheel, that if the LEAA could present a series of a variety of models from which States could choose or could do that in the context of existing systems, of course, that would be helpful. Again, LEAA should not reinvent the wheel. They should look at what States already have and try to modify those where appropriate, as models. That appears to me to be a very realistic approach.

I certainly do not think that LEAA would have the resources to go down into each State and begin installing the models. There is a high degree of State responsibility, clearly, in undertaking that and in working directly with their own localities.

Senator CULVER. You mentioned that you have a general sense that they have done a good job, for the most part, and made good progress in monitoring.

Were you here when Mr. Rector testified and gave us a summar of the monitoring reports as they assessed them when they came i last December? I think one would have to conclude that that assess ment and evaluation was really quite disturbing and essentially nega tive in its implication, to put it mildly.

We had seven States providing no data. Some 33 States did no provide base line data. Seventeen did not fully monitor jails or d not monitor jails at all, and so on. This is hard to square with you general observation that the SPA's are doing a good job and you conclusion that good progress is being made in monitoring it. Woul you care to comment?

I think you have assisted us in flagging some of the reasons wh this performance was not more impressive in terms of the problem with which people in the field have had to contend.

Mr. HARRIS. I would say that the most difficult part of the imple mentation of these requirements—and by the way, Virginia has statute that we enacted at our last General Assembly session tha does exactly the same thing as the Federal Act does, and impose exactly the same requirements, so we would have the monitorin and collection responsibilities irrespective of the Federal statute—i getting the data from those who have it.

It is easier to get if your State has a structured youth servic delivery system. In short, it is easier, where you have an organiza tional structure by which mandates may flow down and data ma flow back.

When you do not have that kind of management relationship col lection of data becomes very difficult. We are not talking just abou juvenile justice, as you might imagine, Mr. Chairman. We are t ing about almost any data collection.

My experience has been that those with data need some incentiv to provide it. The incentive usually is money on the other end o the string or a responsibility in the hands of the agency collectin it—asking for the data—in terms of oversight, or whatever, wit respect to the agency from whom it is collecting. Simply to ask fo data and expect a locality or an agency in a locality that is b dened already with tremendous responsibilities and does not hav additional resources to enable them to provide the data means tha either they are going to have to get the resources or somebody i going to have to go down and give them an awful lot of technica assistance.

I am not trying to be negative. I do not mean my comments to b negative. I mean them to be very practical. Data collection, un it is automated, is a difficult task for an administrator operating a agency. He has to designate someone with that ongoing responsi bility. He has to set up a system for the data to be collected on daily basis. That takes time and work, just to get the system i place. Development of the collection system is what many State have had to do initially. It is not the sort of thing where you ca snap your fingers and say that the next day you are going to h the data in accurate and usable form.

That is easier, as I have said, in the more structured systems. It i difficult in the less structured systems.

Senator CULVER. In your statement you say something that disturbs me and puzzles me somewhat about the difficulties the SPA's themselves have in getting cooperation from the various local public agencies and governmental authorities in complying with deinstitutionalization requirements.

Others have made this same observation.

Mr. HARRIS. Yes; they did.

Senator CULVER. When a State agrees to participate in the program and comply with the deinstitutionalization requirement, isn't the Governor or the State Legislature then ultimately responsible for insuring that the various State agencies and local governmental units that are creatures of the State will comply with the act?

Mr. HARRIS. I guess the simplistic answer to that would be: On the surface, yes. If you ask that as a legal question it would be yes. As a practical political question I think you know the answer as well as I do.

Again, in structured systems it is easier to issue the orders and see that these things occur. In unstructured systems, where the relationships between the youth service program of the State government and of local government are not structured, there is no existing mechanism by which the Governor or anybody else can say, "We want these things to occur."

Of course, a legislature can pass a statute and order that it be done throughout the State. That still brings you back to the fundamental question of overseeing the implementation of the statute. It is one thing to pass a statute—that is why we are having the hearings—and it is another thing to see that it is carried forward.

All I am suggesting is that you may have some States where to achieve in a neat way what we are talking about you really would need State governmental reorganization to some degree to make it as effective as we might like to have it within the time frame we are talking about.

Senator CULVER. Are LEAA and the SPA's really doing all they can to facilitate complance with the deinstitutionalization requirement?

Specifically, Mr. Harris, I would be interested in what the SPA's have done to disseminate information to State Legislatures about the deinstitutionalization requirement which may necessitate revision of their State juvenile codes. What have the SPA's done in providing information to State agencies and local governmental bodies to assist them and give them the capability to plan and carry out deinstitutionalization?

Mr. HARRIS. Again, I would refer to my written statement. We gave as examples the profiles of several States. As for those States, that question is answered in my written statement.

By the way, we do not have a profile on every single State. We have given you examples of those that we are most familiar with. That is in my written statement.

Senator CULVER. Fine.

Mr. HARRIS. With respect to my own State I can certainly add to what is already on the record. As I have mentioned, our legislative

passed an act which took effect on July 1, 1977. It virtually mandates precisely the same provisions that the Federal JJDP Act.

I do not want to suggest, by the way, that the Federal initiative was the total initiative for the General Assembly of Virginia taking the action it did.

Senator CULVER. Nobody ever wants to suggest that.

Mr. HARRIS. Sir?

Senator CULVER. I never heard it suggested in 14 years in Congress from that level.

Mr. HARRIS. The act requires the deinstitutionalization of status offenders by prohibiting that commitment to State juvenile learning centers or any other type of secure confinement facility. It emphasizes less secure types of pretrial detention. It recommends detention only when it is absolutely necessary. Detention in a secure setting is severely restriced and the length of confinement is also restricted, to 72 hours. It requires that all juveniles be separated from adults in facilities that house both. It expands the diversionary powers of juvenile intake officers.

The work on that statute went on over a period of 2 or 3 years. It involved my agency and the Division of Youth Services, primarily. All concerned were also quite conscious of the provisions of the JJDP act. Every possible effort was made, clearly, to educate the members of our General Assembly about the initiatives that should be expressed in such a piece of legislation.

That is simply one example. Our task in our State is to implement those provisions and set up a structure such as we are talking about today to monitor these new state requirements.

Senator CULVER. How about your national effort in that regard through your own association? How systematic is that kind of undertaking?

Mr. HARRIS. Gwen, can you respond to that?

Ms. HOLDEN. I think in terms of the National Conference's activities what we have been doing is monitoring the problems that the States have in regard to all of the different requirements of the act. That is particularly true in the instance of participation.

In terms of providing them with assistance in monitoring and that type of thing, or developing approaches to fulfilling monitoring requirements, our involvement there has been working with LEAA on some of the intiatives it has undertaken to develop monitoring formats and forms that would assist the States in developing data bases.

Most of it, again, has been the assessment of difficulties. Where we can, we are helping them resolve those.

Senator CULVER. It seems to me that you are in a unique position to give LEAA the best possible kind of direction in terms of what kind of specific help is needed by State and local governments in order to lead them into, for example, developing alternative services for status offenders.

How much is done in that regard?

Ms. HOLDEN. Well, again it is a process of assessing where States are in terms of providing information to LEAA. We have done that where we have developed the information, such as difficulties with

fund flow and assessing what amounts of moneys have been separated and, again, assessing difficulties that they have had with the deinstitutionalization and separation requirements. In terms of individualized alternatives we have done very little work, in terms of identifying different types of alternatives that States could be implementing.

Mr. GELTMAN. Let me, if I may, just quickly say that we have a staff of only six, of which there are only four professionals. We deal not only with the Juvenile Justice Act but also the Crime Control Act. Our basic task has been to work as much as possible and to provide advice and recommendations to LEAA, which has the manpower and the resources to go ahead and undertake the effort.

Therefore, to the extent that we have been able to operate as an information and communication conduit, both understanding from our constituents what it is that is happening and being able to provide that information to LEAA, and at the same time review the kinds of initiatives that LEAA is going to undertake and give them our advice as to how effective that would be, that has really been the kind of activities we have been limited to. That is mostly because of resources.

Senator CULVER. Could you not be an informational conduit on these other fronts?

Mr. GELTMAN. I think we can. Once again, we have——

Senator CULVER. I mean a clearinghouse for suggestions and services and so forth.

Mr. HARRIS. Of course, definitely. We do, but——

Senator CULVER. I am trying to get at how much you do in that area. Not much, I guess.

Mr. HARRIS. Not much, because of the limited staff resources. Our staff is supported by a grant from LEAA. We have the staff that is supported by that grant, but that is all we have.

Senator CULVER. Within that staff capability are you satisfied that your priorities are appropriate ones?

Mr. HARRIS. We think they are.

Senator CULVER. What could be more important than giving State and local communities some suggestions on what kind of alternatives to detention and institutionalization exist?

Mr. HARRIS. Nothing could be more important than that.

Senator CULVER. Maybe it should receive higher priority, then——

Mr. HARRIS. It indeed should, sir, but the problem is that we lost $100,000 from LEAA——

Senator CULVER. For something as important as that, it seems to me that it qualifies for leapfrogging on the pecking order of the priority concerns.

Mr. HARRIS. Well, you may be correct, sir——

Senator CULVER. Well, take it under advisement because we are going to be looking at the LEAA grant to see if it is worth funding. Maybe it is not.

Mr. HARRIS. Well, they think it is.

Senator CULVER. What they think and what we think may be different. I would like to bet on us if we think differently. They come to us to get the money to help you.

Mr. HARRIS. There is no question about that.

Senator CULVER. I do not mean to get involved in civics I, but that is the way it works.

Mr. HARRIS. I guess what I am saying, sir, is that even if it were priority No. 1 there are still plenty of other priorities and it is difficult——

Senator CULVER. I want to send you the message that it is priority No. 1 with the chairman of this subcommittee.

Mr. HARRIS. I understand that, sir.

Senator CULVER. I am a little bit more interested than the casual observer in Congress.

Mr. HARRIS. Yes, sir.

Senator CULVER. If you are a politician, and I think you are, you would be worried about that. You would take note of that.

Mr. HARRIS. I am taking note of it, but I am also trying to be realistic. I do not want to mislead you into thinking that we are going to drop everything and do that, sir.

Senator CULVER. You don't want to mislead me into thinking that anything is going to be done. Well, I do not want to mislead you. I will be back next year looking at this.

Mr. HARRIS. Fine, sir. I will welcome the opportunity.

Senator CULVER. I hope you have much more to say on the subject.

Mr. HARRIS. We will do our best.

Senator CULVER. We do not expect you to do any more than your best. If you do that I will be quite satisfied.

In your testimony you noted that the primary sources for funds to be used in the establishment of alternative services now are the Safe Streets money and State funds. Is that correct?

Mr. HARRIS. No; I said that the progress that had been made prior to 1974 had primarily come from those two areas. They have been supplemented now, of course, by the JJDP Act provisions and the funds available through that act. That was the comment I made.

Senator CULVER. As you are aware Mr. Harris, Congress had also hoped the States would make use of other moneys we have appropriated under other programs such as HEW, HUD, and Labor. I wonder what more can be done by SPA's and LEAA, in your judgment, to increase information about the use of these Federal funds for this kind of effort and to harmonize and coordinate some of the programs initiated?

Mr. HARRIS. Let me give you an example of what some States do that all States should do, in my judgment.

Several States coordinate the use of various Federal programs in various functional areas. They have set up effective means of identifying the sources of funds even though one act may not be aimed directly at the purpose for which they wish to use the funds.

Those initiatives, however, in my judgment, are very limited. Not many States are organized so as to identify the potential uses of Federal dollars beyond the functional activity at which the Federal program is directly aimed.

Senator CULVER. Shouldn't the SPA's be a critical catalyst for that kind of formation?

Mr. HARRIS. We are. I am talking now about State government generally. When you talk about criminal justice as a functional area

the SPA's are charged in every State with identifying all possible sources for assisting the criminal justice system.

LEAA has historically helped in that by, as new pieces of Federal legislation are passed that have potential for providing funds for criminal justice activities, notifying the SPA's and pointing out the particular provisions. They will give us copies of applicable regulations or tell us where they may be obtained. Indeed, when we had the LEAA regional offices—and I do not know how it is going to work in the future—they assisted in the SPA's pursuit of those other dollars.

Senator CULVER. They can give you that information. My question is, What you do with it.

Mr. HARRIS. What we do with it in the SPA's?

Senator CULVER. Yes.

Mr. HARRIS. We use the information to pass on to the operating agencies at the State level and to the regions that serve us—the sub-State regions that work directly with the localities so that they may pass that same information on to their local units of government for the purpose of taking advantage of those opportunities.

Senator CULVER. I would like to see the type of information that your national office distributes to the States. I would like to see what you do with what LEAA gives you.

Mr. HARRIS. Yes, I could sent it to you. I would be happy to have several other states do the same thing. I think the several that I have in mind you would find very interesting as far as the techniques are concerned.[3]

Mr. HARRIS. I would be happy to have several other States do the same thing. I think the several that I have in mind you would find very interesting as far as the techniques are concerned.

Senator CULVER. Again, I was interested in your national office. I would like to see what you do with what LEAA gives you.

Mr. HARRIS. We will do that, certainly. I want to point out, though, that LEAA communicates the information to which I referred a moment ago to the States directly as well as to our National Conference. I was addressing my answers to what the States do with it when they receive the information.

Senator CULVER. Thank you.

Senator Mathias?

Senator MATHIAS. Mr. Harris, I want to thank you for being here today and for your comments.

Mr. HARRIS. Thank you, sir.

Senator MATHIAS. I agree with you that it is unfortunate—I assume that you are telling us that unfortunately the early starts made at HEW did not really pursue the figures adequately.

Mr. HARRIS. Yes, sir.

Senator MATHIAS. I had some hope when Elliot Richardson was Attorney General that we were approaching the point where we were going to merge the early start made at HEW with the later work done at LEAA and have a hybrid product which, in the case of many hybrids, is better than either one of the progenitors. Then,

[3] See p. 179.

unfortunately, we got into that Saturday Night Massacre and all of the conversations that we had with Mr. Richardson leading to that end went up in smoke.

Therefore, I think that we are well behind where we ought to be in this program.

Let me ask you just one question to start with. You have cited in your statement a number of States that have made some progress in deinstitutionalization. There are also, obviously, some States that are not making great progress. What kind of carrot-stick arrangement do you suggest for moving them along?

Mr. HARRIS. There is another element to that question, too, that I will throw out. That is this: Of the States that are not participating some are making significant progress—and I am talking about those not participating in the act—in exactly the same direction that the act is pointing in. They chose not to participate for a variety of reasons.

Of course, that is also by way of saying that some who are not participating are not making any better progress than some who are. Therefore, that element is there.

Senator MATHIAS. You have made that point several times here this morning. I think that speaks very well for the citizens' group who have interested themselves in this problem.

There are people, some of whom I see here this morning would goad this committee and act as the conscience of this committee. If they are doing their job as full citizens they are goading the State legislatures and local authorities in the same way. I think that is one of the most healthy signs that the Federal system is still alive and working. The whole dependence is not yet placed on Washington where, God forbid, it does not belong.

Mr. HARRIS. To answer your question in terms of where you do not have that kind of citizen intitiative or commitment either citizen-wise or governmentally, I think you are back to the old carrot and stick of Federal money argument. Of course, that is directly proportional to the degree of money, to be crass about it. That is always a problem.

Senator MATHIAS. Cutting off the money never seemed to me to be a very good idea, because you penalize the people that the programs are set up for and whom the money is provided to help.

Mr. HARRIS. That is right.

Senator MATHIAS. Mr. Anderson testified that programs and facilities for status offenders are often inadequate or inappropriate. I read with particular interest your comments on the Maryland situation where in rural communities you have more problems than in the sophisticated areas. Do you have any information as to what percentage of the Safe Streets Act and formula grant moneys are being spent in creating alternatives for status offenders?

I ask that because my own personal knowledge of rural counties is that cash is short and the tax base is limited and it is expanding very fast. It makes it very difficult for those communities to provide alternatievs for themselves.

Mr. HARRIS. We do not have the data from each State, if that is what you are asking me. I can give it to you from my own State.

I think I can give it to you, and did, indeed, in my written statement, from the States referred to there.

However, as I mentioned earlier, we do not have it from each individual State.

Senator MATHIAS. I think that points to one of the blanks that we are unable to fill in and that we might consider.

In reviewing the December 31, 1976, monitoring report that Virginia submitted, I believe there were over 4,500 status offenders in security detention or in correctional facilities. This was for the year 1975. I think that is a large number.

Can you tell us what progress has been made in deinstitutionalization of these status offenders?

Mr. HARRIS. I can give you some statistics both on status offenders and, as you indicated, adjudicated juveniles.

In 1974 we had approximately 1,000 juveniles in State institutions. Right now we have 805. Of that 1,000 in 1974, 30 percent were status offenders. By the end of calendar year 1977 there will be no status offenders in State learning centers or institutions. We call our institutions learning centers.

Senator MATHIAS. I have heard that euphemism.

Mr. HARRIS. Oh, the phrase "learning center"? Completely off the subject, I even saw a kindergarten the other other day that was named "the Kiddie Care Learning Center." It was privately operated, as it turns out.

Status offenders in juvenile detention facilities in August 1976 numbered 44 percent of the occupants in these facilities. In August 1977, 1 year later, there were only 15 percent. They are dropping rapidly. Of course, that status requires that there be none.

We have no status offenders in our jails, except that we had one this month. I will not tell you the city, because the sheriff is running for Congress. However, the Division of Youth Services clomped down pretty hard on that particular jurisdiction.

I hope that is responsive to the question.

Senator MATHIAS. All of that noise in the background indicates that the moment has come to jog to the Senate floor and catch a Senate vote. That means "really come." The chairman has left early so that he can walk to the Senate floor. I will start jogging. The chairman should be back in just a few minutes. In the meantime, the subcommittee will stand in recess.

[Recess.]

Senator CULVER. The subcommittee will come to order.

As the testimony of Mr. Hurst indicated, in the last few years a number of States have made significant and, I think, commendable progress in adopting legislation which provides for the deinstitutionalization of status offenders.

Our next witnesses, who compose this panel, are individuals who have been closely associated with this effort and with the legislative initiatives that have marked significant progress in the direction that the Congress has indicated is a desirable approach and policy in this area.

They have been very active in their respective States and I am pleased to welcome all of you here this morning.

We have Mr. Joseph Rhodes of the House of Representatives of Pennsylvania; Ms. Barbara Fruchter of the Juvenile Justice Center of Pennsylvania; Peter Francis, who is a member of the senate from the State of Washington; Ms. Jenny Van Ravenhorst of the Washington State Department of Social and Health Services; and Mr. Thomas Higgins, a former member of the Iowa State House of Representatives.

I understand you have all submitted written statements for the record that you wish to go directly to questions. The committee appreciates this approach because of the particular problem we have on the Senate Floor today.

Mr. Rhodes, can you briefly describe for us the provisions of the Pennsylvania law—the new law dealing with the subject of detention of status offenders?

Without objection we will insert your written statements in the record.

STATEMENT OF HON. JOSEPH RHODES, JR., MEMBER, PENNSYLVANIA HOUSE OF REPRESENTATIVES, PITTSBURGH, PA.[1]

Mr. RHODES. Thank you, Mr. Chairman.

Act 41, which was senate bill 757 in the senate of our general assembly, was enacted into law on the third of August of this year, has a number of significant provisions for Pennsylvania. It is the culmination of 4 years of legislative effort in Pennsylvania.

At the outset, let me say that the Federal legislation played a dramatic and important role, though actually we had a very hard fight in the State of Pennsylvania to pass this legislation.

The main concern we had in Pennsylvania was not to merely comply with the minimum standards of the Federal law. There was a lot of effort on the part of some groups to do just that as the legislature considered various other juvenile bills. We were very concerned that we not just comply to the letter of the law but also to the spirit of the law.

We have had other bills in our legislature before Act 41 which were, we thought, very sweeping and progressive legislation. They all died. We did not want to give up the fight just because the Federal deadlines were approaching.

We consider the two principle provisions of Act 41 to be the ones that you focused on this morning: the deinstitutionalization question is the first. In our State that question resolved into a kind of a fight between the juvenile court judges and us over the number of juvenile categories. The judges wanted to have three tiers for juveniles under their jurisdiction. One tier was for status offenders. One tier was for delinquent children. The other tier was for dependent and deprived children.

Our approach in Act 41 provided for two tiers—the delinquent category, which meant offenses which would be offenses were the juveniles adults, and another category, which included everything else, status offenders, etc. That was a very difficult fight. A lot of

[1] See p. 198 for Mr. Rhodes' prepared statement.

the judges held very firmly to the view that they had to have the hammer of this separate category in order to force kids back onto the "path of right." Eventually, we were able to defeat that position of the judges.

The other major part of the legislation was the establishment of December 31, 1979, as an absolute and final date beyond which it would be illegal to hold any kind of a juvenile in any kind of an adult facility. That was a very tough fight. The juvenile court judges did not fight this one so hard. The county commissioners fought it tooth and nail. They felt they did not have the resources to provide for alternatives.

In the rural areas of our State the commissioners said that they did not have the resources to provide alternatives to placing children in county jails. As you know, Pennsylvania is a mixture of urban and rural areas.

Last year we held 3,000 juveniles in county jails awaiting trials, not to mention 2,500 status offenders who were held in detention facilities prior to the passage of Act 41. To gain the support of the county commissioners we worked out a complicated plan to pay for regional detention facilities.

Those are the two principal prohibition features of Act 41. There was one final provision which was that we forever closed our maximum security juvenile prison. The State maintained a huge prison in Camp Hill right across from our State capitol. It was a constant reminder of the backwardness of juvenile justice in Pennsylvania. With Act 41, we finally closed that facility for juveniles. I can report that the last juvenile exited Camp Hill last week.

Those are the three basic things we did in our act.

Senator CULVER. Mr. Rhodes, you may have been here when Mr. Hurst spoke about the need for the States to assume more fiscal responsibility if they are going to achieve this deinstitutionalization goal in terms of providing local services.

In Pennsylvania, you passed— in the last session of your legislature—legislation which created a definite incentive for local governments to provide for these nonsecure community based facilities and treatment, at least of juveniles. Could you describe that legislation to us? What were the provisions of that?

Mr. RHODES. Gladly. Actually, this law—Act 148 of the previous session of the General Assembly of Pennsylvania—was very critical of the passage of Act 41, the one which brought us into compliance with the Federal law.

What it did was to reverse a critical trend in Pennsylvania. In the past, believe it or not, we had a situation where we entirely funded any placement from a county agency to a State correctional facility for juveniles—a jail for juveniles. We funded such placements entirely.

On the other hand, we very minimally funded community based programs or alternative type programs in the State. I do not know how this practice happened. It just developed over time and no one really looked at it very hard, so it stayed.

In the last session we passed Act 148, which turned that around. As of January of next year, there will be a 75-percent guaranteed

support from the State for community based placements and only a 50-percent guaranteed reimbursement for placement in facilities and institutions.

This not only applies to status offenders who, by the way, are no longer delinquents—they do not even come under this provision—but it applies to any child, any delinquent child who commits any offense except murder in the State of Pennsylvania.

Senator CULVER. Ms. Fruchter, I understand the Juvenile Justice Center in Pennsylvania put together a large coalition of citizens and organizations and this group played a significant political role in the enactment of some of these legislative initiatives, such as senate bill 757 which Mr. Rhodes talked about.

Would you describe how the coalition was organized and what role it played in passing legislation?

STATEMENT OF BARBARA FRUCHTER, EXECUTIVE DIRECTOR, JUVENILE JUSTICE CENTER OF PENNSYLVANIA [1]

Ms. FRUCHTER. I was here when Mr. Hurst spoke. I heard him speak about community standards and community climate.

The Juvenile Justice Coalition is the monitoring, implementing and advocacy arm of the Juvenile Justice Center of Pennsylvania. It is our job, through the coalition, a group of 83 religious, civic, and community organizations throughout the State, to affect community standards and create community climate——

Senator CULVER. Eighty-three citizens or 83 groups?

Ms. FRUCHTER. Eighty-three groups totaling over 2 million citizens. That is our implementing and monitoring arm. I will tell you how the coalition works. I have to start back a little bit.

The Juvenile Justice Center started in 1971. We went into institutions for children in our area and into our own county detention facility and found three adjudicated youngsters kept in solitary confinement for 5 and 6 weeks.

Montgomery County, by the way, is the richest county in Pennsylvania and the 22d richest in the country. These were our children Our taxes were paying for their incarceration before they had been found guilty of a delinquent act.

We very naively wrote to the county commissioners and to the judges and probation people about what we had found in the detention facility and we included a program for changing those conditions through volunteer work. We felt that they would read this and say, "Come on in and help us change things."

However, the status quo stood. People feel very threatened by any change in that status quo, even though statistics consistently tell us that the status quo in juvenile justice is a system for manufacturing criminals out of noncriminal offenders.

We turned to the people with our information. We spoke in Rotary clubs, churches, synagogues, and to any two people who would stand together. We told them what they were paying for with their tax dollars.

[1] See p. 200 for Ms. Fruchter's prepared statement.

In 1974, LEAA funded the Juvenile Justice Center for the first time. For the 3 previous years we worked almost full time as volunteers so that we developed a lot of faith in the ability of volunteers to create a community climate for change.

The opposition to change was there. Our job was to go into each local area, each county of the State, and turn around or reduce the opposition through community education, and to form a broad-based constituency for children. No one had ever spoken for children in our State before.

With the passage of the 1974 act we got a very strong Federal ally. It was an irrefutable fact that this leadership and the fiscal commitment was coming from the Federal Government to do the diversion and to implement the alternatives that we had been advocating for a number of years.

We set five coalition policy statements. We educated the citizen groups throughout the State to an understanding of these policy statements. Each group we spoke to, or ran seminars and workshops for, had to understand what the policy statements meant and had to endorse them. They then let their community elected officials and their legislators know that they supported these policy statements.

The policy statements said: (1) that status offenders should not be adjudicated delinquent or held with delinquents or alleged delinquents. If "status offenders" were under the jurisdiction of the courts it should be as dependent children, not delinquent;

(2) Juveniles should be removed from adult facilities;

(3) Children should be afforded all due process and equal protection rights;

(4) There should be a realistic incentive funding plan for the counties. Representative Rhodes just spoke to you about that. The State was funding the State institutions by reimbursing the counties 100 percent of the cost of sending children to State institutions. The coalition saw this was not the way to go. Alternatives were to be funded 75 to 90 percent; institutional reimbursements by the State were to be reduced to 50 percent; and

(5) The last policy statement called for a moratorium on the construction of secure detention until alternatives were implemented. For approximately the cost of one secure detention bed a group home for six to eight children can be run for over a year.

Senator CULVER. I am sorry, what did you say?

Ms. FRUCHTER. For the same amount of money that it cost to construct one secure detention bed you can have a group home implemented in the community for six to eight children.

These were the coalition policy statements. The role of our center is that of educator and technical assistants to the communities to implement these policies. Additionally we analyzed every piece of juvenile legislation that was pending in the legislature. We sent out to the comunity groups' liason people information concerning whether the pending legislation supported the policy statements or ran counter to the policy statements.

We also informed legislators in both the House and the Senate whether the pending legislation supported our policy statements or

not. There was much action on the local level from our coalition groups.

One of the most important things the coalition does is inspection and monitoring. You know, because you are having these hearings, that passing the legislation is only the first step.

Our citizens, who are trained and educated, are out there in every county and in every community monitoring the services, both private and public, that are provided for children. We believe that citizen participation in the inspection and monitoring of services for children, is a sine qua non for quality services. We supply trained citizen volunteers to the Department of Welfare which is mandated in our State to inspect every facility that receives DPW funding.

Senator CULVER. That is a most impressive history and I hope we have the benefit of more information on your activities for our committee staff.

What are you doing in the way of governmental reorganization at the State level in order to bring about a more coordinated effort to attack the problem of troubled children in a larger context? Have you taken on that dimension of concern in terms of your group's activities?

Ms. FRUCHTER. There are a number of initiatives in that direction, Mr. Chairman. We are training citizen coalition members right now to attempt to overcome resistance and to make the concept of coordination attractive to elected officials. The first task is to increase communications and transactional activities.

We have citizens on advisory boards, for instance; we have citizens on youth service systems within the counties. I am on the JD advisory board, and I try to bring local information to our advisory meetings.

There is also some initiative at this time in the direction of coordinating councils in our State. Representative Rhodes' committee is holding hearings right now with an eye toward coordinating money and services for children with new legislation they are considering for compliance with the 1977 amendment to the Juvenile Justice Act. Such legislation would provide for more independent and coordinating responsibility in the Juvenile Justice and Delinquency Prevention Office in our State. That is very important in a State that still has judges and administrators advocating for priority money for canine forces and two police vests for every officer and that kind of thing.

Senator Culver, could I give you some statistics to sort of explain the importance of the Federal legislation and the citizen's role in that?

I have this in my testimony, but it kind of touches on what you will be listening to tomorrow about the alternatives.

In the first year in Pennsylvania, in 1976, when any JD moneys could have been effective in Pennsylvania in conjunction with our citizens work, we were able to turn the tide of accelerating delinquency arrests—juvenile arrests. They had doubled from 82,000 in 1970 to 165,000 juveniles arrested in 1975.

In 1976 we saw 10,000 less juvenile arrests. I think this can be attributed not only to the leadership of the Federal legislation and

the potential of the money coming from the legislation but to the climate created by the citizens in the communities.

Additionally, that same year we saw a decrease of one-third in the number of children who were held in county jails in local areas.

Additionally, in Philadelphia—crime-ridden, gang-ridden Philadelphia—the Juvenile Justice Center, in cooperation with the Philadelphia family court, reduced the number through a detention alternative program which we run. We reduced the number of children held in the Philadelphia secure detention facility by over one-half.

This is an open-alternative-foster parent-group home-services to children in their own home combination program. Our detention director in Philadelphia likes to point out the fact that a day not too long ago he had under 40 children in a Philadelphia detention center. In Pittsburgh's Human Center they had over 200 children in detention.

Senator CULVER. Thank you.

Senator Francis, could you briefly describe for us those provisions of the legislation enacted in the State of Washington in this area?

STATEMENT OF HON. PETER FRANCIS, CHAIRMAN, SENATE JUDICIARY COMMITTEE, WASHINGTON STATE LEGISLATURE, SEATTLE, WASH.[1]

Senator FRANCIS. Thank you, Chairman Culver.

I would start by saying that I have been the Chairman of the Senate Judiciary Committee in the State of Washington for 5 years. For 4 of those years we have had this political struggle very much as described in Pennsylvania. I think we are typical. I think the situation is pretty much the same throughout the States.

A year ago we passed my big bill of the special session, which was—the last group of status offenders who were allowed to be institutionalized in the State were the incorrigibles. We said they could no longer be institutionalized. That took effect this summer.

This year we passed the major overhaul of the juvenile court system which we had been working on for many years. That was further implemented with one regression in that there was a provision—and it is in our formal statement—that those who qualify for a diagnostic commitment, have run away, have insisted on persisting in running away, and are exhibiting behaviors that evidence a likelihood of degenerating into serious delinquent behavior will be under the jurisdiction of the juvenile courts.

A group of people from a particular part of one county felt that it was very important. It is the problem of the promiscuous daughter in conflict with family. They wanted to have some way of getting at her. We were not able to keep that out this time. I am hoping that we can get it out.

However, I do not think it will be a significant thing as far as numbers.

Basically, we are out of that old system. We have shifted it over. Jenny will be able to tell you about the fact that it is no longer part

[1] See p. 202 for Senator Francis' prepared statement.

of the Juvenile Justice System, but a part of the Department of Social and Health Services to work with these status offenders.

I hope I might be able to make a contribution to your thinking about the politics of what we are up against in trying to implement the Federal legislation. I think it is pretty typical everywhere that the major resistance is coming from trial judges, and especially juvenile court judges.

That is true in our State. There are some probation people and caseworkers and so forth who resist, but there are some who have helped us and who have fought with us on that. There seems to be division among almost all of the other actors in the juvenile justice system over coming into what I think is the best way to handle this. I think the best way is the Federal approach of the 1974 Federal Act.

The judges, as you know, are a pretty formidable group politically. They are the ones who were able to make us work 4 years to get it passed. They are the ones who are possibly going to do everything they can to sabotage it. That remains to be seen.

It seems to me that I have to go along with what John Rector said about funding of community programs and things, because that is the key. We have said in our legislation, "Here is what you have to do. You have to provide support services and crisis intervention and ways to reunite families and opportunities for the kids who cannot go back to families to have some other way of getting some help."

The big ammunition that so many of these judges use, as well as the other opponents is, "Well, there really is not anything available. I really want to help the kids and the only way to do it is to bring them back and let me, as the judge, be daddy to them again and so forth."

I do not think that is the real reason, but I think that is their ammunition. I think Congress can help take away some of that ammunition by focusing during the appropriations process on just what we do.

I certainly agree with all of the comments about public works and so forth, but we are largely talking about program. There is an association of Community Youth Service Bureaus throughout the State. They provide a lot of these kind of support services. They usually have advisory committees. In fact, one high school girl who lives about a block from me is on the one in my neighborhood.

They are very effective. However, they need this kind of support.

I have also learned what is going on in Florida, where they are massively recruiting volunteers for bringing children right into individual homes and then having people come in and provide some kind of casework support not even on a foster parent basis, but just on a receiving home type of basis. It seems to be very effective.

It seems to me there are a lot of things like this where you can say, "Here is what we are going to do. Here is the focus we are going to make and here are the incentives we are going to provide." It would take away a lot of the ammunition of those who are really trying to prevent the implementation of the Federal legislation.

Senator CULVER. Thank you very much.

Senator FRANCIS. I had one other comment, and that is in the area of kiddie porn, which I know is certainly big on the front

pages back where I live, along with a series that has been done on male child prostitutes.

I went through our own criminal code and I found at least seven different sections of the criminal code that are violated by almost every activity of kiddie porn, providing for up to 10 years in jail as a sentence.

There are a number of questionable constitutional approaches that are being advocated back there. It seems to me that again what we are talking about is law enforcement for those people who manipulate and abuse children and for the people who need the help—which is, again, usually the children—we need these services. We need this kind of psychological help, crisis intervention, and the other things.

I really think that what we are talking about here today applies to a lot of things that are very, very timely.

Senator CULVER. Thank you very much, Senator Francis.

I wonder, Ms. Van Ravenhorst, if you would tell us about these new provisions that have been described by Senator Francis which will go into effect on July 1, 1978. Is that the right date?

STATEMENT OF JENNY VAN RAVENHORST, PROJECT MANAGER, DIVISION OF COMMUNITY SERVICES, WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, OLYMPIA, WASH.

Ms. VAN RAVENHORST. That is correct.

Senator CULVER. Can you tell us what efforts are now being made to prepare for that eventuality in terms of resources in the State and how you plan to get ready to implement this new provision?

Ms. VAN RAVENHORST. I would like to tell you that we are doing a great deal more than we have done to date, but we are just in the beginning stages of that implementation process.

One thing that has been done to date goes back to the amendment that was passed by the legislature last year in 1976. This was the bill that Senator Francis talked about which would prohibit the institutionalization of incorrigible children for more than 30 days.

That particular act took effect in July of this year. At that point in time the Department of Social and Health Services had to have available a 30-day commitment option which included all of those criteria that were added to the act. There were provisions for treatment. It would be a custodial placement. It would be a placement separate from delinquents.

There has been such a facility designated for incorrigibles that will be committed for 30 days.

Senator CULVER. For what?

Ms. VAN RAVENHORST. There has been a facility designated for the commitment of incorrigibles for 30 days, or at least a maximum of 30 days. The people who are in charge of operating that facility are trying to emphasize getting the children out as soon as they possibly can.

What is happening is that they are generally staying for 30 days. However, since July 1 of this year there have only been four children in that particular facility.

Therefore, the State of Washington, with the exception of those four children and those that will happen in the future, is in compliance with the deinstitutionalization requirement.

However, the other area that was addressed by the comprehensive revision of our Juvenile Court Act is the detention of status offenders in our county detention facilities. Responsibility for alternatives to detention of status offenders is placed with our department. That is the thing that we are in the process of planning for at this point.

There are a couple of things that are presenting us with some problems. They are the two things that have been mentioned here a number of times today. The first thing is data. The second thing is money.

One of the more difficult things to try to ascertain is the number of status offenders who have been handled by the juvenile courts over the past several years, and the number of status offenders who have been held in detention, and for whatever periods of time.

A lot of the reason for that problem is because the status offender has sometimes been a delinquent within the way that the courts have classified that child. Very often the way in which they are labeled from one county to another varies. Therefore, if you go into a particular court and ask them to tell you how many status offenders have been processed by that court and how many status offenders have been put in detention there is a lot of difficulty, because status offenders mean something different to every particular court.

I believe one court uses the terminology "unable to adjust." Some other courts use other things.

Senator CULVER. Is there any hope that we could get some sort of more universally agreed to reporting criteria and standard definitions?

Ms. VAN RAVENHORST. That certainly is possible. The difficulty would be in the fact that it comes at this date instead of 3 years ago. The point at which they can begin to try and put that data together based upon those criteria would be useful for any other State that has not prohibited the detention of status offenders.

We are at a point where, come July 1, we are not going to want to keep those kinds of records any more. Therefore, we have to go back and use the existing data. That information will not be terribly useful.

What we are trying to do at the Department of Social and Health Services is to come up with some basic criteria that can be used to evaluate the existing information within the juvenile court system. That has been a very difficult process and one that is going to take some time to do.

It has lengthened the process of implementation, because that is going a projected 8 weeks to compile. Then, the validity of that i also questionable.

One other area that presents us with some problems is that there is some concern about whether or not the Department of Social and

Health Services will take over the responsibility for the kids that have been dealt with by the juvenile court alone as status offenders, or whether they are now going to assume a general statewide responsibility for families in conflict and children who have problems.

An example might very well be the male prostitute, who might never have come into the juvenile court system, who needs alternative housing. That might very well be the basic problem. Do we address that child who has not been reflected in statistics? Does that increase what the Department of Social and Health Services will have to do in providing resources?

That gets to my second point, about money. We are trying to identify what kids we are going to serve. We are also trying to identify what resources we are going to offer. We are in the process of generally surveying the kinds of things that are available throughout this country that have been used.

As I say, we are in the preliminary stage of doing that. I could not come to you and say that we have found things which we feel are going to be really tremendous that we are going to use in the State of Washington. However, we are looking.

The Department has responded to this act and said that despite the fact that it is a very difficult problem and a very hard problem to articulate they are going to try to provide the services that are mandated by the legislature.

Therefore, you can look to the State of Washington for an effort in trying to provide alternative services. That is not to say that we do not admit to it being a very big problem. We look to all of the resources that might be available in order to be able to accomplish that.

Senator CULVER. Tomorrow, you may be aware, we are going to look into some of the alternatives to detention and institutionalization that have been adopted by various States which have proven to be successful, at least to their own satisfaction. We are going to try to get some of those examples before the committee so that we will have some suggestions that perhaps can be disseminated to the other States. Hopefully we will have some success stories which can be shared as to how to best and most effectively carry out the deinstitutionalization mandate regarding status offenders.

Mr. Higgins, Iowa is currently in the process of revising its entire juvenile code. You have been, of course, very directly involved as the principal author of the major legislation in that area.

Would you describe for us the proposed revisions concerning status offenders?

STATEMENT OF HON. THOMAS M. HIGGINS, FORMER MEMBER, IOWA STATE HOUSE OF REPRESENTATIVES, DAVENPORT, IOWA [1]

Mr. HIGGINS. Surely, Senator; I would be glad to.

Shortly after the 1974 act, the general assembly took very rapid action on an amendment which I sponsored, which did get status offenders out of the two State juvenile prisons. I think that is a

[1] See p. 206 for Mr. Higgins' prepared statement.

testament to the wisdom of this committee and its able assistance from Mr. Rector.

It was pretty obvious to those of us who were working on an interim committee studying the subject that that really was only a partial response to a much deeper problem. We needed to review our whole juvenile code. After a lot of work and a lot of effort, testimony, and site visitation and so forth, we did come up with a proposal which passed the House overwhelmingly last year.

That proposal grapples with a lot of problems in the area of juvenile justice. Probably none, however, is more central than this issue of status offenders.

We concluded, Senator, that the only adequate public policy in this area was to completely eliminate status offenders from the jurisdiction of the juvenile court. That is what we have done.

Frankly, I think the testimony of Senator Francis is correct. The major ammunition which the juvenile court judges and others have used against efforts at juvenile court reform largely revolved around the assertion that if you eliminate status offenders from the juvenile courts, communities will not have the necessary resources to deal with those problems in a voluntary manner.

It seems to me, however, that the way we handle status offenders now, generally with some form of foster care or institutionalization, is a very well-studied failure. To simply perpetuate that failure in the name of a principle which says that if you do not have this you have nothing is not an adequate excuse.

Judge Bazelon said it better than I. I can only paraphrase him, but I think that it is true that the local communities will only turn to resources which do adequately respond to the problem of status offenders—the runaways, incorrigibles, and others—when they can no longer use the court as a dumping ground for their problems.

I do not believe that it is reasonable to assume that States and localities and local units of government will ever come up with the kind of resources that it takes to help these kinds of children as long as they can use the courts as a convenient dumping ground. That really, I think, has been what has happened.

Similarly, I am mindful of your earlier questioning as to the role of the State planning agencies in influencing legislation so that it could comply with the 1974 act. It is only my subjective judgment, but I have been in contact with my colleagues in many of the other States which are engaged in this process. I would have to say that they really have not been very active. If anything, they have been reactive. They certainly have not been proactive. Generally speaking, I think that is in the nature of State bureaucracies. They have to get along with those juvenile court judges and the juvenile court judges do not want it. They are responsible first and foremost to the executive branch of the government in those States. Frequently the executive branches of government do not want to get involved in a very volatile political issue.

As a result, they have tended to respond only when asked. They spend large sums of money holding conferences and hearings all of which are to the good, but there is very little interface with the legislative branch of government. That is really where the crunch is.

I might suggest that for your deliberation you might consider

ways in which State legislative bodies might become better informed as to the nature of the problem and what their requirements are in the 1974 act. I do not think, frankly, that very many of them are very well informed in that regard.

Another provision which is embodied in this legislation, in addition to the elimination of status offenders, is a requirement for a detention hearing within a very short period of time—48 hours—whenever any child is picked up.

We were concerned not only about the detention of status offenders, but also the needless detention of delinquents who are not a physical threat to themselves or to the community.

Therefore, we have carried, in a sense, the requirements of the 1974 act a good deal further. Not only do we say that you cannot detain in a secure facility any juvenile, unless you can show on rather specific grounds that he is a threat to himself or to his community.

I think that there is just a wealth of data which supports that policy move. The detention in secure facilities of juveniles results in the kind of negative stereotype that inevitably feeds this kind of failure syndrome in the juvenile justice system.

I would urge, Senator, as you look at alternatives tomorrow, you look with special favor upon those alternatives which embody keeping the family together. I have heard President Carter and Secretary Califano and even you, Mr. Chairman, speak eloquently and well about the ways in which Government contributes to the breakup of the family in our society.

While there are a lot of things that Government cannot do because of constitutional prohibitions—such as television advertising and other things—certainly what Government can do is stop using the overwhelming bulk of its resources in this area to break up families and to keep them apart.

I would go one step further and say that you ought not to be putting any more money into facilities and agencies which construe their role as being to sit back in their nice offices and wait for families in trouble to come to them. We have some very good models of agencies which actually go into that family and live with that family 30 or 40 hours a week and draw the resources of the community together to help that family stay together. It works extremely well.

I think we ought to be putting conditions on Federal funding—not only in the area of LEAA funds, but in title XX and other kinds of funds—which do encourage that kind of activity.

Similarly, I have no problems, as a former legislator, with this committee extending the direction that it took with respect to conditioning of Federal funds and to conditioning future Federal funds for States to have detention hearings, as I have said, for juveniles who are in trouble.

I think that we are off to a good start in Iowa. We passed that bill overwhelmingly in the House despite very determined, well organized opposition. I am convinced that it will pass overwhelmingly in the Senate and that, in fact, it will be a model for the other States.

Senator CULVER. I wish to thank you and commend you, Mr. Higgins, for the very considerable leadership that you have given not only this particular issue, but also your social efforts generally in our State.

I would also like to compliment you on your new position as Regional Director for Health, Education, and Welfare.

Mr. HIGGINS. Thank you very much, Senator.

I should point out for the record—and I have done so in my written testimony—that obviously I am speaking as a former legislator and not for the Department.

Senator CULVER. We have 24 people speaking for that Department. You would get lost in the chorus.

This does complete the testimony for today. I want to thank all of the witnesses for their extremely interesting and informative testimony.

Tomorrow we will look at types of alternatives to detention and institutionalization and the relative success of these alternatives. We will also go into the comparative costs of our current approach to handling troubled juveniles which results in their placement in secure settings and other approaches not involving their placement in such settings.

Mr. HIGGINS. It is worth noting, Senator, that if at least one State in the Union had complied as they were supposed to with the mandates of this act we would not have had that tragic jail fire that we had in Tennessee.

Senator CULVER. Well, it would seem to me that in summary today some very real progress has been made toward the goal of not locking up status offenders. However, I think that clearly much remains to be done.

I want to compliment all of you on this panel who have really been the vanguard of the cutting edge of some of these very serious and difficult efforts initially.

It is my expectation that LEAA and the State planning agencies will make every effort to vigorously enforce this congressional directive and mandate and that they will enforce this requirement that status offenders not be placed in secure facilities.

I think it is important that the new Senate amendments in the 1977 Act not be misinterpreted as any relaxation of the congressional determination and insistence that this particular critical provision be fully complied with.

The testimony has also led me to conclude that LEAA and the State planning agencies must make a better and a more major effort to improve State monitoring systems. This committee and its staff will be working closely with both LEAA and the SPA's to see that this is improved upon.

Tomorrow these hearings will commence again at 9:30 in the morning, assuming cooperation with the Senate program, in this same room.

The focus of tomorrow's hearings, as I mentioned, will be alternatives to detention and institutionalization of status offenders. We will go into comparative costs and the cost-effectiveness of some of these other program approaches.

We hope that all of you who were here today will join us tomorrow for the continuation of these hearings.

The committee will stand in recess until further call of the Chair.

[Whereupon, at 12:45 p.m., the subcommittee stood in recess to meet Wednesday, September 28, 1977.]

IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

WEDNESDAY, SEPTEMBER 28, 1977

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

The subcommittee met, pursuant to recess, at 9:45 a.m., in room 1318, Dirksen Senate Office Building, Senator John C. Culver (chairman of the subcommittee) presiding.

Present: Senators Mathias and Wallop.

Staff present: Josephine Gittler, chief counsel; Steven Rapp, staff director; and Cliff Vaupel, assistant chief counsel.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. The subcommittee will come to order.

I now call to order the U.S. Senate Subcommittee to Investigate Juvenile Delinquency for the second day of hearings concerning the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

We began yesterday an inquiry into whether States who are participating in this act are living up to their commitment to stop the practice of locking up the so-called juvenile status offenders. These, of course, are youths such as runaways and truants who have not committed criminal offenses.

This act, as most of us are aware, made Federal funds available to States, localities, and public and private agencies for improvement of their State juvenile justice systems on the condition that they removed noncriminal youths from jails and secure detention and correctional facilities.

The previous hearings of the subcommittee, I believe, have amply documented the damaging consequences of locking up juveniles who have committed no crime. Witnesses at yesterday's hearings reiterated the need for and desirability of the congressional mandate with respect to the removal of noncriminal youth from jails and similar institutions.

Our hearing yesterday also indicated that the act has been a catalyst for reassessment on the part of the States of their own practices with respect to the confinement of status offenders. The hearings further indicated that some very real progress had been made toward the goal of ending confinement of such juveniles. The hearing, however, also revealed that much remains to be done in this area.

There appears to be much uncertainty and significant confusion regarding the types of alternatives to secure detention and correctional facilities which can and should be utilized in the country. Hence, our focus today in this hearing is on those alternative methods that might be employed for handling status offenders, their effectiveness and their comparative costs.

The development of such alternatives to the traditional "out of sight, out of mind" solutions to the problem of what to do about troubled but noncriminal juveniles is clearly a major challenge to our society. It will require the utmost patience and sensitivity and the courage to take innovative approaches when old methods are proven to have failed. The stakes are so high that they clearly deserve our maximum effort. They involve the preservation of invaluable human resources and the protection of society from trends toward future criminality among our youth.

I am very pleased this morning to be able to welcome as our first witness Mr. Peter Edelman, who is the director of the New York State Division of Youth.

We are happy to have you appear today, Mr. Edelman. We would certainly look forward to hearing about what efforts the New York Division for Youth has made to end the locking up of status offenders.

STATEMENT OF PETER B. EDELMAN, DIRECTOR, NEW YORK DIVISION FOR YOUTH

Mr. EDELMAN. Mr. Chairman, I appreciate the opportunity to be here today. I congratulate you on holding these hearings and on your leadership in this vitally important area. We in the States feel sometimes, when we are trying to achieve compliance with the law, that we have too few people here in Washington who support us and who keep constructive pressure on us. Your leadership is extremely important and we appreciate it.

I think we have made considerable progress toward compliance with the Juvenile Justice and Delinquency Prevention Act in New York State. What we have done is both less, in a sense, than what needs to be done and more than the Federal law requires.

It is less in the sense that the number of status offenders now being served in community-based and other permissible facilities instead of correctional institutions is painfully small compared to the number of youngsters who need help as a consequence of having family- and school-related problems. That is the larger agenda that we need to work on in the coming years. We have just looked at the tip of the iceberg.

What we have done is more than is required in the sense that we have been altering our patterns of service at the same time for all youngsters whom we serve. That includes the delinquents and the minor delinquents as well as the status offenders, even as we have moved to respond far more stringently to the serious type of juvenile offenders.

I will give you a litle background about New York State to define some terms for our discussion. We have had a separate status of-

fender statute since 1962, so that we have delinquents on the one hand—kids between the ages of 7 and 16 who have committed an act that would be a crime if they were adults—and on the other hand PINS—persons in need of supervision. These are youngsters who are habitually truant, incorrigible, chronic runaways, or out of parental control.

Therefore, there are two separate statutory structures. In the division for youth we serve, at any one time, about 2,000 youngsters. About 45 percent of those are juvenile delinquents. Maybe 30 percent are PINS. The rest are youngsters who either come as a condition of probation or who are genuine referrals; that is, they have come from a non-court-related source.

The service to the 2,000 kids is in a variety of settings, everything from locked facilities for serious delinquents to family foster care.

There are about 3,000 youngsters in an aftercare status, as opposed to residential status, at any one time.

Let me give you a little more definition. When I refer to a secure facility I mean a locked facility. When I refer to a training school I mean a large, cottage-type facility which is institutional in nature because of its size, even though it is not a locked facility.

That is very important. For example, in your opening statement, Mr. Chairman, you talked about removal of PINS youngsters from locked facilities. There was at least the implicit equation of a correctional facility to a locked facility.

I agree that locked facilities should be impermissible no matter what their size, for status offenders. But the training schools in New York State from which we have removed status offenders are not locked facilities. And I believe strongly that they are correctional within the meaning of the Federal act. I think that we have to find a way in our implementation nationally to accommodate that.

When I assumed the directorship of the New York State Division for Youth in August of 1975 there were some 240 PINS youngsters in the training schools, and about 30 in locked facilities. There was a 90-bed training school for PINS girls that had just been closed. We were already serving another 350 PINS youths in noninstitutional settings.

The 270 institutionalized kids were in three places—two 120-bed training schools, and 30 youngsters in the locked facility.

I would say that all of those youngsters were inappropriately placed. It was partly for reasons of cost and partly for reasons of the approach to care and whether they were getting what they needed.

The cost of operating those training schools at that time was about $16,000 in the on-grounds cost per bed, per youngster, per year. It was $24,000 when you take into account fringe benefit costs, central office, and other administrative overhead cost and the cost of intake and aftercare. These figures, by the way, included no amortization for physical plant.

It is important to understand, in terms of why the training schools are such unsatisfactory institutions, that despite these costs they are really neither fish nor fowl. They are neither costly enough to provide individual care of a highly sophisticated nature to each young-

ster—which some kids do need—nor are they small enough to really be a part of the community around them and to avoid being institutions by virtue of being small. As a pure consequence of their size you cannot graft them onto the surrounding community.

Well over half of the PINS youngsters who were sent to the training schools could have been served, in my judgment—and I think it has been proven now—as well or better in community based programs such as group homes, foster homes, and various combinations involving alternative schooling and the like.

Another one-third or so—it may be less than a third—could have been served as appropriately in outside-of-community settings, but not institutional, such as camps or smaller rural settings which can be more individualized without prohibitive costs.

There were some 10 or 15 percent of the youngsters who kind of got buried in the training school population who needed something a little bit more special. They have become visible now. That is a serious problem which we face. We have not had the specialized facilities that we need for them. They need a greater investment of money per child.

In those circumstances, what did we do? There we were in late 1975. We were facing the Federal mandate. We were facing State budget constraints. We decided to combine those two by moving to close inappropriate institutional beds, which was obviously a logical decision.

We already had a number of alternatives to institutionalization that were available. That is important in terms of our capacity to comply with the law. We already had over 500 beds in noninstitutional rural settings—mostly in camps. We already had over 400 beds in small group community-based settings such as group homes and so on. We had nearly 300 beds in family foster care.

There were kids in those beds, to be sure, but nonetheless, over a period of time, they were a resource for moving away from undue institutionalization.

We also had nearly 300 new beds, mostly in community settings, in the pipeline with State money at the time. Therefore, we had pretty good resources to start with.

Nonetheless, if we tried to close those inappropriate institutional beds without having additional alternatives it would have been difficult. Therefore, when I was told by our State budget people to take approximately 10 percent off of our budget for the previous year I went to our State SPA, division of criminal justice services, and said, "Could I get some money under LEAA or JJDP for alternatives?"

The answer was yes, because in our State our SPA viewed it as part of the mandate from Congress to spend LEAA and JJDP money on alternatives. Therefore, we developed a grant application for $1.7 million. It was approved by the State crime control planning board in December of 1975. In March of 1976 the Governor's budget was then enacted by our State legislature, so that by April of 1976 our deinstitutional plans had become a legal mandate of the State.

On top of that, our State legislature, in response to a proposal by Governor Carey later in 1976 statutorily prohibited the placement of PINS youngsters in our State training schools. It became not only State budget policy, but also State legislative policy not to have status offenders in correctional facilities.

Throughout 1976 we had what I would call a multi-ring circus in operation. I said earlier that we had 1,200 noninstitutional places in existence. The problem was that placement in those places was not done in any centralized way. Therefore, youngsters sent by the courts who were in effect earmarked for the training schools tended to go to the training schools even though there was no right under the law for the judge to say that the youngster must be there.

The reason for that was that the alternative placements were too often not available. Our own bureaucratic structure was working against us. There was one group of people supervising the facilities and another supervising intake and aftercare. Intake workers could not say: "This youngster is going to go to this place." Facility directors could reject virtually anyone.

We were like a series of miniagencies. If an intake worker wanted to fight about putting a particular child in a particular place he had to take his case to Albany. He had to get my sanction or that of one of my deputies.

Therefore, we had to reorganize from top to bottom to make this thing work. We made regions. There are four regions in the State subdivided further into eight districts. We placed all facilities and all intake and aftercare under unified supervision. We gave our intake personnel, who are now combined with our aftercare into what we call youth service teams, the power to determine—subject to appeal—where youngsters would be sent and what facilities they would be sent to.

This, of course, was very key. At the same time, we were developing our placement alternatives—the new ones. We gave the newly admitted regional directors the authority to split up the $1.7 million. They were each given a portion of the funds and directed to develop a variety of service alternatives.

At the same time, in another ring of the circus, we were gradually phasing out cottages in the training schools. The schedule was gradual enough so that most of the youngsters could go home when their institutional stay was completed. For those, maybe one-third who needed some additional placement, the time frame was stretched long enough so that we could make those plans on an individual basis.

As the year progressed we opened new group homes and other kinds of community beds in a number of places around the State. We added 90 beds in the area of family foster care. We added 75 beds in independent living for youngsters who were——

Senator CULVER. Excuse me, Mr. Edelman. Could you give that intake authority yourself by just executive order, essentially? If the juvenile court judge had a different view he was powerless to redirect that particular child? Is that right?

Mr. EDELMAN. Yes, that is right. I think it is a constructive policy, Mr. Chairman. In our State the judge has the authority to place

with the division for youth, but not as to facilities within it. He may also place with the local commissioner of social services to get youngsters to private agencies for care. Under our new, strict, Juvenile Justice Reform Act, when a youngster has been involved in very serious violence the judge can require that a secure facility be used. Otherwise, it is an administrative matter.

I think that is a good split of power between the court and the administrative agency.

Senator CULVER. Thank you.

Mr. EDELMAN. I had mentioned the places that we added in the course of 1976. The final category was day service. We added some hundreds of slots for youngsters who might live at home or youngsters who might be able to stay in a group home or family foster care as a consequence of having alternative education added to the placement mix for them—the service mix.

The PINS youngsters were entirely removed from the training schools by January 1977, which was actually ahead of schedule. Now their successors are in a wide variety of facilities, from camps and other noninstitutional rural places to group homes, family foster care, independent living, supervised residence with college students, voluntary agencies, and some in their own homes with special supervision.

Maybe a few cost figures would be helpful in taking a look at this. The current annual cost of a training school bed—and I have supplied these figures to the committee staff—is on the order of $27,000. That is up a bit from a couple of years ago. About $18,500 of that is the on-grounds cost.

The current cost of a group home is about $15,000, of which about $9,000 is the on-grounds cost—the bed itself. The disparity, again, is in the fringe benefits, the central office, and other administrative costs, and the cost of intake and aftercare.

The cost of family foster care, overall, is about $5,700, of which $3,800 is the payment to the family and the clothing allowance and the medical expenses and so on.

Our independent living program costs about $4,320 per youngster per year.

The college program costs about $8,000 per youngster per year, including the supervision for the youth.

On the other hand, just to keep the perspective in balance, the on-grounds cost alone, without overhead, of a very intensive program for that handful of youngsters who need such a program would be as much as $35,000 a year. We need some of those programs as well.

It is important to understand that appropriate combinations of programs for youngsters in communities can add up. If you take the $15,000 youngsters in the urban home, maybe for those placements to be successful the youngsters need $4,000 worth of a program for learning disabilities, and maybe another $4,000 worth of a supported work program. Even so, that $23,000 is less than the cost of the training school program and it is an entirely appropriate individually tailored placement, with mixing and matching of community enrichment options for that youngster. I think it is important to bear that in mind.

If you were to ask me what is the model, or what is the secret for status offenders I would say that it is an individualized response. It is in that mixing and matching of appropriate options. There are just a lot of things that go into it. For older youngsters employment and vocational training options are particularly important. Work with families is critical when there is any possibility of improvement in that area. Mental-health-based therapeutic interventions are necessary sometimes. Sometimes you have to take special attention to learning disabilities. Of course, education is fundamental for virtually every youngster. So many of them are reading so far behind. Proper medical care is another part of it. The proper mixture for each youngster is just key.

I would just stress again that while we were moving on the status offenders we were also moving in the area of delinquency. The reason I stress that is because there is a tendency in the country today to say, "We are going to deinstitutionalize the status offenders and throw the book at the delinquents." That is simplistic. A lot of delinquents are in the same victim category—that is, minor delinquents—as the status offenders and need the same mix of programs as status offenders. We tend to forget that.

We have our problems now, to be sure. Our facilities across the board are dealing with relatively more difficult youngsters. Sometimes some of them are not so sure that they are up to the challenge, although I think they are. So we have seen our staff gaps and vulnerabilities, as a consequence of this, throughout the system.

We are asking our legislature for extensive budgetary help this year to deal with that. It has really been 2 years since we have had any State budget increase. We have saved the taxpayers literally millions of dollars in closing unnecessary institutional beds. We think we now deserve something back.

My prepared testimony goes into the area of detention as well. In the interest of time, I will leave that for the record unless you want to question me about it.[1] I will just say again that I am happy to have had the opportunity to appear today.

Senator CULVER. Thank you very much, Mr. Edelman. This has been extremely valuable and the committee will very carefully review your entire statement and, I think, look forward to the opportunity of working closely with you and your experience there in New York as we try to develop the most effective implementation under this act.

We have just been notified that there is a vote going on now on the floor. Given the situation there this morning and the unpredictability of any repeated rollcalls we might experience I wonder if, with your cooperation and understanding, in my absence I might ask our counsel to solicit from you answers to questions that we are particularly interested in having your views on. I will try to get back here as quickly as possible.

Mr. EDELMAN. I understand completely from experience, Senator.

Senator CULVER. I would like to call Ms. Gittler at this time to perhaps get some of those questions to you. I will be back as soon as I can.

[1] See p. 208 for Mr. Edelman's prepared statement.

Ms. GITTLER. Mr. Edelman, you have testified that the cost of th various alternatives that the division of youth is utilizing are on th whole cheaper than your training schools. How substantial has th savings been to the State of New York as a result of this overal budget as a result of your agency's deinstitutionalization effort?

Mr. EDELMAN. Well, I would take that in a couple of time frame Ms. Gittler. If you go back 6 years to when the division for youth took over the training schools from the State department of socia services, there were close to 2,000 training school beds then. Mr Luger, my predecessor, began the process at that time. I calculate the other day that if we were running the same mix of beds nov that was being run in 1971 our budget would be over $20 millio higher than it is.

Over the course of the last 2 years, since I have been involved, would estimate that we have saved—in total institutional bed clos ings—the taxpayers of the State well over $5 million.

Ms. GITTLER. $5 million?

Mr. EDELMAN. Yes.

Ms. GITTLER. That is quite substantial.

Mr. EDELMAN. Yes.

Ms. GITTLER. Could you tell us whether the division of youth wa able to obtain Federal funds and resources other than LEAA fo the development of these alternatives to secure institutions that yo describe?

Mr. EDELMAN. Yes, absolutely. Our major source of non-Stat funding is, of course, our SPA—LEAA funds as they come throug the State. However, we do receive annually $1.5 million under titl I of the Elementary and Secondary Education Act. We did re gram those funds into community settings. I must say that ther was some bureaucratic complication in doing that, but we were abl to do it. So that was part of it.

We established a training institute for staff, which I think is vital component in altering the pattern of service. We have title X Federal funds for that—$375,000 per year.

We are also making good use of CETA money through the G ernor's 4 percent portion of that. We have in excess of $1 million c CETA money for youngsters.

We also have diligently pursued getting title II and title VI slo from the counties around the State to enhance our work force t work with youngsters in community settings. We have also pursue summer jobs very, very intensely. We have about doubled the amou of summer job money coming through the agency so that I w say we have by now in excess of 1,500 slots per summer. That, course, is all Federal funds as well.

Then, most recently we received—although this was a State legi lative decision—$8 million in countercyclical revenue sharing fund which is Federal money, of course, to apply to year-round emplo ment and training programs for the youth whom we serve and al for youth who touch the court system. Some of that will be dist uted for diversion employment programs.

Ms. GITTLER. In essence, then, what your agency did and what assume agencies in other States can do is put together Federal fun

from a number of different sources and not just limit it to LEAA in order to encourage the development of some of these kinds of alternatives?

Mr. EDELMAN. I think that is absolutely true.

Ms. GITTLER. It is my understanding from your statement that the main types of alternatives that your agency uses are camps, youth communes, foster care, independent living, and what you call "miscellaneous placements of a day service nature."

Could you describe a little more fully those miscellaneous placements of a day service nature? Just what kind of program is that?

Mr. EDELMAN. Yes. First I would like to indicate that it was our thought when we invented—not invented, really, because it is not a new concept—the concept of day service that its primary utility would be to enable youngsters to stay at home with some special supervision and some special programing.

What we have found is that in practice it is more important, although it has enabled some youngsters to stay at home, as a device to enable placement of youths in group homes and family foster care in communities who otherwise would have had to leave that community and perhaps be in an institution.

That is to say, that when one couples either alternative education or work experience or job training or mental health counseling or family counseling or some combination with that group home placement, that makes community placement possible when it would not otherwise be. That has been a major discovery for us, as simple as that sounds.

The diversity of day service is, I think, fascinating. Let me give you some examples, if I may. We have a program with something called the Langston-Hughes Center for Visual and Performing Arts in Buffalo, where we have 30 youngsters who go every day. They get a series of vocational training experiences. This really relates to developing positive behavior, too, from this private nonprofit agency that is deeply based in the black community in Buffalo. Those youngsters would be examples of youngsters who come from all different sources. Some are in our group homes, and so forth.

There is a program in Rochester that is called "Neighborhood Improvement." It specifically teaches home repair skills, but it also is teaching work habits. Again, it is in the vocational training area.

We have a program with Rochester Institute of Technology which is a college exposure program. Again, you see a little different phase.

There is a program at the Plattsburg Air Force Base, which is vocational training.

There is a program in New York City with a learning disabilities center on Staten Island to which we send some 30 youngsters from all over New York City. These are the placed delinquents or status offender youngsters who are identified as having learning disabilities that need remediation.

We have a number of slots that we have purchaser from voluntary agencies where youngsters go either for day service or in some cases it is residential but noninstitutional.

There is an alternative school at the venerable Henry Street Settlement House in New York City, where we have 20 youth.

Indeed, I could give you 30 or 40 or 50 other examples. I hop that gives the flavor.

Ms. GITTLER. Yes, it does. Thank you very much.

One of the other alternatives that you mentioned which I think would be of real interest to the subcommittee is foster care. As you may be aware, in some jurisdictions foster care has traditionally been utilized exclusively or primarily for neglected and dependent children rather than for juvenile offenders. Has that been true in New York?

Mr. EDELMAN. There was a base of foster parents who were already dealing with adolescent youngsters when I came. There were 300 slots at the time. However, it was underutilized. There were maybe 250 youngsters in the program. It was used only for youngsters who were coming out of institutions, really, who did not have anyplace to go or who did not have a home to go to.

We conceived that it could be used as an initial placement or as a bridge placement in lieu of a halfway house kind of approach. I think it is extremely important that we found it remarkably easy to recruit additional foster parents. Now remember, there was the base there. One of the best ways to get additional foster parents is from existing ones.

We have used spot announcements on television. We have had inserts in electric bills. The response has been quite remarkable. I am sure that if I had the funds tomorrow I could double the number of foster parents from the present 390. They would be of quality, and also we would have youngsters who would fit.

It has been an exceptional resource. I would stress again that one of the reasons it has been an exceptional resource is because we have discovered the mixing and matching principle that I was talking about. Many of the youngsters who are now in family faster care are doing so well there because it has become a specialized placement option. It is one youngster in a home where we combine daily supervision from a professional worker and alternative schooling or whatever else is added onto it. That is the key to it.

Ms. GITTLER. Can you make any generalizations about how successful the range of these types of alternatives which you have been describing have been in meeting the needs of status offenders?

Mr. EDELMAN. Well, I would generalize that they have been very successful. I have no quantitative data. As you know, quantitative data in this area is very weak anyway, and of course one needs to follow the youngsters over a longer period of time to have any valid sort of longitudinal data.

However, certainly as an impression—and we have three youth here from New York State who can speak for themselves—I believe that the changes have been remarkably successful. We have complaints from our group homes and from our other noninstitutional facilities that they are now handling a more difficult level of youngster, both status offender and delinquent. I just think that that is a matter of time. We need some additional staffing so that we can work through that.

However, on the whole, I think it is going very well.

Ms. GITTLER. What have been the main obstacles to deinstitutionalization which you have encountered?

Mr. EDELMAN. Well, I think one major obstacle is that there is neighborhood opposition to the location of additional group home facilities. There is no question that it is there. We have worked through that. We have certainly opened a number of new facilities since I have been there. The best I can say is that we have won some and we have lost some. However, we have won some.

I think another obstacle is the need to get the public to recognize that the investment is necessary. The money savings in closing unnecessary institutional beds are clearly there, but that is a short-run phenomenon. The number of youngsters who need help in relation to their school problems and their family problems and all the rest is, of course, legion.

Some of those are potential delinquents. Many of them are people who are going to have trouble as adults if we cannot help them deal with their problems now.

I find that politically, in New York State anyway, there is a great deal more heat around the question of the serious juvenile offender. Perhaps the greatest danger in terms of adequate service to the status offender, other than reluctance to accept community facilities, is apathy. It is the fact that people do not care enough about it to urge their legislators to make the adequate resources available.

Ms. GITTLER. Switching the subject, the subcommittee has received a number of communications stressing concern over new LEAA regulations defining juveniles and detention and correctional facilities.

One of the concerns that was stressed was that the new regulations in effect sanctioned the placement of status offenders in large, centralized institutions which are not community based as long as the institutions are used exclusively for status offenders.

Do you interpret the regulations in this manner? Do you have similar kinds of concerns?

Mr. EDELMAN. Yes, I do. I am concerned about the regulations on a number of levels. One can start from either end.

I note, by the way, that you have now had a communication from the Council of Voluntary Child Caring Agencies in New York State much to the same effect as the expressions that I have articulated.

First, I am deeply concerned that we are now going to be—if these regulations stay in place—subjected to a numerical test of the mix of delinquents and status offenders in small group community facilities. To me, that is frankly nonsense. The whole point of a group home is that it is a program which is noninstitutional in character and where the youngsters are going to benefit from the community context and milieu.

To have to be sure that we never have over 50 percent delinquents for a consecutive 30-day period is nonsense. We are not going to put serious delinquents in those facilities. They are going to be minor delinquents. They are going to be quite similar to status offenders. If we have to count the labels I just think it is going to destroy the program.

There are many small communities where it is only appropriate to have one group home. You are just going to drive minor delinquents back into the institutions with that policy. That is No. 1.

Senator, Ms. Gittler had asked me about the LEAA regulations in regard to the deinstitutionalization of status offenders. I had just commented that the requirement that youngsters in group homes observe a mathematical parity of no more than half juvenile delinquents at any one time does not make sense to me in a community based facility. I think the very nature of that facility is one where you should be able to mix.

Second, I am concerned at the other end of the spectrum that if you say to the voluntary agency that is running a program of, let's say, 100 or 120 beds that it can keep on doing that if it keeps it all because those agencies are serving some of the minor delinquents as well. At least that is true in our State. What you are going to do—and I say "you" generically, but specifically what the regulations will do—is to drive 350 to 400 delinquent youngsters in New York State out of the voluntary agencies and into the arms of the division for youth, which is really not prepared to receive them.

It would indeed be a further stigmatization of those delinquents who are receiving what I would say is relatively good programing in the voluntary agencies. That concerns me.

I guess those are the major concerns that I have. I would propose something that I think is workable. I would suggest, for example, that first of all there should be no locked facilities anywhere. I think we should be clear about that—for status offenders. That is in the regulations and it should remain in the regulations.

I think that we ought to talk about saying that if you have a facility with under 20, then you can mix without numerical limitation. That is really by definition noninstitutional and noncorrectional. That would be 20 or under.

I would say that if the facility is in a community—and this concept is recognized in the present regulations, so it is not novel—then there should not be any limitation on the size and mixing should be allowed.

Then perhaps we could have two other gradations. I think as you increase size you do get into some jeopardy about overinstitutionalization in terms of the nature of it. Perhaps 21 through 60 beds—a I just picked those numbers out—we could say that the 50 percent mixing principle is applicable. That is, that you cannot have more than 50 percent delinquents for a consecutive 30-day period.

Perhaps over that we could say that you cannot have more than 20 percent delinquents.

Certainly, we could live on both ends of the spectrum with that sort of policy in New York State. I do not think it is ideal because it technically does not prohibit the kind of training schools that we have just finished deinstitutionalizing in New York State. Nonetheless, I think that is a policy that would resolve the problems that many of us are having with the guidelines.

Senator CULVER. Did the New York Division for Youth receive any technical assistance money from the State Planning Agency for establishing these alternative services?

Mr. EDELMAN. It did not receive any technical assistance money, Senator. It simply received a grant of $1.7 million. However, we

certainly have had excellent help and cooperation from our SPA free of charge.

Senator CULVER. Do you think this is unique? Have you had enough experience with other correctional situations in the various States to know the degree of support and cooperation and enlightenment that they are experiencing as far as the State planning agencies are concerned?

Mr. EDELMAN. I am not in a position to comment on that, Senator.

Senator CULVER. Do you have any recommendations as to what more Congress, LEAA, and the State planning agencies could do to aid the deinstitutionalization process in the States and to foster or stimulate the development of these alternatives which you have been aggressively trying to develop in New York?

Mr. EDELMAN. I would say three or four things. The first is that we have to clear up the matter of these guidelines. It is essential. It is already creating consternation in our State in terms of our compliance in the State plan with the mandate. I do not think it is that hard to clean up if we could get the key actors to all sit down and discuss the matter. That is essential.

Second, I think that the OJJDP and the committees of Congress in their oversight capacity could do just that what you are doing with these hearings, which is to take a far more careful oversight stance with regard to the progress in this area and to know what is really happening.

Third, I think that technical assistance could be afforded both from Washington and perhaps from the SPA's, but particularly from Washington, so that there is dissemination of examples such as the ones we have been discussing this morning and so that all of the agencies in this position around the country are familiar with what has been done in the foster care area, the day service area, and so on and so forth.

I think it might be well if the OJJDP would reconfigure its discretionary funds to explicitly put some of the funds in back of this effort for exemplary and model and demonstration kinds of approaches.

Finally—and this gets to the rest of the iceberg—I would hope that you in your position of leadership in the Congress would look at a youth service initiative for the country. We have in New York State a system of youth bureaus that we are very proud of. We have a comprehensive Youth Services Act which is moving us toward youth services at the county level in every one of our counties in New York State.

We have seen the value of services of a full variety of natures—from alternative education and crisis intervention to crash pads. This deals with the runaway youngsters, it deals with problems of teenage prostitution, teenage pregnancy, and things that we know are absolutely serious and critical around the country.

I think the Congress of the United States, whether it is through the OJJDP or through HEW ought to legislate a national program of services to youth. I think it is long overdue.

Senator CULVER. Is that something that you have just recently done, Mr. Edelman, in New York—this Youth Service Bureau?

Mr. EDELMAN. No; it is really a long tradition, Senator. In fact, we had recreation programs before we had anything else, which I suppose is not surprising going——

Senator CULVER. I mean the more sophisticated service capability that you are speaking of, this medley of services or approaches. How recently institutionalized and coordinated has that been administratively?

Mr. EDELMAN. On a local basis it has been a spot here and a spot there for some time. The legislation which requires county comprehensive planning was enacted in 1974. We have within the State some people who have been leaders who have gotten behind that legislation and have helped implement it.

Senator CULVER. I would like very much to pursue this youth service initiative suggestion further with you at some later time. Perhaps we can arrange to do that. I think it is a most interesting proposal and one that I think we would like to take a very hard look at.

I understand that you brought with you your assistant, Ms. Patricia Lynch, and also three young people who were formerly involved in training schools in New York State.

Mr. EDELMAN. That is right.

Senator CULVER. Would these individuals please come to the witness table?

Would you care to stay with us, Mr. Edelman?

Mr. EDELMAN. I will sit out here. I would be glad to come back and answer any questions, however, if they are raised by anything that the young people say.

Senator CULVER. Thank you.

It is a pleasure to welcome all of you here this morning. We wish to express the appreciation of the committee members for your kindness in cooperating with us and joining us here for this session today.

These young adults have agreed to testify before this subcommittee because of their deep concern and their involvement in the problems that we are discussing today. However, I have assured them that the press and the TV cameramen would not write stories or take pictures which would reveal their identities. Photographs and film shots may be taken from behind the witnesses.

I do ask that you respect and honor this request.

I wonder, Ms. Lynch, if you could describe for us the circumstances under which these young people were referred to the division for youth and came to be confined in the training schools.

STATEMENT OF PATRICIA LYNCH, ASSISTANT TO THE DIRECTOR, NEW YORK DIVISION FOR YOUTH, ACCOMPANIED BY ROBIN S., JEFF M., AND MICHAEL S., INDIVIDUALS FORMERLY CONFINED IN NEW YORK STATE TRAINING SCHOOLS

Ms. LYNCH. Certainly, Senator.

Robin was first removed from her home at 9 years of age for running away. In 1974 she was placed with the division as a status of-

fender for running away. Even while away from her home she was attending school daily.

Robin spent 9 months in Spofford, a secure detention facility in New York City, awaiting placement in a division for youth facility. Here she mixed daily with youth who had committed serious criminal offenses and who were also awaiting placement.

She eventually was placed at Tryon for approximately 5 months, without criminal adjudication.

Michael was first removed from his home at 6 years of age due to a conflict with his parents. He eventually came to the division on a status offender petition for ungovernable behavior after having run the gamut of facilities existing within New York State's juvenile justice system.

He was placed in industry, a training school in rural upstate New York for approximately 1 year. He was then transferred to Tryon, another training school. Finally, he was sent to Brookwood, one of our most secure lockup facilities. He has never been adjudicated for any criminal offense.

Jeff was 15 years old when he was first removed from his home for incorrigibility. Despite the fact that this was his first placement outside his home he was placed in Tryon, the training school mentioned above, for approximately 10 months.

Senator CULVER. Why were they removed from these training schools and where were they placed upon removal?

Ms. LYNCH. The youths were removed from training schools in 1976 partially because it was the basic philosophy of the division for youth at this time, but it was also largely made possible by the pressure generated by the Juvenile Justice and Delinquency Prevention Act drafted by your subcommittee.

Michael spent some time in a work camp in upstate New York, which is a small rural facility emphasizing various kinds of physical work within a therapeutic environment. He then went into group homes in the community and finally was part of an independent living project run by the division.

This allows him to have his own apartment, hold a job, and go to school with some backup counseling, plus it gives him a stipend provided by the division.

Robin spent some time in group homes and is now living at home with her parents. She is attending high school and working full time.

Jeff spent some time in a group home within his community. He is currently living on his own and attending the State University—an experimental program, where the division provides him with a stipend.

Senator CULVER. Am I correct in my understanding that none of the young people we have here today were ever adjudicated to be criminal offenders?

Ms. LYNCH. Never, nor have any petitions ever been filed.

Senator CULVER. I wonder if I might call on Ms. Gittler to perhaps ask some of you some questions.

Ms. GITTLER. Thank you, Senator.

Robin, how old are you now?

ROBIN S. Eighteen.

Ms. GITTLER. It is my understanding that you spent some time at Spofford, a secure detention facility, and at Tryon, a training school. Is that correct?

ROBIN S. Yes, it is.

Ms. GITTLER. How old were you when you were in Spofford?

ROBIN S. Fifteen.

Ms. GITTLER. What year was that?

ROBIN S. It was in 1975.

Ms. GITTLER. How old were you when you were in Tryon?

ROBIN S. Fifteen also.

Ms. GITTLER. Approximately what year was that?

ROBIN S. It was 1975, up until 1976.

Ms. GITTLER. What led to your involvement with the division for youth was essentially running away, was it not?

ROBIN S. Yes.

Ms. GITTLER. What methods of discipline and punishment did they use at Spofford when you were there?

ROBIN S. Well, there was a security room at Spofford where a male staff member would take girls or boys and beat them, leave them there for a couple of hours and then take them back downstairs to the dormitory.

Ms. GITTLER. When you say "beat" what exactly do you mean? What did the staff members do?

ROBIN S. Beat up—like hitting, kicking if necessary, or whatever.

Ms. GITTLER. Under what circumstances would that happen?

ROBIN S. For arguing, for fighting, for slouching while in line, or backtalk to a staff member—especially females.

Ms. GITTLER. Were the same kinds of methods of discipline and punishment utilized at Tryon when you were there?

ROBIN S. Similar.

Ms. GITTLER. Were girls ever sexually assaulted by other girls at Spofford or Tryon?

ROBIN S. Yes.

Ms. GITTLER. Was that common or uncommon?

ROBIN S. Every night.

Ms. GITTLER. Every night.

Were you ever given drugs at Spofford?

ROBIN. Yes, I was.

Ms. GITTLER. For what purpose? Do you know?

ROBIN S. To keep me quiet and to control my temper.

Ms. GITTLER. What kind of drugs?

ROBIN S. I was given 250 milligrams three times a day of Thorazine.

Ms. GITTLER. What effect did it have on you?

ROBIN S. It made me very sleepy. I was very drugged up, more or less like a zombie kind of thing.

Ms. GITTLER. Like a zombie?

ROBIN S. Yes.

Ms. GITTLER. While you were at Tryon were you given any drugs?

ROBIN S. No, I was not.

Ms. GITTLER. Were other girls there that you know of given drugs?

ROBIN S. Yes.

Ms. GITTLER. I understand that during the period you were at Spofford and during the period you were at Tryon there were juvenile delinquents—criminal offenders—there.

Did your contact with those delinquents have any impact on your behavior or attitude towards criminal activity?

ROBIN S. Yes. Being in there with juvenile delinquents, and knowing that I was a PINS, listening to the stories that they would tell of how they had robbed a store—it would seem more or less like fun. Do you know what I mean? It's like they would turn it into a fun thing to do.

I found myself taking place with the juvenile delinquents to fit in with the crowd.

Ms. GITTLER. How did you feel about being in these institutions? What effect did your stay there have on you, do you think, looking back on it.

ROBIN S. Well, since I knew I was a PINS and I knew that I had not committed any kind of crime, I felt that I should not have been there. Being there made me feel like I was a bad person. I could not really understand what I really did wrong to be placed there in that institution.

Ms. GITTLER. I understand that after you left Tryon you were in a group home. Can you compare your experience in the group home with your experience at Tryon?

ROBIN S. No, I cannot.

Ms. GITTLER. Did being in a group home make you feel differently about yourself? Did it make you change your behavior in any way?

ROBIN S. Yes; it did. When I was in Tryon and Spofford I felt that I was a bad person and that I could not do anything. I could not function like normal kids out in the community who were my age.

When I got placed into a group home there was a sense of freedom. I felt—I took on responsibilities. I learned how to get along with other kids and other people and how to take care of myself.

Ms. GITTLER. You told me that getting out of these institutions even affected your appearance.

ROBIN S. Yes; it did.

Ms. GITTLER. Could you tell me about that?

ROBIN S. Well, at Spofford and Tryon you really did not have to worry about combing your hair or putting on clean clothes because you knew you were not going anywhere. You were not going to see anybody. Being there gave you a feeling that you didn't care about how you look or what you do or whatever.

When I got placed in a group home I met different people. I went a lot of places. It made me feel that I was taking charge of my life. In doing so, I cared about how I looked.

Ms. GITTLER. Robin, do you have any suggestions for the Senators regarding how we can deal better with young people such as yourself who are just PINS? Do you think we should handle them differently than you were handled?

ROBIN S. Well, what I have learned is that you cannot treat all people the same because juveniles and PINS petition kids have different problems. In institutions they treated all of us as one. We were all there because of the same reason. That is the way they saw it.

You cannot do that, because I had a different problem. I had a problem with parents and living in the home, whereas a juveni delinquent had a stealing problem or a fighting problem or something like that. You just cannot give all kids the same.

Ms. GITTLER. Thank you very much, Robin.

Jeff, how old are you now?

JEFF M. Eighteen.

Ms. GITTLER. I understand that you were assigned to Tryon. How old were you when you were there?

JEFF M. Fifteen.

Ms. GITTLER. What year was that?

JEFF M. It was 1975.

Ms. GITTLER. You were there for what reason? What led to your being referred to there?

JEFF M. Not going to school and home problems.

Ms. GITTLER. Truancy?

JEFF M. Yes.

Ms. GITTLER. Can you describe the atmosphere at Tryon when you were there? What was it like being there?

JEFF M. Well, my first half hour there I had to get into a fight. It was like, you know, I was tested. The whole thing, like for the boys—I don't know too much about the girls' situation—it was just like living on the streets all over again.

Ms. GITTLER. You did not find it too much different than life on the streets?

JEFF M. No.

Ms. GITTLER. Were gangs common at Tryon at the time you were there?

JEFF M. There were a lot of gangs there.

Ms. GITTLER. What kind of gangs? Can you tell us a bit more about that?

JEFF M. Gangs from the city, like Spades, Crowns, Kings—there were a lot of them there. They all stuck together. If you got one mad you had to fight all of them.

Ms. GITTLER. Was there a lot of fighting?

JEFF M. There was quite a bit of fighting.

Ms. GITTLER. What was the attitude of the staff toward you and the other boys there at the time you were there?

JEFF M. Well, some of them were all right. I had this one particular staff who would talk to me all the time. He would talk to me and some other youths in the place. He would tell us about the place you know, tell us what they were planning so that we would not wind up in a situation of anything.

There were some who were just like—we were dogs.

Ms. GITTLER. Dogs?

JEFF M. Yes. Like there was this one staff there—we were sup

posed to go to the movies one night. He said "I've got to take these animals to the movies."

Ms. GITTLER. How did that make you feel?

JEFF M. It felt pretty bad.

Ms. GITTLER. Were you ever put in what they call "the lockup" Tryon?

JEEF M. Yes; twice.

Ms. GITTLER. How long were you put in the lockup the first time?

JEFF M. Three months.

Ms. GITTLER. How long were you put in the lockup for the second time?

JEFF M. Five months.

Senator CULVER. Three months the first time in the lockup and 5 months the second time?

JEFF M. Yes.

Ms. GITTLER. The second time, when you stayed 5 months, what were you put in the lockup for?

JEFF M. Well, I was accused of being one of the leaders of a riot.

Ms. GITTLER. Was that true?

JEFF M. No; it was not.

Ms. GITTLER. Can you describe what happened to you when you were put in the lockup?

JEFF M. Well, when I first walked in I was asked some serious questions about the riot. I told them I did not know anything about it. All of a sudden one of them started hitting me. They threw me in the shower with my clothes on. They took me out of the shower and put me into a room. I slept on a mattress—that was all the furniture, just a plain mattress. There was no blanket or pillow, and the window was open.

Ms. GITTLER. For how long?

JEFF M. For 3 weeks.

Ms. GITTLER. Did you attempt to find a lawyer while you were in lockup?

JEFF M. Yes.

Ms. GITTLER. Were you able to do so?

JEFF M. Well, George King was the lawyer at the time for all the youth, but they kept me locked up so I would not see him.

Ms. GITTLER. Do you mean they hid you? Is that what you are saying?

JEFF M. Yes.

Ms. GITTLER. So that the lawyer could not talk to you?

JEFF M. Yes.

Ms. GITTLER. Ms. Lynch, were you at Tryon during the period when Jeff was put in the lockup?

Ms. LYNCH. Yes; I was there subsequently, about 2 or 3 weeks after the riot in a different capacity. I was a State legislative investigator.

Ms. GITTLER. Can you verify what Jeff has been speaking about? What were the conditions there at the time?

Ms. LYNCH. The conditions were appalling. Apparently what had happened was that the administration at Tryon, in an effort to stave off this supposed disturbance, had taken all of the leaders among the

young people, whether they be positive or negative leaders, and locked them into this cottage in an attempt to break them.

Ms. GITTLER. Did you observe the kind of conditions in which they were living in lockup?

Ms. LYNCH. Yes; Jeff is not exaggerating. If anything, he is underplaying it.

Ms. GITTLER. Jeff, did you notice any change in yourself as a result of your stay in Tryon?

JEFF M. Well, I was changing, but—I knew what I wanted to do after my first couple of weeks there with the sort of situation that was going on and how it worked by some of the stories I was hearing. I had to adapt to it in a certain way. If you weren't with a certain group, if you were in a corner by yourself, it was like you were practically forced to fight every day. In order to survive in that place you have to be in a certain group.

Ms. GITTLER. Did you observe changes in some of the other boys in Tryon while you were there?

JEFF M. Yes. Some of those youngsters around 13 or 14 would come in and they would listen to the older guys tell about the things they did. They used Tryon as a hideout place. The staff did not know about it, though.

What they did was when they went home they would pull, you know, a robbery or something. Then they would come back to Tryon just to visit, and the cops could not find them. They would tell us about it. They would tell their stories.

Ms. GITTLER. I understand that you decided to get an education shortly after you were sent to Tryon. Can you explain what effect Tryon had upon your determination to get an education?

JEFF M. I did some things, but when I heard some of the stories that some of them told me I just said that I wasn't going to let it take me that far. So I decided to look for the next possible thing, and that was to go to college.

Ms. GITTLER. You just did not like what you saw there and what was going on with the other people there and with the young people there. You decided that you did not want to go that route.

JEFF M. No; I did not.

Ms. GITTLER. That is what made you decide you wanted to go to college?

JEFF M. Yes.

Ms. GITTLER. What suggestions would you have, Jeff, regarding how we can better handle young people such as yourself?

JEFF M. As Robin said, you cannot treat them all the same. I feel that any kind of institution or any kind of facility whether it is a group home, an institution, or whatever, should have a staff to work with the kids. The staff should be trained to work there. They cannot just have them come in there, sign some papers, and tell them to come to work next week. They——

Senator CULVER. Excuse me. I could not quite hear you, Jeff. Did you say that they have to be trained, and they just cannot have people——

JEFF M. I said that the staff should be trained to deal with the youths the right way—not just come in there as a regular job and say, "You start work next week. Go deal with them."

I think they should be trained to deal with them the right way.

Ms. GITTLER. Thank you, Jeff.

Let me turn to you, Michael. How old are you now?

MICHAEL S. I am 19 years of age.

Ms. GITTLER. I understand that you were at Industry and Brookwood, essentially because of PINS conduct. You were having difficulties with your family. Is that correct?

MICHAEL S. That is correct.

Ms. GITTLER. How old were you when you were at Industry?

MICHAEL S. Fourteen years of age.

Ms. GITTLER. What year was that?

MICHAEL S. It was in 1973.

Ms. GITTLER. How old were you when you were at Brookwood?

MICHAEL S. Fifteen years.

Ms. GITTLER. That was approximately 1974?

MICHAEL S. It was 1974 to 1975.

Ms. GITTLER. Did you get in fights when you were at these institutions?

MICHAEL S. Yes; I did.

Ms. GITTLER. Frequently?

MICHAEL S. Frequently.

Ms. GITTLER. Why did you get in these fights?

MICHAEL S. Because I felt that I had to be either just as tough or tougher than the rest of the people that were there because I felt that there might be some harm done to me if I did not stand up for myself and be this way.

Ms. GITTLER. Michael, did you receive drugs when you were in these places?

MICHAEL S. Yes; I did.

Ms. GITTLER. What kind?

MICHAEL S. While I was at Industry I received 150 milligrams of Melaril three times daily. At Tryon I started off with 150 milligrams of Melaril four times daily, then I was switched over to Thorazine at the same dosage four times daily.

Ms. GITTLER. What was your understanding of the purpose of giving you these drugs?

MICHAEL S. Because of the explosive behavior that——

Ms. GITTLER. Because you were sometimes violent and these drugs tended to keep you calm?

MICHAEL S. Relax me, sedate me.

Ms. GITTLER. What effect did they, in fact, have on you?

MICHAEL S. During the course of the day it was very, very hard to stay awake. I was very groggy.

Ms. GITTLER. Did you receive any counseling while you were in these institutions?

MICHAEL S. Yes, I did; by the staff members and psychiatrists.

Ms. GITTLER. How often did you receive it?

MICHAEL S. Once a week.

Ms. GITTLER. Do you feel that you obtained adequate help at Industry for your problems, or do you feel that you obtained adequate help for your problem at Brookwood?

MICHAEL S. At Industry I received more than adequate help, but while I was at Brookwood I do not feel it helped me at all.

Ms. GITTLER. Did you like being in these institutions?

MICHAEL S. No, I did not.

Ms. GITTLER. How did you feel about being in these institutions?

MICHAEL S. I felt a sense of no freedom, of being cooped up all day.

Ms. GITTLER. How did you adjust? What did you tell yourself in order to adjust to being there?

MICHAEL S. I told myself that I would just have to do the best I could, because there was really no other place for me to go as far as home is concerned and that there never will be.

Ms. GITTLER. I understand that after you left these institutions you were in a halfway house and at a work camp and eventually you were allowed to try independent living. Did your feelings and behavior change as a result of being removed from these institutions and being put in these alternative programs?

MICHAEL S. Yes, it did. It gave me a chance to take charge of my life. It gave me freedom that I had not had while I was at these different institutions.

Ms. GITTLER. Now I understand that you are a security guard.

MICHAEL S. I am a security guard at the water department in Buffalo.

Ms. GITTLER. You are guarding our water for us.

MICHAEL S. I am guarding our water.

Ms. GITTLER. That's good.

Ms. Lynch, do you have any concluding remarks that you would like to make?

Ms. LYNCH. Only that these three young people—I think it is fairly obvious that they were inappropriately placed in training schools. They are simply three of many hundreds that have been placed in training schools inappropriately in New York State and thousands across the country.

These three are particularly fortunate in that they have very strong wills and extremely good minds so that they can succeed and take charge of their lives, really despite the system. What I urge you, on the subcommittee, to consider are the hundreds of kid who are sent to training schools across this Nation who have not got the minds and the wills of these three, and who are being daily destroyed.

Thank you.

Senator CULVER. Thank you very much, Ms. Lynch, and all of you for your kindness in coming here today and assisting us with this hearing and with our effort to develop a better understanding her in the Congress and in the country of better ways to deal with the problems that young people have.

Your experience, needless to say, is very shocking. Your experience is something that we hope, because of your courage and resolve and leadership, to help avoid for other young people in the future of this country.

I certainly wish, on behalf of this committee, to congratulate yo and to commend you for the efforts that you are making now and the activities that you are involved in. I want to wish you well and thank you again for your cooperation and help with regard to our efforts here today.

Thank you.

Our next witness is Mr. Rex Smith.

Mr. Smith, it is a pleasure to be talking to you here in Washington.

STATEMENT OF REX SMITH, DIRECTOR, MARYLAND JUVENILE SERVICES ADMINISTRATION

Mr. SMITH. Thank you very much, Senator.

Senator CULVER. Do you want to summarize your prepared statement, Mr. Smith?

Mr. SMITH. I do have a formal statement before you, but I would like to summarize it as best I can.

Senator CULVER. Without objection, we will put the full text in the record.[1]

Mr. SMITH. It is very difficult, I think, for those of us who have been working in the field of youth problems for years and those that are sitting in this audience and the JJDPA subcommittee not to get relatively supercharged emotionally over the kind of testimony we have just heard with respect to these three youngsters that appeared before you.

I would have to agree that there are hundreds and hundreds of these types of youngsters who have been abused in that type of system for years.

Just in a preliminary fashion, prior to going ahead with my testimony as to the Maryland experience, I would like to share with you that there are classic examples of the movement of youngsters of this type into the higher echelons of the criminal justice system. There are youngsters who are committed to institutions as a result of being a status offender: in Maryland we call them children in need of supervision, or CHINS.

They are committed to institutions for that kind of behavior, but, because of the considerations that one must undergo within an institution—which I think you heard about just now—there comes a time when the experience becomes something that is relatively intolerable. They try to escape from what is an unhealthy situation.

We have had experiences time and time again wherein that escape from that intolerable circumstance, a youngster leaves and takes an automobile, with another group of youngsters. Some of those youngsters may, in fact, have already committed delinquent acts.

In so doing, the child is charged with a delinquent offense. Because it is an escape offense, in some jurisdictions and some locales within the State of Maryland and other places, that offense is a delinquent act.

That child is prosecuted then in an adult court after a waiver. We have children now who are sitting in the State's penitentiary as a result of such tracking into this system of a child who originally had no other behavior problem other than running away from home.

That is a classic example of how kids in this kind of status can be trapped in a system which will do things to them that I do not think we can tolerate as a society.

[1] See p. 212 for Mr. Smith's prepared statement.

With that as a frame, or just as a few opening comments, let me discuss the experience in Maryland and where we were, to give you somewhat of a backdrop as to how we have gotten to where we are and where we might be going, hopefully, as a result of our experience.

Prior to 1966 there was a great deal of concern in Maryland, as there has been in other States, that the services to delinquent youngsters—and at that time delinquent meant the status offenders as well as the criminal types of offenders—were not being properly administered.

There came together a number of people who were very interested in a progressive treatment philosophy for kids, which should permeate throughout the entire State. We have 24 different subdivisions and jurisdictions in Maryland and there may have been 24 or more philosophies about the treatment of children being expressed in the juvenile courts through the types of agencies that were in existence at that time.

There was developed a single department to administer the programs to juveniles, which is rather unique still, I think, in the Nation. Therefore we were prepared to exercise administrative responsibility and accountability and program responsibility, not only for the institutional programs but for all detention programs, diagnostic service programs, intake programs, probation programs, after care programs, and all of the court services and community services programs as well.

We also had the administration of the group home program through our purchase of care responsibilities. So we have a very total package. When we established a policy and procedural precedent we could reach out and make it work.

I think that the context within which we begin to develop deinstitutionalization was one within which it was a lot easier to undertake than in many other jurisdictions across this country.

In 1968 and 1969 there was a good deal of consideration and concern because I personally, Senator Mathias, and others in Montgomery County, Md., and others across the State had begun efforts already toward deinstitutionalization. I mean that in a general sense; not just with regard to the status offenders, but with regard to children who are in institutions who do not need to be there.

I think Peter Edelman spoke to that concern as well, insofar as the delinquent—criminal-type—population is concerned. Let us not forget that there are youngsters in institutions today all over the country and in Maryland who require deinstitutionalization who are in that category.

We began efforts as early as 1968 and 1969 budgetarily within the Department of Juvenile Services to deinstitutionalize generally. We had a little bit of a head start in terms of developing some group homes and some programs. We had provided seed money for private agencies and others to develop some group homes and some foster homes for these youngsters.

In late 1972 we were fairly well underway with this. There was a suit filed in the Federal courts by the legal aid people in Baltimore City with regard to deinstitutionalization of status offenders. It

said that they should not be mixed with the delinquent offenders in the institutions.

While that was in process, the legislative session of the general assembly in Maryland in 1973 was giving consideration to two separate bills. One would have been more palatable and would have been received more favorably even by the professionals in the field, but more importantly by the judiciary and other people concerned with protection of the child. By protection they mean that you need to grab hold of a child and hold him and lock him up in order to treat him. That is their sense of the word.

This one bill allowed for a process whereby a child must first have been tried in a community based facility before that child could have been committed to a State training school.

The second bill, which was sponsored by Senator Blount, of Baltimore City, was received less favorably because it went the whole way. It left no loopholes. It said that there would be no detention and no commitment of these youngsters, whatever.

My Department supported the former bill, the one that allowed the loopholes. There was a great deal of fear that if we did not have this authority and this final threat with which to control the child's behavior in the community that we may, in fact, have rampant kinds of youngsters running around who think they can flaunt the authority of their parents and the court and all of our programs altogether.

In the final hours of the 1973 general assembly the senate version was passed. It left no loopholes whatever. There was a great deal of outcry, as it were. There was concern from all levels about what this was going to mean to the juvenile justice system.

"The juvenile justice system could not handle it in Maryland." How were these kids actually going to be treated if we could not lock them up on a Sunday afternoon when they were running away from home. We could not threaten them, as a matter of fact, with institutionalization if they did not cooperate with a community based program.

At that point in time we had been committing hundreds of status offenders each year. As a matter of fact, I should say parenthetically that Maryland has for many, many years had the reputation of committing more youngsters to State training schools who were in the juvenile court sphere than almost any other State in the Union, despite our small size.

It is an incredible number. That is why I think our immediate emphasis was toward deinstitutionalization altogether in 1967.

In 1973 we were having 430 to 470 youngsters in this offense category locked up. Our institutions are generally open institutions. We have no institutions with a fence. They are, however, locked inside. They are in that kind of a configuration in terms of institutionalization.

We had 150 to 170 in one school. We had two camp programs which had 35 beds each for just the status offenders. We had about 250 to 260 girls in the girls training school, 80 percent of whom were status offenders. That is one of the most sexist things that I

think the State of the country has ever done with respect to the handling of female offenders.

I do not particularly even like the word "offender," because I am not so sure that we should be considering status offenders as offenders in the first place. I think I might get into that somewhat later.

In any event, we had about 430 youngsters committed on a daily basis, which represented maybe 1,100 or 1,200 youngsters on a yearly basis who would have been committed to an institutional program.

What the bill said, specifically, as is written in my testimony—very briefly, article 46 section 70-11 reads:

Detention is permitted only when a person is alleged or adjudicated to be a delinquent child.

Section 70–12 says:

A child in need of supervision shall never be placed in detention, but only in shelter care facilities maintained by the Department of Social Services or Juvenile Services.

Section 70–19 was amended to read that:

If a child was found to be in need of supervision the court may not confine the child to a juvenile training school or any similar institution.

It is important in Maryland to note the words "similar institution." As Peter Edelman said a few minutes ago, we may be considering some size considerations in terms of what is an institution and what is not an institution. This says "no similar institution."

I think it is very important that we maintain that kind of a posture.

It is very important to note as well that at the passing of that bill the followup to that was the report of the State senate joint budget and audit committee. That committee was very progressively thinking, along with Senator Blount.

They said, In fact, any moneys, any financial accumulation of money which would result from having then close an institution or phase down any beds in an institution would have to go toward community programs. We were being given direction by the Maryland General Assembly. It would "have to be placed in the budget of the juvenile services administration for the development and maintenance of community based programs."

I think that gives the general thrust of the State—not only the executive branch, but the judicial branch as well and the legislative branch.

Let me say also, parenthetically, that this whole move of ours, as a single department having a relationship with all aspects of the juvenile justice program, intake and probation and what have you, all over the State brought us into direct hand-in-hand relationships with the judiciary all over the State.

Almost to a judge across the State there was an emphasis on general deinstitutionalization and of development of community based programs.

Again, we were in a posture of some ability to move, although, as I suggest, this bill did not go over with great favor amongst some of those persons. There was this crutch, this final weapon in the arsenal of dealing with the youngsters who simply would not behave which was being taken away.

Therefore, there was a great deal of apprehension. It was, again, buttressed by the fact that while we may not have had all of the community based facilities in place at the time hopefully we would have the money accruing to that.

The impact institutionally was in fact that we did close one whole training school. It had 170 beds. Two of the forestry camps were closed, to status offenders as I mentioned. Two hundred beds of a girls training school were closed. Another 225 beds of the boys village program in southern Maryland were closed.

From 1973, when the law took effect, until 1975 it is interesting to note the difference in figures in terms of our overall budget for the entire program of the delivery of juvenile programs in Maryland.

In 1973 nearly 60 percent of all the moneys—of an approximate $25 million program—were going into the institutional programs. Maybe 37 to 40 percent were going into community based services.

By the end of 1975 that had been almost totally reversed. About 40 percent of the moneys were going into institutional programs and nearly 60 percent of the moneys of our total budget were going into community based facility developments.

In terms of experience, we really got into how to implement this legislation. We had a series of discussions and meetings with persons affected all over the State. As I say in my statement, that included a lot of emphasis within ourselves to work out as a total staff of about 1,300 at that time a whole frame of mind and a frame of reference which would allow us to really believe in the fact that this could work and that we could, in fact, make it work.

As I say, even to this day there is still concern as to whether or not there are some children that we are missing by not being able to institutionalize them and by not being able to confine them.

We went about meeting with the State police and with the local police jurisdictions throughout the State as it relates to detention. Twenty-four hours a day we were the ones in the administration who had to authorize detention. Here are these little youngsters running all over the State that the police would pick up and say, "Well, now where are we going to put them? We can't put them in lockup. Where would you suggest we put them?

We were going to be in a posture of saying, "Well, we are not sure, so we have got to do some homework on that level." You will not have available to you the local police lockup. You will not have available the detention center.

That led us to having to deal in great measure with the private sector. I think I heard testimony yesterday having to do with maybe coming full cycle from the private sector running all of the institutionally based programs to the public sector. Maybe we are moving back. Maybe we are moving in a very health way, to some degree, to involvement of the private sector and involvement of local jurisdictions and the citizens in these programs. That is really where it is at. That is what is going to really make it work.

We can involve ourselves directly at the local level, the county level, in another hand-in-glove approach to make sure that we have the services that we need when a police officer has picked up a child who has run away. We need to find some placement for that child.

The local departments of education have been big users of the juvenile courts for behavior problems within the school system. We had to find a way to help them and with them develop programs at their level—at an earlier level. If they had to be referred to court, we had to develop programs at the court level.

The emphasis or the trend became what I think, is the most healthy thing that could possibly have happened to the children in terms of a partnership approach. Senate Bill 1064, created a situation where necessity is the mother of invention. I have stated that we had to develop other kinds of alternative ways to deal with these youngsters.

It was there at the very outset in the school system, at the very early stages within the Social Services Administration program for foster care. We had to reach out with programs, as Mr. Edelman has suggested, as we have to some degree, with prevention programs of the Youth Services Bureau to be able to deal effectively with the child in his own community.

All of these things were going on during the summer. We were trying to work with all of the officials who had any relationship to the juvenile justice system with relation to referrals to us of these kinds of offenders.

We had to work with the providers for the development of new bed space. We had to work toward the development of new shelter care homes that would be available when that child was picked up on Sunday afternoon or Friday night.

We had a relatively good deal of success there, because again the emphasis was clearly there that the legislature wanted to make this thing happen.

A good deal of what did take place was that we developed these programs in some haste. We developed more of an understanding that these line probation officer personnel would have more responsibility for a number of youngsters who could otherwise be serviced in their homes.

We developed a program which was in its infancy at that time. It was a program of purchase of services. We could purchase a service for a child and his family while the child remained in his own home.

We sort of went around this business in kind of a backward way, if you consider it in terms of design and planning. It is the business of dealing with children and having to provide them with services. We started in this country with institutionalization as the major resource for a very obstreperous child. We, even now, have sort of worked backwards from that. We have worked from institutions to group homes to small structures to foster care structures to foster care with a special purchase of services program, back to the child's own home with purchase of services back to probation.

We went about this thing backwards. If we had gone about this thing in a clear and precise way, designing as an architect would, you would begin the other way. Then, by the time you got to institutional level you would have very few youngsters getting that far. Our plan was peaking off until we had, in fact, reached the goal of deinstitutionalization.

One of the considerations was the attorney general's ruling on the business of the forestry camps. We had four forestry camps. We had two at that time serving the status offenders.

The question was whether or not those 35-bed forestry camps, which were isolated in nature in the forest were similar institutions to training schools and whether we should deinstitutionalize those status offenders from those programs.

The attorney general ruled that yes, in fact, because of the nature of the program and because of the institutional nature and criteria of the program, it was a similar institution. He ruled that the kids must come out of there, too.

We agreed with that proposition.

A second thing had to do with whether or not a youngster could be committed for confinement, for institutionalization, by a judge prior to January 1, 1974, and then remain for several months thereafter. We felt that there may have been a rush to get these kids in because after January 1 they would not be able to commit them.

The attorney general ruled that the children who had been committed prior to January 1 must be out as of January 1. Therefore, it helped us with our planning to know, at least, definitively that we would have to do something about all of the youngsters who were currently in our institutional programs and those who were likely to be committed after January 1, 1974.

Senator MATHIAS. Mr. Smith, all that noise in the background is part of the process for bringing the Senators to the Senate floor for a vote. The chairman has already left and will be back in just a minute. It has reached the point where I am going to jog over and catch up. The chairman, I believe, will be back very shortly. I would suggest that you complete summarizing your statement for the record and then the committee will stand in recess if the chairman has not returned by that point. Meanwhile, the staff will be here and the record will be completed at that point.

Mr. SMITH. Fine; thank you, sir.

Let me suggest, then, that the furtherance of our efforts to deinstitutionalize suggested that we take a posture during the summer months of 1973 that in-house we would make no further recommendations to those institutional programs as of September of that year.

We also, again, worked with the judiciary, who were most cooperative in this regard with the idea that the judiciary, after October 1—instead of waiting for January 1—of 1974 would no longer commit youngsters in the status offender category to the institutions.

Therefore, nearly the entire juvenile justice system in Maryland stopped, in effect, the commitment of status offenders or potential status offenders on October 1, 1973, instead of waiting for January 1. That gave us some head start on the whole business.

Summing up, the referrals for status offender categories to the Juvenile Services Administration, in 1974—and part of that year we allowed status offenders to be institutionalized—we had approximately 4,000 referrals from all over the State. One year later it was 3,000. One year later than that, in 1976, it was only 2,000. We have

continued to see somewhat of a decline in the referrals to the juvenile justice system for this type of youngsters. A lot of that has to do with the proposition that the various agencies, who are dealing with those youngsters, who had formerly been refering those youngsters for the ultimate authority of the juvenile courts, were finding that they were, in fact, developing some alternative programs.

Some of the alternative programs were alternative school programs, more counseling programs available through the private sector supported by local jurisdictions. The local jurisdictions themselves, the counties, developed a number of new programs to deal with these youngsters at an earlier age. There was a recognition that this kind of posture had to take place with regard to all of the State.

There was a recognition that the Juvenile Service Administration could be a catalyst to that and be supportive of that effort.

In 1975 we went back and decided that what we ought to do was canvas our own staff and to assess the effect of Senate bill 1064 to determine whether or not we were able to psychologically and programmatically really cope with the deinstitutionalization of the status offender.

There was overwhelming support for the continued deinstitutionalization of the status offender both at detention and at commitment. There was and still continues to be today a great deal of concern about some youngsters, but not the hundreds and hundreds who were handled in this manner previously. For some youngsters, whose needs have not found a way to meet as yet within a community-based structure of programing services, there is concern that there are some children who require a greater level of intensity and supervision almost nearing confinement than some others. We may be losing these children.

There is that remaining residual kind of concern. I think that it is very healthy that society feels it does have a responsibility to protect its children and to provide services. However, I do not think that we have come so far as to consider that as a legitimate excuse for a reason to go back to previous times, back beyond January 1, 1974.

One of the largest staff compliments in the State of Maryland—one urban jurisdiction wrote back to us at the particular time that we were canvassing their attitudes and they suggested that "The only comment we could make would be that we feel the status offender type of child should not even be in the juvenile court system at all."

That is coming a long, long way from our earlier posture prior to January 1, 1974.

I guess what I have to say here is that in terms of experience in program development and maintenance we are a long way from being in a posture where we are going to be able to deal with all of the kids that we need to deal with, and to solve the problems of the youngsters who are out there who need more agressive kinds of community based approaches to deal with their problems and their situations so that they do not get referred to the juvenile justice system.

The Maryland experience is not over. I think that there has been in the subsequent legislative sessions, 1974, 1975, and 1976 in particular, and even in 1977, an indication that there are some who would like to reverse Senate bill 1064 and go back to some other posture, such as the posture you may have heard here from the General Accounting Office survey, wherein there could be detentions for a limited time period.

We have had a tremendous amount of support from the citizens groups in Maryland such as some of the lobby groups that work with us and the legal aid groups as well. They have helped us in fending off this inclination to return to institutionalization of the status offenders. I would submit to you that without this kind of support we are not going to be in a very good posture to continue to develop good, sound, community based programs and to fend off completely the idea that we should go back to some type of institutionalization.

One of the things that I think is extremely important to point out and reach some kind of an understanding on is the myth that when we were protecting all of those children, as we had ostensibly protected the three who were here earlier, all of those children got well.

Somehow, even in the State of Maryland, there is the feeling that if we had the ability, again, to confine or institutionalize, as we had before in the Victor Cullen School, which had a very good reputation at the time, and in some of the other programs—we would solve the problems of those youths who now plague us; those handfuls of youngsters who are really difficult to reach. We would have that ability to confine them and to put them in these programs which we felt were fairly successful or very successful.

That is a myth. I would not want anyone to suggest to this committee or publicly that when we were in a posture where we could confine and we could institutionalize these youngsters that we were solving their problems.

We were not solving all of the kids' problems all of the time. One of our best facilities—one of our best facilities programmatically, educationally, and what have you, was the Victor Cullen School in western Maryland. At that school we had 150 youngsters on grounds on a given day. We had 175 committed.

When we had that ability there were youngsters who were committed and who were institutionalized, but for whom we were not successful. We were not solving their problems. Those youngsters were gone from our institutions as well as they may have been gone from a group home or from their own homes.

Therefore, let no one suggest to you that we were, because of that ability to confine, in a position to be able to deal with the children's problems. It only allowed us to put the child away for a while and not have to worry too much about the fact that the child was getting a decent educational program and three squares a day. Do not let us be subdued into the idea that we were really solving the problems of these children.

I think at this point in time, having taken that wholesale approach that was taken in Maryland, we are in a much better posture to

effect problem solving for the kids. We are in a better position to do something in a positive vein.

We have had to tax our imaginations and our creativity and our ability to break tradition in programing to the extent that we have not even yet tapped the tip of the iceberg in terms of the kinds of programs and what I term "social technology." That is absolutely required to be able to deal with these youngsters and their families in a preventive way and in a way so that they need not be referred to the juvenile court system at all.

I disagree to some extent with those who would suggest that what we need to have in the juvenile court system, and one which, like my administration, is very closely tied to the juvenile court system, all of the programs to deal most effectively with the status offenders.

The fact is that Maryland's experience shows that in the most effective programs we are only a part of it. When we say that we deinstitutionalize the status offenders and then turn around and say, "Well, what can the Juvenile Services Administration or what can the Juvenile Justice Administration in this country do to provide those services?" I think that is a wrong question.

It is not absolutely necessary that the juvenile justice system or an administration such as mine provide all of those services. We do not. We do not intend to. We intend to work with a very hand-in-glove approach so that the schools provide special programs for kids that they are referring out of the classroom who are disruptive. The local health departments and the local mental health agencies and the local counseling agencies will work with us to develop those kinds of programs. The only reason a child ever needs to get to juvenile court in this kind of status is to change legal custody.

I know this is taking a lot of time, so I will end with that. I will be available to answer questions, that is fine. If you would like to recess, as the Senator suggested, that is fine.

Senator WALLOP. Mr. Smith, on the chance that perhaps they will vote and return before too many bells come on and I have to leave, I would like to ask a couple of questions of you.

For your information, I apologize for not being here earlier. I am Senator Wallop from Wyoming. I have been involved in a number of similar legislative attempts to the ones that you have described here in our State.

That would give rise to my first question, because we obviously have problems that are substantially different from those of urban Maryland. Could you describe what your experience has been in rural Maryland and in small-town Maryland?

Mr. SMITH. I am glad you asked that question, because it gives me an opportunity to advise that the rural areas—I can think of one or two in particular on our eastern shore and even in southern Maryland. You may know that Maryland's configuration geographically is really rather unique. We have rural, urban, and city areas.

However, on our eastern shore and in the other rural areas we have been able to develop some of these alternative programs in a much more far-reaching way, particularly as it relates to the youngsters who are in the truancy arena. We have some kinds of programs which have been developed with some support from the Law En-

forcement Assistance Administration and which have had local support in carrying out early identification and early program development for youth. We have developed early recognition programs and counseling programs for families in the rural areas.

We have embarked upon particularly the area of detention. We have had regional detention centers. We have done our work with the efforts of the line staff. We developed a whole system of shelter care facilities and even group home facilities.

More importantly, I think, we have had the development of a single-family shelter care facility that will take these youngsters with very little notice, but hopefully with a good deal of support from our staff.

I think that in the rural areas we have even seen a higher level of success.

Senator WALLOP. I can appreciate that possibility.

Could you do one other thing for me? If I have time I want to get back into the rural versus urban contrast here, but I wonder if you could sum up what you consider to be the most effective way of handling status offender juveniles. I would assume that you would have to draw a line between status offenders as truants and status offenders as runaways or victims of abusive households or other things that require protective custody.

Mr. SMITH. I think that you can separate out individually. I agree with Mr. Edelman. You really need to take a very individualized approach to the youngster. All runaways do not run away or manifest that behavior for the same kind of reason, nor do the kids who are ungovernable or truant do those things for the same kinds of reasons.

I think that there is often a common denominator base for many of those kinds of problems. I think the most feasible approach is to develop a system wherein you can recognize those problems early on and provide some early-on kinds of programmatic considerations for the families and for the kids.

Again, you do not need to do this within the juvenile justice system. It so happens that at this point in time in Maryland our system is such that we are able to develop and even purchase the services that are required for those kinds of kids when they are brought to us.

That, in part, is the problem. They almost have to be brought to the juvenile justice system in many cases to get the service. Again, I do not think that is a necessary ingredient in providing those services.

I think that what you have got to do is get to the root of the problem and the heart of the problem. I do not believe that we have come close to that in many, many cases and with many, many children.

Senator WALLOP. How do you avoid having them come to the juvenile justice system first?

Mr. SMITH. Well, I think one of the ways to avoid that——

Senator WALLOP. Or do you?

Mr. SMITH. I think you do. One of the things that is done is simply the prohibition on the fact that you can confine a youngster in this

category. It is almost force feeding. Again, necessity is the mother of invention. You absolutely have to do it.

If I am an educator and heretofore I have been able to refer to juvenile court, through my process, those kids who are disruptive or who would not come to school or who are truant, I have been able to say to the juvenile court system, "You take this child. He is going to need to be educated in a confined setting somewhere, because I cannot educate him."

This has forced me to recognize that I simply do not have that device available. I have got to do something else.

The school systems have embarked upon new approaches. They have taken a different look at suspension rulings and the way they go about suspensions. They have taken a different look at their curriculum development. In some cases they have developed an alternate school kind of approach, allowing that some kind of youngsters just cannot tolerate a full rigorous schoolday or even a half day of work and half day of school kind of program. They need more attention in their families and in other kinds of ways within the educational realm.

That is where I think it takes a coordinated approach with persons who are child oriented—agencies which are child oriented such as ourselves—which exist in a local community as well as the other community agencies.

What has sprung up are some private organizations as well that are willing to do that.

Senator WALLOP. In summary, then, are you suggesting that the school system itself is the foundation of the most effective programs?

Mr. SMITH. It may be the central hub around which we can marshal a number of other services. I think there is a good deal of reluctance on the part of local school systems to get in and identify early and pinpoint youngsters. I think, then, we get into some other constitutional problems having to do with their rights to privacy and security within families.

There is a really essentially difficult area here in terms of too early identification and too early intervention. I think one of the most important things is that it is every bit as important to recognize when you should not intervene in a child's life as it is to recognize when you should.

Particularly in a rural area the kids stand out fairly clearly when they are having problems in the grades or who are having problems in the community, because people know them and know where they are from.

Senator WALLOP. I hate to interrupt you, but I will have to come back to this later. I must go and join my colleagues on the floor now. We will recess until such time as we come back.

What we will do is—in our absence, and with this rather peculiar situation, with your permission I would suggest that the chief counsel of the committee continue to ask the questions that were prepared earlier by the members of the committee.

Thank you.

Ms. GITTLER. I have just a few brief questions, Mr. Smith.

I note down here under your legislation that any State funds which were saved as a result of the closing of the institutions were

to be used to establish alternatives. Do you have any information as to the precise amount of the savings?

Mr. SMITH. That was a 1 year budget alone. That savings was just for the 1974 fiscal year budget.

We had analyzed the entire situation in terms of how many of the youngsters in our institutions may have otherwise been found to be delinquent and committed. I think that is in the statement as well.

Not all of those 430 youngsters at that given time were the ones to be deinstitutionalized. Probably 390 or so out of that number were the ones.

We projected somewhat over $1.5 million to $2 million, or somewhere in that range, was how much we would be accumulating as a result of closing an institution.

The net result, however, was far less than that. I suggest in my statement that we accumulated a net of about $500,000 to $600,000 because of other considerations that took place having to do with other institutions and other kinds of administrative and even political considerations.

Ms. GITTLER. Can you tell us what success, if any, you have had in attempting to obtain funds from Federal sources other than LEAA, such as title XX employment funds and so on, in developing alternatives to secure institutions and secure detention facilities?

Mr. SMITH. I am glad you asked that question, too. Either fortunately or unfortunately being ahead of our time regarding the Juvenile Justice and Delinquency Prevention Act and its regulations, we have on two occasions upon request been denied access to funding which has been provided for, say, New York State and California. We have been denied those funds for a maintenance of effort of the deinstitutionalization posture.

We did not at the time, either, have available to us the title XX money, which subsequently has come into our administration. However, the majority of those moneys simply displace our general fund budget to such a large degree that there was no significant increase in the number of dollars that we had available to us.

I would suggest that the majority of what we did, we did in-house. As I wrap up my written statement, that further suggests that a State can do it when they think that they cannot, oftentimes. I think that our State was in a posture of saying, "We just cannot possibly handle this." But we found that we could, for the majority of children, handle it within a reallocation of internal budget resources even without outside help.

I would suggest, however, that with some outside help from Federal agency money or other moneys transferred into the administration, they would be far ahead of the game in terms of their ability to plan.

Ms. GITTLER. Could you just tick off for us the main types of alternative programs that you have utilized for status offenders in Maryland?

Mr. SMITH. The thing that we did immediately was to invoke further our purchase of services program for those children while they remained in their own homes—those that were coming out of the institution and those that may have been scheduled to go into

an institution—where we buy the service for the youngster in his own home.

We increased our capacity in the area of shelter care tremendously, particularly for the detention purposes. We also have a specialized foster care program of about 140 to 150 beds across the State for youngsters coming out of the institutions.

We increased bed capacity in group home programs by between 60 and 80 beds at that time. Since then it has been increased significantly to the point where we have some 455 youngsters in our group home intermediate care facility program at this point in time.

Those are the major changes in our programs for the status offender. One year ago we embarked upon some new programing even at our intake level for those youngsters who would ultimately have been referred, and were referred, from the other agencies of education and what have you.

Those that we received in the administration at intake—we have developed some programs there, particularly in Baltimore city, that specializes as an intake unit for the status offender alone. We are doing a lot of counseling services there.

In Ann Arundel County, one of our other largest counties, with Montgomery County, Md., we have developed emphasis on this program. We have developed a project which we hope will ultimately show that every status offender who would be referred to the juvenile justice system can be referred to another administrative agency and would be provided with those services at the precourt level instead of having the child go through the juvenile justice system.

Those are some rather special programs at our intake level not only having to do with deinstitutionalization of the status offender but once the child gets there, even now, we attempt to provide the services required for that child in a precourt fashion to the extent—particularly in the Montgomery County project—that we hope to show that the next step to be taken beyond the deinstitutionalization is the fact that the vast majority of these youngsters can be handled outside the juvenile justice system altogether.

The juvenile justice system, in and of itself—the juvenile court is there when we need to provide a special residence which requires a change in custody.

I guess what I am talking about here is the business of our thought process. Our current frame of reference has developed to the point where we see, in the main—although there is some controversy about this, too—that the child in need of supervision, the status offender, is much like a dependent child, a neglected child, or what we call in Maryland a child in need of assistance who happens to be mentally retarded or mentally handicapped or emotionally disturbed.

They are similar in terms of the endangered child type of concept. The child in this status is as much the victim of circumstances as a child who is dependent or who is neglected. We should not further the idea that they are offenders, but that they too are victims of a circumstance and need to be protected in that realm.

We do not bring dependent children into the juvenile justice system. We do not bring neglected children into the juvenile justice system. We do bring them into court when there is a need for a change in custody, which is a legal consideration.

However, we do it for that reason alone and not for all of the other services.

In last year's legislative session——

Senator CULVER. Mr. Smith, I wonder if you could just submit the rest of your answer for the record. Would you do that?

Mr. SMITH. Yes.

Senator CULVER. I would appreciate it if you would, please.

I really want to express my appreciation for your testimony. I do think it is very impressive and dramatic—what you have initiated in Maryland.

We do have some problems here today with the witness list and the floor competition. We do have, I think, one or two other questions that we would specifically like to direct to you, if you would kindly reply for the record in writing.

Mr. SMITH. I would be most happy to, sir.

Senator CULVER. I want to thank you very much for your appearance here today.

Mr. SMITH. Thank you.

Senator CULVER. Our next witness is Robert Vinter.

By way of introduction, I would like to have the record show that you are a distinguished professor of social work at the School of Social Work at the University of Michigan.

You have been codirector, I understand, of the National Assessment of Juvenile Corrections. You were also a member of the staff of the President's commission on Law Enforcement and Administration of Justice.

We are honored to have you here today. We look forward to receiving your testimony. I do apologize for the unusual confusion. We have just been noticed another bell. We have been here all night and we are voting on this energy filibuster. We are going to be here all night tonight. The circumstances are most unusual, and I appreciate your understanding and cooperation if we are required to go back and forth to the floor. I will have to leave again to go vote, and I would hope that Ms. Gittler could pose some questions to you that we are anxious to have your views on.

Mr. VINTER. Certainly; I understand.

Senator CULVER. Please proceed.

STATEMENT OF ROBERT D. VINTER, PROFESSOR, SCHOOL OF SOCIAL WORK, UNIVERSITY OF MICHIGAN

Mr. VINTER. I have prepared a written statement. I would like now, if I may, just to summarize some key points in that statement.

Senator CULVER. Without objection your statement will be included in the record.[1]

Mr. VINTER. In considering the alternatives to institutions for status offenders I would like to call attention to the extreme heterogeneity and diversity of these kinds of youngsters. They overlap juvenile delinquents and some other categories, but they also include, we believe, large proportions of younger children, more females, and

[1] See p. 222 for Mr. Vinter's prepared statement.

perhaps more youths with very serious school and family difficulties.

That mixture is partly because of the idiosyncracies of the courts in processing these cases and the inconsistencies in the various State laws.

One of the potential dangers, I think, is that status offenders may fall between two stools: After being adjudicated by juvenile court proceedings they are likely, ipso facto, to be stigmatized and then excluded from conventional existing community and educational services. In the schools we refer to that as "freezing out," but not necessarily receiving services in their new formal statutes.

I think, therefore, that there ought to be two thrusts in the development and planning of services for this group. The first I would emphasize is to retain and increase the access of these youngsters to conventional and existing community services, social programs, educational programs, and so on.

The second thrust would be the development of alternatives as supplements to these existing community and educational programs, rather than in place of them.

If I were to speculate about a general pattern for States in the development of alternative programs I would emphasize the need for diversity of programs to match the heterogeneity of the kinds of kids. Mr. Edelman spoke about a mix and a match. He was speaking at that time about a mix and a match to meet the individual needs of particular youths. I am stressing the need of a high mix to fit the mix of youths who will and do appear each year as status offenders in the States. We need a high diversity of programs.

Second, they should be decentralized and made geographically available. They should be widely dispersed across each State. That is a very serious problem in some States with only a few metropolitan centers where programs have been developed, while other parts of the States are underserved. Children must either be removed from those communities or left without service.

Third, the programs ought to be developed to insure that they are accessible to these youths, so that there are no false barriers or reroutings or eligibility requirements or other impediments to their getting the services once these are established.

I think that in the past few years there has been a considerable movement among the States taken as a whole. But I am a little skeptical about looking at a few exemplary States that have made very special progress—such as New York and Maryland—and believing that they would be typical of the other 48 States.

In fact, I think the evidence is that there is a very uneven distribution in the development of these services between the States, an even within those States that have developed some programs. They may be unevenly available to status offenders over the entire jurisdiction.

Such programs seem to be developing slowly and there are still major gaps in terms of a sufficient volume of such services, or the diversity, or the accessibility—geographically or otherwise—or the stability of some programs, and so on.

In turning to the chart, let me just suggest that there are three aspects that do not show immediately. A very large number of these youths, and youths very much like them, are now being served

hrough existing social and educational services—the ones at the owest end of the chart diagonal. Sometimes they are being served vithout a court adjudication and sometimes with it.

I think the issue here is to open up these existing services and to nake them more available to these kinds of youths, especially if hev have been adjudicated, rather than closing these services down nd thinking only of the development of other supplemental alternatives.

Senator CULVER. Do you mean if they have run away from school e should send them back?

Mr. VINTER. Well, Mr. Smith just indicated that one of the steps aken in Maryland was to make it not possible for the school to push s problems with truants right into the court, but rather that the hool would have to bear some part of the responsibility of concern nd effort to get that youngster back.

I would be more concerned, frankly, not so much about the runway, but the kid who is frozen out of the public school who is induced gradually to leave by various discipline efforts, by being derived——

Senator CULVER. Are you talking here, Professor, about the need o develop a more sophisticated curriculum which is more sensitive nd designed to accommodate the particular needs and requirements f an individual student that are not being met——

Mr. VINTER. Yes; in the public school districts right across the ation. I am much more——

Senator CULVER. How realistic is that? I think it is a wonderful lea, but what about the capability to provide—I have been to the g schools here and the counselors just seem so hard-pressed and verworked with heavy caseloads. They are just trying to tread ater as best they can and hopefully not drown.

What kind of resource capability do they have to do this kind of ry, very difficult and imaginative tailored program that fits with is kind of calibrated care the needs of a particular individual? I not think we are going to do that. If they have got the doors o d and the blackboard intact that is a fairly good day.

How realistic is that?

Mr. VINTER. If you are thinking mainly in terms of enriching ose programs for these youngsters with special needs you are probly far more right than wrong.

I am thinking first of all, however, of the tendency of public hools to invite these children not to come, without trying any rder. That is not the same as doing something extra with them.

Senator CULVER. Yes.

Mr. VINTER. Second, in a State like Michigan, the intermediate hool districts are now receiving very substantial new tax dollars st for such services. They stand between the local school districts d the State government on a regional, mixed-district basis. There e now such services available if we can get the school districts to e the dollars for this particular category as well as for the reraed children, and for those with other types of disabilities.

Instead, the school districts with the new tax dollars are likely to y, "But those are status offenders. Send them to the State agency.

They are not kids that we ought to be handling." It is that kind a problem.

I certainly agree, however, that all the schools are beset and ha difficulties.

Now that we are talking about it, my second general point is and I think the testimony today has affirmed my view—that educ tional and vocational training services are especially important many, many of the youngsters in this category. They are ill-prepar for the world of work. Many of them demonstrate very speci school problems.

Instead of emphasizing clinical services and treatment for the emotional or family problems, I would urge that further attenti be given to educational and vocational training.

Do you wish me to continue?

Ms. GITTLER. Yes; please continue, Mr. Vinter. Senator Culv had to return again to the floor for another vote on this energy ma ter. We would appreciate it if you would continue.

Mr. VINTER. Third, I suggest the obvious desirability of emphas on the less costly programs which are at the lower end of the cha gradient; the less isolated programs which remove youngsters eith geographically to central places away from their own communi or socially cut off their ties with communities even though maintai ing them there; and the more widely dispersed programs which c be fielded across the entire State rather than being established on in a few places.

These are all the programs on the lower end of the gradient.

If I were to suggest a general strategy for the development of su services of all kinds, it would have four elements. The first, a would be a diversified program approach versus emphasis on on one or two of these alternatives for all status offenders in a giv State.

Second, there would be emphasis on localized and broadly d persed services across the State to keep kids in or close to the homes and their home communities rather than moving them.

Third, there would be emphasis on strengthening existing p and private sector programs of all kinds versus thinking only establishing new specialized programs. I believe that there has to a coalition of effort between the public and the private sectors order to accomplish any reasonable level of services for these youn sters.

Finally, I would suggest a multiagency approach toward the youngsters rather than assigning the special responsibility to single State agency that has to handle the problem all on its own

If I could now point to the——

Ms. GITTLER. Could you work your way through that chart a explain the various types of programs that are set forth there?

Mr. VINTER. These are roughly arranged on an increasing p child cost basis, as far as we can estimate what these costs are, usi our own information and that available from other sources.

Below the line are various types of residential programs and locations up the diagonal indicate increasing per child operati costs. We are fairly confident that these locations reflect cost diff entials between the various types.

Above the line, with the exception of public education cost figes—and certain special education programs—there simply are not, my knowledge, any cost figures available that one can be very nfident about when we think of this special target population—atus offenders. Therefore, those are rough guesses.

There has been talk in several of the presentations about foster acements in single, multiple, and small group homes. These are e least costly of the residential type facilities. Our figures are in 74 dollars. The average for the 50 States seemed to be about $2,600 id up. That would be a minimum figure even then. The State administrators are concerned about that.

With the small group homes the costs begin to go up quite a bit. is $5,600 and up in 1974 dollars. That is partly because the State ginning to place its own personnel, civil service personnel and hers, in those programs. They are not using families or other ency staff and that increases the cost.

Some of those group homes, like many of the halfway houses, are ecially constructed, or a great deal of expense has to be put into novating the program facilities. On the other hand, the foster me placements are in ordinary homes with a minimum amount novation. Construction or renovation increases the cost of the lfway houses, certainly the starting costs. Operating costs of halfy houses would run now, I think, about $6,200 in 1974 dollars.

The small group homes that we studied across the country were ndling between 5 and 14 youths. The halfway houses were avering about 25, but the actual range was 8 to 60 in the programs we idied.

We have very little information about the hostels. There is no cost formation, but our best guess is that they are handling up to out 20 for transient populations of youth, many but not all of om are runaways.

Ms. GITTLER. Excuse me. Could I ask you just to summarize what main differences are between the small group homes and halfy houses and hostels? Are there differences in the number of ve facility types of things?

Mr. VINTER. Let me single out the hostels and say that if these grams are only hostels and are not doing other things, then they places for temporary residence for youth until some other arigement can be made or they can be returned to their home comnities or removed from the jurisdiction, and hence that term. ey are not quite like the others, but they are residential on a rt term basis.

Frequently those services are provided by halfway houses and ll group homes, which can also be used for temporary purposes. The foster placements are well known. The only difference in our rt is between the family that takes only one or two children, and family—husband and wife—who are willing to take upward to . Therefore, the foster home placements are very similar. They on ordinary citizens—couples in their own homes—perhaps h some renovation.

mall groups homes and halfway houses are our terms and these sometimes used in the State interchangeably. A State may call

a halfway house a small group home or a small group home sor thing else.

The distinction we make is on a size basis: the average is a ra between 5 and 15 for small group homes, and an average of 25 halfway houses, with a large range in actual size.

Many of the halfway houses, relative to the others, are State- Not all of them are, but many of them are. In many States that creases the cost.

I think that there are more and more types of programs be developed between the small group homes and the halfway hou varying in these same particulars.

The further one goes up the gradient, the greater the range services one is likely to find, which also increases costs. These bec more and more self-contained programs until one reaches the in tutions that have full day schools and medical services and whole gamut.

As one goes down the gradient, those services tend to be availa on an on-call basis or part time or using normal community acc

Ms. GITTLER. I take it that cost per youth per annum in alter tive programs is generally less than the cost in a secure institut Does that mean that the jurisdiction will, in fact, affect savin deinstitutionalizing in terms of its overall budget? What de mines whether a jurisdiction is going to effect the overall savi as a result of deinstitutionalization?

Mr. VINTER. Well, if you mean by savings reducing the act operating budget between 2 years because of deinstitutionalizat I do not know any State that has done that. Mr. Edelman testi this morning of the estimate of what New York would have b spending now per child per annum had they not made the char over.

When we surveyed the 50 States and looked at the cost experie overall and their movement toward deinstitutionalization, we fo that the States that had deinstitutionalized the most were also States that had expanded the number of youths they were t handling. Therefore, they had used these programs essentiall not entirely, as add-on facilities. They were alternatives to the stitutions, but they expanded the total numbers of youths be handled by the States. Therefore those States forfeited the cost s ings they would have gained if they had substituted rather t supplemented through the new community programs, and redu their institutional populations proportionally.

The other problem of the States' cost is that if the State t over and operates directly all of these facilities and noninstitutic programs, those program costs are somewhat higher because of S payroll factors and so on. They are higher than if the State doe in partnership with a variety of local government and private tor agencies where cost savings can occur.

Therefore, States that developed alternative services all on t own showed higher per-offender costs and gave up some of the vantages of doing it in some kind of collaborative way.

The States, however, that mixed their programs so that some State run and some were State funded and monitored had lc per-offender costs and did achieve economies. They did not ach

ny net savings at any time, partly because there was an expansion
i the numbers of youths being handled, as I have indicated, but
lso because the inflationary experience in State government is such
iat there would have to be a monumental reduction in operations
i order to show a single dollar of turnback money.

Finally, as Mr. Edelman indicated was the case in New York—
n. he came in and worked at the problem—there are some change-
ver and startup costs that have to be calculated. The State admin-
trators know that the cost savings that one can effect on paper
ver a period of time do not accrue the first month or even the first
scal year as one moves in this direction.

Therefore, yes; deinstitutionalization is cheaper. It is less costly.
lowever, that does not mean that there is a turnback to the State
e..sury.

Ms. GITTLER. What one could say, I take it, is that States would
id up paying more by not deinstitutionalizing than they would

Mr. VINTER. Yes, our estimates are much higher. When we pro-
ected forward, we found that if they kept on doing more of what
iey were doing at today's dollars it would be equal to the defense
u. get or some other.

I believe that those cost increases are one of the primary pressures
ading States to reduce their institutional populations and to con-
der alternatives.

Ms. GITTLER. You would attribute the progress toward deinstitu-
onalization such as it is not just to congressional mandate?

Mr. VINTER. Well, it is sort of a concerned altruism.

Ms. GITTLER. In your survey of these residential and nonresiden-
al programs that can be used for status offenders as an alternative
) secure institutions, what did you find as to how they worked?
)o they work well? Were they successful?

Mr. VINTER. The problem with the terms like "work" or "effective-
ess" is that there are all sorts of meanings people have when they
se them.

Let me try to reply this way: If we compare them to institutions
iey clearly work better. The poor track record of institutions has
een demonstrated by all kinds of elaborate measures and observa-
ons and personal experience, which you have heard today. It is
)solutely dismal. They do not accomplish anything except possibly
eeping the kids off the streets. And they do train youths in unde-
rable criminals skills.

Our evidence, and the evidence of many others, is that the alter-
a..ve programs are far less likely to do that. Therefore, in that
:nse, they work better.

However, using even more pragmatic views, the majority of the
tate administrators—and we have talked with them across all 50
tates—held the view that among their institutionalized popula-
ons the majority of those youths could be better served in commu-
ity programs than in institutions. That is what the 50 State ad-
i...strators say.

The overwhelming majority of the 50 State administrators, know-
ig their own institutionalized youth populations, said that they felt
iose kids could be better served in alternative programs. Not a

single State administrator or State official told us that he or she h
any intention of reducing or reversing any moves toward deinstit
tionalization. It was working well and they intended to keep
doing it.

In that sense of working as well, the people who are doing it, t
people responsible for it who have the experience and have to
for it or have to account for it are unanimous in believing that
works.

Ms. GITTLER. What factors do you think impede the movement
status offenders out of institutions into these programs—residenti
and nonresidential, as you described?

Mr. VINTER. One set of factors is opposition. The opponents w
slow down or impede by active opposition are a problem. We fou
in most States that the juvenile court judges, as a group, are li
to be very skeptical if not in outright opposition to some of the
changes. Probation officers and similar groups are equally oppos
and skeptical.

Staff unions in some State agencies who are fearful of the chang
over effects on their tenure and seniority are in opposition. Finall
in local neighborhods the neighborhood residents may oppose t
building or the occupancy of a particular facility, but that does
tend to be permanent.

I think the more serious impediments, apart from opposition, a
several. Juvenile justice in general and status offenders in particul
are what I call small potatoes in State government. However b
that budget line is, it is a very, very small part of the State's tot
budget. There is not much support across the 50 States—organiz
support—on behalf of these changes that impel policy makers
administrators to do something. Fearing lack of support, inert
takes over. That is a problem.

The State administrators told us that they lacked confident,
liable knowledge of what is working, and what can work, and wh
the alternatives were. They might know of this or that or have hea
of various things elsewhere, but they do not have enough confide
evidence either to run the risks, financial or otherwise, or to
directions for what to do next year.

These same administrators are busy defending their current bud
ets. The current operations are not going to disappear by the initi
deinstitutionalization efforts. They find that difficult under the e
treme competition for scarce State dollars.

Ms. GITTLER. What more can and should Congress and LEA
and State planning agencies do, in your view, to encourage the d
velopment of these programs that you described which can serve
alternatives to secure institutions?

Mr. VINTER. I think of two quite different but very importa
kinds of things that the Federal Government can do.

One has to do with freeing up and making available flexible u
of Federal funds—and information about Federal funds—that c
be tied in for these purposes. When we went around the State
were continuously asked by the State policymakers and the Sta
administrators what the other States were doing, how they we
trying, where they were getting the money, what LEAA wou
allow, and that sort of thing.

I think that there ought to be some kind of updated compendium of all available Federal funds and the terms under which those funds could be used and the ways in which States are actually succeeding, legitimately, in drawing those funds down for alternative services. That information should be made available to all of the planners and policymakers at the State level.

The other, quite different kind of assistance that I think is needed is technical information and decisionmaking assistance. There are three layers of effort here that ought to be undertaken.

First of all, the States are now deprived, as the rest of us are, of any reliable, up-to-date, systematic, statistical evidence about what is going on in juvenile justice across the Nation.

I noted that the Children in Custody Series, which is the single statistical report that is most immediately relevant to what we are talking about of all the Federal reports, was just published in May of 1977 with the data for 1974. No State administrator can make any sense or use out of a report which is that old. Despite the fact that the National Prisoner statistics and the FBI statistics and so forth were published far, far earlier, this report was not published until 1977.

In this statistical series there are no rate measures. There are just columns and columns of raw numbers requiring anyone who wants to use it to go through a great deal of arithmetic calculations and recomputations and what not, even to think about interyear changes.

No State administrator can find out what is happening in other States or the rest of the country, and whether his or her rate of handling these youngsters in various ways compares well or better, or is making more or less progress. He or she cannot even tell how the same State stands in terms of last year.

Therefore, the States need a basic information service to inform them promptly about patterns and changes in all 50 States. What is being done at the juvenile level is in no way comparable to what is being done at the adult level. There are also other types of information I could mention, but the programs data series is an indication.

Second, I think that there ought to be a special effort to get good, useful, comparative cost information and share it among the States.

The next question the State administrators asked was: "How much does it cost? How much did Maryland spend? How much did New York State spend? How much did it cost per day per kid for a hostel or for a small group home versus an alternative school program?"

There simply is no such information generally available. There are a few studies here and few cost analyses there. One could pick up a phone and call and try to get an estimate from one's peer in another State. But there is no reason why this kind of information cannot be made available so that a State administrator can, with his or her staff, plan and make sense to the fiscal analyst and the State legislators who want to know what it is going to cost us and what these other States which we compare ourselves to are experiencing.

We need the development and sharing of cost information across the States.

The final suggestion I have is assistance in development of modern management decision procedures for the States. I was quite struck by Mr. Edelman's account of the problems he encountered as he

moved into the New York situation. We had studied that State f 4 or 5 years before his arrival and studied it for a time after as we so we were aware of the situation.

Because he testified to these problems in New York I can refer them. But they are also true of the other 49 States. It is difficult f us to think of an area in State government that is so deficient management systems. I am not talking about the competence of c administrators or their dedication or their skills. I am talking abo the management systems.

They do not know where the kids are. They do not know ho many kids of what kind they put in what places, and what tl flowage rate is, and so forth. They do not know because there is r management information system in this area of State governme that is comparable to most of other areas of State activities.

Consequently, when an administrator thinks about what he wou want to do, what would then happen, and then how he would g about handling it, the administrator has got to do it all by intuitic or seat of the pants or guesswork or hope that a few smart sta assistants can handle it.

I think the LEAA technology transfer section should be workin on this. I think the information management systems develope i the State of New York after Mr. Edelman took over and develope those procedures ought to be shared. It should be packaged so th the other 49 States can find out how to run their shops in ways th allow them to figure out where they will be 6 months or a year fro now if they decide to do this or that.

Ms. GITTLER. Thank you very much.

Senator CULVER. I want to thank you, Professor Vinter, very m for coming here today and sharing your extensive experience in th area with us. You have been very helpful.

You can be assured that one of the objectives of our subcommitt will be to try to bring about a greater degree of sharing in terms c both the State planning agencies and LEAA in terms of a mo serious effort in developing these alternatives and also acquiring th essential data base that you are talking about and getting som these systems in place.

Your contribution will be extremely helpful to us in that regar Thank you.

Mr. VINTER. Thank you.

Senator CULVER. Our next witnesses are Thomas M. Young an Donnell M. Pappenfort.

Will you gentlemen come forward, please?

Are you both here?

Mr. Pappenfort, do you wish to join us at the witness table?

Mr. PAPPENFORT. No, I prefer to stay back here.

Senator CULVER. Should we refer to you as two witnesses or on I am a little tired. I just need a little help.

Mr. YOUNG. I understand.

Senator CULVER. Should I pretend I am seeing double. You a supposed to be our next witnesses. Is it our next witness?

Mr. YOUNG. I think we can proceed.

Senator CULVER. I am not trying to be difficult, but we need know for the record.

The other witness was in the room and does subscribe to the testimony that you are about to present—the whole truth and nothing but the truth, and so on.

You are both members of the faculty of the School of Social Service Administration at the University of Chicago. Is that correct, Mr. Young?

Mr. YOUNG. Yes.

Senator CULVER. You have recently conducted a study of the use of secure detention and of alternatives to its use. Is that correct?

Mr. YOUNG. Yes.

Senator CULVER. Well, it certainly is a pleasure to welcome you both here today. We look forward to receiving your presentation, so why don't you begin?

STATEMENT OF THOMAS M. YOUNG, RESEARCH ASSOCIATE AND LECTURER, SCHOOL OF SOCIAL SERVICE ADMINISTRATION, UNIVERSITY OF CHICAGO, ACCOMPANIED BY DONNELL M. PAPPENFORT, PROFESSOR, SCHOOL OF SOCIAL SERVICE ADMINISTRATION, UNIVERSITY OF CHICAGO

Mr. YOUNG. Thank you.

I have a prepared testimony. I understand there are some demands on your time. What I could do, if you wish to enter that into the record, is proceed to summarize my statement.

Senator CULVER. I would appreciate that very much, Mr. Young. We of course will make the whole text part of the record.[1]

Mr. YOUNG. OK, fine.

Senator CULVER. If you will give us the highlights of your findings that will give us a little time for questioning.

Mr. YOUNG. Thank you. Let me talk first about what we learned about the use of secure detention. After that brief summary we can discuss the material on the diagram.

We conducted our study during fiscal year 1976. It was funded through a grant from the Law Enforcement Assistance Administration. Ms. Phyllis Modley with the National Institute of Juvenile Justice and Delinquency Prevention was our grant monitor, and she was a very helpful one.

The main components of our study were to review literature published since 1967 on the use of secure detention and of alternatives. Then we selected 14 jurisdictions across the country which were operating alternative programs and visited them. We then wrote up our findings in two forms: a longer, technical final report; and a shorter executive summary.

I brought five copies of the executive summary for you and the other committee members.

Senator CULVER. I appreciate that very much.

Is it suitable for inclusion in the record? We will just reserve the right to select, perhaps, portions of your report for inclusion in the record. At this point, in terms of space limitations, if we could make

[1] See p. 216 for Mr. Young's and Mr. Pappenfort's prepared statement.

that determination I think it would be helpful to have it in the record.[2]

Mr. YOUNG. All right.

The review of the literature that was available on the use of secure detention did reveal that the main issue regarding secure detention is what it has always been. Secure detention is misused for large numbers of juveniles awaiting hearing before the Nation's juvenile courts.

This is supported in our research by recent reports sent to us from 22 States and from the District of Columbia. Many of these reports contain data that enabled us to make the following statements.

County jails are still used for the temporary detention of juveniles particularly in less populous States, but even in some more heavily populated jurisdictions jails are still used for some juveniles even though there is a secure detention facility for juveniles in the jurisdiction.

The use of secure detention for dependent and neglected children however, seems to be declining. That seems to be related to the development of shelter care facilities or short term foster homes.

Many jurisdictions, however, still exceed the recommended maximum rate of 10 percent of all juveniles apprehended. Many juveniles are still detained for periods of time less than 48 hours. These are frequently cited as indicators of the unnecessary use of secure detention.

Many jurisdictions are unable to mobilize the resources necessary for children who have special needs. That is to say, they have neurological or psychiatric problems. As a result of the lack of resources these children end up in secure detention facilities and stay for excessive lengths of time.

The reports we received document that status offenders tend to be detained at higher rates than juveniles apprehended for alleged delinquent offenses. These reports also show that status offenders, on the average, are held longer in secure detention than are juveniles charged with delinquent offenses.

A similar type of pattern is that juveniles from racial and ethnic minority groups tend to be detained at higher rates. They also stay for longer periods of time. Also, girls tend to be detained at higher rates and stay longer than males.

The information that we had on the decisions to detain suggested extra-legal factors are more strongly associated with decisions to detain than are legal factors. That is to say, time of apprehension proximity of the detention facility to the location of the apprehension, and the degree of administrative control over intake procedures all seem to be associated with decisions to detain.

I simply have to conclude those summary remarks by saying that the actual extent to which these patterns of misuse exist is still unknown within States and between States for the same problems that Mr. Vinter referred to in his testimony.

Now I would like to turn to the 14 programs that we visited. I might simply list the cities in which those programs are located. They were in Anaconda, Mont.; Baltimore, Md.; Boulder, Colo.

[2] See p. 609.

Helena, Mont.; Jacksonville, Fla.; New Bedford, Mass.; Newport News, Va.; Panama City, Fla.; Pittsburgh, Pa.; St. Joseph/Benton Harbor, Mich.; St. Louis, Mo.; San José, Calif.; Springfield, Mass.; and Washington, D.C.

The programs do break down into basically two types—those that are nonresidential, as shown on the chart, and those that are residential. Nonresidential programs are basically organized around the use of the juvenile's own home. Residential programs tend to use either foster homes or a group home format.

I would like to talk first about the home detention programs and just describe them briefly. They are all somewhat similar in format. The youths do reside with their parents and are generally assigned to a probation officer aide who is hired for the purpose of intensive supervision.

The youths are required to meet individually with these aides at least once daily. They may meet more often either individually or in groups, depending on the program's design.

The probation aides are often available to parents on an as-needed basis for information and advice on finding solutions to problems of their own. Or, these aides may contact parents and teachers and other significant adults with respect to the juveniles under their supervision.

Some jurisdictions emphasize the supervision or the surveillance aspect of this program and others emphasize the service aspect. In certain jurisdictions, the home detention programs have been supplemented with foster homes so that if the parents are unable or unwilling to have the juvenile at home, the juvenile can still be in the home detention program.

I might note that all of the home detention programs did authorize the probation officer aides to send a juvenile directly to secure detention if the juvenile did not fulfill the program's requirements. Those requirements are usually daily contact with the aide and attendance either at school or at a job.

The second type of nonresidential program on the chart is one which we did not visit because it simply relates to the release of the juvenile to the parents pending a court hearing, with no special program format. It is a decision made by the court or the officials running the detention facility based on a judgment that the juvenile is no danger to himself or to others, is not likely to flee, and has parents who can be responsible. Then the juvenile can be released to their care pending a court date. We believe that this could be done much more often. It certainly is the least costly of all such alternatives.

Moving to the residential programs, I will proceed from attention homes through programs for runaways and then to private residential foster homes.

The attention homes are essentially a group home format. They house between 5 and 12 juveniles. Generally, they have one set of live-in house parents who are there on a 24-hour basis.

Frequently, the homes are converted single-family dwellings in residential neighborhoods. They are planned that way so that juveniles can continue to attend their schools. They then still have a connection with their community. Social service workers are fre-

quently available. They do not necessarily live in the attention hom but they are made available both to the juveniles and to the adul providing care.

Programs for runaways are also group residences, but the two v visited differ both from each other and from attention homes, so v have listed them separately. One runaway program is in Pittsbur It was specifically designed for runaways from the Pittsburgh are Admission to the home was not limited exclusively to juveniles r ferred from detention intake. Juveniles could come by referral fro other agencies. They could also drop in on their own.

The program did emphasize intensive counseling for the juvenil and for the parents in order to resolve the immediate crisis that the believed led to the running away.

The agency staff would also arrange for longer term counseli but that would be provided by other agencies when it was needed.

The second runaway program we visited was in Jacksonville, Fl It was specifically designed as an alternative to the use of secu detention for juveniles who were running away.

It is also group residence. In contrast to Pittsburgh, most of i juveniles were runaways from other States. They were usuall brought to the residence either by the police or by the detention take officials.

The juveniles in the Jacksonville runaway program did not sta long, since the program's primary goal was simply to facilitate an expedite return to their natural homes and parents. Counselors wei available on a 24-hour basis to talk with the juveniles and to mak whatever arrangements were necessary for them to return.

We visited two private residential foster home programs. Ag both of them are quite different from each other. I think they repre sent the kind of heterogeneity that Mr. Vinter was referring to.

The one in New Bedford, Mass., was called the "proctor program. It is an interesting program. It is run by a private social wor agency. It is one of several alternative programs in that jurisdictio which has no secure detention facility for girls.

The proctor program pays a salary to a small number of sir women, who are called the proctors. These women are generall between the ages of 20 and 30. They agree to take one girl at a tim into their homes and provide 24-hour care and supervision while th private agency staff develops longer term treatment plans on a individual basis for the girls.

The second private residential foster home program we visited wa in Springfield, Mass. It is essentially a network of foster homes t a are two-bed homes, meaning that only two juveniles at a time sta there. In addition to those foster homes, they have two group home of five beds each. Then they have what they call a receiving uni group home, which is the point of intake for their network. That ha four beds.

Besides the foster parents and the group home parents for eac of these homes, there is a small number of staff to provide counse services and advocacy services to the juveniles and a certain amoun of support for the foster home parents or the group home parents.

I might say that, in relative terms, this program in Springfield wa the most extensive one that we encountered. We visited no other par

of the United States in which there was a city the size of Springfield that detains so few juveniles prior to adjudication.

Senator CULVER. How successful are these programs you describe, measured in terms of the number of juveniles who run away from them or commit new offenses.

Mr. YOUNG. Similar programs can produce different results, depending on, perhaps, the mix of juveniles they receive, the kinds of services they provide, and maybe where they are located in the country and their relationship to the court and the detention facility.

The total failure rate for the program we examined ranged from a low of 2.4 percent to a high of 12.8 percent. Another way of saying it is the success rates ranged from a low of 87.2 percent to a high of 97.6 percent.

Senator CULVER. Those are very impressive numbers, don't you think?

Mr. YOUNG. We were surprised.

Senator CULVER. The figures to which you refer are those which appear in table 1 of your prepared statement? [2]

Mr. YOUNG. Yes, Senator. You can see the two columns to the left contain the proportions of juveniles committing new offenses and running away separately. The column labeled "total failure rate" represents the combined figures. The column to the far right, which I have entitled "success rate," is simply the reciprocal of the total failure rate.

I might point out again that the program in Springfield—it had a combined total failure rate of 8 percent, and therefore a success rate of 92 percent. When you break that down according to runaways and new offenses that program experienced only a 1.2 percent—only 1.2 percent of all juveniles admitted to the program failed, so to speak, because of committing alleged new offenses.

Ms. GITTLER. Could you summarize the comparative costs of these programs?

Mr. YOUNG. Certainly.

All we could do in the site visits to the jurisdictions was to ask the officials administering the alternative programs what their per diem cost per juvenile was. We also asked the officials responsible for the secure detention facility in the jurisdiction. The results are summarized on the table 3 that you have.

I think probably the best summary I can give is that the operating cost per day for all of the alternative programs is less than the operating cost per day for secure detention facilities.

Senator CULVER. How meaningful are these comparative figures? To what extent are they reflective of true alternative costs? Is your breakup such as to reflect a meaningful comparison?

Mr. YOUNG. I think they are only meaningful in the context of the question we asked, which is, "What is the operating cost per kid per day?" For instance, I do not believe that we have the capital costs of construction included in the figures for secure detention. Remember that in most of these jurisdictions the secure detention facility continued to operate after the alternative programs were added.

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[2] See p. 218 for table 1.

I think about the best I can do, Senator, is to say that those ar comparative per capita operating costs.

Senator CULVER. In your judgment, are some of the alternative that you have discussed here, based on your survey, more suitabl for status offenders in terms of success rates? Is there any patter to that or are the variables so intangible and subjective in terms o the personalities and the chemistry of those kind of facts that n one model stands out statistically as a more reliable and successfu formula?

Mr. YOUNG. I think I lean in the direction of the latter part o your statement. I think the only thing I can add to that is some in formation from conversations that we had in the course of the sit visits. People in the jurisdictions frequently said:

The ideal is to have a range of programmatic alternatives. Regardless o the labels that the juveniles carry they are quite different when you star to look at them as people. Some of them need a place to stay and some of them can return to their own homes. Some of them need services and some o them do not need so many services.

It is certainly hard for me to say, on the basis of the study tha we were able to conduct, anything scientific about what kind of pro gram is best for what kind of kid.

Senator CULVER. Have you given any consideration to trying t weigh which factors in these alternative programs are the mos critically important? It seems to me, for example, that obviously things like an attractive and adequate physical surrounding envi ronment is helpful.

I visited some of these homes. It is obviously very important i terms of morale and other opportunities for experience.

Is the one overriding thing, in your judgment, just the quality o that in-house supervision of the couple that lives there? Would tha be the critical thing to such an enormous extent?

Mr. YOUNG. It certainly is impressive when you visit the pro grams.

Senator CULVER. I mean, if you really have gifted people it i amazing what they can accomplish in human terms. On the oth hand, you can have a very elaborate physical setting in close prox imity to everything important by way of support structure, and i that is lacking it is all for nought anyway, is it not?

Would you essentially agree with that?

Mr. YOUNG. I would have to say that from my own experienc that certainly is my perception, too.

Senator CULVER. What are we doing to really train people? Ad mittedly, so much of this is just natural gifts and personality an experience that perhaps do not lend themselves to a lot of forma improvement, but assuming significant experience and knowledg can be obtained through formal training to what extent do yo think we are doing that?

We hear this debate going on about how we need people who ca relate and rap and all this business. On the other hand, you nee people who are professional who have what really, I am sure, co be an inexhaustable background in psychological training and othe areas.

How do you come out on that debate? Do you have any thoughts for us?

Mr. YOUNG. If I did I would take them back to the university and market it. We have a school of social work. Working on the curriculum and teaching we are faced with exactly that problem almost on a daily basis. I wish I had an answer for you, but I just do not.

Senator CULVER. I wonder if you have any recommendations. You talk about these program alternatives. How much formal training exposure do you think the people who are trying to manage these homes should have to be certified by way of minimal training and background. Is this the kind of thing that lends itself to precise curriculum experience or training? In doing that do we lose the human quotient that is so ultimately important and critically decisive.

Mr. YOUNG. I guess all I can offer is an opinion.

I do not believe that any of the group home programs that we visited—let me rephrase that. I do not believe that the house parents of any of the group home programs we visited had any special training. However, I do believe that almost all of the group home programs did have professional service staff on a backup basis so that should any situation arise where a——

Senator CULVER. When professional expertise was needed they could go get it.

Mr. YOUNG. Yes; and I think generally the decision to call it in was made by the 24-hour staff. At least that is how the programs that we visited handled that.

Senator CULVER. Mr. Young, yesterday we heard testimony from several witnesses regarding opposition to the policy of removing status offenders from secure detention. In view of the high success rates of these various alternative programs which you noted in your survey, why has there been resistance to abandoning the use of secure detention for status offenders? What are the political impediments that you have encountered?

Mr. YOUNG. Well, unfortunately, we did not know that we were going to be asked to testify when we conducted the study, so we did not pursue that question in the jurisdictions that we visited.

All I can say is that I was impressed by Mr. Vinter's comments to a similar question earlier. However, as I say, we did not go to study resistance. We were really more interested in finding out about the programs. Therefore, I really do not have a research-based answer to your question.

Senator CULVER. I will ask you the question that we have posed to the other witnesses today. What, in your judgment, could and should Congress and LEAA and the SPA's be doing based on the experience you have had to encourage the development of these alternatives for status offenders?

Mr. YOUNG. There are only two things that I can think of at the moment that might be helpful. First, it is important to have the funds available and earmarked for this purpose. That fact should be publicized well. I think that would help.

Senator CULVER. Did you encounter a lot of uncertainty in these house parents and others in terms of funding? Was there an undue

preoccupation with that which was distracting them, or was there lot grantsmanship?

Mr. YOUNG. I do not think I picked it up from the house parent per se, Senator, but we did talk to the officials who took the initia tive to write the grant proposal, let's say, to submit to the Stat Planning Agency to fund the program. We did that in more tha one jurisdiction. A statement like this was made: "I do not rea know what we are going to do when the grant runs out."

I do, however, have to say that 11 of the 14 programs that we vis ited were supported in whole or in part by the Law Enforcemen Assistance Administration funds.

The only other thing I can think of to answer the first part o your question is that perhaps the Agency could try to make th findings of studies like ours and Professor Vinter's as available d possible so that there is at least some information available for th many interested people who would like to help this program.

Senator CULVER. Mr. Young, I thank you and Mr. Pappenfor for the data concerning the comparative costs of secure detentio versus some of these alternatives. The success of the alternativ programs that you have noted are, I think, very impressive and jus remarkable with that success rate.

I hope that individuals and groups within the States will look a your study for models and for ideas with respect to the creation o their alternative programs. This is one of the things that I think w do sense is lacking. There is not an adequate network to disseminat what is working in a positive nature. I think that all of these Stat jurisdictions are understandably desperate for suggestions and pro posals and for models that have proven to be effective.

I think that in this way you have contributed a great deal to th committee's hearing. I want to thank you very much, and also Mr Pappenfort for his work with you on this particular proposal.

Thank you.

Mr. YOUNG. Thank you.

Senator CULVER. This completes the testimony for today. I wan to thank all of the witnesses for their extremely interesting a informative testimony.

I believe that it is clear from our hearings the last 2 days tha there are a variety of types of programs, as well as facilities, tha can be utilized for status offenders as alternatives to placing them in adult jails, and alternatives to placing them in secure detention o correctional facilities.

I think the testimony we have had today, which has frankly j st concluded, indicates that these alternatives are both effective an relatively less expensive and more cost-effective—or they certainly can be—than secure detention and correctional facilities hav proven to be.

I think the testimony today also has led me to conclude that LEAA and the State Planning Agencies can and should be doing mor to fund and to actually make moneys available to develop alterna tive services, and to provide more technical assistance to the State and localities which I think need a great deal more help in develop ing such programs to implemetning the act of 1974.

LEAA and the State planning agencies, I think, must make full enforcement of this requirement in States participating in this program their goal. Those States must stop the practice of locking up noncriminal youth. That should be a major priority.

To this end, in the near future I am going to formally request on behalf of the subcommittee that the Office of Juvenile Justice make a report to the committee in 6 months regarding the progress which LEAA and the State planning agencies have made in enforcing this requirement. This report, I think, at a minimum should include but certainly not be limited to the following things: First, a monitoring and compliance on the part of the States with the requirement.

Second, they should list the use of funds made available from the JJDP act to develop alternatives to detention and placement of status offenders in correctional facilities.

Third, it should show the technical assistance given to States and localities as to the removal of noncriminal youths from jails and similar institutions, and the development of these alternative facilities and programs that we have talked about.

I think that this, hopefully, will help to stimulate a renewed effort and a more coordinated and shared effort than the testimony received yesterday and today indicates is currently the case.

This does conclude our 2 days of oversight hearings on implementation of the 1974 act. However, the subcommittee's oversight function with respect to implementation of the act is necessarily an ongoing one. We will continue to fulfill, hopefully, our responsibilities in this area.

Once again, I would like to express my appreciation to all of the witnesses who have participated both yesterday and today in this hearing. I think you have provided us with some extremely helpful suggestions and ideas whereby we can make the 1974 act more closely fulfill the original congressional intent.

Thank you.

The committee will stand in recess until further call of the Chair.

[Whereupon, at 12:45 p.m., the subcommittee stood in recess subject to the call of the Chair.]

28-407—78——8

IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

TUESDAY, OCTOBER 25, 1977

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

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2228, Dirksen Senate Office Buliding, Hon. John C. Culver, (chairman of the subcommittee) presiding.

Present: Senators Culver, Mathias, and Wallop.

Also present: Senator Hayakawa.

Staff present: Josephine Gittler, chief counsel; Stephen Rapp, staff director; and Clifford Vaupel, assistant counsel.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. I now call to order the U.S. Senate Subcommittee to Investigate Juvenile Delinquency to hear testimony concerning the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

This act made Federal funds available to the States for improvement of their State juvenile justice systems on the condition that States receiving these grants must cease the practice of locking up the so-called "juvenile status offenders."

These are juveniles such as runaways and truants who have not committed any crime. In the course of past hearings the subcommittee heard a great deal of testimony that the confinement of juvenile status offenders in adult jails and other secure facilities and institutions has proven to be ineffective.

The damaging consequences of handling young persons in this manner was also amply documented. In addition, a number of authorities stated that locking up noncriminal youths tends to promote rather than prevent later antisocial behavior.

It is against that background that Congress required States participating in the 1974 Act to make a commitment to end the practice of placing status offenders in adult jails and secure detention facilities and correctional institutions.

The hearing today is the third in a series. Last month the subcommittee held 2 days of hearings in order to ascertain whether the deinstitutionalization provision of the Act was being enforced and whether States were living up to their commitment to stop locking up juveniles who have not committed any crimes.

These hearings indicated that while some real progress had been made, the ending of confinement of juveniles had certainly not ceased. The hearings revealed that much remains to be done in this area.

Our focus today is on specific projects which constitute alternatives to detention and institutionalization of status offenders. We will examine today different methods of handling status offenders, their effectiveness, and their comparative costs.

We are going to have a number of witnesses today. Moreover, the Senate is in session. I see there is a vote on right now which will necessitate the presence of the members of the subcommittee on the floor. Under the Senate Rules we are also limited as to the time that we are allowed to meet.

Therefore, I am going to request that the witnesses summarize their prepared statements or submit them for the record. We will make the entire statement part of the record. This procedure will hopefully give us some time for questions.

We may also wish to submit some questions to witnesses to be responded to in writing for the record.

Senator Mathias?

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR FROM MARYLAND

Senator MATHIAS. I am pleased to join with the distinguished chairman as the subcommittee again convenes oversight hearings into the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. Today we focus on the provisions of the act calling for deinstitutionalization of status offenders.

The Juvenile Justice Amendments of 1977, recently signed into law by President Carter, reaffirm the intent of the Congress that deinstitutionalization of status offenders should be a focal point of the Federal effort to prevent juvenile delinquency. The 1977 Amendments extend the period of time during which a State must deinstitutionalize, evidencing Congress' recognition of the significant progress many States have made to date and allowing necessary flexibility for total compliance with the Federal mandate.

These hearings are a continuation of oversight hearings that the Subcommittee to Investigate Juvenile Delinquency convened earlier this fall. At the earlier hearings, the subcommittee heard from many witnesses, including Rex C. Smith, director of the Maryland Juvenile Services Administration. Maryland was a leading State in this area, enacting deinstitutionalization legislation before the Federal mandate of 1974. The experience of States such as Maryland is invaluable to the subcommittee in its search for the answer to the increasing juvenile justice problems facing the Nation.

The Congress is not insensitive to the many problems—administrative, political, and philosophical—that States are encountering in their attempts to combat juvenile delinquency; most particularly in meeting the deinstitutionalization standards. We are most anxious to learn of the many innovative deinstitutionalization schemes which are cropping up around the country. I believe that if Congress and the States work together exchanging ideas, the task of com-

batting juvenile delinquency will be eased for all. Hearings such as these today facilitate this kind of useful collaboration.

The subcommittee is honored today by the presence of Dr. Karl Menninger, chairman of the Menninger Foundation and the Villages, Inc. The Villages is one of the innovative deinstitutionalization approaches to which I referred and I am sure that Dr. Menninger and his associates, Herbert Callison and Jeanetta Lyle Menninger will provide us with much useful background.

I am looking forward to these hearings and wish to thank Dr. Menninger and all of the witnesses scheduled to appear today for their contribution to the work of the subcommittee in this vital area.

Senator CULVER. It is a great pleasure to welcome our first panel this morning. Dr. Menninger, Mr. Callison, and Mrs. Menninger, would you be kind enough to come forward?

The panel is headed by Dr. Karl Menninger, the noted psychiatrist. Dr. Menninger is the founder and chairman of the board of the Menninger Foundation, which is the pioneering psychiatric complex located in Topeka, Kans.

Dr. Menninger's lifelong concern for the plight of troubled and neglected youngsters led him to found The Villages, Inc., a residential facility for such youngsters. He is presently the chairman of the board of The Villages, Inc.

I understand, Dr. Menninger, you are accompanied by Mr. Callison, who is executive director of The Villages, Inc., and Jeanetta Lyle Menninger, who is vice president of the board of The Villages, Inc.

Maybe you would be kind enough, for the record, to introduce your other guest.

Mr. GASH. My name is Frederick Gash. I am a member of the board of directors of The Villages.

Senator CULVER. We are honored and delighted that you are all able to appear as witnesses this morning to share your knowledge and experience with us.

Dr. Menninger, please proceed.

STATEMENT OF DR. KARL A. MENNINGER,[1] CHAIRMAN, MENNINGER FOUNDATION AND THE VILLAGES, INC., ACCOMPANIED BY HERBERT G. CALLISON,[2] EXECUTIVE DIRECTOR, THE VILLAGES, INC.; JEANETTA LYLE MENNINGER, EXECUTIVE VICE PRESIDENT, THE VILLAGES, INC.; AND FREDERICK GASH, MEMBER, BOARD OF DIRECTORS, THE VILLAGES, INC., TOPEKA, KANS.

Dr. MENNINGER. We would like to express our thanks for letting us express our views on this subject which interests so many people at the moment. It should interest many more.

Forty or fifty years ago I was preoccupied with getting mentally ill people out of jails, where a large number of them were then detained pending transfer to hospitals. It is only much more recently

[1] See p. 227 for Dr. Menninger's prepared statement.
[2] See p. 230 for Mr. Callison's prepared statement.

that I have realized that those jails also held many children—and still do—whom I think ought to be gotten out of there.

I remember having lunch with a friend many years ago in a beautiful home on the sea. A pup strolled through the living room and out on the porch, to his irritation. He jumped up, ran at that pup, and gave it a most vicious kick, hurling it through the air. It ran off groaning and limping down the lawn, and howling long after he was out of sight. I suspect it died, because the injury must have been terrific.

I never saw a man kick a child like that, but I know that it happened thousands of times just last night. I know it has happened in hundreds of thousands of homes this morning. That puppy incident has burned in my memory these many years, but I think the children that are beaten and kicked and burned and tortured to an extent that we cannot imagine should burn in the minds of all of us who help build this civilization.

You know, the great psychiatrist Freud said that most of the contemporary troubles of neurotically suffering people, and probably many others, came from indistinct painful memories of their childhood. They recalled them on talking to him. Then a little later Freud said:

No, parents cannot be as cruel as my patients say theirs were. Parents cannot be that bad. My patients must have imagined some of it. It must be fantasy.

Freud never realized that in his self-correction he was probably wrong. We know now that parents can be that cruel and are that cruel and that these terrible things do go on in the lives of children all the time—neglect, cruelty, abuse, and abandonment. Not to thousands of them, but to millions of them.

When a miserable child plucks up the courage to leave whatever protection that cruel home may have provided, for an outside world which can be much more cruel—but he doesn't know it—when a child can pluck up the courage to try to stand on his own two feet and leaves the anguish of such family life, what happens? The curious incongruity that he usually becomes a "criminal"—for the crime of trying to escape torture. So confused is our network of so-called justice that the abused and suffering become the alleged aggressors, the nominal criminals. "Status offenders" have done a terrible thing. They have run away from misery and torture.

I know that not all offending youth come from that kind of home, that not all runaways have such miseries to escape; but they all have some reason. Those painful memories remain in those children, and usually they repay it. They repay later on the cruelty and the hurt that was done to them.

It is no wonder that the Justice Department and this committee feel that we should do something for these children right away. The something that we do now is, in my opinion, wrong. We charge them with an offense and seize them. In perhaps saving some from being further exploited by prostitution, criminality, pornographic photography, and other things, some children are caught and pushed into court for an assignment to some better place than a jail. I do not believe that anybody would defend the horribleness or the evil

of confining a child to so medieval and inhumane and corrupting and counterconstructive a place as jail.

I do not mean a prison. I know this is too sophisticated an audience to need explanation that a jail is not a place run by professionals in the detention and correction of people. A jail is run, for the most part, by politicians with labor which will accept the salaries and working conditions that most cities and towns provide for jailers.

Well, I want to see those children out of those jails, and I know you do. That is why you are persisting in the enforcement of the Federal Government's wise decision that children must not go to jails.

But you ask, "Where will we put them? Where will they go? Not all of the children who have been through this experience are innocent, pitiful little children. Many of them are aggressive little people—or big people. Many of them are troublesome. What to do with them?" That is true. I know that. However, I know that many others are simply helpless and lonely and confused and distracted and oftentimes, brokenhearted.

There are places for them to be sent, to be sure. You and I know about the detention homes. We know about some of the terrible alternatives to jail that have been used. They are all written up by Mr. Kenneth Wooden in his famous and shocking book, "Weeping in the Playtime of Others." We know that they are exploited and mistreated and that the Government sometimes assisted in this, and has itself been exploited.

There are these terrible places, these vicious, evil places, these cold, cruel, commercial places; but there are also some good places. There are some good people who love and try to help. There are not enough, I grant you. We know that there are not nearly enough. We here who represent The Villages, Inc., realize that ours is not the only effort to help these children. We are one example or model, based on the simple proposition that some children can be culturally transplanted and constructively and lovingly nurtured. In other words, some children from an evil, vicious home where they did not thrive can grow, develop, love, learn, and grow up noncombatant and nonaggressive if they are given the love of parents who are devoted to them and to their interests. They will be allowed then to have education in the public schools like other kids. They will be allowed and encouraged to belong to the 4-H, community institutes, the YMCA and the YWCA, and they will not be abused or coerced.

We started a group of such homes in our vicinity with the help of several generous friends—Mr. Roy Bertle, now deceased; Mr. Clement Stone of Chicago; Mr. Robert Hulsen of Illinois; Mrs. Helen Jones of Texas; and several others. We built some homes and found some young people who wanted to be the parents of more than just one or two children, and opened our doors.

We gave each couple 10 children, with only two rules. No child should ever be struck or punished physically in any way. No child should be allowed to sit home instead of going to school. Every child must go to school and he must try to obey house rules with the other children or elese forfeit some privileges.

These family homes, these duplications of what some of us had in our childhood are for these children. If any of us amount to any-

thing, we must credit much of it to that home in which more education was acquired than in all the schools we went to. The home is where the child learns morality. That is where the children learn identification and language and culture. That is where the children learn what is beautiful in the world. That is where the children learn a lot of things that most of the children that we are now considering never learned.

The idea of The Villages, Inc., through the kindness of the Lilly Foundation, Senator Bayh, and others, has spread to Indiana. We have just been authorized to begin there. Some are going in other places.

These so-called villages are not necessarily villages but simply are group homes with foster parents who are trained in what foster parenting is and how it differs from ordinary parenting. The biological parent usually has the motivation of a natural love and an acquired love and a feeling of "This is something that I produced." Foster parenting and love of children is hard, but it can be acquired. It can be delivered and it can be effective. Something like village group homes can be a place, a "facility," a way of taking care of the large number of children who have no homes to go to at the present time.

There is this small group of "villages" where children can be sent for safety, hope, and love.

I think that that is the substance of what I had to say, Senator.

Senator CULVER. I want to thank you very much indeed, Dr. Menninger, for a very inspiring statement. We are extremely indebted to you and your associates for your kindness in making this trip here today to share with us your knowledge and your experience in this area.

By whom are children referred to your homes, Dr. Menninger?

Dr. MENNINGER. By judges to whose courts they have been taken, by welfare workers at the State board. Originally we thought that they would come voluntarily from various places. Now most of them come through judicial assignments.

Senator CULVER. What kind of residential facilities actually make up the village?

Dr. MENNINGER. The Eagle Ridge Village—Jean, why don't you explain that to the Senators.

Mrs. MENNINGER. We have five cottages at Eagle Ridge Village. We have two in Lawrence, Kans., and one in New York State.

These grow by the community's wish and desire and recognition of the need. How many are we developing in Indiana? I would like to ask Mr. Callison to answer.

Mr. CALLISON. There will be five homes in southern Indiana in different sites.

I want to emphasize that the "villages" does not imply, necessarily, a literal village. The process and the way the homes are structured is more important that their numbers. It can be a single group home and still be utilizing what we call the "village's" process or model.

Senator CULVER. Are all of these residential homes actually newly constructed or do they utilize existing community facilities?

Dr. MENNINGER. Both forms are used. We do not own all of them.

We do not care to own them but we insist on certain minimum standards. The local community is concerned most, and they own several of our homes. We own some of them.

Senator CULVER. What kind of children do you accept at the home?

Dr. MENNINGER. Herbert, you had better answer that.

Mr. CALLISON. We are receiving referrals from the welfare department in Kansas—and the reason they come from the welfare department is because that is the organization that pays the money. The courts do not have the money, even though they adjudicate the children before referring them to the welfare department—we get a wide range of types of behavior. They would all be classified as status offenders if they were in a State that made that clear distinction for the welfare department.

This means that about half of the children have displayed behaviors that would not be considered very serious offenses if they were adults. Some have utilized drugs, or run away from home and done all the kinds of things that are typical of other neglected and abused children around the country.

Senator CULVER. How are the village homes staffed?

Dr. MENNINGER. With a father and mother.

Mrs. MENNINGER. And with relief parents.

Mr. CALLISON. I think we should clarify, too, that we utilize professionals to support the parents. We have visiting social workers and psychologists. They do not deal directly with the children in a village home. They serve as support people for the foster parents, because we feel that the parents are the key people.

If the children need medical or psychological therapy, which they do occasionally, we refer them to the professionals in the local community, the same as I would my own children.

Senator CULVER. What kind of environment do you attempt to create for the children in the homes in the villages?

Dr. MENNINGER. An environment like in your home, or mine.

Senator CULVER. Are you trying to simulate a natural family environment as much as possible?

Dr. MENNINGER. Yes, precisely.

Mrs. MENNINGER. That is correct.

There is no physical punishment, but there are penalties and the usual limits on using the telephone when it is study hour time and things like that. Each parental couple initiates their own house rules. We do not interfere with that as long as the children are thriving.

Senator CULVER. I understand the villages are designed for long-term residential care. If the children have parents, do you allow and encourage contact between the children and their parents during the period they are associated with the residential home?

Dr. MENNINGER. Let me answer the first part of the question.

We found very early that many of our children had been adopted two, three, four, five, or six times—or placed, in foster homes. Many of them suffered not only from the tragedies in the original home and the subsequent legal processes of being moved around from one place to another, but they suffered from having their hopes raised that somebody was going to take them in an adoption home or a foster home.

They go to the foster home and they stay for 1, 2, or 3 months, and the family changes its mind or they move out of town or the

social worker thinks it is an improper place. The children are sent back. When this happens the child is disappointed, sad, discouraged, bitter, and so forth.

Well, in a few months they find another place and he goes again for such a placement.

This was all new to me. I did not know it, and perhaps you do not. It happens over and over and over to children, for orphan authorities are seeking somebody or some place to protect them. They get the most terrible and irritating and frustrating runaround by being tried first in one family and then another family and then another family.

We started out with the idea that we would not kick children around like that. Children that want to come here and children that we are willing to take are going to stay here. This is their home and they are going to stay here as long as they like—until they get married or get a job or graduate from high school or college or what have you—here they may stay.

Our children have no limits placed on their stay by us.

Our State is generous and private individuals help us to do this and support us in doing this.

Is that correct Mr. Callison? Would you answer the other question?

Mr. CALLISON. Yes.

Regarding the relationship with the biological parents, it is true that most of the children who are referred to the Villages have already failed or been disappointed in a number of placements. Their histories indicate that few of them have any parents who have the interest or capability of continuing a relationship.

For those children that do have biological parents who wish to continue the relationship and for whom the referring caseworkers recommend this, we permit contacts often as is profitable for the child. We do have a few children each year who return home to live.

Again, though, by virtue of the fact that we are generally the last step before institutionalization, most of our children have already lost any kind of relationship. Therefore, it is not too likely that a parent will reappear. What we do try to do is bring together brothers and sisters from the same family, and we have several groups of these. They are a real strength to each other.

Senator CULVER. What has been your success rate with the children you have taken in? What are the comparative costs of this alternative as opposed to the more conventional correctional institution or facility approach?

Mr. CALLISON. We followed up the children that had been residents at Eagle Ridge Village, the pilot project, at the end of last year. We identified 152 children as having left in a favorable way.

Senator CULVER. What does that distinction suggest? What do you mean they "left in a favorable way?" Do they leave under any other circumstances?

Mr. CALLISON. No. What I mean by "a favorable way" is that there are some children that we may refer to another agency. There may be about four a year for physical or mental needs that they have that we cannot satisfy. A few have returned to their biological parents and we do not know the outcome.

There are also children who may voluntarily leave for some reason or another. We do not restrain any child, if he wishes to leave. That very seldom happens, but it does happen occasionally, possibly once or twice a year.

The 152 children that have left us have gone in a way that leads us to believe we have had a significant impact upon them. Generally, they graduated from high school, went on to college or vocational training or accepted employment.

Of this group of 152, three children were—as adults—incarcerated. None of the 152 children—as far as we could determine—were on welfare at the time we made the check. That may be a more significant figure than the incarceration figure. There are, of course, some children out of 152 whom we could not find—but we did find most of them.

Senator CULVER. Given all your clusters of Villages that you have operating and the one contemplated in Indiana, what is the total number of youths you are servicing in this way now? Just give me a ballpark figure.

Mr. CALLISON. I will make a guess. Including the affiliates—as yet not all of these are "Villages," per se—there are now around 200 children.

Senator CULVER. Are you familiar with the Woman's Job Corps Centers and Boys' Job Corps Centers that were undertaken in the mid- to late 1960's?

Mr. CALLISON. Yes, sir.

Senator CULVER. One of the things that troubles me a great deal is that we had what I think was a very successful program, after 3 years of rather torturous implementation, in one of the communities that I then represented in the House of Representatives—in Clinton, Iowa.

When they were proving to be very successful in terms of the curriculum, the discipline, the community acceptance, and their placement rate, they were all discontinued. At that time we were taking 100 percent dropouts. As I recall, we were placing 70 or 80 percent by the end of this 4-year period in jobs.

These were closed at the beginning of the Nixon administration in January 1969. We were told that there were going to be alternatives established. Since I had really worked hard in association with that experiment and had some appreciation for its remarkable success in human terms—as well as in dollar-and-cents terms—had graduates of that center come here to testify to Congress in connection with efforts to keep such centers open.

They testified as to the incredible transformation that the center had brought about in their personal lives and their development. They pleaded with the Congress to keep them open.

Unfortunately, we were unable to. Unfortunately, we have not seen any alternatives. The alternatives that were promised, and that were going to be better, just have not materialized in this society.

The thing I am struck with, and struck by, in terms of the macronature of this problem is that we have 1 million runaways in America today. No one has a firm grip on that, but that is essentially a rough, valid estimate.

We have this incredible unemployment rate among youth, and particularly minority youth. It is the social tinderbox of those ghettos that concern me. It seems to me that we must have a far more massive mobilization and marshaling of our national resources to address this problem.

What you suggested to us—or at least to me—are some very exciting approaches and possibilities and models for a far more ambitious undertaking and funding and coordination or effort.

Again, though, as one who, 10 years ago, was involved in getting a community to accept a Woman's Job Corps Center and to see that it develop and succeed, the community acceptance was absolutely inspiring by the time it was unfortunately terminated. I saw that stop.

Now here we are back to square one. I do not know how agonizing this problem has to become and what a cancer it has to constitute before we can once again trigger the national commitment in the Congress and in the executive branch of the Government to seriously undertake to combat it.

Dr. MENNINGER. A few communities recognize that, as you well know. However, one of our experiences from which we learned was that we were vigorously opposed in one community where some people in that community wanted to start some homes like ours.

Generous people gave the property and contributed the money to build a so-called "cottage." These are not cottages, you know. These are not log cabins. These are pretty good looking houses. They have to hold 14 people. At any rate, they cost about $100,000 apiece.

However, in this community they wanted nothing to do with it. They would not let us rent a house. They did not want us to come at all. Some other friends, though, overwhelmed that opinion and they finally got one. Now our most vigorous opponents are our best friends. In fact, they have demanded that another one be built and contributed the money. I believe that is to open in September.

Mrs. MENNINGER. In November.

Dr. MENNINGER. These are people who fought against the idea at first. Their popularity grows, because the children become a part of the community. They are not those little runaways, those little criminals that are out there in that house. They become children in these particular places who are being given a new chance and a new life. They are happy to have that kind of children in their community.

One of our boys was the most popular lad in the high school. We have a moving picture in which he is being vigorously applauded with loud cheers at his graduation. This is a boy who would ordinarily by this time be a little thief or a mugger or a housebreaker or I don't know what, in all probability. He had no other skills and no other motives and no other morals, I might add.

Senator CULVER. Thank you, Doctor.

Senator Wallop?

STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM WYOMING

Senator WALLOP. Thank you, Mr. Chairman.

It is a pleasure to welcome you here, Dr. Menninger.

I was struck by what you were saying, Mr. Chairman, about the

Job Corps efforts and the failure to continue it. I think that is so often the case with the congressional role and the Presidential role and social legislation from the beginning. People just cannot resist the temptation to tinker. I have seen it in my State with the wonderful programs in community mental health centers that get off and get flying and gain community acceptance, and then the Federal role simple disappears. The ability of local governments to sustain them frequently does not exist.

They will go to any lengths to try to maneuver their tax structure around to hang onto those things, but if the Government's desire to sustain it wanes, their ability to sustain it disappears.

I am interested in this because my State has had a difficult time as it does with many Federal programs, trying to find a formula that we qualify under. We are a very rural State with areas that are sparsely populated. It is difficult for us—it has been extremely difficult for us—to do anything with status offenders except institutionalize them in a rather different way than they are in many other States.

The Children's Home in Casper is not the standard kind of institution one dreams of when you hear it, but nevertheless we are only able to take care of a small number of these people. Frequently, as you pointed out, as awful as it is, jail is a more kindly atmosphere sometimes than their homes are. That is an awful thing to think about.

I am interested in this, because I think a formula could be devised that would take care of rural States with sparse populations as well as the more densely populated areas of the country.

I am interested in two things. One is the foster parents. Do they apply to you? Out of what walks of life do they apply and how long is their training?

Mrs. MENNINGER. Most of them have had prior experience, some of them in punitive institutions. They want to do better. They do not like what they saw. They hear about us and we have a monthly seminar workshop lasting a week, run at cost, and we have had people come from institutions and from group homes. We have had them from your State. There were three from Montana this week. There were three from Tennessee this week. We have had them come from Florida, California, Alaska, and so on.

This way, I think, the impact is greater than you envision as of 200 children. We are making some impact, I think, on many, many more children in homes far away that we do not see.

They are extraordinary young people that come. Most of them have a child or two or their own. They belong to, you might say, the 1960's. They belong to that generation. They want to work together as husband and wife. They do not differentiate between who does the dishes. They are kind of an equalitarian society. That is what they are introducing the children to.

One of our workshop couples has run a cooperative in Colorado. Another one of our houseparents is just out of the Air Corps with a college education. He and his wife have taken care of foster children all during their army experience. They are coming in because they want to make it their life work.

I do not say that it will be more than 10 years, perhaps, but that is a lot for a houseparent.

Senator WALLOP. It certainly is.

Before they become actual house foster parents is there a training program that they go through?

Mrs. MENNINGER. Oh, yes.

Mr. CALLISON. Yes. We require that the new parents that are entering our employment spend some time in a home with experienced parents—with parents that have maybe been with us for 3, 4, 5, or 6 years or who have had previous experience.

In fact, we have some of our older houseparent couples designated as training parents. During this period of time they are also exposed to the workshops. It may range anywhere from 3 weeks to 6 weeks. Some are still in their training period 6 months later.

During this same period of time we are providing them with in-service training experiences each week, utilizing the support staff that I mentioned earlier—the social workers, the psychiatric consultants, the social work consultants, and so on. Therefore, the upgrading is continual.

There is also a kind of rejuvenation for them so that they do not burn out too quickly, which is very important from year to year.

Senator WALLOP. I am sure it is. Does it happen? Can you recognize that it is taking place if it is?

Mr. CALLISON. Yes. We have discovered certain signs that we look for. Usually these signs seem to crop up anywhere after 9 to 15 months of employment as house parents. Some then begin to show signs of "burning out." We have to counter with extra support.

If they can get over this period they tend to make a career commitment, but it is difficult to get over this period of time.

Senator WALLOP. I am certain there is a risk that this kind of behavior could be pretty destructive to the children.

Mr. CALLISON. Every time we change parents it is very traumatic to the children. So we try to forestall it. I think the national average for house parents in group homes is something like a year.

Our last house in Eagle Ridge Village opened in January 1974, so we do not have a lot of background, but we are averaging between 3 to 4 years now with our parents. Therefore, we think we have a system to maintain them longer.

We have a number of parents who have opened a house and stayed with it since it opened.

Dr. MENNINGER. Senator, may I anticipate a question that you have not asked me?

Senator CULVER. Certainly.

Dr. MENNINGER. You have not asked me what buoys up our faith that the State will continue to support our voluntary private citizen factor in helping them with the care of these children.

We have few alarms about that for a simple reason: it saves them so much money. I will let Mr. Gash, who is a businessman, explain that.

Will you answer that, Fred.

Mr. GASH. First, Senator, let me clarify a point. The Villages is a private venture. The cottages are built by friends of Dr. Karl's.

We intend to maintain them as a private venture and not have any Government support for the cottages themselves.

We do get maintenance per child from the State. We are able to do that at considerably less cost than maintaining the status offenders that you are concerned about in the institutions.

For example, in the State of Kansas the cost per child at Eagle Ridge Village—and you will correct me, Herb, if I am wrong—is about $22 per diem. To maintain that same child in the place where he is now, in the jail or State institutions, costs the State about $40 per day. Therefore, we are quite a bargain for them.

Senator CULVER. Thank you.

Senator WALLOP. I would not quarrel with that. I know our figures in Wyoming run about $17,000 a year to maintain a child in one of the three good institutions.

I have one other question. You said you started out with the hopes there would be volunteer children—the ones who came and sought you out. However, that has not proved to be so. Is that correct?

Mr. CALLISON. Not quite. We have a number of children who will call us and want to come to the Villages. That has happened. However, most of the children are referred to us by court order. Some do come voluntarily, though.

Senator WALLOP. They do?

Mr. CALLISON. Even if they are referred to us by the Welfare Department we invite them for a preplacement visit. Then we ask them to go back to wherever they are staying for 2 or 3 days and think about it.

It may be a choice between us and a State institution. I am not saying that is too voluntary, but from the standpoint of us asking them to come for a preplacement visit and then having them make the choice themselves to come to the Village, it is their choice.

Senator WALLOP. Is there a likelihood of biological parental support—either financial or otherwise?

Mr. CALLISON. There are many children who have parents that are capable of supporting them partially. In a case like that we would still receive our per diem payment from the State. The State, then, would be responsible to get the money from the biological parents. We would not be responsible for that.

I would like to respond a little bit to a comment that you made about the community organizations. You both have referred to that.

I do not think that you can overemphasize that. I think one of the dangers that we have seen from the beginning is that we could go into a lot of communities and help them get started and everything, but if they do not have the community support after we leave they are going to fold.

We will spend as much as a year or a year and a half just making sure the community is organized and making sure that the proper studies are done so that the actual houses are built in the proper communities. In this way, regardless of what happens in Topeka that program is going to continue.

I really appreciate your understanding of that fact, because that is very important. I think that has sort of been the history of a lot of programs like this. They start and then fail.

Mrs. MENNINGER. We have had many children who came from school and said, "May we stay here in your place?" We have to say no. They have parents in the community. That would not be popular.

Senator CULVER. It is a pleasure to welcome Senator Hayakawa here today. Although he is not a member of this committee I know of his long-standing interest in the problems of young people. It is a pleasure to have you here today.

Senator WALLOP. He is just as good a lawyer as I am, though.

STATEMENT OF HON. S. I. HAYAKAWA, A U.S. SENATOR FROM CALIFORNIA

Senator HAYAKAWA. Thank you for the hospitality of your subcommittee.

I wanted especially to come today to listen to my old friend and teacher, Dr. Karl Menninger. Our association goes back over 30 years. I first came to Topeka, on his invitation, to study with him in the 1940's. Later I was invited again back to Topeka to lecture in the 1960's. I had many, many wonderful associations and enormous learnings that I owe to Dr. Menninger and the Menninger Institute and Foundation.

Therefore, it is a real pleasure to be here and it is a real pleasure to greet you, Dr. and Mrs. Menninger and all of you.

This concept of the Villages is something that I had not heard about, because I have not been in touch with you for some time.

It reminds me of the fact that when I was in my early twenties I had a Boy Scout troop. Somehow we had assigned to us 10 children who were orphans. One was from an organized orphanage and one was from a home very much as you describe in the Villages. It was a home for 10 orphans, or 12, operated by a couple of foster parents who mixed their own children with the children that were assigned to them.

What I remember vividly to this day is that five children from the enormous orphanage were browbeaten and shy. They were pleasant enough kids, but they were not at all as self expressive as they could be. It was as if they were always in fear of punishment.

On the other hand, the 5 children from the home of 10 children in the foster home situation were expressive, full of life, mischievous, and they were children who were normal and growng in every way.

At that time it occurred to me that this is the proper way to take care of orphans, and not in an institution like the huge orphanage they used to have. The proper way to take care of them was through this kind of foster home.

I am delighted to know that this foster home idea is still being cultivated in the villages.

I am very much interested in the problem of runaways. Mill Valley, Calif. which is outside of San Francisco, is a regular haven for runaways. They come there in droves. I think some of our churches have special provisions, such as basements or dormitories for them to sleep in. There are sleeping bags and aid for them in various ways as they come there.

What you say, Dr. Menninger, about juvenile crime being very often a kind of revenge that young people are inflcting upon society

for the beatings and the mistreatment they received earlier—is that basically what you were saying? Are you saying that young people who commit acts of violence are very often hitting back at society for the beatings and the cruelty they encountered earlier?

Dr. MENNINGER. Why, of course. They get their revenge. Then we take revenge on them. Then they take revenge on us, and then it's tit for tat for tit for tat and so on.

Every offender I talk to in the prisons—and I have talked to a good many—every man in jail will tell you terrible things that happened to them in childhood. Later, when they can, they take revenge on society. Society takes revenge on them. They take revenge again. Then we say, "Why is there so much recidivism?"! What else could there be?

Senator HAYAKAWA. Therefore, to further punish the offender is to continue this cycle of retaliatory offense against retaliatory offense. This is what you meant in your book by "the crime of punishment," is it not?

Dr. MENNINGER. Well, I see that and believe that more strongly than ever now. I see the cruel things that we do to people that we are supposedly trying to correct. We do not correct them. We make them worse.

They go out and do worse things and then we say, "Look, rehabilitation does not do any good." What rehabilitation? Who has done any rehabilitation? What we have done is some security and some imprisonment and some misery making. We have not really tried to rehabilitate very many people.

Suprisingly, in spite of that, we have sometimes succeeded. I mean by "we" the American people.

Senator HAYAKAWA. Well, then, you would be very, very much opposed for both theoretical and practical reasons to the wave of—shall I say—"hard line attitude" toward criminals and cracking down on them? There is an awful lot of that going on now. There are people who say we have been altogether too permissive and we have to crack down.

Dr. MENNINGER. We could not hear very well here, Senator. I am sorry.

Senator HAYAKAWA. I am saying that there is at the present time considerable public demand. The conventional wisdom is that we have been far too permissive of criminality and misbehavior and that we should be cracking down and being much more severe in our attitude toward the criminals in general—the young as well as the older.

There is a wave of that kind of——

Dr. MENNINGER. Yes; there is.

Senator HAYAKAWA. And you are going directly against it.

Dr. MENNINGER. Directly and stoutly. I believe it will create another wave of more crime.

Senator HAYAKAWA. This will result only in more crime?

Dr. MENNINGER. Exactly. It will happen. The next decade will feel it. It has repeatedly happened in history when they have tried this experiment of "Beat them harder. Chain them up stronger. Treat them tough." More violence on the part of society will make more violence on the part of the enemies of society, not less. You cannot control violence with violence.

Senator HAYAKAWA. Your program in the villages applies, of course, essentially to children until they graduate from high school. To what extent can this philosophy be applied to adults, or don't you care to extropolate beyond this point?

The adults obviously cannot be put back into a family situation with a foster father and mother.

Mrs. MENNINGER. I feel that you can do it much cheaper and much better and much quicker with children. The adults have "jelled" you might say. It is very hard to dissolve them again.

Children are in the process of formation. You take a child who comes in afraid to sleep without a knife or a club or some thing beside him at night. He would have a gun if he could get one. He is afraid he will be attacked in the night. He goes into wild screaming attacks and strikes others.

In 6 years this child is entering college with all A's in high school. He has ceased to run around the house yelling. He has ceased to carry a knife all the time. I am not saying that he might not do something in his later years, but he has as good a chance as any of us.

Senator HAYAKAWA. The whole point about this, then, dealing with children in this respect, is that they are not hardened in whatever they are. Is that correct?

Mrs. MENNINGER. Yes. They can be redirected and helped. It is also more expensive when they are older.

Senator HAYAKAWA. Oh, yes; of course.

Mrs. MENNINGER. It is twice or three times as expensive.

Senator HAYAKAWA. You say these villages are now in Topeka and where else?

Mrs. MENNINGER. We are just starting in——

Dr. MENNINGER. Our places or other places?

Senator HAYAKAWA. I want to know where your homes are besides Topeka.

Mrs. MENNINGER. Lawrence, Kans. We have a lot of your friends in Lawrence on the Board.

Also in New York State.

Senator HAYAKAWA. New York!

Mrs. MENNINGER. We hope to go into Indiana in the next 6 months We have a Lilly Foundation grant for that purpose.

Senator HAYAKAWA. Are these homes supported by private grants and private benefactions, or are you seeking Federal support for this kind of program?

Mr. CALLISON. We have never utilized any Federal funds for development of any village. We have always used private funds.

Senator HAYAKAWA. I understand; yes.

What about after it is in operation?

Mr. CALLISON. Then the per diem payments come from the State which ultimately is part of title XX, so there are Federal funds there.

Senator HAYAKAWA. I see.

Mr. CALLISON. However, as far as the beginning of construction and the organization of the program and so on it is private funds.

Dr. MENNINGER. Senator Bayh was very helpful in getting us started.

Senator HAYAKAWA. Was he asking for specific legislation?

Dr. MENNINGER. We did not seek Federal money, though.

Senator HAYAKAWA. Thank you very much, Dr. Menninger.

Thank you, Mr. Chairman.

Dr. MENNINGER. If you would see one of these places, you would have to be excited, because you would see a group of happy children.

Senator HAYAKAWA. I saw the Southard School when I was there, and I was very happy about that.

Dr. MENNINGER. It is that idea enlarged. That is right.

Senator HAYAKAWA. It is, isn't it?

Dr. MENNINGER. No. These children do not need psychiatrists. They do not need policemen——

Senator HAYAKAWA. They need homes.

Dr. MENNINGER. Yes; and they are not crazy. They are just homeless. Many of them are brokenhearted, but psychiatry does not cure that, you know.

Senator HAYAKAWA. That is right.

Thank you, Doctor. It is so good to see you again.

Senator CULVER. Thank you very much, Senator.

Dr. Menninger, you mentioned Senator Bayh. He just telephoned a few moments ago from the airport and said that he was extremely sorry. He had hoped very much to be able to get here in time to hear your testimony. He asked me to convey his warmest regards to you personally and to commend you for your work. As you have indicated, I know you have been associated with him in your project in Indiana. He did, however, want me to personally convey that message to you.

I hope you will be able to join us at lunch.

Dr. MENNINGER. Thank you.

It is a philosophy, Senator Culver. It is an attitude toward the problem. Here are some runaway kids whose parents did not work. Can we give them a new transplantation? Can we given them a place to go? Can we give them some parents that do work? Can we give them a home and a school situation and so forth? Can we do it without costing the State more, but rather less?

They are going to be very expensive if they grow older and do more bad things. They are expensive if the State locks them up. They are a disgrace to us if the city locks them up.

Mrs. MENNINGER. All of the children work that are old enough.

Senator CULVER. Excuse me, Mrs. Menninger. Do they work in the community; is that what you said?

Dr. MENNINGER. Oh, yes.

Mrs. MENNINGER. The Job Corps has gotten some of them jobs, but most of them found their own jobs. We have a house parent who is in charge of overseeing their jobs and seeing that they are not getting into the wrong sort of places.

Dr. MENNINGER. He does that for the other houses as well as his own.

Mr. GASH. Senator Culver, we feel especially privileged that Senator Bayh has agreed to serve on the Indiana board, which is now in formation. I believe that Senator Lugar will also join that board.

Senator CULVER. That is fine.

Mr. GASH. May I just make one more comment? The villages is realy a pilot project in crime prevention. That is what it is all about We think these children have a one-way ticket to perdition unless we stop them. When we stop them there is a very good chance that they will become normal citizens.

Senator CULVER. I want to thank all of you very much for your appearance here today.

Dr. Menninger, I have been informed you have a board meeting in Topeka tomorrow. I know you have made this trip at considerable inconvenience. We appreciate your coming very much. We thank you for your testimony and that of Mr. Callison and Mrs. Menninger and Mr. Gash.

We are very grateful to you for coming. It has been a valuable help to us. We want to assure you that you have given us renewed encouragement to continue with this effort to see a successful implementation of this deinstitutionalization provision in the 1974 act.

You have given us some indications of approaches and models that I think much of the country is anxious to learn more about in their efforts to comply with this provision and to move forward in a more successful effort with regard to troubled youth. We are grateful to all of you for coming.

Dr. MENNINGER. We would be glad to be put to a good deal more inconvenience to support efforts of the kind you are now making to get these children out of the jails.

Mr. GASH. Bravo.

Senator CULVER. Thank you, sir.

Our next panel of witnesses consists of several individuals from Story County in my own State of Iowa. Story County is an example of a locality which developed an excellent network of services for troubled youth with the support of the juvenile court as well as the entire community.

The first member of the panel is Mr. George Belitsos, who is the director of Youth and Shelter Services, Inc. Youth and Shelter Services operates a shelter house, a facility which constitutes an alternative to jails and a youth house which constitutes an alternative to correctional institutions and training schools.

Mr. Belitsos is also a member of the Iowa Crime Commission which is responsible for the implementation of the Juvenile Justice and Delinquency Prevention Act in Iowa.

In addition, I would like to note that I had the pleasure of nominating Mr. Belitsos for a position on the National Advisory Council on Juvenile Justice, and President Carter recently announced his appointment to that position.

The second member of the panel is Neal Carolan, chief probation officer for Story County, Iowa. As Chief Probation Officer Mr. Carolan has played a vital role in the establishment and success of youth and shelter services.

The third member of the panel is Brian R., a 14-year-old juvenile from Story County. He has agreed to testify before this subcommittee because of his concern about young people like himself who find themselves in trouble and in need of assistance.

However, I have assured Brian—and I would like to have the attention of the press and television—that the press and television

people would not write stories or take pictures which would reveal his identity. Photographs and film shots may be taken from behind the witness. I ask that you respect and honor that request.

It is a pleasure to welcome you here, Mr. Belitsos.

You may proceed.

STATEMENT OF GEORGE P. BELITSOS, DIRECTOR, YOUTH AND FAMILY SERVICES, INC., AMES, IOWA, ACCOMPANIED BY NEAL J. CAROLAN, CHIEF PROBATION OFFICER, NEVADA, IOWA; AND BRIAN R., A 14-YEAR-OLD JUVENILE, STORY COUNTY, IOWA

Mr. BELITSOS. Thank you.

Senator Culver, I would like to begin by just expressing our appreciation for the opportunity to be here today and to share with you and the subcommittee the work we are doing with status offenders in Story County, Iowa.

I would like to forego my summary of the testimony which I have submitted in the interest of time. I would just ask if you have any questions that we might address concerning our written testimony.[1]

Senator CULVER. I understand from your prepared statement that Youth and Shelter Services operates shelter house, which is an alternative to detention, and a youth house, which constitutes an alternative to institutionalization.

Would you briefly describe these facilities and their program for us?

Mr. BELITSOS. Youth and Shelter Services had its birth approximately 5 years ago with the founding of shelter house. At that time in Story County, as with many counties across the country, there was a concern on the part of citizens and a concern on the part of juvenile court officials with the large number of youths being placed in our jails.

These were young people, especially status offenders, who were placed in jail and detention not because of the seriousness of their offenses, but because their parents could not adequately supervise them.

The belief of the people who founded the Youth House—their common belief—was that these youngsters needed community services more than they needed court processing. The services that we have, very briefly, include: 24-hour supervision of the youths in the program; we have a maximum stay of 30 days, which is fairly typical of youth shelters across the country; we serve up to eight boys and girls at any one time; we have diagnostic and evaluation services available to the court on request; and most importantly, every young person who comes into our shelter care receives immediate counseling. Their families receive immediate counseling.

The purpose of the immediate counseling is, of course, to help them understand the presenting problems and what has brought them to this place in the juvenile justice system. It helps them to understand what is likely to happen to them from here.

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[1] See p. 231 for Mr. Belitsos' prepared statement.

The youth house, which you have mentioned, is an alternative to institutionalization for approximately eight teenage boys and girls who are status offenders who otherwise would be placed in State institutions or out of county placements.

This is an intermediate length stay facility of from 6 months to a year.

One of the requirements for admission of status offenders is that their parents agree to come in weekly for family therapy.

Basically, our staff is made up of 18 full-time individuals working in six different programs that we have. All of our facilities are family houses. The youth house and the shelter house are all located in residential neighborhoods. They are neighborhoods that look like any neighborhood in Iowa. Our house in those neighborhoods look like any other house on the street.

Senator CULVER. Jail and secure detention facilities are used to prevent alleged status offenders from running away and failing to appear in court or committing other criminal offenses.

How effective, in this regard, is your shelter house program?

Mr. BELITSOS. I am happy to say, Senator Culver, that we have a 98 percent success rate for getting juveniles to their court hearings as scheduled and on time. Ninety-five percent of the young people who have been through our shelter care program have not run away from the program. Ninety-seven percent of the young people in our programs, while living in our programs, have not committed any offense while in the program.

Senator CULVER. How effective is your youth house program?

Mr. BELITSOS. After approximately 3 years of planning, the youth house just recently opened in April of this year. I might say that it was through a grant from the Juvenile Justice and Delinquency Prevention Act. That provided the resources for this dream come true.

We do not have adequate documentation right now because the program has not been open long enough. However, I would like to say that we do have an excellent record in Story County for diverting the flow of status offenders and delinquent youth from our State institutions.

In the last 4 years that we have been operating, we have had only five commitments to the State training school for boys from our entire county. This is opposed to 15 the 3 years before we opened. That is just one example of the diversion that is going on and is possible. We are keeping youth in the community. We are keeping the responsibility for their care and the solution to the problems that youth are confronted with in the community, where we believe it belongs.

Senator CULVER. What about comparative costs of your shelter house program and adult jail of your youth house program and correctional institutions?

Mr. BELITSOS. I would like to compare not only the financial cost but also the human costs of jail as compared to shelter care.

In dollars, the per diem for jail is approximately $16 a day, as opposed to $35 a day at Shelter House. However, what I would like to point out is that the jail figure is deceiving in Story County just as it is in many jails across the country.

Jail, Senator, does not include the cost of health care or recreation. Jail does not include the cost of education, tutoring, recreation, and arts and crafts for the youth. Jail does not include the cost of behavior management, of psychological evaluations. Jail does not include the cost of furniture or clothing for the youth. Jail does not include, most importantly, human intervention. It does not include individual and family counseling for the youth in the program.

In this fact lies the most important cost of jail to our society—the fact that in terms of human resources these young people—there is nothing being done in jail, for the most part, to do anything about the underlying reasons for their being in jail.

I would just like to point out briefly, in my written testimony—I have included the testimony of two youngsters. One of them tragically spent a week in jail. His only offense was that he had run away from home. His testimony is a suicide note written to all of those who have any concern for the welfare of youths who are status offenders.

By the way, that teenager who wrote the suicide note was on his way to our shelter care facility. However, on that particular day he did not make it from a neighboring county.

The other youth whose testimony I included is a young person who did make it to our program, as all of the kids from our own county do. His statement is very important, I think, in terms of revealing once again for you the negative impact that jail so frequently has on the formation of attitudes toward the justice system and toward those of us in a position to help.

Senator CULVER. Thank you very much, George.

I have asked our committee counsel, Ms. Gittler, to pose some questions of you, Brian.

Ms. GITTLER [subcommittee chief counsel]. Brian, how old are you?

BRIAN R. Fourteen.

Ms. GITTLER. I understand you are presently living at Youth House, as Mr. Belitsos mentioned. Is that correct?

BRIAN R. Yes.

Ms. GITTLER. How long have you been there, Brian?

BRIAN R. About 4 months.

Ms. GITTLER. Before that were you at Shelter House, which Mr. Belitsos described?

BRIAN R. Yes.

Ms. GITTLER. How long were you there?

BRIAN R. About 2 months.

Ms. GITTLER. Mr. Carolan, is Brian presently under the jurisdiction of the juvenile court?

Mr. CAROLAN. Yes. Brian was adjudicated a child in need of assistance under our juvenile code statute in May of this year.

Ms. GITTLER. What is the significance of that label in Iowa? What does that connote?

Mr. CAROLAN. It distinguishes him from being delinquent. It differentiates him from being a delinquent child.

Ms. GITTLER. Therefore, he is essentially a status offender as far as the juvenile court is concerned?

Mr. CAROLAN. Yes, ma'am.

Ms. GITTLER. Brian, did you have any problems at home which led to your involvement with juvenile court and your placement in Shelter House and eventually Youth House?

BRIAN R. Yes.

Ms. GITTLER. What kind of problems did you have?

BRIAN R. OK, my dad left us 5 years ago, so it was my mom, my four younger sisters, and I. We had fights and stuff. We got into a lot of arguments.

Ms. GITTLER. Did you get in trouble at school, too?

BRIAN R. Fights with the kids, not very good grades, and I got in a lot of trouble with that.

Ms. GITTLER. Did you finally get in trouble with the law?

BRIAN R. Yes. I had a paper route and didn't pay the bill. It was a couple of hundred dollars and I used that to buy things for my family and my sisters.

Ms. GITTLER. What did you buy with that money?

BRIAN R. Oh, like clothes and food and stuff like that for my sisters.

Ms. GITTLER. Your family did not have very much money after your father left; is that correct?

BRIAN R. Right. Then our church came in and helped pay for rent, food, and transportation.

Ms. GITTLER. But you did not have any money for the things that you thought your sisters and your mother would like to have and should have?

BRIAN R. Right.

Ms. GITTLER. Can you describe the kind of facility that you are living in at Youth House?

BRIAN R. Well, it used to be an apartment. It's a bunch of rooms upstairs turned into a house. The boys room has a kitchen and restroom and then a small place where we have our beds. Then the girls room has a bathroom, a kitchen, and two rooms right next to each other.

Ms. GITTLER. What kind of rules do they have at the house?

BRIAN R. The ones that they really try to get to are the ones about no smoking upstairs, no food upstairs, and like the bedtimes are set for certain times, our hours out, signing in and out where we are going, ask permission to use the phone——

Ms. GITTLER. Are they strict with you?

BRIAN R. They try to be. You know, they don't yell at you or something. They let it slip every now and then. You can slip by and——

Ms. GITTLER. You can get away with some things?

BRIAN R. Right.

Ms. GITTLER. We won't go into that any further. [Laughter.]

Are you going to return home to your mother and sisters soon?

BRIAN R. Yes.

Ms. GITTLER. When do you think you are going to do that?

BRIAN R. Well, I have talked with George and I am hoping that can by the end of December.

Ms. GITTLER. What effect has living at Youth House had upon you? How do you feel about being there?

BRIAN R. I am glad. I like to talk to people about living there. I am really happy that it is around so I don't have to leave the community to go someplace else to work on it.

Ms. GITTLER. Has living there helped you with your family problems?

BRIAN R. Yes. Living there, like George said, they have family therapists. To be there you have to agree to have family sessions once a week. That is what we have been doing on Thursday nights. We have ours and we have been talking about things—like when we are going home, we talk out arguments we have had—and so the family therapists have done a lot of it.

Ms. GITTLER. Has living at Youth House helped you with your school problems?

BRIAN R. Yes. While you are there they just started since school started—from Monday through Thursday we have 1 hour that is a study period, from 7 o'clock to 8 o'clock where we either read our book or do our homework. That has helped me with my grades a lot.

Ms. GITTLER. On the basis of your experience, Brian, and the experiences of other young people you know, do you have any general ideas you would like to tell the Senators about what should be done when a young person has the kinds of problems that you have had?

BRIAN R. Well, I haven't been in a whole lot of trouble like most of the kids, but I do feel that more places like Youth and Shelter Services should be opened instead of more jails and places like Eldora where when the kids go in they don't come out the way they want to be. They come out either worse or just the same as when they went in. I would like to see more places opened like it.

Ms. GITTLER. Eldora is the training school for boys in Iowa; is that correct?

BRIAN R. Yes.

Ms. GITTLER. Mr. Carolan, can you tell us something about whether Brian would have been put in jail or in a training school in another county which does not have the facilities such as Shelter House and Youth House?

Mr. CAROLAN. Yes, ma'am. On two different occasions, in my initial contact with Brian, had I not had a place to put him on an emergency basis it would have been jail rather than Shelter House. On a long term basis, upon his placement at Youth House, had Youth House not been in existence, at best it would have been a residential treatment some distance away, at least 100 miles away. Very possibly the boys training school at Eldora would have been a possibility.

Ms. GITTLER. So Brian really has not had to suffer going into a jail or going into a secure or correctional institution because of the programs of Youth and Shelter Services, Inc.

Mr. CAROLAN. That is correct. On an emergency basis Brian has never experienced jail and has never experienced detention. Like so many other youth in Story County, he will not.

Ms. GITTLER. Thank you very much.

Senator CULVER. Mr. Carolan, Mr. Belitsos' prepared statement, I note, refers to the fact that the local juvenile court, and especially the juvenile probation office, has been very supportive of Youth and Shelter Service. What specific forms does this support take?

Mr. CAROLAN. Basically three forms, Senator. First of all is financial. Second is as a referral source. Third is as a teamwork source. Very briefly I would like to describe it.

Approximately $80,000 a year out of my office budget goes to the support of the six programs that Youth and Shelter Services, Inc., has. The majority of that goes to the continuation of the out-client program at Shelter House, which is a free service to the community. We are providing that for walk-ins and for families who are not court involved, either formally or informally.

Second, the juvenile court and the juvenile probation office is a major referral source. Nearly 50 percent of the young people who are referred to my office on delinquent charges or by their parents because their parents need some assistance with them, or by the children themselves, are referred to Youth and Shelter Services, Inc., for involvement in one of their programs.

Third, and I think most importantly, is the teamwork concept. Not only is the referral made, but it is not left there. There is continuation. There is followup by the probation officer involved in the case.

Senator CULVER. Iowa is participating in the JJDP Act which does require this deinstitutionalization. I would be interested in knowing, based on your experience, whether other counties are having as much success in reaching this goal as Story County. Have other counties been as supportive of the policy of deinstitutionalization as the juvenile court personnel have apparently been in Story County?

Mr. CAROLAN. Unfortunately, and very candidly, no. I think there are many counties in many areas of the State that are striving to meet the requirements of the JJDP Act. However, there are still many areas of the State that are not and that are still jailing status offenders.

Senator CULVER. George, do you think Story County is a typical Iowa county from the standpoint of availability of a variety of services for troubled youth?

Mr. BELITSOS. Unfortunately, it is not typical. For example, the Shelter House, which opened 5 years ago was considered to be in the vanguard of the future. It was the first shelter care nonsecure facility in the State. We had a very doubting public at that time.

Since then there have been 12 other shelter cares open across the State of Iowa. I am very hopeful, especially with the financial support through the act, that other communities will take advantage of the resources and develop services, because the need is there and communities just like our own community, though rural and though very often thought not to have the problems that urban areas do, do have the need and have identified the need.

Senator CULVER. In your view, has the Iowa Crime Commission provided communities in Iowa with adequate funding and technical assistance in order to stimulate the development of alternatives to detention or institutionalization?

Mr. BELITSOS. Senator Culver, this is difficult for me to answer in that I am a member of the Iowa Crime Commission, but I will say very frankly that the answer is "No." There is a large gap between the needs of Iowa communities, in terms of technical assistance, and that that is available through the Crime Commission.

Very few rural Iowa counties have the expertise and the sophistication to go through the process of acquiring the funds that are available.

There is currently, Senator Culver, only one full time staff member at the SBA that is available for technical assistance. This is the same individual that monitors all of the grants and reviews all of the grants. He is very good at his job, but he has very little time to assist communities in developing programs.

I would like to add one other note. A lot of Iowa communities consider the LEAA requirements to be roadblocks and hurdles to their ability to acquire the funds. This, again, presents a problem.

Senator CULVER. Mr. Carolan, how do you account for the resistance of juvenile court personnel to this policy of deinstitutionalization? I saw it referred to by a probation official in our State not too long ago as unconstitutional. We ought to afford him an opportunity to come here and elaborate on it, but I think you get the tone of his concerns. How do you account for this?

Mr. CAROLAN. I speak to you as an individual probation officer representing no association or group of people. I think there are several reasons. One is possibly a failure on the part of those community based facilities to be accountable or to report back—not necessarily to be accountable, but to report back to the referral agency.

Senator CULVER. Report back to whom?

Mr. CAROLAN. To whomever they were referred——

Senator CULVER. To have a more systematic liaison relationship?

Mr. CAROLAN. Some systematic program of accountability.

Second, and probably more important, there is a feeling among juvenile court personnel that there is a loss of control over a particular segment of the population, which I personally feel they do not have any control over to begin with.

Juvenile court personnel are concerned with status offenders. I am not sure that juvenile court personnel should be concerned with status offenders unless they have been asked to be concerned by that status offender or that—and that is a term that we are using—or by the family.

If the family and the child is coming to the court and saying, "We could use your assistance," then fine. I really question what providence the courts have in going out and getting those status offenders and collecting them themselves.

Third, it goes along with a feeling of threat. Juvenile court personnel and probation officers have had a lot of territory for a long time. When they see agencies like Mr. Belitsos' opening up, there is a feeling of threat. I think that was our feeling initially also. I was not a part of that. I was not with the office when Shelter House first opened, but I was there shortly after that.

There is a feeling of threat and of someone else doing our job. I maintain that there is enough for everyone to do. If we would do our job and concentrate on those people whom we should concentrate on, such as delinquent children, and ask for and get and help those community agencies to work with the status offenders, I think we would have a much better and more complete system of services.

Senator CULVER. I noted from Mr. Belitsos' statement that the programs he is involved in are characterized by a high degree of community involvement. I wonder, Mr. Carolan, what the nature of this community involvement is. How was it developed and to what extent, in your judgment, does it account for the success of the program?

Mr. CAROLAN. The nature of the community involvement, I think is spelled out in the term itself, Senator—"community." Involving the community to its fullest extent with a particular program or the particular programs that we use in Shelter Services is the nature of the community involvement.

First of all, Youth and Shelter Services, Inc., now has over 50 community volunteers. There are 50 volunteers from the Ames or Story County area.

Second, as George mentioned earlier in his testimony, both residential facilities are located in neighborhoods, in residential neighborhoods, and not distinguished in any way from other houses in the neighborhoods.

Third, there is a tremendous amount of fundraising by community organizations.

Fourth, there is, in turn, a community support for youth activities.

That has been developed over 4 years of trial and error, sir, or trying to fulfill certain needs for the community. Since my involvement in juvenile court and with Shelter House and Youth House in October of 1973, we have always operated by not hiding anything. We have been as open and as honest with the community and with the people in that community and with the agencies in those communities as is possible.

Youth and Shelter Services, Inc., and the people who support that program, are accountable to every taxpayer in the community. I think that is of utmost importance.

To what extent does that lead to the success? I think that is the success of the program. If the community supports the program, then it is OK.

Senator CULVER. George made reference to the special problems that some rural areas face, and so did Senator Wallop earlier. It is a problem we are genuinely concerned about in terms of affecting this changeover and the costs implicit in it.

Story County includes some rural and some semirural areas. What special barriers, Mr. Carolan, do you think are encountered in establishing these community based alternatives to detention and particularly these institutionalization alternatives in rural areas like Iowa?

Mr. CAROLAN. Story County has approximately 68,000 people. The vast majority of the land area, of course, is rural. There is only one population center, and that is Ames.

That lends to some special barriers. Distance is one. Cost is another. Variety of personnel is another. Before Youth House, which is the intermediate term residential treatment, I would have to travel up to or in excess of 100 miles to visit one of the children that I had placed in a residential treatment center. I would be lucky if I made that twice a month. Once a month was the most that I could afford, normally.

Now I see these young people every day. I am in and out of the house as frequently as the staff. I think that is a real advantage.

Therefore, by putting it on a community basis you eliminate the problem of distance.

Cost is another barrier. I think Senator Wallop alluded to the problem of cost earlier. Combining is a solution, in my opinion. Any county of 50,000 population or more can afford and has the need for the services that we have developed in Story County. Any county under that size has a multitude of options. One is that they can group together. There can be a multicounty setup.

One of the simplest and neatest types of projects is the development of foster care homes for emergency placement.

Then, of course, there is the variety of personnel and the types of people you are working with. The minute you go into a rural area you are dealing with a different type of person with different needs than you are in an urban or even semiurban area.

Senator CULVER. I want to thank all of you for your appearance here today. It has been extremely useful to us. I want to commend you for your remarkable success in this very innovative approach.

I want to wish you well in your new assignment, George.

Mr. BELITSOS. Thank you very much.

Senator CULVER. Thank you, Brian, for your coming here. I know you are probably looking forward to getting back to your family, and I want to wish you well.

Thank you, Mr. Carolan. I appreciate it very much.

Mr. CAROLAN. Thank you.

Senator CULVER. Could our next panelists come forward, please?

The next panel also consists of individuals who are involved in various program approaches that do provide some alternative services to status offenders.

The members of the panel are Mr. Douglas Latimer, Judge John Collins, and Ms. Sharon Hekman.

Our first witness will be Mr. Latimer. Mr. Latimer is the coordinator of the Neighborhood Alternative Center of the Sacramento County Probation Department. The Neighborhood Alternative Center is an example of a project that diverts juvenile status offenders from the juvenile justice court. It is an example of a project that utilizes the techniques of family counseling to help status offenders with family problems.

I would like to welcome you, Mr. Latimer, and ask you to provide the subcommittee with, perhaps, a brief oral summary of your statement. We will make the entire statement part of the record, along with the written statements of other witnesses who have submitted prepared statements for the record.

STATEMENT OF H. DOUGLAS LATIMER, COORDINATOR, NEIGHBORHOOD ALTERNATIVE CENTER, SACRAMENTO COUNTY PROBATION DEPARTMENT, SACRAMENTO, CALIF.

Mr. LATIMER. Thank you, Senator Culver.

The Sacramento County Probation Department and I, as their representative, are honored to appear at these hearings. I have pre-

pared a written statement for the record and would like to make a few short remarks.[1]

The Neighborhood Alternative Center is the successor to the original 601 Diversion Unit in Sacramento County, Calif. The 601 Diversion Unit was one of the early attempts at diversion, starting in 1970. It subsequently received an exemplary project award from the Law Enforcement Assistance Administration in 1976.

Family counseling and crisis intervention as a treatment modality had proven highly successful for status offenders, but they were still being locked up at the rate of 14 percent in Sacramento County.

This was primarily due to the diversion unit being located in the juvenile hall and its obvious access to detention when parents refused to pick up their children.

The probation department, therefore, made preparations to move this unit into office space centrally located in the community, effective in October 1976. The Neighborhood Alternative Center concept proposed four basic modifications of the prior diversion unit.

First, it provided services in a neutral community setting. Second, it made extensive use of trained paraprofessionals—in our case, college graduate students from California State University at Sacramento State majoring in social welfare and counseling education.

Third, it had 24-hour-a-day, 7-day-a-week crisis services. Fourth, it had short term backup foster care in the community.

The program continued to emphasize that problems should be dealt with immediately as they occur and that problems are best handled within the context of the entire family, not just the status offender as an identified problem.

Moving the service into an office without bed space or detention capability forced the families to work for problem resolution, as detention was no longer a viable alternative. Extensive preparation preceded opening the office in the community. All law enforcement officers were personally addressed at the rollcall training sessions by the project coordinator to explain the new project, its role and mission, and to answer appropriate questions. This resulted in direct referral of these youngsters to the Neighborhood Alternative Center.

Businesses and neighbors in the area were also advised of the upcoming move, to alleviate any anxieties arising from increased juvenile traffic and the presence of law enforcement vehicles.

Other social service agencies, such as mental health, community groups, schools, the welfare department, and also our own probation department were contacted and made aware of the changes.

Training the new staff and the paraprofessionals also preceded the actual moving into the community. The center opened October 10, 1976, and the need was immediately felt. The Neighborhood Alternative Center handled approximately 38 percent more cases than the diversion unit in a similar period, and provided more followup counseling sessions.

The first year evaluation from the Criminal Justice Research Foundation of Sacramento indicates that law enforcement and clients see the program in a favorable light. Law enforcement offic-

[1] See p. 245 for Mr. Latimer's prepared statement.

generally indicated that they prefer to allow those with more time and special training to handle family problems.

Their fears of repeated runaways from the Neighborhood Alternative Center, a nonlockup facility, have proven groundless, in that only 13 of the 2,308 youngsters that we handled last year left the facility without permission.

Senator CULVER. How many was that?

Mr. LATIMER. 2,308 youngsters.

Senator CULVER. 2,308, and only 13 left the facility without permission. That is remarkable.

Mr. LATIMER. In a random sample of the parents that we dealt with, 85 percent reacted in a favorable fashion and indicated that their family had benefitted from the program and were supportive of its 24-hour service.

In conclusion, the Neighborhood Alternative Center is handling large numbers of status offenders in Sacramento County and successfully avoiding any secure detention.

Two factors appear to indicate its strong support from the community that it serves. In the past few months an increasing number of families are returning for additional sessions as new crises occur, without law enforcement being involved.

Also, more families are taking advantage of followup counseling. The percentage of minority families has also steadily increased. During the first 3 months of the project the percentage was only 14 percent. In the last 3 months of the year this number had risen to 23 percent. A survey of the minority families indicated a favorable impression and indicated that they felt the stigma was removed from family counseling once the office was moved from the juvenile hall.

Senator CULVER. Mr. Latimer, I note from your statement you are open 24 hours a day, 7 days a week. How essential is that around-the-clock service in terms of an effective program and a successful diversion project?

Mr. LATIMER. Our around the clock coverage is necessitated by crises not being predictable. We feel strongly that it is mandatory that services be provided when the need arises.

For example, 44 percent of our counseling sessions occur after 5 o'clock in the evening and before 8 o'clock in the morning, the traditional work hours for probation. Also, 28 percent of our families are seen on Saturday and Sundays. Followup sessions are necessarily done when parents are not working and when children are not in school.

Law enforcement must also always know we are open in order that they might be assured of a direct delivery and that they are able to get rid of a youngster who is basically a problem for them in the community.

Senator CULVER. Since the establishment of this diversion project, are status offenders being detained or institutionalized?

Mr. LATIMER. In Sacramento County no status offenders are detained in secure facilities. The only youngsters that are still involved in the court process are those youngsters who were already wards of the court for delinquent activities and already under the court jurisdiction, who went on to commit some type of status behavior.

Senator CULVER. How do the costs of this diversion project compare with the costs of the traditional processing of status offenders through the judicial process?

Mr. LATIMER. We have been involved in the Neighborhood Alternative Center for approximately 1 year, and the costs are relatively new. However, the previous 601 Diversion Unit was able to show 50 percent reduction in cost compared to the traditional juvenile system. The percentage would probably be much more favorable at this time, due to the increased cost in California with the large number of public defenders and district attorneys being involved in the juvenile cases.

Senator CULVER. What are some examples of the family therapy techniques which the project utilizes in helping status offenders?

Mr. LATIMER. The central ideas of con-joint family therapy as utilized by Sacramento County rely on immediate involvement with the family at the time of crisis. We attempt to deal with the entire family system. The philosophy stresses that internal family problems can no longer be handled by external agencies such as probation, juvenile courts, or the welfare department, but require the whole family to respond to the situation in an internal manner with our assistance.

Families are encouraged to bring everyone to the counseling sessions. Therefore, this often results in large numbers being present. Sometimes there are 9 or 10 individuals.

The para-professionals, who are part-time graduate students, have proven very helpful. We attempt to see all families with two therapists as co-therapists.

Senator CULVER. Do you know of any other jurisdictions that have tried to adopt similar approaches to your project? How successful have they been?

Mr. LATIMER. Alameda County in California has a similar program. It uses a variety of community service agencies for actual delivery, whereas in Sacramento County we utilize existing probation staff with special training. Numerous States and other countries, in fact, have visited our department and adopted many of its concepts.

Many of the problems encountered are discussed in the LEAA booklet, "601 Diversion: Family Counseling." I will submit a report of that document to be included in the appendix.[2]

Senator CULVER. All right, thank you.

Our next witnesses on this panel are Judge Collins and Ms. Hekman. Judge Collins is the presiding judge of the Pima County Juvenile Court Center in Tucson.

Ms. Hekman is Director of the Deinstitutionalization of Status Offenders Project in Tucson.

This project consists, I understand, of a number of programs which provide multiple services to status offenders.

It is a pleasure to welcome you both here this morning. We are anxious to hear about your program and learn more about it.

Would you please provide the subcommittee with a summary of your statement? As I indicated, Judge and Ms. Hekman, we will print your full statements in the record.

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[2] See p. 676 for this report.

STATEMENT OF HON. JOHN P. COLLINS, PRESIDING JUDGE, PIMA COUNTY JUVENILE COURT, TUCSON, ARIZ.[1]

Judge COLLINS. Thank you, Mr. Chairman.

Since its inception in 1899, the juvenile court has been actively involved in the lives of far too many of our children. Their problems have not lessened. They have increased, both in numbers and extent. Many times, unfortunately, it is solely because of the interference by juvenile justice.

There will never be a more appropriate time for us to seize upon and change these destructive practices against our children. In fact, the time may not come again at all.

The question before you today has become one that is paramount to our Nation, to our Congress, to this Senate subcommittee, to our communities, and most of all to our children.

Either we will face up to the realization of actuality or a golden opportunity will once again pass us by. The truth is, Mr. Chairman, that the situation presently faced by our Nation's children, and most specifically that population that has not been called before the court to answer for the commission of a criminal act, cannot be made too much worse whatever reasonable action is taken by this subcommittee.

The prospect is that it could be made a whole lot better if this subcommittee should decide that indeed it is time that the power of the State and the court should be removed from the lives of so many of our children.

I know, Mr. Chairman, that certain of my colleagues around the country have expressed an opinion that the power of the State and the court is now appropriately being used against these children. If anything, the power of the judges should be increased to include their direction of most or all of the social programs for children—that is the opinion that has been expressed.

I respectfully disagree with such views of my colleagues, Mr. Chairman, and voice my considered opinion to you in this subcommittee that indeed there ought to be a law that protects children from such abuses of power, and at the same time encourages the private sector of our communities to effectively offer more and reasonable alternatives to our children. We need alternatives to court-sponsored and court-ordered services.

Mr. Chairman, children do not march to the beat of a single drummer, but to many beats by many drummers. That of the juvenile court should be the last, not the first.

How have these abuses been possible, Mr. Chairman, in our child-oriented society while we adults have been zealously protected therefrom? The answer is, of course, that we simply are not the child-oriented society we say or like to think we are.

Mr. Chairman, I have been a trial judge for the past 13 years and for the last 5 have presided over my court's juvenile division. I know that the adult criminal of tomorrow is being fully fashioned as a juvenile delinquent today. Heaven knows, we do not need any more adult criminals.

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[1] See p. 234 for Judge Collins' prepared statement.

I also know, Mr. Chairman, that far too many of our children, once in juvenile justice, cannot get off the treadmill that leads first to delinquency and then to adult crime. It is because, not in spite of, the efforts of those of us who work in this system.

I have come to believe, Mr. Chairman, that there is no place for empire builders in juvenile justice and that in this respect the juvenile judges themselves are the worst offenders. I believe that juvenile judges and their administrators should think small. They should concentrate their efforts in working with a delinquent child who is properly before them.

I believe that it is incumbent upon these leaders of juvenile justice to encourage in every way they can the private sector of the community to provide for our children reasonable things to do and places to be, so as to keep them away from juvenile court.

I believe, Mr. Chairman, that the earlier a child enters the justice system the longer he is apt to stay. It is usually with the most negative experiences and at a monetary cost that we can no longer afford to pay, especially when we realize that almost all of our adolescents in this population of which I speak are status offenders. I believe that juvenile justice itself destroys—or seriously impairs, at least—as many children as it helps. I believe that adolescence is a time for growing and for experiencing and for making of mistakes. It is a time for children to learn to work out their aggressions, their resentments, and it is even a time for them to be obnoxious and a time for them to deal with boredom and some of its causes.

A practical definition of boredom, Mr. Chairman, is "hostility without enthusiasm." It is essential that children be allowed to develop a means to cope with this hazard which they will face all their lives.

In our community, Mr. Chairman, we freely chose to exercise our right to engage our children in positive programs provided by our private sector. I like what I am beginning to see.

Our community has been to the proverbial well, Mr. Chairman, and it likes what it has found there. Our job in our community is not yet finished, nor will it ever be. We have discovered no panacea. However, I can tell you this: Fewer and fewer children are now being destroyed in our community and fewer and fewer of them are coming into court officially.

Our community is happy to share its positive experiences with this subcommittee, Mr. Chairman. All of us who live there sincerely hope that this sharing will be of benefit to you in your deliberations in the task you have before you.

Thank you, sir.

Senator CULVER. Thank you very much, Judge Collins.

Ms. Hekman, maybe you would be good enough to make your statement now and then we can have questions for all of the panelists.

STATEMENT OF SHARON HEKMAN, DIRECTOR, DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROJECT, TUCSON, ARIZ.

Ms. HEKMAN. I wish to thank you for inviting me to speak today about the effort to deinstitutionalize status offenders in Pima County, Ariz.

The groundwork for deinstitutionalization began when Judge John P. Collins assumed leadership of the Pima County Juvenile Court during 1972. Prior to his arrival hundreds of youths from our community had been sent to the department of corrections locked facility in Fort Grant.

For example, during 1969, 280 youths were committed as compared to 20 per year for the past 5 years. A dramatic decrease occurred which reflected the decision of this court to build and support community based alternatives to incarceration.

The change also represented the willingness of a community to respond to the needs of its young in a more humane fashion. Once the transition from State correctional facilities to community based treatment had been accomplished, it became apparent to us that our court was still plagued with the problems of how to handle noncriminal youths.

We began a serious examination of possible alternatives during 1974 and our conclusion was that status offenders were not served appropriately within the juvenile justice system.

Therefore, we resolved not only to remove this population from our detention center, but to demonstrate that the majority of status offenders could be entirely diverted from our court and could be more effectively served by community agencies.

We noted with much interest the initiative at the national level to remove status offenders from locked facilities and decided to apply for the LEAA funds in May of 1975.

Upon being awarded a 2-year discretionary grant for the deinstitutionalization of status offenders, we immediately set up a process to subcontract approximately 80 percent of the Federal money to community agencies. We asked them to provide the services which we had determined were necessary to remove status offenders from our juvenile justice system.

Probation officers who are familiar with the problems of status offenders selected and later monitored these community programs.

I would like now to turn to a brief description of the types of community alternatives offered.

First, we have shelter care facilities, which were funded as an alternative to court detention. They provide temporary housing, counseling, and referral to an appropriate agency if the youth cannot be returned home.

Alternative education projects were funded also in order to expand opportunities for those status offenders labeled "truant."

We believe that truancy results in part from too few options being available to youth within the public school system. Two model projects were funded. One focused on teaching minority youth in an open educational setting. One model focused on retraining administrators and teachers in a small public school district.

Outreach services provide a number of innovative counseling programs. Our experience at the court center had demonstrated that most traditional services were not responsive to the needs of minorities, young women, rural youth, and the poor. Therefore, we made extensive efforts to fund programs which would be sensitive to the lives of these young people.

Services for young women were designed to deal with the historical disparate treatment accorded young women within the juvenile justice system. We know that 70 percent of the girls in detention facilities are there for status offenses, compared to 23 percent for boys.

New directions for young women was funded to examine the these conditions developed. Direct services and advocacy for female phenomenon and the social and institutional policies out of which adolescents are offered by this project.

The Juvenile Court Center also has a mobile diversion unit, which is a separate intake unit for status offenders.

I hope that the descriptions of the programs we have funded will give you a general idea of the direction that we have taken thus far. The transition from court coercion to community services has not been without problems. However, the results of this effort have been truly astounding.

Our assumption that status offenders are far better served by the community has been established to our satisfaction. Referrals from parents and police have steadily dropped since we no longer lockup status offenders. The number of youths locked up in our detention center has dropped dramatically from 781 in 1974 to 13 in 1977. This is progress, and it moves us to continue and expand our efforts.

Our sense of urgency, however, comes from a genuine desire to end the destructive ways we have dealt with this segment of our adolescent population. We have found a path which we believe leads to a more humane and ethical approach as we deal with young people within our society.

In moving status offenders from the juvenile justice we are implementing an idea whose time has come.

Senator CULVER. Thank you very much, Ms. Hekman.

Judge Collins, in your statement you note that a large part of the problem or process of deinstitutionalization in Tucson has involved pain and agony in terms of trying to overcome the entrenched bureaucracies. We see this pattern throughout the country whenever we try to bring about fundamental changes in the old ways of doing things.

Could you be more specific about what such redirecting or remolding entails? Could you share with us any thoughts you might have on how to cope with this institutional problem?

Senator MATHIAS. Mr. Chairman, could I ask a jurisdictional question?

Tucson is very close to a large Papago Indian reservation. Does your jurisdiction extend to young people who are living off the reservation but who are members of the Papago Tribe?

Judge COLLINS. Yes. If they live off the reservation and if their actions occur off the reservation we take care of them, with one exception. We have a very good working relationship with the Papago Tribal Court. If they want the children under their wing, even though their actions occurred off the reservation, we cooperate with them and turn them over.

By the same token, if a kid on the reservation does something and they do not feel that they can handle the situation we will take over if they want us to.

Senator MATHIAS. I did not want to interfere with the line of thought of the Chairman's question, but because you have a rather special situation there which introduces cultural and social problems that are not present in many other cases, I thought it might be good to get the picture firmly in mind.

Judge COLLINS. Senator, I might say that we do have a fairly large concentrated population of the Papago Indians off the reservation in Tucson. Therefore, it is a situation that we must face up to whether we like it or not. They do have distinct problems that other people do not have because of the way they are required to live and whatnot.

Mr. Chairman, in answer to your question, in Tucson we convinced the agencies who resisted change that this direction was what our community wanted. They had no alternative but to follow suit.

It is interesting to note that our big stumbling blocks were not elected officials such as the county attorney, the Governor, the board of supervisors, the city council, the attorney general, and so on.

The resistance was mesmerized by us in the first instance by showing them what we had to offer that the community was interested in. The community was interested that it was practical, humane, and that it was the only way to go. They accepted it.

The people who were less responsive to us were the bureaucrats that you do not get a chance to vote for on a ballot, such as the Department of Corrections, the State Welfare Department, the local school administration, the State Legislature governing—I should not say the governing party, but at least the governing part of the State Legislature. There were also other agencies, such as the official mental health agencies, the child placement agencies themselves, and so on.

I will tell you how we approached this. Local law enforcement was the first roadblock. They resisted our releasing children. They called us "the revolving door policy," and said that the children got home before they got back on the beat. I said, "That is too bad."

They objected to facing angry parents. They objected to facing angry school administrators. The schools found that they could no longer dump kids on us. The mental health agencies found that we would no longer order kids to take voluntary services in this category. They had to make their merchandise palatable and saleable to the people. Child placement agencies were fearful that fewer placements would be had and they feared stricter accountability.

I saved for last the big resistor, and that was the juvenile court "staff" in our State and the juvenile court judges.

Senator CULVER. How were the probation officers?

Judge COLLINS. In our particular county we had no problem. I came in and I said, "I think this is the way we would like to try it." I gathered together a nucleus of the people whom I thought were the brains of the existing organization. They agreed. We all agreed. We went to the community and we went to the elected officials, and then we started putting the show on the road in that manner.

Senator CULVER. Do the probation officers in your system report to you? Do you hire them and set their salaries?

Judge COLLINS. In our system, Mr. Chairman, the juvenile judge can hire only one person, and that is the director of court services.

Then the court director hires everybody else subject to the approval of the judge.

Senator CULVER. Who sets the salary? Is it the county supervisors?

Judge COLLINS. Yes; it is kind of a funny thing. The superior court judges' salaries—and their staff's salaries—are set by the presiding judge, but in the juvenile courts of the State of Arizona, even though it is part of the court system, it is set by the board of supervisors.

We have had no problems because we have had an excellent relationship with our local board of supervisors and our local city council in the city of Tucson, which for all practical purposes is the only city in our district whose population is 500,000 people.

Senator CULVER. I am interested in how you lit this brush fire under the bureaucracy. Did you go around and address the service clubs and so forth?

Judge COLLINS. Yes, sir. The first year I was in office at the juvenile court, Mr. Chairman, I made at least 365 speeches to any kind of group of people numbering more than three that met, and who invited me. [Laughter.]

I never invited myself to anything.

Senator CULVER. It must have made Mo Udall nervous. [Laughter.]

Judge COLLINS. I did that, and I caught heat from it. Like our presiding judge said at one of our meetings, "I do not know how you get around and do all of this stuff, Collins. You must be shirking your duty."

I said:

Well, the way I did it, for example, is that when I went to your church on Sunday afternoon and you were out wild pig hunting, where I would like to have been, I was there addressing your congregation.

So he did not say anything more to me about that.

That was the type of thing we did.

Senator MATHIAS. What control does the senior judge have in your court?

Judge COLLINS. Well, I put my reputation on the line. I put my actual professional future on the line. I was actually removed from office at the request of a couple of people in our town, by the supreme court's request, for a month at the end of my first year.

However, I had apparently done such a good job of convincing the community that they owned the court system and not some presiding judge or somebody sitting in Phoenix, that within a month—because of literally tons of mail that went to the supreme court, the local presiding judge, and the board of supervisors—an order came down which said "Reinstate this guy, and for Christ's sake leave him alone."

They have ever since, and I have not taken advantage of it. Therefore, I have not been molested in the last 4 years. [Laughter.]

Senator CULVER. Ms. Hekman, you place a heavy reliance on these mobile diversion units. This seems to me to be an interesting concept. How do these units actually operate?

Ms. HEKMAN. The mobile diversion units are actually the status offender intake unit for the juvenile court. When we originally conceived of the idea we wanted to subcontract it to the police department and have them provide the service.

Well, they were not very happy about that. They were very reluctant. They said, "Well, I'll tell you what. You do it and demonstrate it and then we will see about taking over that function." Therefore, the resistance from the police department started there.

What it is, is seven teams of people, with two people on a team. They are, in fact, mobile. They can respond to calls from police, from parents in the homes in crisis situations, and they go out to the home if necessary.

They provide, basically, crisis intervention at that point, and referral to appropriate agencies. They do follow ups to be sure that the young people and the parents get to appropriate community agencies.

Senator CULVER. I know you place special emphasis on tailoring your program to respond to the particular needs of women and minorities and you also mentioned the special problems in relating effectively to the problems of rural troubled youth.

I think most of us are more familiar with the kind of specific programs and projects you indicated were operating for women and for minorities.

What about the rural youth, though? What do programs for them specifically involve?

Ms. HEKMAN. When we first contracted for shelter care we did three group shelter cares, which were for Tucson proper. Then we contracted with an agency to provide what we called shelter care foster homes with a particular emphasis on placing them in the rural communities.

In rural communities they would have to drive in from, for example, Ajo, which is 120 miles from Tucson. Therefore, we requested that this agency recruit and train foster parents who would be able to take children on a temporary basis.

The concept worked really great in terms of recruiting and in terms of training. One of the things that happened that we did not predict is that parents in a small community know each other. They certainly do not want somebody who lives next door to do a better job with their child than they do.

Therefore, it has had some peculiar kinds of twists. However, in many of the rural communities it works very well. It is almost the old concept of it being some relative who can take you for a while just to take the pressure off your parents and you.

We funded two other basic types of projects for rural youth. The first one was like a counseling program. There is an organization in Pima County called PEP, which concentrates all of its efforts on bringing programs to the rural communities.

We contracted with them to buy some time for them to see to it that rural young people got to appropriate services. They have since received money under the State Delinquency Prevention Act to provide counselors out in the rural areas.

We also have done some special programs for jobs for rural youth.

Senator CULVER. Senator Mathias?

Senator MATHIAS. I have no questions.

Senator CULVER. Ms. Hekman, or maybe Judge Collins or Mr. Latimer would like to respond to this question.

What can and should LEAA and the State planning agencies do

to stimulate the more aggressive creation of these alternatives to detention and institutionalization? Do you have any thoughts on this? You have all been very intimately involved in one aspect or another of this.

What we are trying to do, and one of the real purposes of these hearings, is to give some indication of models to which people who are in good faith struggling with how to implement deinstitutionalization can look.

However, we are also concerned about what we can do as a subcommittee vis-a-vis LEAA and the State planning agencies to more aggressively get on with creating alternatives to adult jailing or other secure facilities or institutions.

Do you have any thoughts for us at all?

Ms. HEKMAN. One of the first things that I think has to be done is that they have to set a priority on those kinds of alternatives. They, in fact, are going to fund those kinds of alternatives—that should be a priority. They should make it attractive to people.

I think we are fighting a battle of deinstitutionalization—if you want to call it that—where there is a lot of resistance. Therefore, you cannot expect the people to come to you and say, "We want to do this."

The first thing they should do is make it a priority and make it atractive. I think another problem is that some of the resistance we received in Arizona is that rural communities do not want to take a project on, that is funded for 1 year or 2 years, get it up like your Job Corps program, and then have it totally fall apart. They want something that is funded for a longer period of time. The program can stabilize, and then the local community can look at picking up the funding; 1½ or 2½ years is not enough.

Mr. LATIMER. Senator Culver, I also feel there must be a program requirement that not only deinstitutionalization occur, but that a followup service be provided. We have heard a variety of programs today that indicate there are things that work. It is not enough to not lock up these youngsters if we totally ignore them.

Various counties in California, such as Los Angeles—have tremendous runaway problems, another word which was used was "droves." It is very true, and nobody is doing anything with them. I think law enforcement has the feeling occasionally that nothing can be done.

However, I feel that in Sacramento County the city police and the sheriff both are very enthusiastic about our program and do still continue to pick up these youngsters and deliver them. In fact, where there have been transportation problems law enforcement has, on occasion, delivered parents. We have agreed, in return, that we would get the children and their parents home.

Senator CULVER. Has there been any talk about more formal opportunities by way of continuing education programs or something like that for parental instruction in how to be a good parent? I am always struck by the fact that in this country we have a book on how to do anything in about 10 seconds—from building an atomic bomb to winning in the stock market.

Yet, the most crucial thing, it seems to me, and what all these problems come down to is, how well people are able to cope with

the responsibilities of parenthood. Obviously a parent's ability to do this depends upon job opportunities and involves a lot of other factors over which the parent may not have complete control.

But how much formal instruction or counseling in techniques of parenting is available, and how much should we think about making available?

Mr. LATIMER. In Sacramento County at the present time, due to our commitment to dealing with the total family, we are involved in providing a variety of classes for parents so that they might learn to make better decisions and deal consistently with their youngsters.

I think that parent education is a very strong need for the types of youngsters we deal with.

Senator CULVER. How do you get them there, though? You put a sign out or a newspaper ad out which says, "Come tonight and learn how to be a good parent." Don't you think that the kind of people who are sufficiently motivated to respond to that call are probably pretty conscientious?

You might pick up the odd person that has had a bad week with the kids, but you really are not going to get at the chronic problem that way, are you?

Mr. LATIMER. Generally these types of problems result in crises. Families are a lot more willing to be open and honest and to look at their situation in a reflective manner during crises. Therefore, we have had fairly good luck getting families—as long as you deal with them at the crisis and not say "We can set you up with something in 3 months."

Senator CULVER. Judge Collins, I was interested—I do not mean this in any disrespectful sense, but in some quarters you would be referred to as a "bleeding heart judge." As you know, you have already been referred to as that and more at home.

Judge COLLINS. Well——

Senator CULVER. Let me finish the question. I know you are triggered for a response. [Laughter.]

I was interested in what statistical ammunition you have accumulated, by way of your own defense, to justify the wisdom, intelligence, and humanity of this approach both in cost-effective dollar terms if people want to deal with it in a balance sheet way or other ways, in terms of recidivism rates.

What has happened on the basis of your own practical experience in the last 5 years or in 13 years that gives you renewed confidence that your instincts and your compassion as a human being have been justified and proven to be sound? What can you share with us in that regard?

Judge COLLINS. Mr. Chairman, I would like to say first that I do not really bother digging up those statistics because the other side has not dug up any to show me that I am wrong. Therefore, I think I have just as good an argument as they do going in.

I also spent 8 years on the adult trial bench. We had approximately 12 judges then, and now we have 15 in our county. For a couple of those 8 years I was sentencing more adult criminals than all the rest of the judges put together. That was by choice of the defendants themselves. They, I believe, statistically did not get any better break from me than from some of the other judges, but some

of the other judges scared the hell out of them so they would not go before them.

I found that rarely did I find a young person—most of the time I was sentencing in the adult court people between the ages of 18 and 25, and heavy on the 18 end. I found very, very few who did not have an extensive background in juvenile delinquency.

I thought, "Well gosh, there must be something that is not happening in the juvenile court, because these guys did not become robbers of convenience markets the night before last. They have had some trait building up in them."

When I got to the juvenile court 5 years ago I found out that the typical juvenile got into our system as a status offender or as a very diluted delinquent—say he took a piece of penny bubble gum at the local convenience market at age 11 and they put him on probation until age 21, until our emancipation law come in 3 or 4 years ago and reduced it to 18. Now it is 18.

Therefore, I developed the belief that kids who got into the system early got progressively worse. I believe that the statistics that are kept by people who are more prepared to dig them out than I am, show that the delinquents feed the adult criminals.

Senator CULVER. Excuse me, I am sorry; could you repeat the last statement?

Judge COLLINS. The people who are collecting statistics around the country, who are more qualified to do so and have more time to do so than I do, make no bones about the fact that about 99.6 percent of the people who commit adult crimes, which we call forceful crimes against persons and property, usually have a history in juvenile court.

There are some exceptions to that, Mr. Chairman. The exception is white collar crime. Maybe they are the goody boys who did not get caught until they became a doctor or a lawyer or a judge. Then they get wiped out professionally, but very few of them have to answer for anything further.

However, the hard core criminal works his way up through the system. It did not start at age 14, either. The question you asked about parenting is very, very important, because we have some people who believe that what happens to a child when he is very, very small affects him the rest of his life.

One example was given. Here we take a child who has had a nice little apartment for 9 months with all services piped in and a steady temperature of 98.6. His first realization is when he drops into a world where the tempreature goes down 25 degrees. What a traumatic shock that must be to him. Then there is his immediate childhood when he cannot even talk or crawl.

He may have found out later on that he was conceived in the first place because someone decided that they needed a sexual interlude.

Second, he is apt to find out that he was kept or caused to be born because they needed somebody to keep the family together. I do not think any kid has ever bargained on that. Then when he was little he found out that he had to cry to get attention. Sometimes when neighbors were over they liked to hear him cry and show him off, then when the neighbors were not there they would say, "Shut

your trap and be quiet. We are not going to listen to you." Then they put him a room.

All of those things have to affect a child. They go right on up until they become status offenders. I submit, Mr. Chairman, that all children are status offenders. All children are status offenders at some time. Some of them exceed the tolerance of the arbitrary person that they are dealing with. About other children it is said, "Oh, how outgoing you are, young man."

I have no statistics. I do not believe I need any. I think it is commonsense to show that people do not sprout like a black eyed pea the day before yesterday. It is a gradual learning process, either good or bad. It is the way we treat people that turns them into the problems we have on a delinquency basis and then on an adult criminal basis.

I submit, therefore, Mr. Chairman, that we are not going to do anything about changing how much crime is committed if we only talk about adults. We have to get at the root source. The root source is moving it back one step at a time until we get all the way to the birth of the baby. Then I think maybe if we start doing things a little bit differently we will cut down on some of the adult crime. That is the only way that we can do it.

Senator CULVER. In summary, then, in Tucson you have really essentially eliminated all institutionalization of status offenders through alternative service programs?

Judge COLLINS. Mr. Chairman, I believe that the 13 which are referred to are probably status offense acts committed by someone who is otherwise in the jurisdiction of the court, such as probation. He has a condition that he will do or not do certain things and he has violated that. That is a status offense.

Is that not correct, Sharon?

Ms. HEKMAN. Not quite. The 13 basically are adjudicated or put in detention because they need a longer term placement. Usually it is for their own protection. Some of these children went to residential facilities outside of the community for mental health problems.

Senator CULVER. I want to thank you all very much for your appearance here today. I want to commend you on such an exciting accomplishment down there. I know it is never accomplished, but at least it has been dramatically initiated and there has been some very constructive and impressive progress.

I want to express my admiration and appreciation for your coming and for the work you are doing there.

Thank you, Mr. Latimer, very much.

Our next panel consists of individuals who are appearing on behalf of various national organizations that represent both public as well as private agencies which provide services to status offenders.

In the interest of time, I would like to respectfully ask this panel of witnesses to forego presenting their formal statements so we may proceed directly to questions. Your written statements will be made a part of the record.

Also, in order to ensure that your views are fully reflected I would like to submit written questions to each of you and then include your responses in the official record.

The first member of the panel is Mr. James Girzone, appearing on behalf of the National Association of Counties. Mr. Girzone is Commissioner of the Department of Youth for Rensselaer County in New York State. We are pleased that you could be here today, Mr. Girzone.

Perhaps you could, in a few sentences, give the gist of your observations.

STATEMENT OF JAMES GIRZONE, COMMISSIONER, DEPARTMENT OF YOUTH, RENSSELAER COUNTY, AND REPRESENTATIVE OF THE NATIONAL ASSOCIATION OF COUNTIES, TROY, N.Y.[1]

Mr. GIRZONE. Thank you, Mr. Chairman.

I feel in some respects as though I am playing to the chorus in a Greek drama here today. The words of the previous witness are still ringing in my ears.

We are concerned about the Juvenile Justice and Delinquency Prevention Act. It is a monumental effort. In our opinion it is the singular effort of the National Government to call attention to a crisis of absolute major proportions in the country.

We feel it is not going far enough for the following reasons. The act refers to prevention, but to me it is after the fact. It refers to those youngsters who have been allowed to move without direction and without supervision and who have either entered the juvenile justice system or who are about to enter the juvenile justice system.

The act seems to concern itself with preventing them from penetrating the system further. We would like to see the act aggressively pursue prevention in its broader terms. By that I mean we would like to see it accommodating the needs and problems of youngsters in their early and formative years by making it possible for local governments that are struggling under a great inadequacy of resources, fiscally and otherwise, who need financial assistance to develop programs that are available to families and children in a timely fashion. We need to provide early intervention to help families and these youngsters with their problems before they come to the attention of any juvenile justice agency—whether it be a diversion agency or a family court or a juvenile court or whatever.

I think basically this is my major concern about the act.

Senator CULVER. What progress has been made at the local level as opposed to the State level in the implementation of this act?

Mr. GIRZONE. I think most of the progress has perhaps been made at the State level because the States are required to conform to the criteria of the act in order to continue eligibility for the Juvenile Justice and Delinquency Prevention funds.

I think the State Planning Agencies in large measure have accommodated those State interests. I might add that it has been at the expense of local interests. I can speak certainly with respect to New York State. I feel that that generally has been the case. The largest percentage of dollars coming into the State under Juvenile Justice and Delinquency Prevention is going to State agencies and several of the large metropolitan areas, with the regional and de-

[1] See p. 247 for Mr. Girzone's prepared statement.

velopmental planning areas receiving so few dollars that it is not even practical for them to spend time to try to develop programs which we know will work.

Senator CULVER. In your prepared statement you said 58 juveniles were sent to State or private institutions last year and that half of those were status offenders—in your own county.

Mr. GIRZONE. Yes.

Senator CULVER. Were there no alternative community-based facilities or programs for these juveniles?

Mr. GIRZONE. No; there were not, Mr. Chairman.

I fully believe, from my capacity as commissioner of the department for youth involved with the court and the probation department and all of the social service agencies of the county, public and private, that we could have accommodated 90 percent of those youngsters in our community. Unfortunately, we do not have the financial wherewithal and support to develop programs that may be, on first blush, unpopular in the community and which do not have priority status to command local dollars.

However, if these programs were allowed to work we could do them with very good predictable success. These youngsters by default, not by design, went into institutions, public and private. They are large institutions and costly institutions. It is costing right now, in the State of New York, $27,000 a year per child to put an adjudicated offender or juvenile delinquent in a State training school.

It is costing approximately $24,000 a year to put an adjudicated status offender or a delinquent in a private child care institution.

What alternative programs we have been able to develop, have been developed in spite of the act, unfortunately, using county funds, some State moneys, and a lot of private funds.

The allocation, for example, for the tricounty capital district area—Albany, Rensselaer, and Schenectady Counties—with an eligible population well in excess of 100,000, is $30,000 of JJDPA funds.

Senator CULVER. What are you doing, though, to produce a greater degree of coordination and a greater utilization of private nonprofit agencies? How aggressively are you going at that kind of participation and program cooperation?

Mr. GIRZONE. We believe that the most effective route to take in the delivery of services is through a collaborative cooperative effort with the public and private sectors. Our department runs only a single service directly. That is our nonsecure shelter facility which we use for detention because the State law requires us to label it as detention.

Every other program operated by our department is operated on purchase of service agreements with virtually every child caring private agency within the county.

Additionally, we have gone further and have developed within each of the constituent municipalities of our county volunteer youth commissions trying to get the planning process down, truly, to that over-used phrase, "the grassroots." In so doing we direct funds to those municipalities to develop programs to meet the needs of the youngsters in their respective communities.

We rely heavily, almost exclusively, on purchase of service and private agencies.

Senator CULVER. Thank you. The next member of our panel is Mr. Robert Dye. Mr. Dye is chairman of the National Inter-Agency Task Force on Juvenile Program Collaboration and Organization which has, if I understand it, brought together a number of private nonprofit agencies to aid in this deinstitutionalization of status offenders effort.

Mr. Dye is also the associate executive director of the National Council of YMCA's. He is accompanied by Marianne Glidden, who is the assistant director of the National Collaboration group.

We are happy to have you here today.

Would you briefly describe, Mr. Dye, the activities of the Collaboration in developing alternatives to detention and institutionalization for status offenders?

STATEMENT OF ROBERT R. DYE, CHAIRMAN, NATIONAL INTERAGENCY PROGRAM COLLABORATION ON JUVENILE JUSTICE, ACCOMPANIED BY MARIANNE GLIDDEN, ASSISTANT DIRECTOR, NATIONAL INTERAGENCY PROGRAM COLLABORATION ON JUVENILE JUSTICE, NEW YORK, N.Y.[1]

Mr. DYE. Yes, Mr. Chairman.

I think about a year ago a rather unprecedented thing happened when 16 national organizations—instead of each vying for a grant under the new JJ Act—came together around a collaboration. I think they did it in recognition that the problems around juvenile justice and delinquency prevention and diversion are so complex that no single organization can really do anything by itself. We must simply bring together private organizations that have services to provide, with the public organizations that in the past have pretty much been saddled with the issue, into a new kind of diverse planning system.

Out of these new planning systems comprehensive community planning could emerge. Resources, then, could be utilized for kids in trouble.

I think that the kind of thing that happened when these 16 organizations wrote one single grant to LEAA for a $1.5 million status offender program, to go into five communities and to demonstrate that indeed these organizations could collaborate, and that they could work with juvenile court judges to provide a new kind of program alternative to the institution, is the way of the future. Judge Collins' community is a perfect example in one of our site areas where we have provided a kind of relationship between the court and the private youth serving organizations which have worked for the benefit of young people and not for the benefit of organizations or structures. Something good happens when you work like this.

This is how we have been operating. There have been problems. There have been roadblocks along the way. But the results to date are encouraging. New programs are underway. We are convinced that the future will call for this kind of work, and we are committed to its successful outcome.

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[1] See p. 253 for Mr. Dye's prepared statement.

Senator CULVER. How would you suggest we better educate these non-profit service agencies to do this and get involved? Second, is there any thought you have as to what we in the subcommittee could do with regard to LEAA and the State Planning Agencies to try to stimulate this type of cooperative effort?

Mr. DYE. Our hope would be that these new programs and these new methods in these five communities would become so compelling, would make such sense, that they could be widespread throughout our United States. In fact, there have been offshoots in various communities which bring together collaborative enterprises like this.

I would hope that we could educate and advocate in our national organizations for this kind of happening. I think it would aid and abet this kind of thing developing when your legislation and when your guidelines properly recognize the private sector for the contributions that it can make. This could eliminate funding roadblocks which in some cases provide funding for only 1 year or 2 years. That hardly enables a private organization wanting to get involved to get involved when they recognize that once the program is established the funding carpet could be pulled out from under them within a year or so.

Providing a longer term of funding and providing a kind of support for the private sector to get totally involved and stay in the field is something that would be greatly needed.

Senator CULVER. How much hostility do you encounter with regard to the bureaucracies that were referred to earlier and the State planning agencies themselves? I am sure it is a checkered pattern in terms of——

Mr. DYE. I think some of the previous witnesses put their fingers pretty squarely on it. In some communities, some public sector groups feel that their domain is being invaded by persons who are not very credible and by organizations who are fighting for the dollar that is needed for the maintenance of public programs, and this causes hostility.

In cities where there is an enlightened approach, which I would characterize Judge Collins' Pima County to be, there has been a great wedding of persons who are concerned for kids in trouble and who have had jurisdiction over these kids, and organizations which have a wealth of resources that could be tapped into.

Therefore, I think it is a mixed kind of a situation. That is why we need the kind of continued education that was spoken of. I think the past record speaks for itself. No one can feel honestly that the way we have been dealing with kids in the past, with the rates of recidivism and their high accompanying costs, is a good way to go. Any move in this new direction will stand on its own merit. I think this really has to get across, though, to all people in our communities.

Senator CULVER. Thank you. We are happy to welcome as our next witness, Mr. William Treanor, who is executive director for National Youth Alternatives.

It is a pleasure to see you again, Mr. Treanor.

In your prepared statement, you refer to the inadequacy of the traditional youth service system for dealing with the problems of status offenders.

Why, in your opinion, has this system proved to be inadequate?

STATEMENT OF WILLIAM W. TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT [1]

Mr. TREANOR. Well, Senator, one of the things that struck me again this morning is the importance of leadership. I think that what we have heard both from Iowa and Arizona are some exemplary examples of good and positive and aggressive leadership.

What has been lacking in the traditional youth service system, and the juvenile court system in particular, has been good leadership. Judge Collins hit the nail on the head when you asked him why there was resistance to deinstitutionalization. His response was "control."

I think that the juvenile court judges who surveyed themselves found that 88 percent of them opposed deinstitutionalization. They opposed it simply because they want to retain control.

All of us like to have a certain amount of control over things. However, when we can see clearly that the control that they have exercised since the turn of the century in this area has been a destructive force and that the traditional leadership of juvenile court judges and some of the other public institutions—such as mental health, school systems, et cetera—have really stood in the way of the development of the kind of alternatives that are necessary to bring forth a strong youth service system, I would see leadership as being the No. 1 problem.

I certainly would hope that, in the implementation of the Juvenile Justice Act, and the deinstitutionalization provisions in particular, that both the national office and the State SPA's would pay great attention to this question of leadership and the development of leadership.

Senator CULVER. What about this funding security problem? I know of the uncertainty of funding for shelter facilities and other alternatives to detention and institutionalization. It has been referred to here earlier and I have personally heard about it in my own discussions with people who are trying to run these programs. They spend all their time in grantsmanship and worrying about money, and it just consumes them.

Even if they come at this with all the ability and commitment in the world, they end up, at best, fighting the bureaucracy and laying awake nights trying to figure out where they are going to get enough funds to keep this thing operational. I guess the obvious thing is longer term funding or more funding. Could you comment on this?

Mr. TREANOR. Senator, in my capacity as a school board member, I certainly am aware of the evils of ongoing funding, regardless of how the job is done.

Senator CULVER. What ongoing funding is that?

Mr. TREANOR. As a member of the school board, I can see the schools getting funded year after year, that clearly are not doing their job. However, it seems to me that in youth services we have the other extreme. There has to be some sort of a happy medium that we can arrive at where there is accountability and some kind

[1] See p. 257 for Mr. Treanor's prepared statement.

of annual review where needs are annually assessed, priorities are set, and then funding is directed toward those priorities.

What we have now is basically a system where various institutions are funded. First is the established institutions, of course, then with the loose change the community-based youth service people get into the act if they happen to have a benign local public official like Jim Garrizone. Then they are in pretty good shape.

However, if they happen not to, then there is not any money for them.

I am struck in my dealings with hundreds of people who run youth service agencies every year. The No. 1 subject, unfortunately, is not youth advocacy or better quality of youth services, but instead it is this issue of funding.

A lot of the turmoil in the field is created by the funding picture that is perpetuated, I think, foremost by the Congress in the way you write legislation. You have juvenile justive over here and youth employment over there and title XX someplace else. There is a lack of coordination between those.

That filters down into the local level where the programs are frankly pitted against each other in many instances for the small amount of funds that are available; then they are expected to demonstrate effectiveness in unrealistic periods of time. The Pima County people have a 2-year grant. I believe that that is not long enough to demonstrate anything significant.

They have to always worry, from the first day they are funded, about where the funding is going to come from after the grant ends. Then they have to find a way to get into regular appropriated funds. There they run into all of the other social welfare groups who are also trying to get into the regular State and local budgets.

Frankly, the youth service people are not as well organized or politically sophisticated or as adept at maneuvering or manipulating the local and State political system to get in there. The children's people, the elderly, and the health people are all worthy causes, but the youth people lose almost every time.

Senator CULVER. What about that comprehensive youth policy that you speak of in your statement? Do you want to elaborate on that? Is that really essentially what you are talking about here?

Mr. TREANOR. Yes, it is. I want to point out that I am not the only one. I think that probably everyone in the field of national youth services is interested in national youth policy.

I do not think we mean by that some sort of rigid yardstick with which you measure what kind of services should be there or the criteria or whatever, but rather a sense of direction and a requirement such as exists in the drug abuse fields for the Federal Government to coordinate its services. That means really strengthening and getting serious about the Federal coordinating council.

If that does not work, we should junk it and get something that will. We need a sense of where we are going.

Many industrialized countries have national youth policies. They have a sense of where they are going. They know what kind of values and skills and ideals they want their young people to have. These are democratic countries I am speaking of. Where pluralism is encouraged, there is some sense of whether it moves toward building

the capacity of the Nation to develop young people in a healthy kind of a way.

Once again, I think that Congress is more at fault than almost anyone. Youth funding is tied to one kind of deviance or another one symptom or the next.

Therefore, for those of us in the field who would like to focus on healthy youth development—such as drug abuse this week, alternatives to abortion coming up, next month runaways or whatever—it does not make for a very well planned and coherent youth service system.

Senator CULVER. Thank you. Our final panel member is Marshal Bykofsky, who is representing the National Network of Runaway and Youth Services. The network is a nationwide association of over 120 neighborhood-based programs and coalitions which are engaged in attempting to provide services to troubled youth and their families.

I would like to welcome you today, Mr. Bykofsky.

Mr. BYKOFSKY. Thank you for inviting us.

Senator CULVER. Why don't you proceed however you would like? I did look at your statement.

You indicate that this deinstitutionalization requirement is being circumvented, in your opinion, through the relabeling of status offenders as delinquents.

Would you explain how this relabeling process takes place?

STATEMENT OF MARSHALL BYKOFSKY, COUNSEL TO THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES[1]

Mr. BYKOFSKY. Yes. It is not only as delinquents. There are a number of other ways in which the processes and purposes of deinstitutionalization have been circumvented.

In a number of jurisdictions, including the District of Columbia and Florida, statutes are enforced in which youngsters who have previously been adjudicated as status offenders, upon the allegation that they have committed a subsequent status offense, would have a petition as a delinquent drawn against them or, as in the District of Columbia, they could be placed in a secured facility as if they were a delinquent.

In other words, a second-time runaway could be sent to a State training school under this type of legislation.

In addition, the circumvention has sometimes taken another route in that many times an individual would be involuntarily committed as a mental patient rather than bringing him through the juvenile court processes as a status offender. Allegations would be made against them as to their current state of sanity. They would, through that process, be institutionalized.

This has been an ongoing process. It is not something new under deinstitutionalization. In many jurisdictions it had been a benefit to have been sent through the mental health system rather than through the juvenile court system, because a number of States deinstitutionalized their mental health facilities prior to doing the same for their juvenile justice facilities.

[1] See p. 260 for Mr. Bykofsky's prepared statement.

However, when we are moving into an area that is looking to deinstitutionalize all status offenders it seems that a number of jurisdictions would still require some changes within their legislative mandates in order to assure that young people who are status offenders are not committed to secure facilities.

There is an additional problem in that in most jurisdictions judges still retain the discretion to mandate to which specific facility a young person would be placed. That would mean that although the various agencies of the State which are charged with deinstitutionalizing status offenders have done so, a judge could completely negate that entire process by stating that the individual who is before him at that particular moment is to go to the State training school and be incarcerated therein. There is nothing that that particular State agency could do but follow the order of that court.

Therefore I would say that basically there are legislative and judicial problems of circumvention of the act.

Senator CULVER. The intent of our act in 1974 was to try to make available funds to help create these alternative community-based services as an alternative to deinstitutionalization.

Are these funds really being used for that purpose? Is that working at all? What is your feeling about how successful that has been nationally?

Mr. BYKOFSKY. Well, I think it has been a spotty picture at best. I think we have heard a number of different folks testifying today as to the difficulties of receiving these funds at their local or county level.

I think that New York, while I was up there, was spending two to one on its own State run facilities as opposed to community-based programs. The District of Columbia is spending four to one on its own programs rather than using existing community-based facilities.

We have a very strong fear that we are witnessing a proliferation of mini training schools that just happen to be located within neighborhoods, rather than true community-based facilities.

It seems that part of the problem with this mini-institutional approach is that rather than using innovative and advanced techniques that are mentioned in the act, they seem to be characterized by a drab uniformity of approach. The many youngsters who come into the system because they are status offenders have a broad array of problems that confront them. They need a broad array of approaches, treatment modalities, and different methods for dealing with the problems that confront them and their families.

The problem with the mini-institutional approach is that many of the youngsters who come through this system are found to be inappropriate for the type of treatment that is going on in that system. To label so many youngsters as inappropriate is to say that if the shoe does not fit there is something wrong with your foot.

I think that it was the intent of this legislation to see that a broader array and a wider diversity of services are provided so that there is a comprehensive system of services; a system that would provide the appropriate service for the appropriate problem for the individual and his family.

That does not seem to be taking place to any great extent.

Senator CULVER. Mr. Bykofsky, would you comment on this funding problem? Everyone talks about this whole question which is so

critical. What suggestions do you have in that area, other than, of course, more money for longer terms? I speak for an outfit that has a $65 billion deficit and going up, so I am not exactly fat city.

Mr. BYKOFSKY. Well, speaking from my experience as the administrator of a youth-serving agency in New York that was trying to put together a comprehensive program to deal in a holistic manner with all of the needs of the individuals with whom we were working, we were compelled to go to 16 different funding agencies and required licensing or approval by 10 different agencies of the State or local government. We had to do this in order to deal with all of the problems that have been mentioned before—drug problems, health problems, vocational problems, and so on.

I look at legislation that has come by here recently. The youth employment legislation is an example. I thought this would be an excellent opportunity for youth in need. There is over a billion dollars that is going to be made available for employing young people.

However, in reading their recently promulgated regulations I find that community-based youth service agencies are excluded by definition from participation on a priority level in their planning or implementation.

There has been an awful lot of Economic Development Act money going into public works projects that build institutions throughout our country. I know of no single example in which a community-based program has been able to gain access to these funds to renovate that little house at the end of Main Street for use as a group home or shelter care facility. Startup moneys are always the most difficult to come by.

This has been mentioned earlier. Very often fee for services will pick up ongoing programmatic cost. However, to get a program started—particularly for a community-based agency—is extremely difficult.

I think we have the same problem in the mental health field. The First Ladies Mental Health Commission, which has task forces on almost every single conceivable topic, has no major task force directly related to adolescents.

I think that we definitely need a much more comprehensive planning model on both the National and State levels, but dealing with it on a national level I think that the coordinating has intended for that. I hope that the recently enacted amendments strengthening the coordinating council would go some distance in doing that.

However, there is a pressing need to develop a comprehensive direction in which youth services should move.

Senator CULVER. I want to thank all of you very much for being here today. I would like to submit some additional questions to each of you for our record.

This completes the testimony today. I want to thank all of the witnesses who have been good enough to appear today and share with us some extremely interesting and informative testimony.

I think it is clear from our hearing today that there are a variety of programs and services that can be utilized for alternatives to deinstitutionalization.

The testimony, I think, which we have received also would appear to dictate the conclusion that these alternatives certainly can be far more successful and less expensive than jail.

The specific projects, I think, about which there has been testimony today constitute models which hopefully can be reproduced in other jurisdictions around the country. It also, I think, has raised in my mind a familiar and painful problem of just chaotic bureaucracy and lack of jurisdictional coordination. It just seems to be the genius of the American experience to come up with proliferation, duplication, overlap, and so on. I guess we often say that these are the exciting test tubes and experimental laboratories that give us such dynamic and innovative potential.

However, I must say that we pay an awful price for that one good lab someplace, assuming that it ever does percolate up to the top and represent a shared and effective national experience.

I think the hearing today also led me to conclude that LEAA and the State planning agencies must do more by way of their own priorities to make moneys available to develop these alternative programs and services and to provide more technical assistance to the States and localities in developing such services.

I am going to formally request, on behalf of the subcommittee, that the Office of Juvenile Justice make a report to us in 6 months regarding the progress which LEAA and the State planning agencies have made or not made in enforcing the requirement that States stop the practice of locking up our youth and in enforcing the requirements that we have set out in the act. We will see what kind of report they can provide us with showing what progress has been made in developing these alternative community-based service approaches.

Once again, I would like to express my thanks to all of you who have come here today. I think you have given us some extremely valuable suggestions. You have left us with some troubling problems in terms of the continued imperfections in our effectiveness in dealing successfully with these problems.

However, I think your suggestions will be helpful in helping us try to make the act of 1974 more closely fulfill the original congressional intent.

Once again, my thanks.

The committee will stand in recess until further call of the Chair.

[Whereupon, at 12:35 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

APPENDIX A: PREPARED STATEMENTS SUBMITTED FOR THE RECORD

TUESDAY, SEPTEMBER 27, 1977

STATEMENT OF JOHN M. RECTOR, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

I am pleased to appear today, Mr. Chairman, before the Subcommittee to Investigate Juvenile Delinquency to discuss implementation of the Juvenile Justice and Delinquency Prevention Act. As requested in your invitation to testify, I will address in my statement compliance with the requirement of the Act that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult not be placed in juvenile detention or correctional facilities.

The Act, as this Subcommittee knows well, was designed to help states, l alities, and public and private agencies to develop and conduct effective delinquency prevention programs, to divert more juveniles from the juvenile justice process, and to provide urgently needed alternatives to traditional detention and corrrectional facilities.

When young people confront our juvenile justice system, injustice is a frequent result. The system does not provide the individualized justice promised by reformers at the turn of the century; it does not help the many non-offenders who fall within its jurisdiction; and it does not protect communities from predatory juvenile crime. Indiscriminate secure placement, whether i public or private facilities, has only served to increase our already critical crime rate. Such policies, masquerading under the questionable disguises of "rehabilitation" or "the best interest of the child," supply new recruits for jails, detention centers, state farms, forestry camps and training schools. These are often nothing more than wretched academies of crime.

The 1974 Act reflected the consensus of most professionals in the juvenile delinquency field, as well as other concerned citizens, that far too many juveniles are locked up. Many of the youths detained and incarcerated—particularly those whose conduct would not be illegal if they were adults—require, a most, non-secure and usually temporary placement. In fact, many would be better off if the State refrained from intervening in their lives at all.

Sections 223(a)(12), (13), and (14) are central to the Act. These provisions condition continued State participation in the formula grant program on a commitment to deinstitutionalization of status offenders, segregation of juvenile and adult offenders, and development of an adequate system for monitoring jails, detention facilities, and correctional facilities. Taken together, it was hoped that these requirements would stimulate the development of appropriate alternatives including non intervention to fill the void between es- tially ignoring unlawful behavior and continuing wholesale detention and incarceration.

Development of alternatives to detention and incarceration also make sound economic sense. *Children in Custody*, the Advance Report on the Juvenile Detention and Correctional Facility Census of 1974, indicates that the cost per child of institutionalization in a public juvenile detention or correctional facility exceeds $10,000 per year. This accounts for operating expenses only, not capital costs. The average cost for private facilities exceeds $8,000 per child annually.

he cost of community-based alternatives to incarceration, on the other hand, compares very favorably to these figures. For example, the cost of alternatives such as crisis intervention, shelter care, counselling and alternative education approximates only $210 per year per child served by the Deinstitutionalization of Status Offender Initiative.

The Juvenile Justice Act has been a catalyst for a long overdue and healthy assessment of our current policy and practices. The General Accounting Office has characterized it as the most promising and cost-effective federal crime prevention program. I would, however, be grossly misleading the Subcommittee if I were to represent that all is well with the program or that it is operating consistent with congressional expectations.

I have been Administrator of the Office for exactly 3 months. While there have been some accomplishments under the former Administration, there has been notable shortcomings in implementation. Despite strong bipartisan support for the program, there has been opposition to funding and implementation, as well as administrative sabotage at the highest levels. These facts have been well documented by the Subcommittee. Given the lack of commitment to the Act, it is surprising that any of its objectives were achieved.

The lack of such essential support, together with the difficult, but predictable, problems inherent in achieving compliance, work to nullify the Congressional deinstitutionalization mandate. Thus, as you are all too aware Congress had little choice but to extend the original period for compliance. In view of this sorry chronology, I am cautiously optimistic that the flexibility of the Juvenile Justice Amendments of 1977 will encourage more States to comply.

Other difficulties have to be resolved which are more appropriately termed "managerial." Information, in the form of monitoring reports on State compliance with the deinstitutionalization mandate of the Act, has been woefully inadequate to date. Initial monitoring reports were required to be submitted by participating States on December 31, 1976. The content of the majority of the reports was disappointing.

Only nine States submitted what could be called complete data, along with an appropriate narrative. Three States supplied data, but with no accompanying narrative. Seven States provided no data, while 17 State reports had information missing, particularly with regard to jails. Only five States reported on private facilities.

Many States did not have systems necessary to collect the data required. Other jurisdictions did not have data from institutions that could be collected and analyzed. Where information was available, it generally was not provided in any standardized form.

Finally, Mr. Chairman, time was an element affecting the nature of the monitoring reports received. Before information could be gathered, States had to identify facilities processing juveniles. Facilities had to be contacted, information provided, and data analyzed. Obtaining information on jails was a particular problem, both because of the great number of jails and the lack of recordkeeping. Some jurisdictions had to seek specific authority to compel production of information from hesitant reporting units. Without sufficient hard data, the extent of State progress with deinstitutionalization and separation requirements could not be determined. Even base-line data that would be needed to demonstrate "substantial compliance" after a period of time was lacking in many instances.

A number of steps have been taken or will be taken shortly, Mr. Chairman, to remedy this situation. The Office will obtain from participating States data sufficient to determine eligibility. Failure to take the necessary action will result in the imposition of sanctions permitted under the Act, including the ultimate sanction of fund termination if necessary.

New guidelines have been issued to clarify State monitoring responsibilities. Definitions have been developed which specify the types of institutions intended for inclusion in any surveys conducted. Procedures within the Office will be improved, and additional assistance will be provided to the States. Suggestions have been made on possible State options for providing base-line data. In addition, survey formats and sample data collection and reporting forms have been drafted and will be distributed when necessary clearances have been obtained. Together, these steps should help assure that States and the Office have accurate and standardized information necessary to determine compliance.

The fact that complete information on deinstitutionalization of status offenders is presently lacking does not mean that progress is not being made. There are other measures which provide useful insights. Eleven States have enacted legislation dealing with deinstitutionalization of status offenders.

Four other jurisdictions have legislation pending. Twenty States now have legislation requiring the separation of juvenile and adult offenders.

Mr. Chairman, in response to your request, I have several documents which amplify progress relative to deinstitutionalization.

STATEMENT OF WILLIAM J. ANDERSON, DEPUTY DIRECTOR, GENERAL GOVERNMENT DIVISION, UNITED STATES GENERAL ACCOUNTING OFFICE

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss our preliminary findings regarding GAO's review of State efforts to remove status offenders from detention and correctional facilities as required by the Juvenile Justice and Delinquency Prvention Act of 1974. The 1974 act provides in part that:

"Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult (status offenders), shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities."

The process of removing status offenders from detention and correctional facilities is hereinafter referred to as deinstitutionalization.

While our review is not complete, we believe that the information presented accurately represents the problems being encountered in carrying out this mandate.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Concern has been expressed in recent years about the use of detention and correctional facilities for juveniles charged with or committing status offenses such as truancy, incorrigibility, and running away. In part, the concern stems from the belief that it is unjust for the juvenile justice system to incarcerate youth for non-criminal behavior. In addition, the contention is made that this practice tends to make criminals out of youth who were not previously criminal.

Status offenders constitute a large portion of all youth involved in the juvenile justice system. One estimate suggests that nearly 40 percent or one-half million of the youth brought to the attention of the juvenile justice system per year committed no criminal act. The Law Enforcement Assistance Administration has estimated that:

About 25 percent of all cases filed in the juvenile courts of the United States are status offense charges.

Of the youth referred to juvenile courts on status offense charges, perhaps as high as 10 percent, are ultimately placed in secure institutions.

Status offenders generally spend as much or more time in secure facilities as delinquents.

The situation is worse for girls than for boys. According to LEAA, 70 percent of all females in juvenile detention and correctional facilities are status offenders as compared to 20 percent for males.

The Congress showed its interest in deinstitutionalizing status offenders in passing the Juvenile Justice and Delinquency Prevention Act of 1974. The act provided that in order to receive formula grants[1] from LEAA for juvenile justice and delinquency prevention programs, a State must include in its comprehensive law enforcement plan a provision that within 2 years after the plan's submission to LEAA, status offenders will be placed in shelter facilities instead of juvenile detention or correctional facilities.

There are 56 States and territories eligible to receive formula grant funds under the act. The number actually participating in the formula grant program ranged from a low of 39[2] in fiscal 1975 to a high of 46 in fiscal 1977. As of December 31, 1976, approximately $77 million had been awarded to the States. Formula grants received ranged from a low of $112,000 for American Samoa to a high of $7.5 million for California.

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[1] The act defines formula grants as grants allocated among the States on the basis of relative population of people under the age of 18.

[2] This number does not include seven States which received formula grants and subsequently withdrew from the program.

Amendments now being considered by the Congress would reaffirm the commitment to full deinstitutionalization but provide additional time for State compliance. Specifically, the amendments provide the States a total of 3 years to achieve compliance with the deinstitutionalization requirement. Up to 2 additional years can be allowed if a State has achieved at least 75 percent deinstitutionalization and demonstrated an unequivocal commitment to achieving full compliance.

The amendments also clarify the enabling legislation to show that all status offenders need not be placed in shelter facilities. They also provide guidance on what types of facilities would be appropriate for status offenders, if they are placed. Additionally, the amendments make it clear that other non-offenders such as dependent or neglected children are also to be included under the deinstitutionalization provisions of the act.

Our review is being conducted at LEAA headquarters, at four LEAA regional offices—Atlanta, Boston, Dallas, and San Francisco—in five States that were participating in the act—California, Florida, Louisiana, Massachusetts, and Virginia—and in four States that elected not to participate in the act—Nevada, North Carolina, Utah, and West Virginia.

While we did not attempt to evaluate the merits of deinstitutionalization of status offenders, we did identify a number of problems that, in our opinion, must be dealt with if deinstitutionalization is to be achieved even within the extended time frames provided by the amendments. We found that:

Monitorizing systems have not been established to determine whether deinstitutionalization has been or will be achieved,

State laws and practices frequently conflict with the act's deinstitutionalization mandate, and

Appropriate alternatives to incarceration have generally not been identified and developed.

We would now like to discuss each of these issues in more detail.

SYSTEMS TO MONITOR DEINSTITUTIONALIZATION

Few States have established comprehensive systems to monitor jails, detention facilities, and correctional facilities to insure that deinstitutionalization of status offenders is achieved. Without adequate monitoring systems, LEAA and the States cannot evaluate progress nor demonstrate when full deinstitutionalization is achieved.

This information is extremely important since future funding is contingent upon a State's ability to demonstrate compliance with the deinstitutionalization mandate of the act. In addition, the lack of reliable statistics on incarcerated status offenders would also appear to make it difficult for States to properly plan alternative services.

Each State receiving formula grants under the act is required to monitor and report annually on deinstitutionalization results. The first monitoring reports were due from 42 States in December 1976. According to LEAA, few States' monitoring systems met the requirements of the act and LEAA implementing guidelines; therefore they were unable to provide complete and accurate information on program progress. The reports disclosed that some States are monitoring only State-operated juvenile facilities and intend to measure compliance on statistics from these facilities only. LEAA stated that this narrow interpretation of the act's requirements is unacceptable because it ignores an undeterminable number of juveniles being detained or institutionalized in local facilities.

After analyzing the monitoring reports, LEAA concluded that the States generally failed to address guideline requirements in their monitoring reports and that their omissions were major in most cases.

Specifically, LEAA's analysis of the monitoring reports disclosed that

Only nine States provided what could be considered complete data,

Seven States could provide no monitoring data at all, either because the States started too late in collecting data or the State simply had no monitoring system,

Data was missing from 17 States—the major problem was in not fully monitoring jails or not monitoring jails at all,

33 States had not established baseline data against which to measure deinstitutionalization achievements,

Only four States monitored private facilities containing juvenile offenders, and

Only two States appeared to demonstrate at least a 75 percent reduction in the number of status offenders placed in juvenile detention and correctional facilities.

According to LEAA, these monitoring reports represent the first overall monitoring within the juvenile justice system that many States have attempted. Thus, gaps in data collected are just becoming evident. LEAA officials told us that the extent and significance of problems with State monitoring efforts were not fully recognized until the initial monitoring reports were received.

LEAA said that data collection is one of the overriding problems experienced by States participating in the act and that because of lack of essential statistics, any analysis of deinstitutionalization progress must be qualified.

The Committee on the Judiciary of the U.S. Senate in its May 14, 1977, report expressed concern over difficulties experienced in assuring that States meet the monitoring requirements of the act. The Committee's report stated that the contents of the initial monitoring reports were disappointing. Most States did not present adequate hard data to indicate the extent of their progress with the deinstitutionalization requirement. The report showed that the States' initial monitoring reports contained problems with respect to clarity of data, progress achieved, and the number and type of facilities monitored. The report also noted confusion regarding the definitions of juvenile detention and correctional facilities.

Many of the problems with State monitoring efforts identified by LEAA and enumerated in the Committee report exist in the five States we visited. None of the States monitored all types of facilities required by the act and LEAA implementing guidelines. Officials in four States expressed reservations about whether the State had authority to monitor some local and private facilities. Officials in two States indicated that their States did not have adequate resources to carry out the monitoring requirements.

More specifically, we found that:

State A's monitoring system provides data from State correctional facilities and county jails but not from local jails. Even for those facilities which are monitored, information is not provided on the number of status offenders incarcerated during the year but represents only a count of status offenders incarcerated on 1 or 2 specific days during the year.

State B's monitoring system does not provide information on the number of status offenders placed in approximately 50 local jails. While information is available on status offenders in State-operated jails, detention centers, and correctional facilities, a State Planning Agency official informed us that the data is unreliable.

State C has no monitoring system because of the belief that the State is already in compliance with the act. As will be discussed, this belief is premised on the fact that there is a State law prohibiting the detention or incarceration of status offenders.

State D's monitoring system also does not provide data on all types of facilities. The only facilities monitored are 22 State-operated detention centers. Local jails, training schools, and correctional facilities are not monitored.

State E's monitoring system does not provide information on the number of status offenders, if any, placed in private institutions and secure correctional facilities.

LEAA is responsible for assisting States in establishing systems to monitor deinstitutionalization results. At the time of our review, accomplishments in this area were essentially confined to the review and analysis of initial State monitoring reports and the modification of LEAA guidelines to define key terms associated with the monitoring requirements. Efforts were underway to develop (1) strategies and techniques for monitoring jails, detention, and correctional facilities, and (2) a model report format for States to use in preparing their second monitoring report due December 31, 1977.

STATE LAWS AND PRACTICES REGARDING DEINSTITUTIONALIZATION

Although States participating in the act have agreed to comply with the deinstitutionalization mandate, three of the five States we reviewed have legislation that allows status offenders to be placed in detention facilities and two of the three also have legislation that allows such placements in correctional facilities. Data was not available on the extent to which the laws were being implemented, but information we obtained indicates that a three States are detaining status offenders, and that one State is placing them in correctional facilities. In one of the States that did not have legislation, we were told by State officials that, in practice, certain status offenders were being detained.

Specifically, we found that:

In State A a revised statute allows for the secure detention of runaways, incorrigibles, and ungovernables for up to 12 hours without a court order and up to 7 days with a court order. More than one-third of the 49 judges responding to a 1976 questionnaire indicated that secure detention was beir used for certain status offenders.

State B's recently revised juvenile code provides that status offenders no longer be placed in correctional institutions. However, the code still allows for the secure detention of status offenders for up to 72 hours.

Although State C's law does not allow for any incarceration of status offenders, we were told by judges in the State that in practice certain status offenders are being placed in secure detention.

State D's law allows for juveniles adjudicated as ungovernable for a second time to be considered delinquent and placed in secure detention or corre tional facilities. While the policy is to no longer place status offenders in training schools, State Planning Agency officials indicated that many judges are quick to use the State law to secure detention for ungovernables. Alleged ungovernables are also being placed in secure detention under a State law that permits the use of secure shelter for ungovernable children pending disposition. The term secure shelter is not clearly defined in the statutes, and some judges interpret it as including secure detention. In addition, some status offenders are being placed in secure detention by judges who hold them in contempt of court for violating previously issued court orders not commit status offenses. Thus not only ungovernables but other status offenders such as truants or runaways are being detained in secure facilities.

State E's legislation specifically prohibits the placement of status offenders in either secure detention or correctional facilities. However, an amendment is before the State legislature which would permit a status offender to be held in secure detention for up to 48 hours.

One reason why certain status offenders are still being placed in detention facilities could be that a number of State officials we interviewed, such as juvenile court officials, law enforcement and correction personnel and othe associated with the juvenile justice system, believed the detention of some status offenders to be justified. In addition, some officials expressed the opinion that there are a small number of status offenders who should be put in secure correctional facilities.

Officials in the non-participating States we visited expressed similar opinions and cited opposition to total deinstitutionalization of status offenders as a reason for not participating in the act.

An LEAA official told us that he is aware of opposition to deinstitutionalization among juvenile authorities. He said that opposition to deinstitutiona zation exists partly because the concept has never been emphasized from the national level and because deinstitutionalization conflicts with the status quo in juvenile justice.

STATE PLANNING AGENCY EFFORTS TO IMPLEMENT DEINSTITUTIONALIZATION

In order to receive funds under the act, States must provide evidence that their State Planning Agency has or will have authority to implement the provisions of their criminal justice plan, including the deinstitutionalizati of status offenders. According to LEAA, the specific means for accomplishing compliance with the deinstitutionalization mandate is left to each planning agency to determine, but may include agreements with operating agencies, legislative reform efforts, public information and education, and other methods.

State Planning Agency officials in all five States we visited stated that they generally do not have implementing authority over other agencies in the State, and therefore cannot be expected to bring about deinstitutionalization. Officials in three of the States told us that they see their role as one of planning and advising, not implementing mandates such as deinstitutionalization.

Officials in non-participating States told us that the State Planning Agency's lack of authority to bring about deinstitutionalization was one reason the State elected not to request funds under the act.

LEAA needs to examine this problem. If States agree to deinstitutionalize, they must accept responsibility for carrying it out.

ALTERNATIVES TO INCARCERATION

Deinstitutionalization efforts to date appear to have concentrated on removing status offenders from detention and correctional facilities with limited regard to their service or treatment needs. Uncertainty exists over the alternatives that are most appropriate for status offenders under various situations. Also, there is a generally recognized shortage of alternatives in most States. According to some State officials, status offenders needing assistance are sometimes assigned to programs that are not structured to deal with their problems or returned to society without receiving help.

STATUS OFFENDER SERVICE NEEDS

Uncertainty exists over the types of alternatives that are most appropriate for dealing with various status offender problems. State officials we interviewed expressed a variety of opinions regarding status offender service needs. For example, some officials view status offender service needs as similar or identical to those of delinquents. Therefore, the same dispositions are considered appropriate for both groups. Some officials see status offenders as a distinct group with service needs different from those of other juvenile offenders. Therefore, services specifically designed for status offenders are considered appropriate.

According to an LEAA official, some research indicates that status offenders should receive no services at all and that status offenders will, in time, solve their own problems.

State laws in two participating States we visited specifically provide that status offenders needing assistance be treated by social agencies that traditionally have served abused and neglected youth. Various service agency and correctional officials we interviewed in these States told us that service programs provided by these agencies are not appropriate for many status offenders. They cited insufficient funds, inexperienced staff, and shortages of the right types of programs as reasons for the social agencies not being able to properly assist status offenders. Officials in one State believed that nonsecure programs administered by the State juvenile corrections agency for delinquents are more appropriate. Officials in the other State indicated that non-secure programs should be designed specifically to deal with status offender problems.

AVAILABILITY AND APPROPRIATENESS OF ALTERNATIVES

LEAA has indicated that services for processing and treating status offenders are generally inadequate, inappropriate, and often destructive. Preliminary work on an LEAA-funded study of the impact of deinstitutionalization on selected States indicates that little attention has been devoted to the specific service needs of status offenders. After visiting one State, the contractor performing the study indicated that no one had thought very much about alternatives for status offenders and that no one seemed aware of what, if anything, had happened to status offenders.

In each of the five States visited, we found indications of problems with limited availability of alternative dispositions for status offenders and/or dispositions being used that were not considered appropriate for dealing with status offender problems. Reasons given for the States not having adequate numbers of appropriate alternatives include:

Limited funding at both the Federal and State levels.

Resistance from some localities to establishing programs in their community.

Lack of emphasis on status offender service needs, especially at the Federal level.

Specifically, we found that:

In State A, status offenders requiring assistance are dealt with through a variety of local and private non-secure programs that also serve delinquents. While officials we contacted generally believed that these programs are appropriate for status offenders, they acknowledged that there are shortages of such programs. Nearly one-half of the juvenile judges responding to a Sta administered questionnaire indicated that they had experienced problems handling status offenders because of shortages of non-secure programs. The State agency responsible for serving status offenders reported that during 1976, non-secure placements were unavailable for over 500 adjudicated juvenile offenders.

In State B, a recently passed law provides for deinstitutionalization of status offenders, except for secure detention up to 72 hours. At the time of our visit, it had not been decided which non-secure programs will be used for status offenders. State officials anticipate using existing programs administered by the State juvenile corrections agency and/or the State social service agency. An official at the juvenile corrections agency told us that while some localities have sufficient numbers of non-secure services, others do not. Plans call for establishing additional group homes that may be used by status offenders. An official at the State social service agency expressed concern that status offender placements will overburden caseworkers that already have full caseloads. The official also stated that agency personnel are not trained or experienced in dealing with problem teenagers.

In State C, a 1974 law decriminalized status offenses and transferred responsibility for status offenders from the State's juvenile corrections agency to the State welfare agency. Status offenders needing assistance have been integrated into a service delivery system designed primarily for abused and neglected youth. Status offenders requiring residential care are usually placed with foster parents. State officials told us that these services are inappropriate for many status offenders and that numerous problems have resulted.

In State D, a 1975 law decriminalized status offenses and transferred responsibility for status offenders from the State juvenile correctional agency to a social service agency. The State is attempting to meet status offender service needs primarily through existing programs designed for abused and neglected youth. Foster care and protective service counseling are the most frequently used programs. Many State officials told us that these programs are often inappropriate to meet status offender needs and that numerous problems have resulted.

In State E, State officials believed the State to have a full range of services for juvenile offenders, including status offenders. There are, however, significant variances in the level of services among counties within the State. Some of the more populous counties have a variety of programs, including foster homes, group homes, counseling services and psychiatric care, while some rural counties have few, if any, programs. County officials that we interviewed generally agreed that additional non-secure programs are needed for juvenile offenders.

LEAA EFFORTS TO ASSIST STATES IN IDENTIFYING AND ESTABLISHING APPROPRIATE ALTERNATIVES

To date, little information has been developed at the national level on types of service alternatives that appear most effective for status offenders under various situations. LEAA has recognized a need for such information and a number of research efforts are underway. Because of the delay in initiating and completing most projects, however, the States have generally been left on their own to deal with the problem.

LEAA efforts to assist States in establishing alternative services for deinstitutionalized status offenders have primarily been through providing formula grants under the act and block grants under the Omnibus Crime Control and Safe Streets Act of 1968 as amended and through a variety of technical assistance efforts.

LEAA officials told us that although it is important that status offender service needs be met outside of institutions, LEAA is not in a position t

mandate service requirements in the States. They view their role as one of encouraging States to establish viable alternatives through financial and technical assistance.

Mr. Chairman, our report, which we expect to issue in the next few months, will discuss these matters in more detail and provide certain conclusions and recommendations regarding them. This concludes my prepared statement. We will be pleased to respond to any questions you may have.

STATEMENT OF HUNTER HURST, DIRECTOR, NATIONAL CENTER FOR JUVENILE JUSTICE, PITTSBURGH, PA.

Mr. Chairman, I am grateful for this opportunity to appear before the Juvenile Delinquency Subcommittee. The subject of my testimony is State Compliance with the provisions of Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974. Having no mandate to the contrary, I will be brief.

Effective December 18, 1975, the National Center for Juvenile Justice received a grant from the National Institute of the Office of Juvenile Justice and Delinquency Prevention to establish a National Respondents Panel, (one person knowledgeable of juvenile justice in each State). One of the objectives of the panel was to economically develop timely and reliable information on issues affecting the administration of juvenile justice in each of the states.

The effort was experimental in that we wanted to test the capacity of such a panel to achieve this stated objective.

The first task assignment for the respondents was the development of an issue statement regarding children in their respective States. Results of that endeavor received in September, 1976, revealed that status offenders was the most frequently mentioned issue affecting children. Forty-five of the States, representing 86 percent of the United States population, reported it as an issue. Status Offenders was followed closely in frequency by Service Delivery, with 42 States, representing 80 percent of the population. Invariably, these two issues were intertwined in most States and frequently impinged directly on the matter of how to provide interim detention for alleged status offenders. Detention was the third most frequently appearing issue, with 28 states representing 63 percent of the United States population, reporting it as an issue.[1]

These findings, coupled with a commitment to test the panel's ability to respond quickly with reliable information on specific issues, resulted in a decision to poll the respondents on the matter of State compliance with the provisions of Sections 223(a)(12)(13) in late November, 1976.

We realized at the time we designed the inquiry that no absolute empirical measure of compliance in practice was possible—regulations defining shelter facility, correctional institution and detention had not been developed; —14 of the State codes did not distinguish between criminal and non-criminal conduct in defining delinquency and an additional thirteen States blurred these distinctions in their codes[2]—and no State possessed the operational sophistication in information systems to economically answer the question of compliance in practice. Even with these limitations, we decided it was possible to gain a reasonable (if not empirically precise) picture of State efforts to comply. The results of that inquiry with regard to Section 223(a)(12) *only* are presented here.

Nine states were found to prohibit the interim detention of alleged status offenders in detention or correctional facilities while awaiting adjudication. The most common source of authority for this prohibition was state statute. The States and their respective sources of authority are:

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[1] "Issues in Juvenile Justice: A National Inventory Analysis," A Report of the National Center for Juvenile Justice Respondents Panel, Prepared by Patricia McFall, April, 1977.

[2] "Juvenile Court Jurisdiction Over Children's Conduct: A Statutes Analysis," by John L. Hutzler, Legal Officer of the National Center for Juvenile Justice, with Regina M. Sestak, Research Assistant.

State and Authority

Alabama (Effective 1 January 1978)—Statute.
California (Effective 1 January 1977)—Statute.
Florida—Statute.
Louisiana—Statute.
Maryland—Statute.
Massachusetts—Executive Order.
Minnesota—Statute.
New Hampshire (Effective 31 March 1977)—Statute.
New Jersey—Statute.

In three of these states—Alabama, California, and New Hampshire—the legislation was to be effective at a future date. The remaining six States were reported to be in practice compliance.

An additional 16 States had legislation proposed that would prohibit interim detention of alleged status offenders in detention or correctional facilities. They were: Arizona, Delaware, Georgia, Iowa, Maine, Michigan, Mississippi, Montana, New Mexico, Ohio, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Since that inquiry was conducted in November, 1976, at least 11 additional states—Georgia (effective December 1, 1977), Alaska, Arkansas, Kentucky, New Mexico (Effective July 1, 1978), Washington, West Virginia, Virginia,[*] Maine (effective July 1, 1978), Oklahoma and Pennsylvania—have adopted statutes or regulations prohibiting the interim detention of alleged status offense violators in detention or correctional facilities. Also, Connecticut has a statewide deinstitutionalization of status offenders project to achieve compliance funded by the Office of Juvenile Justice and Delinquency Prevention. Consequently, a minimum of 21 states now prohibit the interim detention of alleged status offenders in detention or correctional facilities and mandate shelter as an alternative.

Also in November of 1976, 28 States were prohibiting the commitment of adjudicated status offenders to detention or correctional facilities for delinquent children. Again, State statute was the most frequently cited source of authority for action. The States and respective sources of authority were:

State and Authority

Alabama (Effective 1 January 1978)—Statute.
Alaska—Statute.
California (Effective 1 January 1977)—Statute.
Connecticut—Statute and D.S.O.
Florida—Statute.
Idaho (Effective August 1977)—Administrative Regulation.
Illinois—Statute.
Iowa—Statute.
Kentucky—Statute.
Louisiana—Statute.
Maine—Statute.
Maryland—Statute.
Massachusetts—Court Order.
Michigan—Statute.
Minnesota (A.G. Interpretation Pending)—Statute.
Mississippi—Administrative Regulation.
Nevada—Statute.
New Hampshire (Effective 31 March 1977)—Statute.
New Jersey—Statute.
New Mexico—Statute.
New York—Statute.
North Carolina—Statute.
Oklahoma—Administrative Regulation.
Oregon—Statute.
South Carolina—Administrative Practice.
South Dakota—Statute.
Washington—Statute.
Wisconsin—Statute.

[*] Virginia does permit 72-hour holding.

In five of these states—Alabama, California, Idaho, New Hampshire, and North Carolina—the legislation/regulation was to become effective at a future date. In Alaska, Mississippi, and Michigan, the respondents reported "almost" total compliance in practice. The remaining 20 states were reported as being in compliance with the Act provisions for adjudicated status offenders.

Since the compilation of this data, at least seven additional States—Virginia, West Virginia, Pennsylvania, Ohio, Missouri, Arkansas, and Georgia (effective December 1, 1977)—have adopted legislation prohibiting the commitment of adjudicated status offenders to detention or correctional facilities. Thus, 35 States now prohibit the commitment of adjudicated status offenders to correctional institutions.

There appears to be little doubt that the will to deinstitutionalize offenders is strong throughout the country—and, personally, I have no doubts that the Juvenile Justice and Delinquency Prevention Act of 1974 has played a prominent role in stimulating and strengthening that will. However, there are also many significant moves towards compliance in States that were not participating in the Act in November of 1976, e.g., West Virginia, Oklahoma, Utah, and Kentucky. It is only conjecture, but this circumstance could stem in part from the vast chasm between the level of expectations articulated in the Act and the level of funds appropriated to implement such expectations. The State of New York, for example, is having difficulty economically justifying the construction of separate non-secure shelter instead of converting unused beds in an existing open residential facility to shelter.[4] I am certain New York is not unique in this regard. In the aforementioned inquiry of respondents, we identified at least seven States that are experiencing difficulty in providing juvenile detention facilities separate from adult facilities. In all likelihood, the States will be compelled by the courts to correct these deficits before turning their attention to separate resources for criminal and non-criminal juvenile offenders. But perhaps the greatest impediment of all to achievement of full compliance with Section 223(a)(12) is the traditional overwhelming reliance on local government for the financing of interim detention facilities of every ilk. It should come as no surprise to you that the States have moved much further, faster, in deinstitutionalizing adjudicated status offenders than they have in providing shelter for alleged status offenders. While detention for alleged offenders has always been a local function, services for adjudicated offenders have mainly been a state function for the past 25 years. State governments have more resources with which to address compliance than local governments. Consequently, if compliance with (a)(12) is to be achieved, you must either find ways to greatly increase local governments' available resources or come up with more compelling reasons for State governments to assume fiscal responsibility for local services.

Thank you.

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STATEMENT OF RICHARD HARRIS, DIRECTOR, VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION, RICHMOND, VA., REPRESENTING THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. Chairman, and distinguished members of the Committee.

On behalf of the National Conference of State Criminal Justice Planning Administrators and as Director of the Division of Justice and Crime Prevention of the Commonwealth of Virginia, I appreciate the opportunity you have extended to me to address you on the matter of the progress of the states and territorial possessions of the United States towards meeting the objectives for the treatment of our troubled youth established by Congress in the Juvenile Justice and Delinquency Prevention Act of 1974. I am before you today to address specifically the activities of states and territories as regards the Juvenile Justice Act's requirement that status offenders be removed from detention in correctional facilities; that youthful offenders be removed from incarceration in facilities wherein adult offenders are detained; and that states and territories make adequate provisions to monitor their compliance with the deinstitutionalization and separation requirements.

[4] N.Y. State Division for Youth, Detention Study Unit, "Juvenile Detention in New York State, 1977, Policy and Practice," P. 137.

THE NATIONAL CONFERENCE

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-six (56) *State* and territorial criminal justice *Planning Agencies* (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (the Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the Juvenile Justice Act). During Fiscal Year 1977, the SPAs have been responsible for determining how best to allocate approximately 60 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states, through the SPAs, are assigned the central role under the two Acts.

The role of the National Conference in the Implementation of the Juvenile Justice Act

As the representative agent of the SPAs, the National Conference has performed a significant role in assisting states and territories in the implementation of the Juvenile Justice Act. Specifically, this role has focused on the provision of information regarding the juvenile justice statutory requirements, LEAA administrative interpretations, the definition of issues and problems relating to the implementation of the Act, and participating in efforts to resolve some of the issues.

Subsequent to the enactment of the Juvenile Justice Act on September 1974, the National Conference provided the SPAs with a series of bulletins explaining the requirements of the Act. Throughout the first year of that program the National Conference monitored LEAA's progress in developing administrative and programmatic capabilities to manage the special emphasis program and to oversee the formula grant program established by the Act. In November of 1975 the National Conference began issuing a series of "status reports" on implementation of the Juvenile Justice Act. The reports are designed to track programmatic, financial, and legislative developments. The reports examine the issues confronted and the problems faced by jurisdictions which are participating or considering participation in the formula program.

The National Conference initiated and has continued, with LEAA's help, to track and analyze subgranting and expenditure of juvenile justice formula grant monies in an effort to isolate and address financial problems that have plagued the juvenile justice program since its inception. The National Conference has also participated with LEAA in an analysis of technical assistance needs in the states arising as a result of the high standards for treatment of youthful offenders set forth in the Act. The National Conference has assisted and advised LEAA on the development of preliminary criteria for the preparation of the needs assessment as required by the Act, the development of formats to assist states in the establishment of procedures to monitor correctional facilities, the review of definitions and guidelines developed to implement the Act, and the development of procedures for the dissemination of the special emphasis program announcements and the subsequent review by LEAA and SPAs of special emphasis grant applications.

During Congressional consideration of the reauthorization of the juvenile justice legislation, the National Conference, at the request of the Senate Judiciary's Subcommittee to Investigate Juvenile Justice and the House Education and Labor's Subcommittee on Economic Opportunity and of individual members or staff of those bodies, developed and made known the positions and concerns of its membership on the pending juvenile justice legislation.

The National Conference is prepared now, at the request of this Subcommittee, to discuss the progress of the states and territories toward achieving deinstitutionalization of status offenders, separation of adult and youthful offenders in places of incarceration and to address their status in implementing the Juvenile Justice and Delinquency Prevention Act of 1974.

The Deinstitutionalization and separation requirements

The Juvenile Justice Act established as conditions for participation in the formula grant program two standards for state and local action relative to

correctional treatment of status offenders and youth alleged or adjudicated delinquent. Section 223(a)(12) required that within two years after a state or territories' initial submission of a plan for participation in the juvenile justice formula grant program "juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities. . . ." Section 223(a)(13) further provided that "juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. . . ."

The 1977 amendments to the Juvenile Justice Act will bring about significant changes to the deinstitutionalization and separation requirements. Section 223(a)(12) will be amended to extend the period for compliance with the deinstitutionalization requirement to five years with 75 percent compliance required at the close of three years of state participation and full compliance mandated after not more than five years. Section 223(a)(12) is further amended to include such non-offenders as dependent and neglected youth. Section 223(a)(13) is amended to include status offenders and such non-offenders as neglected and dependent youth.

The progress of the States towards achieving deinstitutionalization and separation

Despite the myriad of political, administrative, and financial issues raised by the deinstitutionalization and separation mandates, states and territories have as a whole made considerable progress towards realization of these objectives. The impact of the establishment by Congress of these mandates was to confront the majority of states with one or both of the following questions, if a state had not previously undertaken these initiatives: (1) whether philosophically and politically these initiatives would be accepted within the state at the time; and (2) whether the initiative themselves could be realistically achieved within the two year time frame established with the limited federal, state and local resources available for these purposes. For some states, the initial decision was not to participate. Fifteen jurisdictons declined participation in the juvenile justice program in Fiscal Year 1975; 14 in Fiscal Year 1976; and 10 in Fiscal Year 1977. There have been 18 different states which have not participated in at least one of the three fiscal years of the formula program.

For the majority of the states and territories determining whether to participate was a lengthy, complicated and controversial process.

In its January 15, 1977 status report, the National Conference made the following observation:

"The Act has been the focus of considerable controversy in the states since it was signed into law by the President on September 7, 1974. Clearly, it has had major impact in each state where it has forced administrators and legislators to consider just how far they were prepared philosophically, politically, and financially to go in changing traditional approaches to managing juvenile offenders. In few jurisdictions have the Act's mandates to deinstitutionalize status offenders and to separate adjudicated youthful offenders from adult detentioners met with philosophical opposition. But the unique combination of strong federal mandates that specific actions be taken with specified and brief periods of time and the creation of a federal assistance program that stresses state and local initiative in meeting delinquency problems within the respective jurisdictions of such units appear contradictory and have been problematic. Many states have found they could not politically comply with the above referenced requirements of the Act within the time constraints established. Money has been another important issue. In th tradition of previous federal juvenile justice initiatives and the LEAA program itself, the appropriations provided to meet the mandates of the Act have never been approved at the level authorized by Congress. Where existing or pending legislation in the states would support the deinstitutionalization and separation mandates, many states have found, again, that they could not within the specified time frame and under the federal resources provided create sufficient programs and facilities to provide alternative placement for juveniles."

The issues and problems confronted by states in considering the provisions and requirements of the Act hampered and delayed some states in imple-

mentation of the federal assistance program. Again, in its January 15 status report, the Conference noted:

"Arizona has applied for and received formula grant allocations under the Juvenile Justice and Delinquency Prevention Act since that federal assistance became available in Fiscal Year 1975; but Arizona has not spent any of the formula grant funds. Dean Cook, Deputy Director, Arizona SPA, said the state did not formally commit itself to the Act until earlier this month, being half in and half out of the program to that time. Cook said the Governo and the SPA have been hung up by certain requirements of the Act that are believed beyond the authority of the chief executive and the SPA to fulfill, among them, statewide coordination of 'existing juvenile delinquency programs and other related programs, such as education, health and welfare . . .' (Section 223(a)(10)). An additional 'hang-up' has been $5 to $6 million in 'hidden costs' identified as incident to bringing about compliance with the deinstitutionalization and separation requirements. There is currently a draft of a bill on deinstitutionalization of status offenders in the Arizona state legislature, but a key problem has been what to do with status offenders on they have been removed from institutions—if you implement the LEAA juvenile justice program, you have to have alternative shelter facilities, Cook said, 'and there isn't enough money'.

"Missouri also had, until recently, refused to expend its juvenile justice formula grant awards. In late December the Missouri supervisory board determined it was prepared to go forward with allocation of its juvenile justice funds. Jay Sondhi, Executive Director, Missouri SPA said his board has been reluctant to act on the formula grant allocations because of continuing uncertainty about the future of the juvenile justice programs and the natu and extent of the compliance requirements. . . ."

As a whole, the philosophy of deinstitutionalization and separation has met with unequivocable support in the states and territorial possessions. The progress of states participating in the federal assistance programs and of many states not participating towards meeting those objectives has been, in the opinion of the National Conference, marked. Some states which have not participated in the formula grant program may have accomplished more in meeting the twin objectives than some other states which have participated. Participation in the formula grant program, therefore, should not necessari be a measure of either support for the objectives or accomplishments in meeting them. The National Center for Juvenile Justice (Pittsburgh, Pennsylvania) which has conducted the most comprehensive analysis of the status of states on the deinstitutionalization and separation initiatives, based on data submitted in November 1976, indicates that twenty of forty-eight responding states were in compliance with the deinstitutionalization requirement as it relates to *adjudicated* status offenders and ten states as it relates to *alleged* status offenders (37 states were participating in the Act at the time of data collection by survey respondents; 48 states responded to t survey). On the separation requirement, 41 states were in compliance relating to *alleged* delinquents and 40 states on *adjudicated* delinquents. Twenty-six states, the National Center reports, indicated the existence of legislative activities or back-up plans regarding the deinstitutionalization and separation requirements.

The Center concludes in its draft report:

". . . it becomes apparent (from survey responses developed by Center respondents) that the majority of states that were not in compliance with one or both sections of the Act are gearing up for legislative activity or son other type of change which would bring the state closer to compliance (i.e., executive order, administrative action, etc.)."

In comparing the progress of the states in meeting the two objectives, the Center speculates:

". . . There has been a strong moral dilemma surrounding the issue of housing juveniles with adults in the same facility since the conception of the juvenile court system. Regardless of whether a state could provide for this separation: judges, probation officers, social workers and legislators have long been voicing strong objection to the placement of juvenile offenders adult institutions. The 'time was right', so to speak, for the implementation of the sections of the Act which refer to delinquent youth. The correctional system, for the most part, has been quick to respond and has lent itself to this separation. In addition, it has been economically feasible and possible to separate juveniles from adults with economic incentives.

"The status offense issue is, however, a more recent and philosophical one. There are strong advocates for and against not only the major issue of separating them from delinquents, but also the issues of who should provide services to this population and whether or not status offenders should come under the jurisdiction of the juvenile court. A recent poll of the respondents panel revealed that the status offender issue, and all of its ramifications, is an extremely important and intense item in the nation.

"Perhaps even more important than the philosophical concerns are the practical problems. In many states, the same juvenile correctional system deals with both populations, hence the two groups become less recognizable. An economic concern is what to do with the large institutions built 10–20 years ago to serve both populations; what about the staff. In some cases, construction of new facilities could produce two buildings, offering the same service under new names to two different populations; or new programs that are hastily or ill conceived, funded, staffed and evaluated. In rural areas the reply to the mandate to develop programs for status offenders is: planning by whom and alternatives to what."

In a separate survey of the impact of the Juvenile Justice Act on deinstitutionalization and separation objectives, the National Conference was told by states participating in the formula program and by others which have delayed or declined participation in that program, that the Juvenile Justice Act has provided "a stimulus to state action". In Maryland, the legislation provided "a legal backing" to pursuit of the deinstitutionalization and separation objectives and "moral suasion" to those officials who would have "rolled back" from those initiatives. In New York, the bill was "a catalyst" to new legislation and changes in regulations; and in Utah, a state that has declined participation in the program since its inception, "a good philosophy and a sound basis in thought."

In a survey conducted in the last week on the progress of states meeting the deinstitutionalization and separation objectives, the National Conference made the following findings.

In Maryland—Since January 1, 1974, Maryland has been in substantial compliance with LEAA requirement for deinstitutionalization of status offenders. On that date a state law went into effect that prohibited the detention and commitment of status offenders in secure facilities or in facilities. There is a mixing of status offenders and delinquents which is legal under the present Maryland statute. There is compliance with state statutes with one exception, i.e., in a rural resort jurisdiction, one juvenile judge has been detaining status offenders in jails and lock-ups, separate from adults, for short periods of time. This commingling of status offenders and delinquents is occurring in violation of state law. The state Juvenile Services Administration in conjunction with the SPA has developed a program to eliminate this problem. This program has not been implemented solely because of the reluctance of this one judge to comply.

Effective January 1, 1978, state law will go into effect which will prohibit detention of alleged delinquent youth in facilities used for adult or adjudicated delinquent youth. At the present time a number of rural jurisdictions continue to detain juveniles in adult jails. Where this practice occurs, the jail usually places juveniles in cells with other juveniles, and, in larger facilities, in separate blocks of cells. The SPA is actively working with state agencies and local units of government to eliminate the problem. It should be stressed, however, that in the most populous areas of the state the detention of juveniles is completely separate from that of adults. The detention of all juveniles in adult jails could be eliminated by January, 1978, provided that all local jurisdictions and juvenile court judges cooperate with plans that have been developed.

In Massachusetts—No status offenders are confined in institutions by administrative directive. Under a statutory provision, no alleged or adjudicated youth offenders are confined in the same institution as an adult offender. (Massachusetts is currently in full compliance.)

In Ohio—During 1975, 251 status offenders were confined in state correctional facilities. In 1977 the population of confined status offenders has been reduced to 82. Currently an analysis of the status of local institutions as regards the deinstitutionalization requirement is being completed. Ohio anticipates it will be in substantial compliance with the deinstitutionalization initiative at the state level by August 1978.

In September of 1975, 32 out of 88 counties in Ohio were in compliance with the separation requirement. By 1977, 45 of the counties were in compliance. There is currently legislation pending in Ohio which parallels the federal separation requirement and should sharply enhance local compliance subsequent to passage.

In Louisiana—Louisiana has made considerable progress toward meeting the provision of Section 223(a)(12). Following the state's initial participation in the Act, the Louisiana legislature passed a statute which prohibits status offenders from being committed to the Department of Corrections (Louisiana training institution) after January 1, 1976. Prior to this legislation, it was reported there were 451 status offenders committed to correctional facilities. Following the legislation passage, this figure was reduced to 213 in 1975, a 52.8 percent decrease. Louisiana's 1976 report to LEAA shows only 73 status offenders in correctional institutions on August 31, 1975, and 39 on August 31, 1976, a 46.6 percent decrease.

State legislation has also been enacted relative to status offenders being held in detention facilities. The state legislature prohibited status offenders from being held in detention after June 30, 1975. This date was later extended twice. However, the 1977 Legislature enacted a law which provided that after March 1, 1978 no status offenders could be held in detention. In the above referenced report to LEAA, there were 34 status offenders in detention on August 31, 1975. By August 31, 1976 there were only 19, a decrease of 44.1 percent.

Louisiana expects by August 1978 that it will be in substantial compliance. By 1989 it is hoped that full compliance can be achieved, an objective which is contingent upon the availability of additional program and service alternatives supported through adequate funding resources. Louisiana feels the greatest obstacle to full compliance is the lack of enough alternate facilities and programs. However, the state has not supported this major comprehensive program.

Regarding the separation requirement, the State of Louisiana has legislation extant that prohibits the incarceration of adult and youthful offenders in the same facilities. However, problems have been encountered regarding compliance due to the lack of alternatives for placement of youthful offenders. The SPA has established a jail monitoring system to assess compliance and to date has found few instances of violation. It is taking steps to resolve this problem area.

In New York—From 1975 to the present, detention of status offenders in secure facilities dropped; in Erie County, from 413 to 156, a reduction of 62 percent; in Monroe County from 445 to 216, 51 percent; in Onondaga County, from 280 to 260, seven percent; in Suffolk County, from 328 to 251, 23 percent, in Westchester County, from 290 to 0, 100 percent; in New York City, from 773 to 97, 87 percent; in the Highland Regional Detention Facility, from 66 to 0, 100 percent; for a total in all state-level correctional institutions (training schools) from 665 to 0, 100 percent.

In the State of New York, incarceration of youthful offenders with adults in institutions is prohibited by statute.

In Texas—The majority of the state's juvenile judges have signed judicial assurance forms agreeing to divert all status offenders from detention, stating certain exceptions. These assurances constitute the basis of the deinstitutionalization plan in Texas. Fiscal Year 1975 juvenile justice formula funds were used to develop three pilot projects located in a metropolitan area, a multi-county rural area, and one county of intermediate size. Based upon the experience gained from these pilot projects, the SPA has subgranted the balance of its Fiscal Year 1976, 1977 and 1978 funds. The majority of these funds were subgranted in July and September of this year. Therefore, the major impact in terms of a statistical reduction in deinstitutionalization will be felt in the last quarter of this Calendar Year and the next three quarters of Calendar Year 1978. On December 31, 1977 Texas will submit its annual monitoring report to the LEAA Administrator. It expects to show a significant reduction in the number of status offenders detained. To document compliance, Texas has developed a standardized juvenile justice data base through the Texas Judicial Council. Reliable data is available from January 1, 1976. All juvenile justice formula funds have been utilized for deinstitutionalization as well as $3 million in Crime Control Act block funds.

Texas expects that on August 31, 1978 it will have set in place the necessary plans, policy changes and programs to bring about deinstitutionalization in approximately 150 of the state's 254 counties, including all major population centers.

Texas judges that by August 31, 1978, it will be able to document substantial compliance. It is critical, however, that there be adequate federal funding, confidence in the stability of the LEAA program, and a clear understanding of what the final deadline really is for completion of the deinstitutionalization effort. Uncertainty regarding any of these three critical factors will have a serious impact on the ability of the SPA to negotiate firm and binding commitments with its subgrantees to achieve the objective.

In Texas contact between adults and juveniles in institutions is statutorily prohibited.

In Illinois—The Illinois Law Enforcement Commission (the SPA) staff and a committee on the juvenile justice advisory council are working closely to develop, implement and oversee a comprehensive monitoring strategy for the State of Illinois. They key element of this will be the monitoring of all jails, detention and correctional facilities by the Illinois Department of Corrections (IDOC). This will be initiated in the near future as the result of an LEAA special emphasis grant. The SPA and IDOC personnel have been working together to complete this grant and get the program implemented.

It appears as though Illinois has made substantial progress towards compliance with the requirements to deinstitutionalize status offenders and separate juveniles from adults. That is not to say that this has come about only as a result of the 1974 Juvenile Justice and Delinquency Prevention Act. Illinois has statutes requiring monitoring and separation and restricting secure holding of status offenders. In addition, other key actors in the Illinois juvenile justice system (e.g. judges and police officers) have provided important leadership in the movement to divert and deinstitutionalize juveniles who are not serious criminal-type offenders.

Illinois has used much of its juvenile justice formula grant money, as well as receiving special emphasis money under the Juvenile Justice Act to promote the deinstitutionalization of status offenders.

The National Conference has concluded from its analysis that considerable, reasonable and significant progress has been and continues to be made toward achievement of the two objectives especially in the context of the political, legislative, management and financial impact of those mandates. Although in many respects the initiation of actions to deinstitutionalize status offenders and separate youthful and adult offenders in institutions was catalyzed by passage of the legislation, the realization of the objectives was made difficult by the stringent and inflexible timeframe within which many jurisdictions adjudged compliance infeasible. This timeframe has been significantly and realistically amended under the 1977 amendments to the Act. To many jurisdictions the twin objectives were new. Legislative action would be required and perhaps resisted. Alternatives for placement of status offenders and delinquent youth were not available. Two years were insufficient for planning, financing and implementing the necessary placement alternatives. Moreover, passage of the Act itself was not followed by an appropriation at a level of federal financial assistance that would encourage those jursidictions which were hesitant to embark on these initiatives. Those states and territories which determined that full compliance with the Section 223(a)(12) mandate was not feasible within two year limitation, but which sought to undertake analysis and planning in advance of implementation, were forced to accommodate their concern by declining participation or severely slowing their normal rate of expenditure of LEAA funds accepted under the Juvenile Justice Act. This delaying action has severely effected the implementation of the Juvenile Justice Act, but it is not, in the opinion of the National Conference, a reflection of the progress such states have made in meeting the deinstitutionalization and separation objectives. The states have made considerable progress and, with extension of the compliance period, we believe we can look forward to substantial compliance by the majority of jurisdictions by August 31, 1978.

"Jail Monitoring"

Section 223(a)(14) of the Act requires that participants in the juvenile justice formula program must "provide for an adequate system of monitoring

jails, detention facilities, and correctional facilities to insure that the requirements of Section 223(a)(12) (deinstitutionalization) and (13) (separation) are met, and for annual reporting of the results of such monitoring to the Administrator (of LEAA). . . ."

The jail monitoring requirement has become one of the most administratively problematic and difficult provisions of the juvenile justice legislation. First, the Act charges the SPA with assuming itself or assuring responsibility for enforcing the deinstitutionalization and separation requirements. Many SPAs found themselves without sufficient authority to carry out such a responsibility not only at the state level but at the county and municipality level as well. Secondly, the monitoring mandate requires development of a comprehensive and sophisticated data base against which to assess state compliance with the deinstitutionalization and separation requirements. Although this is not an unreasonable requirements, it is one which requires money, people and time that states did not have. Thirdly, the monitoring provision itself resulted in the need for clear and concise definitions of the facilities covered in the deinstitutionalization and separation requirements. This has been a long, controversial and as yet uncompleted task. Fourthly, with the 1977 amendments of the Act including such non-offenders as neglected and dependent youth under these requirements, the numbers and types of facilities states will be required to monitor, have been greatly expanded. Even where deinstitutionalization and separation have not in fact been a problem, monitoring may become a significant one.

The full impact of the monitoring requirement will not be felt until the three year substantial compliance period is concluded on August 31, 1978. At that time the first hard look at status of the states will be taken. Until then, the states will continue to make progress towards developing ongoing mechanisms to ensure monitoring is conducted and an adequate analysis of progress is undertaken. LEAA has only just completed and submitted to the Office of Management and Budget formats to assist states in the development of such data for the August 31, 1978 deadline.

The requirements of the States and territories to meet the deinstitutionalization and separation requirements.

The National Conference submits the following statement of the Texas Criminal Justice Division (the Texas SPA):

"One overriding problem (in accompanying the deinstitutionalization objective) has been the realistic capability of the SPA to bring about a major shift in policy at all levels of state government, using a small amount of grant money as the only leverage to bring that policy about. For example, there are more than one thousand police departments, one hundred fifty probation departments, 165 juvenile courts in the State of Texas. The policy about status offenders in all of these jurisdictions must be changed. Again, the only leverage the SPA had is limited grant funds. The Texas Youth Council is profoundly effected; yet this agency operates under its own statutory mandate as the juvenile courts do. For example, the Texas Family Code provides that one test of whether or not to detain a juvenile is the determination of whether the juvenile is likely to abscond. This provision of the Family Code is clearly in conflict with Section 223(a)(12). At the same time the SPA has attempted to divert status offenders from institutions in Texas, state legislation has passed making it possible in its delinquency institutions. Prior to the last session of the legislature, the Youth Council could only place status offenders with dependent and neglected children. The courts were downgrading delinquent offenses to status offenses and sending these children with downgraded offenses to the Youth Council. In effect the Youth Council was getting delinquent children disguised as status offenders. The reason the courts had to do this was to qualify these children for programs not available to delinquent children in financially troubled counties.

The point is, in order to bring about deinstitutionalization, the SPA must first bring about major policy changes in more than one thousand cities, 250 counties, 165 judicial districts and at least one major state agency. Leverage to accomplish this is small; the timeframe short and state local statutes are often in conflict with what the SPA is intending to accomplish. In view of these constraints, it is clear that the SPA and LEAA will need to make a more realistic long-term funding commitment and above all will need to maintain a stable long-term deinstitutionalization program upon which all state and local jurisdictions may rely for funding and firm guidelines."

Conclusion

The National Conference thanks the Subcommittee for this opportunity to appear before it today.

NATIONAL CONFERENCE OF
STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS,
Washington, D.C., November 2, 1977.

MR. CLIFF VAUPEL,
Assistant Counsel, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR CLIFF:

On September 27, 1977, Mr. Richard N. Harris, Director of the Virginia Division of Justice and Crime Prevention, testified before the Subcommittee to Investigate Juvenile Delinquency on behalf of the National SPA Conference. Senator Culver asked Mr. Harris to provide him with information which would indicate how the National Conference kept the State Planning Agencies informed on other sources of federal money which might be applied to juvenile justice programming.

Mr. Harris provided you with some examples attached to his letter to you of October 17, 1977. Appended to this letter are additional examples which may prove interesting to the Senator.

If further comment or information relative to the juvenile justice program is desired, please let me know.

Sincerely,

RICHARD B. GELTMAN,
Assistant Director.

Attachments.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 27, 1975.
Subject: Legislative Developments.

I. APPROPRIATIONS

1976 Appropriations

President Ford's LEAA budget estimate and request to Congress for the first twelve months of FY 1976 was $769,784,000, a decline of 12.6% from the $880,581,000 appropriated by Congress for LEAA in FY 1975. On June 20, 1975 the House Appropriations Committee reported out favorably House bill H.R. 8121, the appropriations bill for State, Justice, Commerce and the Judiciary including appropriations for LEAA. A copy of the portion of the bill and House Report (H. Rept. 94-318) are attached. The House Appropriations Committee recommended an appropriation of $769,638,000, a sum $146,000 less than the Administration requested. This $146,000 reduction equals a $146,000 request that LEAA made for rental payments to the General Services Administration (GSA). Thus, the Committee recommended a total appropriation level almost identical to that which was requested by the Administration.

However, the Administration (see the Conference's February 3, 1975 *Bulletin*) had requested only $22,100,000 for LEEP and $0 for implementation of Title II of the Juvenile Justice and Delinquency Prevention Act (JJ & DP Act). The House Appropriations Committee recommended that LEEP be funded at the level of $40,000,000 and the JJ & DP Act be funded at the level of $40,000,000. To additional funds were recommended by the Committee to cover this additional $57,900,000 level of funding for these two items. Thus, if the Committee's recommendations were accepted, LEAA would have to find the $57,900,000 from other areas of its budget. As a result Part B and Part C funding may be drastically reduced in amount from the FY 1975 funding level. Part B and C funding may suffer first from the Administration reduced budget request and second from the attempt to cover the deficits in LEEP and JJ & DP Act audit categories.

It has been estimated that the $40,000,000 funding level would make an average of $400,000 available to each state under the formula grant provision of the JJ & DP Act. Some states might only receive $200,000 while others might get as much as $1,500,000. The Appropriations Committee was considering recommending a level of $75,000,000 for the JJ & DP Act, but Administration spokesmen indicated to the Committee that the states could not absorb that level of funding this year.

The Administration requested only $195,000,000 for the fifth quarter transition period extending from July 1, 1976 to September 30, 1976, which would result in a further percentage reduction in Part B funding. The House Appropriations Committee once again essentially accepted the Administration's funding level request by recommending $194,600,000 for the fifth "transition" quarter. The Committee said in its report: "The bill includes $194,960,000 for LEAA to carry out these programs *at essentially the same level* during the transition quarter (emphasis added)."

The full House is expected to consider H.R. 8121 today, June 26, 1975. The Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary was supposed to hold hearings on the Justice Appropriations this afternoon. However, the hearing was cancelled with no new date set. I still do not know whether Attorney General Levi, Deputy Attorney General Tyler or Pete Velde will testify on behalf of the LEAA budget request.

B. Continuing Resolution

Because it was evident that many FY 1976 appropriations bills would not be enacted by the beginning of the new fiscal year, Congress sent to the President House Joint Resolution 499 (H.J. Res. 499), which provided a continuing appropriations for FY 1976, on June 20, 1975.

C. Second Supplementary Appropriations Act of 1975

On June 12, 1975 the President signed into law P.L. 94-32 which among other actions appropriated $25,000,000 to LEAA for purposes of implementing the Juvenile Justice Act of 1974. OMB has still not released the money to LEAA.

II. SECURITY AND PRIVACY

Staff of the Subcommittees of the House and Senate Judiciary Committees dealing with criminal justice information systems bills have been able to work out a compromise between H.R. 61 and H.R. 62 and S. 1427 and S. 1428. The results of the compromise can be found in two "clean" bills filed yesterday, June 25, 1975. The new "clean" bills, H.R. 8227 in the House and S. 2008 in the Senate, will be subject to hearings on July 14 and 17 in the House and July 15 & 16 in the Senate. House staff feel it may be appropriate to file a written statement for the record. Senate staff feel a written statement and possib an oral statement addressing the state-oriented commission and dedication issues might be appropriate. A copy of S. 2008 can be found in the June 25, 1975 Congressional Record. Printed copies of the bills will not be available until June 30, 1975.

III. PRESIDENT'S CRIME MESSAGE

You have already been sent copies of the President's Crime Message. As of this writing the supporting legislation has yet to be filed with Congress or made available to the public. It is expected now that the legislation will n be filed until after the July 4th Congressional recess although Attorney General Levi had indicated earlier it would be filed by yesterday, June 25, 1975.

IV. FEDERAL RULES OF CRIMINAL PROCEDURE

The proposed rules contained in H.R. 6799 were approved by the full House on June 23, 1975, and sent to the Senate.

V. DRUGS—SAODAP

The Special Action Office of Drug Abuse Prevention is scheduled to expire on June 30, 1975. The Senate Committee on Public Welfare has favorably reported out S. 1608 extending SAODAP's life. It is now awaiting action by the Committee on Government Operations. A "clean" bill, H.R. 8150, has been reported out by the Subcommittee on Health and Environment of the House Committee on Interstate and Foreign Commerce. House Committee action is deemed imminent.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: August 1, 1975.
Subject: Legislative Developments.

I. APPROPRIATIONS

A. Continuing Resolution; P.L. 94–41

In the absence of an appropriation bill for Fiscal Year 1976 for numerous federal departments, Congress passed and the President signed H.J. Res. 499, now P.L. 94–41, providing for continuing appropriations for LEAA among other agencies until a FY 1976 appropriations bill is passed. The bill limits LEAA to the expenditure of funds at a rate not to exceed the rate of FY 1975 appropriations or of H.R. 8121 as proposed in the House, whichever is lower. In terms of impact right now, this means that SPAs will receive Part B funds at a rate no greater than that for FY 1975.

B. 1976 Appropriations

The House passed H.R. 8121 at the budget level requested by the Administration, $769 million. However, it increased LEEP funds by $17.9 million to $40 million and Juvenile Justice Act funds by $40 million to $40 million. The money for the two increases was to come out of the rest of the LEAA budget. During his testimony before the Senate Appropriations Subcommittee, Richard Velde indicated that the money for the increases would be taken from Part C and E funding.

The Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary referred H.R. 8121 to the full Senate Appropriations Committee for its consideration on July 23, 1975. On July 24, 1975, the Senate Appropriations Committee reported out H.R. 8121. The Committee's recommendations are found in S. Rept. 94–328, relevant portions of which are attached to this memorandum. The Senate recommended that LEAA receive $861,638,000. This figure represents the House recommendation of $769,638,000 plus $17 million additional for LEEP to raise the Administration's request to the $40 million of FY 1975 funding and $75 million for the Juvenile Justice Act. Thus the Senate Appropriation Committee's recommendation calls for an increase of $92 million over the Administration request and the House vote. The Senate version does not require any further dilution of the state share.

The full Senate can call-up H.R. 8121 for a vote at any time. However, having failed to act by noon today, the Senate is not expected to vote on H.R. 8121 until after it returns from its summer recess.

There is a slight chance that an amendment may be offered from the Senate floor to increase the LEAA appropriation, but it is not likely. Therefore, we can expect that the Senate will approve the $861,638,000 recommendation of the Appropriations Committee. A Senate-House conference will follow.

II. ADMINISTRATION PROPOSAL FOR REAUTHORIZATION OF THE CRIME CONTROL ACT

On July 29, 1975, the Administration's proposal for the reauthorization of the Crime Control Act was submitted on request by Senators Hruska and McClellan. I have included copies of the bill, S. 2212 entitled the Crime Control Act of 1976, among today's materials. Several requests for oversight hearings have been made, including one to the Senate Subcommittee on Criminal Laws and Procedures. Oversight hearings might begin in mid or late September or early October. Actual consideration and mark-up of S. 2212 would probably not occur until January or February at the earliest.

III. FEDERAL RULES OF CRIMINAL PROCEDURE

The House and Senate approved of differing versions of H.R. 6799 entitled the Federal Rules of Criminal Procedure Amendments Act. The bill went to conference and a compromise was reached. The Senate report is S. Rept. 94–336 and the House's is H. Rept. 94–414, dated July 28, 1975. On July 30, 1975, the Senate and the House concurred in the conference committee's recommendations and cleared the bill for White House approval.

IV. SECURITY AND PRIVACY (BILLS ON CRIMINAL JUSTICE INFORMATION SYSTEMS)

The Senate held hearings on S. 2008 on July 14 and 17. The House held hearings on H.R. 8227 on July 15 and 16. The Senate may proceed to mark-up shortly. The House may hold one additional day of hearings in September.

V. GUN CONTROL

The major gun control bills at this time appear to be the Administration's bill which was filed by Senator Fong on request, S. 2186, and two bills submitted by Senator Javits S.2152 and S. 2153.

VI. STATE COURT IMPROVEMENT ACT OF 1975

Representative Rodino filed on request H.R. 8967 which is almost identic to the State Court Improvement Act of 1975 written by the National Center for State Courts for the Conference of Chief Justices which has been distributed to all of you at an earlier date. The only changes in the bill are of a technical nature.

The Conference will encourage and assist states to utilize SPAs as "agents of change" to institutionalize criminal justice planning and reform the justice system beyond LEAA resources. A Conference analysis of state and local criminal justice planning institutionalization efforts to date will be completed shortly and the subject will highlight the Conference's Mid-Winter Meetir.

The Conference's long-range plan for MIS implementation will be executed, with major SPA installation efforts completed by July 31, 1977.

Police officer death benefits.—On September 27, 1976 President Ford signed Police Officer Death Benefit legislation (H.R. 366) providing $50,000 to survivors of a public safety officer killed in the line of duty. The law will apply to officers whose deaths occur on or after its date of passage. It will cover police, firemen, probation, parole, and judicial officers, as well as officers working within juvenile delinquency programs. LEAA will be the administering agency and Administrator Richard W. Velde says the agency plans to decentralize admin. tration of the program. He has asked SPAs to provide LEAA with suggestions on the agency or official within their respective states where such authority would most appropriately be placed. Draft regulations prepared by LEAA are currently undergoing internal clearance. SPAs will have an opportunity to review the regulations during the formal external clearance process.

Two other provisions of H.R. 366 (Victims of Crime Compensation and Peace Officer Life Insurance) were dropped by the House/Senate conference committee to be considered separately.

Public works appropriations bill.—H.R. 15194, a special $4 billion pub. works appropriations bill was passed by Congress on September 22, 1976. A presidential veto appears likely, and in this case, Congress is expected to try for a veto override. If enacted, the bill would enable state and local units of government to apply for construction funds for criminal justice system projects.

MIS implementation project.—Because staff resources for the MIS Implementation Project will be reduced to a minimal or maintenance level by July 31, 1977, the MIS Advisory Committee (chaired by Donald Nichols of the North Carolina SPA) has recommended and the Executive Committee has approved specific policies in three areas, as follows:

A *cut-off date of November 1, 1976* has been set for SPAs to notify the National Conference of intent to implement the Conference's MIS during the major implementation phase which terminates August 1, 1977. Workplan development for these states would have to begin by January 1, 1977.

The writing of the technical documentation for the existing MIS system will be given top priority by MIS staff.

All current staff resources available for non-implementation and non-documentation purposes will be dedicated to the further development or refi ment of the financial management, application, reference and validate subsystems.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: October 20, 1975.
Subject: Legislative Developments.

I. LEAA APPROPRIATIONS

Due to lack of agreement on the issue of the Panama Canal negotiations, the first Conference committee report was not accepted. The second Conference committee reported out new language on that one outstanding issue, H. Rept. 94–527, which was accepted in the House on October 7, 1975 and in the Senate on October 8, 1975. H.R. 8121 has been sent to the White House for action.

H.R. 8121 provides a twelve-month FY 1976 budget of $809,638,000 for LEAA. This represents the $769,638,000 Administration request for the Crime Control Act and $40 million for the Juvenile Justice Act. Of the $769,638,000, $40 million must go to funding LEEP. Since LEAA had requested only $22,100,000 for LEEP, LEAA must take $17.9 million from the rest of its budget to cover this budget item. In discussions with Dick Harris, Pete Velde has indicated that the states will have to absorb $6 million of the $17.9 million in Parts C and E allocations. LEAA will make budget reductions amounting to $11.9 million in the monies they control.

H.R. 8121 also provides for a three-month transition budget of $204,960,000. However, language was added in the joint explanatory statement of the first committee on Conference requiring $40 million of the amount to be provided for LEEP. This represents an increase of $29 million over the Administration request, providing LEEP with sufficient funding to last through the end of the 1976–1977 scholastic year. How this situation will be handled was covered in H. G. Weisman's memorandum to you of October 6, 1975. Mr. Velde has been requested to make decisions on this transition quarter as soon as possible, and officially notify the SPAs of their total FY 1976 fifteen-month allocations immediately thereafter.

II. REAUTHORIZATION OF THE CRIME CONTROL ACT

The Senate Judiciary Subcommittee on Criminal Laws and Procedures has held hearings on S. 2212 and related bills on October 2, 8 and 9. Additional hearings will be held on October 22 and November 4. The Subcommittee has heard testimony from the following individuals and agencies: Senators Beall, Morgan and Eagleton, Attorney General Levi, Governor Byrne of New Jersey representing the National Governors' Conference, Cal Ledbetter representing the National Conference of State Legislatures, Attorney General Slade Gordon of the State of Washington representing the Washington SPA and the National Association of Attorneys General, Richard Harris representing the National SPA Conference, Philip Elfstrom representing the National Association of Counties, Karl McFarland representing the National Association of Regional Councils, U. S. Representative Claude Pepper, Mayors Wes Wise of Dallas, Maynard Jackson of Atlanta and Harvey Sloane of Louisville representing the United States Conference of Mayors and the National League of Cities, Carroll Vance as District Attorney of Houston and Sheriff John Duffy of San Diego representing the National Sheriffs Association and the California Peace Officers Association. You have already been sent copies of Dick Harris' written statement on behalf of the Conference. Dick's oral remarks were abstracts from his written remarks.

Individuals testifying at future hearings are expected to be Pete Velde, Mayor Albert Holstede of Minneapolis and Governor Phillip Noel of Rhode Island. In addition to hearings on October 22 and 23, 1975 and November 4, 1975, Senator Kennedy may request an additional day of hearings on a bill he may file in the near future. Senator Kennedy's legislation is expected to put more emphasis on categorical grants, boost the share of funds received by the courts, and perhaps seek a two-year authorization extension.

We have no word yet on the intentions of the House Judiciary Subcommittee on Crime to hold hearings.

III. FEDERAL RULES OF CRIMINAL PROCEDURE

On October 7, 1975, Congress passed and sent to the White House for action S. 1549, a bill clarifying that non-suggestive line-up photographic and other identification made in compliance with the Constitution are admissible as evidence. The bill which would amend the new Federal Rules of Criminal Procedure will become effective fifteen days after the President's signature.

IV. SECURITY AND PRIVACY

A. Criminal justice information bills

The House Judiciary Subcommittee on Civil and Constitutional Rights is no longer considering H.R. 8227 as its major bill. Instead the Subcommittee has drafted a new print of H.R. 61 dated October 6, 1975. The print strikes any federal advisory or regulatory commission, prohibits requiring dedication, and specifically delineates the powers of the FBI. The FBI is authorized to main-

tain criminal histories on federal offenders and indexes on multi-state offenders, but is not authorized to maintain criminal histories on any state offenders. The FBI is prohibited from operating a multi-state message switching system.

The Senate Judiciary Subcommittee on Constitutional Rights is now working with the Jupiter print of S.2008. It is substantially the same as the original bill, but it too would prohibit requiring dedication.

Both Subcommittees are working diligently to have bills before their full Committees by year's end.

B. Department of Justice regulations on criminal justice information systems

You have received two documents indicating that changes will be made in the "dedication" requirement. In the first document, a letter from James Johnson of the National Governors' Conference to Governor Wendell R. Anderson, dated September 26, 1975, Mr. Johnson said on Page 2:

". . . But the officials (Deputy Attorney General Tyler and Pete Velde) assured Governor Bond that 'dedication' did not mean imposition on the States of specific methods of data processing as might be inferred in the traditional sense.

"Given this, LEAA is apparently prepared to accept and approve State criminal justice information system plans which do not contain 'dedicated systems.' You may wish to consider this in submitting your plan as best serves your State needs. In the event you have already submitted a plan containing a 'dedicated' component, contrary to your desires, under threat of violating the regulations, you may wish to forward appropriate amendments to LEAA."

Unfortunately, my latest information is that the agreement between the National Governor's Conference and the Department of Justice may not have yet been communicated or fully understood by the lower echelons of LEAA or Public Services, Inc. (PSI), the contractor who has been hired to provide technical assistance to the states in drafting their plans. You may find the need to educate these people of the latest developments.

You have also been sent copies of a draft of a proposed regulation striking the dedication requirement from the current regulations. I have been told that a slightly revised version should appear in the Federal Register in the next four to five days.

C. Meeting with Vice President Rockefeller on security and privacy

I have had no further word when the meeting will be held.

V. LIMITATIONS ON MEDICAL EXPERIMENTATION

The House Judiciary's Subcommittee on Courts, Civil Liberties and the Administration of Justice held hearings on H.R. 3603 which would limit the use of prison inmates in medical research. Programs funded by LEAA would be affected. The Subcommittee on September 29, 1975, heard testimony from representatives of the HEW, the Food and Drug Administration (FDA), the National Institutes of Health (NIH), the Alcohol, Drug Abuse and Mental Health Administration and public witnesses. No further hearings are presently scheduled. The record is open until October 30, 1975.

VI. LOBBYING

Both the House and Senate are actively working on bills to regulate lobbying. The major bills appear to be H.R. 15 and H.R. 1734 before the House Judicia: Subcommittee on Administrative Law and Government Regulations which held hearings between September 19, 1975 and September 23, 1975. The record closed on October 7, 1975. The major bill in the Senate now appears to be S. 2477 before the Senate Government Operations Committee. All the bills would require some kind of reporting from associations, like the National Conference which represent State and local governmental agencies before Congress and federal executive agencies. The National Governors' Conference, the United States Conference of Mayors, National League of Cities and the National Association of Counties have all provided testimony to the Committees. Dick Harr submitted a written statement on October 7, 1975 to the appropriate House and Senate Subcommittees on the impact of the bills on the National Conference. The National Governors' Conference is closely following the bills and making recommendations for amendments.

VII. POLICE DEATH BENEFITS

The House Judiciary Subcommittee on Immigration, Citizenship and International Law held hearings on H.R. 365, 366, and 3544 on police officer death benefits bills. The record is open for comments until October 24, 1975. Further hearings may be held after Congress returns from its recess on October 20, 1975. Two bills on immigration have precedence over a death benefits bill. Testimony has been given by the Department of Justice, police and firemen representatives.

VIII. GUN CONTROL

The House Judiciary Subcommittee on Crime has concluded its hearings on gun control bills. The Subcommittee is expected to begin mark-up on Wednesday, October 22, 1975. The major bills being considered are H.R. 9780 (Conyers), H.R. 9763 (McClory) and H.R. 9022 (Administration).

The Senate Government Operations Committee has held hearings on problems of presidential protection and federal firearms control. The testimony has been directed at S.2152, S.2166, and H.R. 1244. Further hearings are likely but unscheduled.

IX. VICTIMS OF CRIME LEGISLATION

The House Judiciary Subcommittee on Criminal Justice will hold hearings on October 28, 1975 and November 4, 1975 on H.R. 287, 598, 1449, 1903, 2748, 8753, 9074 (Rodino) and 3907 (Administration). The bills would have the federal government contribute to State victim compensation programs. It is expected that the sponsors of the bills, the Department of Justice and the ABA will testify. Individual States which already have such programs may want to testify in order to explain how their programs operate and discuss the impact new legislation might have on current operations.

X. NOMINATION

On Wednesday, September 24, 1975, the President sent to the Senate the name of Milton L. Luger of New York to be an Assistant Administrator of LEAA. He would be the head of the Office of Juvenile Justice and Delinquency Prevention, replacing Fred Nader, who has been serving as the Acting Assistant Administrator. Mr. Luger was formerly the Commissioner of Youth Services for the State of New York.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: September 22, 1975.
Subject: Legislative Developments.

I. LEAA APPROPRIATIONS

The Conference Committee, composed of Senators Pastore, McClellan, Mansfield, Hollings, Magnuson, Eagleton, Johnston, Huddleston, Sparkman, Hruska, Fong, Brooke, Hatfield, Stevens, and Young and Representatives Slack, Neal Smith, Flynt, Burke, Mahon, Cederberg, and Mark Andrews met on September 18, 1975 and agreed upon the contents of H.R. 8121 and an LEAA appropriation level of $809,638,000 for FY 1976. This represents an addition of $40 million for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974 and an increase of $17.9 million for LEEP, bringing LEEP up to $40 million for FY 1976, the same amount as for FY 1975. The $17.9 million increase for LEEP must be obtained somewhere from the Administration's original budget figures of $769,638,000. This may mean a further reduction in the Part C and E block grant figures you have been utilizing for your FY 1976 comprehensive plans.

The full House is expected to vote on the Conference Committee's report, H Rept. 94–495, on September 23, 1975; the Senate is expected to vote immediately thereafter. The SPAs will not have final word on monies available until after the President acts on the bill, LEAA makes a determination where in the budget to take $17.9 million, and OMB makes a decision to release all or part of the money.

II. REAUTHORIZATION OF THE CRIME CONTROL ACT

The Senate Judiciary's Subcommittee on Criminal Laws and Procedures will hold hearings chaired by Senator Hruska on reauthorization of the Crime Control Act and oversight of LEAA. Bills covered by the hearing include S.460, S.1297, S.1598, S.1601, S.1875, S.2212, and S.2245. The first three days of hearings will be held on October 2, 8, and 9. Dick Harris, as chairman of the National Conference, has been invited to testify, probably on October 8, 1975. Approximately 25 other individuals have also been invited. These individuals represent: public interest groups; parts of the system like police, court and correctional agencies and associations; GAO and ACIR; and other interested persons. The Justice Department and Senators of proposed bills will likely testify on October 2. An additional three to five days of hearings may be held extending into November, depending on the numbers of individuals wanting to testify. The House still looks like it may not act until after the first of the year. No oversight hearings by other committees have been scheduled to date.

Members of the Senate Subcommittee are Senators McClellan, Hart, Eastland, Kennedy, Byrd (W. Va.), Hruska, Scott (Pa.), Thurmond and Scott (Va.)

III. FEDERAL RULES OF CRIMINAL PROCEDURE

The President signed H.R. 6799 into law on July 31, 1975. It is now P.L. 94–64, 89 Stat. 370.

IV. SECURITY AND PRIVACY (BILLS ON CRIMINAL JUSTICE INFORMATION SYSTEMS)

A. The House Judiciary's Subcommittee on Civil and Constitutional Rights held one hearing on September 5, 1975 on H.R. 8227. The Department of Defense and Richard Harris as Virginia SPA director and Conference chairman were asked to speak. It is still unclear what the next Congressional action may be. Representative Edwards, chairman of the House Subcommittee, is considering holding further hearings on message switching, nationally maintained criminal histories and indexes, NCIC and possibly domestic intelligence gathering. Doubt as to whether a regulatory commission is necessary has been raised by Mr. Edwards.

B. The National Governors' Conference, the National Association of Counties and the National Conference of State Legislatures have asked Vice President Rockefeller to meet with them to discuss the dedication requirement found in the Department of Justice security and privacy regulations. An official invitation from the Vice President is expected in the next week. Meanwhile, a delegation of these groups has met with Deputy Attorney General Tyler who seems to have been receptive to some administrative interpretations which would minimize the dedication burden. Official word of this interpretation is expected.

V. GUN CONTROL

Several further days of hearings are planned by the House Judiciary's Subcommittee on Crime before several bills are chosen for mark-up. Consideration of these bills may proceed into November.

VI. DRUGS-SAODAP

The Senate on June 26, 1975, and the House on September 11, 1975, have passed different versions of S. 2017 which would bring the Special Actions Office of Drug Prevention back to life. (It expired on June 30, 1975.)

VII. COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1975

The Congress overrode President Ford's veto on July 29, 1975 enacting P.L. 94–63. Title III, with the above title, amended the Community Mental Health Centers Act by adding Title II Part D, entitled "Rape Prevention and Control". Part B authorizes the establishment of a National Center for the Prevention and Control of Rape within the National Institute of Mental Health. The Center may study the causes of rape and the effectiveness of programs and law. It may also provide grants for the prevention and control of rape.

VIII. IMPLEMENTATION OF JUVENILE JUSTICE ACT WITH FY 1975 FUNDS

The following ten (10) SPAs decided not to apply for FY 1975 JJDPA formula grant funds: Rhode Island, Oklahoma, Utah, Wyoming, West Virginia, Alabama, American Samoa, Colorado, Hawaii and Kansas.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: January 15, 1976.
Subject: Legislative Developments.

On December 19, 1975, the U. S. House and U. S. Senate adjourned the first session of the 94th Congress with the second session scheduled to commence January 19, 1976.

I. LEAA APPROPRIATIONS

A. Fiscal year 1976 Juvenile Justice and Delinquency Prevention Act Appropriations

As you know Congress appropriated $40 million of the $809 million of the FY 1976 LEAA budget for implementation of the Juvenile Justice and Delinquency Prevention Act. The President signed the bill into law, P.L. 94–121, on October 21, 1975. Now, the President appears to be having second thoughts. It is expected that on or about January 19, 1976, the President will submit a deferral request with Congress asking Congress to defer the expenditure of some $10–20 million of the $40 million JJDP Act appropriations. It will then be up to one or the other houses of Congress to pass an impoundment message disapproving of the proposed deferral in order for the money to be made available for obligation. It is my impression that Congress has no deadline within which to act.

B. Fiscal year 1977 LEAA Appropriations

The President's Budget message is expected to be submitted to Congress on or about January 20, 1976. It does not appear likely that the program will even do as well in Fiscal Year 1977 as it did in Fiscal Year 1976. Because the Administration is cutting the budget back in all areas, it deems it possible to achieve a reduction in the budget of $25 million to $28 million for FY 1977.

II. REAUTHORIZATION OF THE CRIME CONTROL ACT

A. Senate—Judiciary Subcommittee on Criminal Laws and Procedures

One more day of hearings is expected. Senator Kennedy had scheduled a hearing for December 9, 1975, on urban court congestion that had to be cancelled due to the full Judiciary Committee's hearings on the confirmation of Justice Stevens. Senator Kennedy has asked that the cancelled hearing be rescheduled for February 20, 1976, but this day may be moved up so that the Subcommittee can move on the reauthorization legislation more expeditiously. Even if the final day of hearings is not until February 20, the Subcommittee staff may begin working on a mark-up bill before then.

It is expected that Senator Kennedy will introduce a bill reauthorizing the Crime Control Act, but with a greater emphasis on court funding, sometime around February 2, 1976. It is not clear whether the final day of hearings requested by Senator Kennedy will address specifically the problem of court congestion or the bill to be introduced.

On December 4, 1975, the Subcommittee heard from Walter H. McLaughin, Chief Justice of the Massachusetts Superior Court, Justice Harold Birns of the New York State Supreme Court, Police Commissioner Michael Codd of the New York City Police Department, Jane Huntington a rape victim from Boston, Marsh Manson, an ex-offender from Detroit, and Nathaniel Caldwell, an ex-offender from New York City and a staff member of the Manhattan Court Employment Project.

The National Conference has testified on this matter and will maintain a continuing flow of background information to the Subcommittee.

B. House—Judiciary Subcommittee on Crime

The House has yet to set a definite date for hearings on reauthorization. It is not expected that such hearings will be set before February 1, 1976. The National Conference can anticipate being asked to testify.

III. REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDPA)

As I indicated in my memorandum of December 29, 1975, requesting your comments on possible proposed amendments to the JJDPA, the Administration is required to develop a reauthorization bill for the JJDPA during the next four

months. LEAA has now begun drafting amendments, taking suggestions from LEAA staff. On February 12, 1976, LEAA has called a meeting of the Advisory Commission on Intergovernmental Relations, the six major Public Interest Groups (PIGs) and the National Conference, to discuss our ideas on what should be incorporated in a reauthorization bill. Any comments or proposals you have should be conveyed to me as soon as possible to enable me to see that your ideas are considered in a possible National Conference position and/or LEAA draft bill.

IV. DEPUTY ADMINISTRATORS FOR LEAA

Several individuals and news reports have said that the Administration has decided on two candidates to fill the vacant Deputy Administrator positions. No official announcement has been made while background investigations are being conducted. However, it is expected that Chief Justice Henry F. McQuade of the Idaho Supreme Court will be nominated for the position of Deputy Administrator for Policy Development and Paul K. Wormeli, Esquire of Public Services, Inc., will be nominated for the position of Deputy Administrator for Administration.

V. FEDERAL RULES OF CRIMINAL PROCEDURE

A bill making further technical amendments to the Federal Rules of Criminal Procedure was sent to the President and signed into law on December 12, 1975, becoming P.L. 94–149.

VI. SECURITY AND PRIVACY

A. Criminal Justice information bills

(1) The Senate Judiciary Subcommittee on Constitutional Rights is still working with the Jupiter print of S.2008. To the best of my knowledge, there are no further hearings presently scheduled, and no immediate plans to mark-up and report out a final version of the security and privacy bill.

(2) The House Judiciary Subcommittee on Civil and Constitutional Rights is now working with a December 1, 1975 print of H.R. 61 as a draft. Further consideration of the bill is awaiting related hearings on FBI oversight, the first day of which is expected to be February 3, 1976, when Attorney General Levi and FBI Director Kelly have been invited to testify. The hearings will focus on the development of guidelines for the operation of the FBI, some of which will relate to the purpose and appropriate role of the FBI in areas such as message switching, operation of NCIC and domestic intelligence. Some limitations on FBI operations in these areas are found in the December 1, 1975 print.

It is not clear how long it will take for the Subcommittee to report out a security and privacy bill. How quickly something is reported out may depend on the information obtained in the hearings and the operational experience states have had under the LEAA security and privacy regulations.

The National Conference may be asked to testify further on these matters.

B. LEAA regulations on statistical and research information

LEAA held a day of hearings on October 16, 1975, and received written testimony from the Arizona SPA, the Hawaii SPA, the Maryland SPA, the New Hampshire SPA, the New Mexico SPA and the Vermont SPA. A subsequent meeting to provide advice on redrafting was held on January 8, 1976. The National Conference attended and participated on behalf of the SPAs. Final regulations are expected by February 2, 1976.

C. LEAA security and privacy regulations

LEAA held hearings on both the dedication issue and the access and dissemination issues, receiving testimony from a large number of respondents. It is not clear how long it will be before final regulations are promulgated by LEAA.

VII. LIMITATIONS OF MEDICAL EXPERIMENTATION

H.R. 3603 would limit the use of prison inmates in medical research; effected would be LEAA programs. The House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice has concluded its hearings but is not expected to go to mark-up until March. The National Conference has had no involvement with this bill.

VIII. POLICE OFFICER DEATH BENEFITS

The House Judiciary Subcommittee on Citizenship, Immigration, and International Law voted out favorably H.R. 366, which would provide up to $50,000 gratuity to the survivors of police officers killed in the line of duty, on November 6, 1975. If the bill was enacted, LEAA would administer the program. The full Judiciary Committee has not yet established its schedule so it is not clear when the bill will be considered, although the bill is identified with the Subcommittee Chairman and may, therefore, be given high priority. The National Conference has taken no position with regard to this bill or provided any testimony.

IX. GUN CONTROL

The Senate Judiciary Subcommittee on Juvenile Delinquency has ordered reported out legislation that would ban the sale of cheap, easily concealable handguns and require mandatory sentences for crimes committed with firearms. The bill sponsored by Birch Bayh, known as the Handgun Control Act of 1975, will probably not receive immediate attention from the full Judiciary Committee.

The House Judiciary Subcommittee on Crime has also reported out legislation that would tighten up loopholes on the 1968 law and require stiffer penalties for crimes committed with a firearm. H.R. 11193, however, is expected to be only one of a number of alternatives that will be examined by the full Committee. No immediate action by the full Committee is expected.

X. LOBBYING

The full Senate Government Operations Committee staff has concluded a final draft of a marked-up bill which will be ready for examination by Committee members on their return from adjournment.

The staff of the House Judiciary Subcommittee on Administrative Law and Government Regulations has also concluded a final draft.

Neither bill presently is numbered or generally available. The National Conference did provide information on the impact of lobbying registration bills on the National Conference and SPAs to the Chairman of the respective Senate Committee and House Subcommittee.

XI. VICTIMS OF CRIME LEGISLATION

The House Judiciary Subcommittee on Criminal Justice has held several days of hearings on a variety of victims of crime compensation bills. The Subcommittee expects to hold two more days of hearings in February. The proposed witnesses would be administrators of state operated victims of crime compensation programs. The main issue appears to be whether there ought to be a law which provides for compensation for federal crime victims, state crime victims compensated through a state administered program, or a program which will provide for both. The Subcommittee will probably not report out a bill any earlier than March. The National Conference has taken no active role in this area.

The Senate is awaiting House action before it moves on this matter.

XII. NONSUGGESTIVE IDENTIFICATIONS

The President signed into law P.L. 94–113, which makes clear that nonsuggestive lineup, photographic and other identification made in compliance with the Constitution are admissible as evidence, on October 16, 1975.

XIII. CONFIRMATIONS

The Senate confirmed Milton L. Luger to be the Assistant Administrator of LEAA's Office of Juvenile Justice and Delinquency Prevention on November 11, 1975. Joseph Nardoza was confirmed by the Senate as a member of the U. S. Board of Parole on November 17, 1975. Now operating as acting chief of the Office of Regional Operations is Robert Grimes, the Regional Administrator of LEAA Region VI.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: March 15, 1976.
Subject: Legislative Developments.

I. LEAA APPROPRIATIONS

See the attached memorandum from Robert Flowers to the Executive Committee dated March 15, 1976.

II. REAUTHORIZATION OF THE CRIME CONTROL ACT

See Robert Flowers' memorandum of the same date.

III. REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

See the above-referenced memorandum.

IV. DEPUTY ADMINISTRATORS FOR LEAA

Justice Henry McQuade and Paul Wormeli were nominated for the two Deputy Administrator positions on January 27, 1976. Confirmation hearings have been held. No problems with the nominations are expected.

V. GUN CONTROL

A. House

H.R. 11193 was reported out favorably by the House Judiciary Subcommittee on Crime. On March 2, 1976 the Judiciary Committee referred the bill back to the Subcommittee which is expected to kill gun control for the year.

B. Senate

No immediate activity is expected in the Senate.

VI. VICTIMS OF CRIME LEGISLATION

A. House

The House Judiciary Subcommittee on Criminal Justice has concluded its hearings on victims of crime compensation bills. The first day of mark-up is scheduled for March 11, 1976. The Subcommittee members at their first meeting will make the primary decisions—whether they want any bill and if so what basic approach to follow.

B. Senate

The Senate Judiciary Subcommittee on Criminal Laws and Procedures is not expected to hold any hearings on the subject matter. They feel that a record has been made in previous Congresses. The Subcommittee will first conclude action on the criminal code revision and LEAA reauthorization before dealing with this subject. They will also have the opportunity to see what the House has done.

VII. DRUGS

The House and Senate have come to an agreement on S.2017 extending the life of the Special Action Office on Drug Abuse Prevention. The bill was cleared for presidential action on March 4, 1976.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: April 1, 1976.
Subject: Proposed Change in the Formula Used by HEW to Allot Funds States for Drug Abuse Prevention.

HEW has proposed new regulations for the formulas to be used for the allocation of drug abuse prevention funds. The proposed regulations are attached for your information. Comments are due to HEW by April 19, 1976.

If you feel that this ought to be an area of greater National Conference involvement, please let Hank Weisman know.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: May 19, 1976.
Subject: Proposed HEW Regulations on Programs for Prevention of and Early Intervention in Alcohol and Drug Abuse.

Comments on the proposed regulations attached to this notice must be made to: National Alcohol and Drug Education Program, U. S. Office of Education, Room 2049, Federal Office Building 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202 by 4:00 p.m. on June 17, 1976.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: July 13, 1976.
Subject: Modification of HEW Regulations Relative to the Distribution of Methadone.

Attached for your information is a copy of revised regulations promulgated by the Food and Drug Administration of the U. S. Department of Health, Education and Welfare, appearing in the July 9, 1976 *Federal Register*.

You will be interested in the material since it changes the ground rules for use of methadone for both detoxification and maintenance.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: July 30, 1976.
Subject: Legislative Developments.

I. REAUTHORIZATION OF THE CRIME CONTROL ACT OF 1973

A. Senate—Bill S.2212

The Senate passed S.2221 on July 26, 1976. Under separate cover you will receive a list of amendments proposed on the Senate floor. The final vote on the bill was 87–2.

B. House—Bill H.R. 13636

The House is not now expected to reach the bill until at the earliest the week of August 9 but more likely the week of August 23. Possible House floor amendments were included in the memo of July 15, 1976.

II. FISCAL YEAR 1977 APPROPRIATIONS FOR LEAA

The President signed H.R. 14239 appropriating $853 million to LEAA on Wednesday, July 14, 1976. You were sent LEAA breakouts by a special bulletin dated July 6, 1976. Revisions to that breakdown can be expected subsequent to final action by Congress on the reauthorization of LEAA.

III. DEPUTY ADMINISTRATORS OF LEAA

The nominations of Henry McQuade as Deputy for Program and Paul Wormeli as Deputy for Administration were confirmed on March 26, 1976. They were sworn in on April 6, 1976.

IV. REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Administration submitted to Congress its version of a reauthorization bill on May 14, 1976. However, no Senator or Representative has yet to file that or any other reauthorization bill. No hearings have been scheduled.

V. GUN CONTROL

The House Judiciary Committee received an amended version of H.R. 11193. After further amendment and weakening, the House Judiciary Committee reported out the bill to the full House (H. Rept. 94–1103), entitled the Federal Firearms Act of 1975. No date has been set for consideration of the bill on the House floor. None of the Senate Committees with jurisdiction over gun control have reported out a bill. Therefore, a bill is not expected out of Congress this session.

VI. VICTIMS OF CRIME

A. The House Judiciary Subcommittee on Criminal Justice approved on April 2, 1976 a revised version of H.R. 9074 which was reported out on April 9, 1976 as H.R. 13158 entitled the "Victims of Crime Act of 1976." The bill would reimburse a state for 50% of a program it had established. Payments would be for hospital bills and other proximate out-of-pocket expenses but would not include compensation for pain and suffering nor administrative costs of the program. The federal program would be operated by a three person federal commission.

B. A Senate bill has not been reported out by the Judiciary Committee. However, on July 19, 1976, the Senate amended on the floor H.R. 366 to provide for a program of federal reimbursement for victims of violent crime. The amendment would enable a victim of violent crimes under federal jurisdictions to receive up to $50,000, which would include compensation for medical bills, out-of-pocket expenses, and property damage. The federal program would be operated by a three person federal commission. The amendment would also authorize states to expend Crime Control Act funds for victims compensation programs under criteria established by LEAA, provided the states had enacted legislation of general applicability within the states establishing state vitcim compensation funds. State administrative costs could be covered.

VII. DRUGS

A. The President signed into law S.2017, now P.L. 94–237, continuing the Office of Drug Abuse Policy in the Executive Office of the President. The bill was signed into law March 19, 1976.

B. The House Committee on Rules reported out H. Res. 1350 (H. Rept. 94–1325) providing for the establishment of a Select Committee on Narcotics Abuse and Control on June 30, 1976.

VIII. BENEFITS TO POLICE OFFICERS AND THEIR FAMILIES

A. The House passed H.R. 366 entitled the Public Safety Officers Benefit Act of 1976 by a vote of 199–93 on April 30, 1976. The bill would pay $50,000 to the family of any police officer who died in the line-of-duty. The benefits would be retroactive to 1972. The program would be administered by LEAA. This bill is opposed by the Administration because of the retroactive provision and that the families of officers who died for any reason during duty would be compensated.

The Senate Judiciary Committee reported out H.R. 366, formerly S.2572, (S. Rept. 94–816) on May 5, 1976. The bill was passed by the Senate on July 19, 1976 by a vote of 80 to 4. The Senate Judiciary Committee bill would compensate families $50.000 for officers killed in the line-of-duty. The bill would not be retroactive. It, too, would be administered by LEAA.

B. The Senate Judiciary Committee reported out S.230 (S. Rept. 94–823) entitled the "Public Safety Officers' Group Life Insurance Act" on May 5, 1976. On July 19, 1976, the bill as an amendment was added on the Senate floor to H.R. 366 on a vote of 62–17. The program would be patterned after the G.I. insurance program. The Federal Government is liable for up to one-third of the insurance premiums. The state, localities and police officers would pay the rest. The program would be administered by LEAA. No House action is expected this Congressional session. The Administration will likely oppose this measure.

C. The Senate Labor and Public Welfare Committee reported out S.972 (S Rept. 94–822) entitled "Public Safety Officers' Memorial Scholarship Act" on May 12, 1976. It would provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties. The program would be administered by HEW. No action is expected by the House this year.

IX. BUDGET RESOLUTION

The First Concurrent Resolution on the Budget for Fiscal Year 1977 (S. Con Res. 109) was agreed upon by both Houses by May 13, 1976. A $3.4 billion authorization ceiling was established for the law enforcement and justice functional category (750), large enough to permit the $753 million appropriation figure for LEAA.

X. LEAA REPROGRAMMING

LEAA got Congressional permission to reprogram $5.2 million for the use of security programs at the two national political conventions. The National Conference protested this action by a letter to Deputy Attorney General Tyler asking him to reverse the Department's decision to go forward.

XI. INDIANS

The President signed into law P.L. 94–297, formerly S.2129, which provides for the definition and punishment of certain crimes in accordance with federal laws in force within the special maritime and territorial jurisdiction of the U.S. when the crimes are committed by an Indian in order to ensure equal treatment for Indian and non-Indian offenders.

XII. CRIMINAL RULES OF PROCEDURE

The President signed into law P.L. 94–349, formerly H.R. 13899, on July 8, 1976. The bill delays the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the U.S. Supreme Court.

XIII. LOBBYING BILLS

A. The Senate passed S.2477 on June 15, 1976 by a vote of 82–9. The provisions of the bill would require the National Conference and the National Governors' Conference to register and periodically to report.

B. The House Judiciary Subcommittee on Administrative Law and Governmental Relations approved H.R. 15 on July 26, 1976 and reported it out to the full Judiciary Committee. It might require the National Conference, the National Governors' Conference and the Washington offices of individual states to register and report. After getting approval from the Judiciary Committee, the bill will then be referred to the House Committee on Standards of Conduct (the Ethics Committee) for its review.

A bill is expected to be passed by both Houses of Congress this session.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: August 11, 1976.
Subject: OMB Circular No. A–111 Entitled "Jointly Funded Assistance to State and Local Governments and Nonprofit Organizations."

Enclosed for your information is a copy of the new OMB No. A–111 Circular which has been taken from the July 30, 1976 *Federal Register*. The new circular replaces the previous OMB memorandum establishing the "Integrated Grant Administration Program."

The LEAA program will be covered by the circular. LEAA is obligated to assure implementation of the circular through internal directive or regulation by October 28, 1976. Allan Payne of LEAA's Office of Operations indicated that LEAA will be forthcoming with instructions within the near future.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: September 3, 1976.
Subject: HUD Community Development Block Grants.

For your information I have attached a copy of revised regulations of the Department of Housing and Urban Development on Community Development Block Grants published in the *Federal Register* on September 1. The regulations were promulgated under Title I of the Housing and Community Development Act of 1974.

You should note that Section 570.200(a)(8) entitled "Eligible Activities" indicates that block grants can be used for "provision of public services which are directed toward improving the community's public services and facilities, including those concerned with . . . crime prevention . . . (and) drug abuse . . ." This is obviously another source of federal money which SPAs may want to track carefully.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: October 1, 1976.
Subject: Public Safety Officers Benefits Act of 1976.

On September 27, 1976 President Ford signed the Public Safety Officers Death Benefits Act of 1976. Attached for your information is the Conference report which sets out the bill accompanied by a joint explanatory statement of the Committee of Conference's action.

As indicated in the National Conference's *Bulletin* Number 36 dated September 28, 1976, Pete Velde has indicated that he will attempt to decentralize the administration of this new program.

Feel free to call upon me with any questions you may have, and I will attempt to get answers from LEAA as soon as possible.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: October 12, 1976.
Subject: Legal Services Corporation Regulations.

On June 15 I distributed to you draft regulations of the Legal Services Corporation which dealt with the subjects of: (1) use of legal assistance funds for representation in criminal proceedings; (2) provision of legal assistance to juveniles; and (3) representation in actions collaterally attacking criminal convictions. I am attaching a copy of the final regulations printed in the September 10, 1976 *Federal Register*, which become effective today, because the regulatic s define the limits of permissible Legal Services Corporation resource expenditure and by implication where Crime Control Act funds might begin.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: October 18, 1976.
Subject: Public Works Employment Act.

Attached for your information is a copy of a notice from today's *Fede. Register* which announces that applications for the Title I construction program pursuant to the above Act will begin to be accepted at the EDA Regional Offices on October 26, 1976.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: November 2, 1976.
Subject: Regulation on National Alcohol and Drug Abuse Prevention Program.

Attached for your information is a copy of the final regulation on the abo stated program promulgated by the Office of Education of the U. S. Departmen of Health Education and Welfare as published in the *Federal Register* o October 27, 1976. The regulation takes effect forty-five days from the date o promulgation unless Congress intervenes.

The regulations provide for the funds to be used for primarily targeting o children in primary and secondary schools. The major administrative responsi bility is placed with the State-level education department. Any role for the SP or the SSA (Single State Agency responsible for drug-coordination) is tot discretionary with the State education department.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: January 18, 1977.
Subject: HEW Proposed Regulations on Grants for Drug Abuse Prevention Treatment and Rehabilitation.

Attached for your interest, and possible review and comment are propo guidelines on the above-referenced subject matter published in the January 1 1977 *Federal Register*. These draft guidelines set forth the responsibilities c the "single state agencies" which are responsible for developing a plan for dru abuse prevention, implementing projects, evaluating plan results and paying fo

administrative costs of the program. Since SPAs have a responsibility for drug abuse programs and planning coordination, you may wish to comment upon the proposed regulations in order to bring the two programs closer together, and eliminate any overlap.

Comments should be sent to: The National Institute on Drug Abuse, Rockwall Building, 1140 Rockville Pike, Rockville, Maryland 20852 on or before February 28, 1977. Please send a copy of any comments to the National Conference so that a determination can be made whether it is appropriate for the Conference to respond.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: January 31, 1977.
Subject: HEW Proposed Regulations on Grants for Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Service.

Due to the Crime Control Act requirements of sections 303(a)(18) and 303(9), you may want to review and comment on the above referenced proposed regulations. These regulations would involve law enforcement officials and criminal justice agencies. Comments should be sent to: Office of the Director, National Institute on Alcohol Abuse and Alcoholism, Room 16-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 on or before April 1, 1977. If you would like the National Conference to submit comments which support your views, please send a copy of your comments to the National Conference so they will arrive no later than March 25, 1977.

[Memorandum]

To: All SPA Directors.
From: Richard G. Geltman, General Counsel.
Date: February 11, 1977.
Subject: General Information on Child Abuse and Neglect Research and Demonstration Grants Program.

Attached for your information is an announcement inserted into the *Federal Register* of January 26, 1977 by HEW's Office of Human Development. The announcement explains the general purpose and coverage of the "Child Welfare Research and Demonstration Grants Program" and the "Child Abuse and Neglect Research and Demonstration Grants Program". You may be particularly interested in the former program since money appears to be available for delinquency and status offender projects.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: May 12, 1977.
Subject: Proposed Amendments to HUD Regulations on the Federal Crime Insurance Program.

Attached for your information is a copy of the proposed amendments on the above described regulations. Comments, if any, should be sent to the Rules Docket Clerk, Department of Housing and Urban Development, Room 10141, 451 Seventh St., S.W., Washington, D.C. 20410 by June 6, 1977.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 7, 1977.
Subject: Proposed EDA Regulations on Public Works Program.

Attached for your information is a copy of the Department of Commerce Economic Developmest Administration's proposed regulations to implement Round 2 of the Local Public Works Capital Development and Investment Program as published in the *Federal Register* of May 27, 1977. Last year about $2 billion was available under this program, however, little of this money reached criminal justice projects. Since the appropriations under this program exceeds that of LEAA, you may want to review these proposed regulations with care. I especially draw your attention to Sections 317.14 and 317.71(c).

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 15, 1977.
Subject: Announcement by EDA of Planning Target Data for the Public Works Act.

Attached for your information is a copy of a Department of Commerce announcement published in the *Federal Register* of June 10, 1977 of how to get information relative to what localities will get what money under the Local Public Works Capitol Development and Investment Act. Because of the large amounts of money at stake, some of which can be used for criminal justice purposes, I will continue to try to keep you up to date in this area.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 15, 1976.
Subject: Review of and Comment on Proposed Legal Services Corporation Regulations.

Attached for your information are proposed Legal Services Coropration regulations which set forth limitations on the kind of legal services that can be provided. The five proposed limitations are: (1) restrictions on maximum income level of recipients, (2) restrictions on legal assistance with respect to criminal proceedings, (3) restrictions on legal assistance to juveniles, (4) restrictions on actions challenging criminal convictions, and (5) procedures for hiring of Corporation attorneys.

Comments on all these proposed sections should be sent directly to the Legal Services Corporation, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before July 12, 1976.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 25, 1976.
Subject: Final HEW Regulations for Grants to States for Drug Abuse Prevention Functions.

Attached for your information are the final regulations promulgated by HEW as published in the *Federal Register* of June 24, 1976 relative to the allotment formula of funds to states under the Drug Abuse Office and Treatment Act of 1972, as amended.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: June 30, 1977.
Subject: Legislative Developments.

1. LEAA APPROPRIATIONS FOR FY 1978

Conference Committee

The Conference Committee on H.R. 7556, the Departments of State, Justice and Commerce, the Judiciary and related appropriations bill for FY 1978, met June 29, 1977. The conferees agreed upon an LEAA appropriation of $647,250,000 with Committee report earmarkings of $100 million for the Juvenile Justice program, $30 million for LEEP, $15 million for the Community Anti-Crime program and $15 million for the Public Safety Officers' Benefits program.

Final action by both chambers ratifying the Conference Committee report could occur by July 15, 1977. I would expect the President to sign the bill into law by July 31, 1977.

LEAA will probably develop break-outs for the FY 1978 appropriations on an aggregate and state-by-state basis at once. As soon as the figures are available, we'll try to provide them to you.

Victims of Crime—House

The House has postponed consideration of H.R. 7010 again. It now appears the bill will reach the floor the week of July 18, 1977.

Nomination—Senate

The Judiciary Committee ordered a favorable report of the nomination of John M. Rector of Virginia to be Assistant Administrator of LEAA on June 22, 1977.

Oversight—House

The Science and Technology Subcommittee on Domestic and International Scientific Planning and Analysis and the Judiciary Subcommittee on Crime held several days of joint hearings on the LEAA research programs. Additional hearings are scheduled.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: August 8, 1977.
Subject: Public Safety Officers' Death Benefits Regulation Amendments.

Attached for your information is a copy of a revision to the Public Safety Officers' Death Benefits Program regulations as published in the August 4, 1977 *Federal Register*. It provides that final authority is in the hands of the Administrator and indicates that benefits are tax free.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, General Counsel.
Date: August 8, 1977.
Subject: Legislative Developments.

I. LEAA FY 1978 APPROPRIATIONS

On August 2, 1977 the President signed H.R. 7556 making appropriations for the Departments of State, Justice and Commerce, the Judiciary and related agencies for FY 1978. Under the bill, LEAA is appropriated $647,250,000. The House had previously approved the Conference Committee report on July 18, 1977. A copy of relevant discussion on the House floor taken from the *Congressional Record* is attached. The Senate approved the Conference Committee report on July 19, 1977. Similar abstracts from the *Congressional Record* are appended. You've been previously given breakouts on the distribution of that money by National Conference bulletin. After the Juvenile Justice bill is passed into law, the Juvenile Justice allocations will have to be slightly revised due to the new formula bases in the new Act.

II. JUVENILE JUSTICE AMENDMENTS OF 1977

On July 27, 1977, the Committee on Conference on H.R. 6111, the "Juvenile Justice Amendments of 1977", agreed upon a bill. Attached to this memorandum is a copy of the Conference Committee report, S. Rept. 95–368. The compromises reached are explained on pages 15–24. Of interest to SPAs are the chief provisions which had been in conflict between the House and Senate versions. They were settled as follows:

(1) formula grant bases are raised to $225,000 or $56,250;

(2) up to 15% of formula funds can still be used for planning and administration in FY 1978. In FY 1976 not more than 7½% of the formula grant can be used for such purposes, matched by an equal number of state and local dollars;

(3) beginning in FY 1979, formula grant programs will be 100% federally funded;

(4) state advisory groups will receive 5% of the state's minimum formula grant allotment;

(5) the composition and functions of the state advisory groups may have to be changed; and

(6) special emphasis funds are limited to 25% of the amount appropriated for Part B of the Juvenile Justice Act of which 30% will go to private agencies.

The Senate approved the Conference recommendations on July 28, 1977. A copy of relevant Senate statements found in the *Congressional Record* of the same date are attached. Included in the reprints are statements of Senators Culver, Bayh, Mathias, DeConcini and Wallop. Also included is a recent article by John Rector.

The House will not act on the Conference Committee report until September. The President is expected to have a formal signing of the bill immediately thereafter.

III. YOUTH EMPLOYMENT AND TRAINING ACT OF 1977

The Youth Jobs bill (H.R. 6138) was approved by Congress and sent to the President. The President has not yet signed the bill, but he has until midnight of August 5, 1977 to do so. I am attaching a special bulletin from the USCM/NLC criminal justice project describing the bill.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, Acting Executive Director.
Date: October 28, 1977.
Subject: HUD Proposed Regulations for Community Development Block Grants.

In the October 25, 1977 *Federal Register*, the Department of Housing and Urban Development published proposed regulations for the Community Development Block Grants running from pages 56449 through 56481, too voluminous to reproduce by the National Conference. Comments are due at HUD by November 18, 1977.

You may be interested in the proposed regulations because of the amount of money available and the purposes for which it can be used. Funds could be used for the continuation of model cities activities; the provision of recreational opportunities; senior centers; parks, etc.; centers for the "handicapped" (but not including 24 hour residential care); neighborhood facilities; street improvements including street lighting; and public services including employment, crime prevention, drug abuse, and education programming, etc. Funds could not be used for predominately municipal purposes such as courthouses and police stations.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, Acting Executive Director.
Date: October 28, 1977.
Subject: National Project Grants Under the Intergovernmental Personnel Act.

Attached for your information is a notice published in the *Federal Register* of October 7, 1977 by the U. S. Civil Service Commission announcing a program which may permit some of you to find a way to finance several additional staff. Whether the grantsmanship efforts are worth the end results can only be determined by you after closer examination. I am aware that several SPAs have picked up several federal staff under the IPA program.

[Memorandum]

To: All SPA Directors.
From: Richard B. Geltman, Assistant Director.
Date: November 2, 1977.
Subject: Regulations for the Youth Programs Under the Comprehensive Employment and Training Act.

The Department of Labor published in the *Federal Register* of September 16, 1977 regulations for the Youth Community Conservation and Improvement Projects (YCCIP) and the Youth Employment and Training Programs under the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). The regulations run from page 46728 through 46739. These programs may provide a significant source of funds for non-institutional or community-based delinquency employment projects.

STATEMENT OF HON. JOSEPH RHODES, JR., MEMBER, PENNSYLVANIA HOUSE OF REPRESENTATIVES, PITTSBURGH, PA.

Gentlemen: On August 3, 1977, Governor Milton Shapp signed Senate Bill 757 into law, thereby creating Act 41 of the 1977 Session of the Pennsylvania General Assembly. Senate Bill 757 stopped the placement of status offenders in delinquency institutions, or any secure detention facility, and it prohibited the detention of juvenile offenders in adult county jails after December 31, 1979. I am honored to be asked to come before you and briefly relate the story of Senate Bill 757, which is the story of the struggle to reform the Pennsylvania Juvenile Act.

There was no question in my mind that we needed to reform our juvenile laws. In 1975, over 3,000 juveniles were incarcerated in Pennsylvania county jails and prisons. During the same time, a conservative estimate of 2,500 status

offenders were detained in secure detention facilities. During a recent 1-year period, 5 children, who were being detained in adult jails under the "care" of the court, committed suicide. I cannot tell you how many grim pictures I have seen of children locked in solitary confinement for offenses like scratching their names on a wall in their prison cell. The public screams about the growing viciousness of adult crime, but all they need to do is visit one of these factories of crime to know where these "brutal" criminals come from. Like every other tate, we made our criminals in Pennsylvania out of the kids locked in these filthy cells.

For almost 5 years, we tried to amend the Juvenile Act. Year after year, we put in legislation to take the status offender out of the criminal or delinquency category. Year after year, we put in legislation to ban the practice of incarcerating juveniles in prison. And year after year, those bills died. Why? There are two main reasons.

1. Principally, the juvenile court judges vehemently opposed any change in the Act. They, as one judge put it, needed the "hammer" to straighten the status ender out.

2. County commissioners opposed any change because change cost money. Treating status offenders as non-delinquent could mean additional county child welfare staff. Taking children out of jail could mean building detention centers. Because of these obstacles, three generations of legislation failed to reform our Juvenile Act.

Like the fellow who tells the story of being lost at sea, you are aware we enacted legislation reforming our Juvenile Act. Otherwise, I wouldn't be here today. The question is how did it happen? Three major factors contributed to r last successful attempt to amend Pennsylvania's Juvenile Act.

1. The first factor, the most critical factor, is sitting next to me. Barbara Fruchter is the God Mother of the juvenile justice reform in Pennsylvania. The Juvenile Justice Center of Pennsylvania put together a coalition of Pennsylvania citizens and organizations that finally generated more heat and pressure than the entire juvenile court bench combined. At every critical stage of the legislative process, this coalition made its weight felt.

2. We were able to split off the County Commissioner from the juvenile court judges. The Pennsylvania Association of County Commissioners sat down with and their position was plain. "We don't want to be the heavies in this drama; if you can find a way out for us, we'll take it." So, we put together a package for them with these elements:

(a) We guaranteed in the legislation that no county would have to pay for more than 10 percent of the costs of new shelter care programs for status offenders.

(b) A two-stage phase-in of the prohibition of the use of county jails for juvenile detention. This provision requires that after December 31, 1979, it will be illegal to hold any children in adult jails. However, the counties have to s mit a plan to our State Department of Public Welfare by December 31, 1978, for the removal of juveniles from the jails. If an affected county did not submit a plan, the Welfare Department could go ahead and construct any necessary regional detention facilities, or provide needed community treatment programs, and charge the counties up to $50,000 for their construction.

Thus, there is an incentive to the counties to build the facilities and provide the necessary programs next year.

(c) We had originally planned to appropriate $750,000 which was to be matched with $750,000 of LEAA funds and $750,000 of county funds to construct t. regional detention facilities. The $750,000 county share just happened to equal the difference between our estimated costs of the real detention need and that of the judges. So, as part of the county package, we doubled our appropriation to $1.5 million. In other words, if the counties constructed the regional facility at the level we wanted, they could do it with out costing themselves a penny. If they agreed with the judges on the need for additional beds, that would be money they would have to put up. I remind you, these counties are, by and large, rural. Many of them have annual budgets that are not much larger than the $50,000 penalty they would pay to the Department of Public Welfare for w. ting beyond December 31, 1978. On April 29 of this year the Pennsylvania County Commissioners' Association endorsed our bill.

3. The final overriding factor was the Federal Juvenile Justice and Delinquency Prevention Act. The threat of ineligibility for federal funds was the focal point of many editorial comments in Pennsylvania, and a major impetus

for legislative action. Furthermore, it did not hurt to have the General Assembly considering a $600 million tax increase the very week Senate Bill 757 came up in the Senate.

There were other factors too. We had enacted legislation in the previous session that created a definite incentive for non-secure community-based treatment of juveniles.

This law provided for the State to pay for 75 percent of the costs for placement in community treatment programs and only 50 percent of the costs fo institutional care. Prior to this change, the State was required to pay for all the expenses for commitments to State-operated delinquency institutions and only 50 percent of the cost for community care. The State assumption of 75 percent of the costs of community treatment will be a significant factor in obtaining the support of local officials in the future development of these services.

Also, a few courageous judges broke away from their colleagues and started to negotiate with us on the details of the legislation. To avoid the Senate Appropriations Committee where similar measures have died in the past, we amended our juvenile reform act into a minor Senate Bill, therefore resultin in immediate consideration on a concurrent vote in the upper chamber.

Somehow, everything fell into place and Act 41 is now law. Status offenders are now classified as dependent children, not delinquent, and cannot be detained PERIOD. By December 31, 1979, we will have all of our children out of county jails and, once and for all, we have closed the juvenile intake at the State prison at Camp Hill. It was a long struggle; now we must continue the fight to make sure that our new law is indeed the law and properly implemented. As you know, the effort to humanize the treatment of children never ceases.

Thank you.

STATEMENT OF BARBARA FRUCHTER, EXECUTIVE DIRECTOR, JUVENILE JUSTICE CENTER OF PENNSYLVANIA

Gentlemen: I don't know how often Federal legislation intended to set standards for and influence State law has the desired effect. But, in our State I believe there has been a direct relationship between the Juvenile Justice and Delinquency Prevention Act of 1974 and the success of the Juvenile Justi Center and our Citizens' Coalition in bringing about legislation which has brought Pennsylvania into compliance with the provisions of the Federal Act. In our years of effort to remove the non-criminal status offender child from the delinquent category and delinquent facilities, prohibit the practice of locking youngsters in county jails with adult offenders, and in working to implement a range of humane and hopeful alternatives to institutions and the use of secure detention in Pennsylvania the Bayh Act became, in 1974, the one irrefutable constant those who opposed our goals could not deny, belittle or distort away.

Obstacles to conformity with the provisions of the Act were formidable. I r sure you are aware that juvenile justice and correctional systems are, on the local and state levels, as politically impacted as the military-industrial complex is on the national level. People fear change. They cling to the status quo even though in this case the status quo meant constantly rising delinquency rates and a destructive juvenile justice system that was turning minor or non-offender children into hardened criminals or institutional dependents, and was costing the taxpayers wasted millions. Any legislation that altered that system, or might appear to threaten power pockets, or judicial perogatives thus risked becoming a mark for simplistic or demagogic tactics. It was our task overcome an entrenched opposition by doing something that has never been done before—create a broad-based, educated, effective constituency for children, a constitutency knowledgeable in the rights and needs of young people, in the strategies for obtaining those rights and needs in each county of our state, and in the requirements and fiscal advantages that could accrue to each county through compliance with the provisions of the JD Act.

Our staff was small, our financing scanty, but we were rich in determination and in the citizen resources we recruited, nurtured and trained to provide the leverage needed to effect the momentous changes we sought.

I have been invited to speak to you about our Citizens' Coalition, how we built it, and how it functions. I am honored and pleased to do so in the hope that our work in Pennsylvania can be a model for other States because there is natural confluence betwen the real power of the legislation born of this Sub

committee and our Juvenile Justice Citizens' Coalition as an implementing vehicle to reduce significantly juvenile crime.

As you know the JD Act passed late in 1974. Simultaneously our Citizens' Coalition began to build, starting that year with 34 civic and religious organizations we had educated in our five county Philadelphia area.

As we traveled from city, to suburban, to rural counties educating groups to the myth of justice for juveniles, to the urgency for citizen involvement, and to their role as change agents for children, the existence of the Bayh Act demonstrated Federal leadership and a Federal fiscal committment to the concepts of diversion and alternatives that we advocated.

Juvenile justice money followed and strengthened our educational and resource development efforts. Diversion and alternative programs began to proliferate as our Citizens' Coalition expanded to 8-3 State organizations representing over 2 million citizens working for substantive change locally, and all the way to our State capital. This summer PL 41 which brought Pennsylvania into legislative compliance with the JD Act became law. And some very dramatic data testify to the effectiveness of your work and ours.

Starting in 1970 statistics show a steady frightening rise in the number of juvenile arrests in Pennsylvania from 82,000 that year to 165,000 children arrested in 1975, a 5 year period in which juvenile arrests more than doubled. Then in 1976, the first year the small amount of JD money granted in Pennsylvania could have had any effect—an effect which was magnified by its potential, and strongly enhanced by our statewide Coalition efforts, not only did the accelerating rate in juvenile arrests cease but there was, in that 1 year's time, a decrease of 10,000 in the number of children arrested in Pennsylvania.

We can make a positive connection between this decrease, the effect of the JD Act and our educational efforts because in that same year, 1976, the number of children locked in county jails (a constant target of our Coalition) in Pennsylvania decreased by one third. This dramatic decrease occurred without the construction of one additional secure detention bed and was the direct result of Federal leadership and our education of an involved citizenry.

How does the Juvenile Justice Center's Citizens' Coalition work? I am sure you would recognize the archtype. It's called democracy. We bring the facts of juvenile justice and child welfare to a range of civic, church and community groups not primarily or previously concerned with or aware of these problems, and we teach them to share fully what they have learned with their elected county officials, their legislators and, where appropriate, the media, to insure systemic change.

Current membership consists of groups like the Pennsylvania Federation of Womens' Clubs, American Jewish Congress, Black Catholic Ministers, AAUW, Cardinals' Commission—over 80 organizations, over 2 million citizens. We have developed and sensitized the Coalition into an active citizen-professional partnership, taxpayers participating in implementing and in monitoring the quality of tax supported services to children.

A legislative committee of the original Coalition members developed with us five policy statements as Coalition goals. These policy statements are: (1) Juveniles should not be detained or committed in adult facilities. (2) Juvenile status offenders—those who are truants, runaways or ungovernables—should not be classified as delinquent or held in delinquent facilities. (3) There should be a moratorium on construction of juvenile institutions until alternative programs such as group homes, foster homes, shelter care and runaway facilities are implemented. (4) The State should implement a realistic funding plan which would encourage each county to develop better welfare services, prevention programs and residential alternatives to incarceration of juveniles and discourage the use of closed institutions. (5) Juveniles should be accorded equal protection and fair due process in all court related procedures.

It is towards the accomplishment of these objectives that we have worked. Potential new member groups are trained in seminars and orientation classes to understand the reasons and importance of the policy statements, and are required to endorse formally and actively support them.

The Juvenile Justice Center analyses all proposed juvenile related legislation to determine if it advances or runs counter to the intent of the Coalition policy statements, we forward this information on pending legislation to the group's liaison person who in turn informs his membership.

We also forward our analysis to members of the Pennsylvania legislature educating them as to the Coalition's policy position on the proposed bills.

It is an effective education and communication mechanism where none previously existed. It is supplemented by bulletins, technical assistance workshops, and conferences in order to touch all components of the system, to put them in touch with one another, and with the citizens and to provide them with support where support for change is needed. While legislative initiative and monitoring is a critical concern of Coalition members in their role as constituents fo children, it is important the Coalition be seen holistically as the innovative and constructive issue-oriented force that it is. In addition to needs assessment and effective educational techniques, our members are schooled in community coordination, resource development, and evaluation and inspection of public and private facilities, and services for delinquent and dependent children. From police precinct to county commissioner's office, from classroom to courtroom, from detention to institution, our trained citizens are all over. They know what they are doing; the system knows it and the statistics show it. I believe our success at this time is a course for optimism because it can be replicated. must be replicated for without the involvement and commitment of a community of educated citizens children whom the system has failed most seriously—the most deprived, the most disturbed, those from the most damaged families and those from minority groups—are doomed to continue in the dreary cycle of human destruction; and the adult crime stream will continue to swell by children we failed to divert.

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STATEMENT OF HON. PETER FRANCIS, CHAIRMAN, SENATE JUDICIARY COMMITTEE, WASHINGTON STATE LEGISLATURE, SEATTLE, WASH., AND MS. JENNY VAN RAVENHORST, PROJECT MANAGER, DIVISION OF COMMUNITY SERVICES, WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, OLYMPIA, WASH.

Mr. Chairman, members of the committee: My name is Pete Francis and I am the current chairman of the Washington State Senate Judiciary Committee. I have served in that position since 1973, the year the legislature began to spend considerable amounts of time on proposals to revise the state's juvenile court code. Since 1973, the Senate Judiciary Committee, under my chairmanship, has spent innumerable hours hearing and analyzing recommendations for the improvement of the juvenile justice system in Washington State.

Jenny Van Ravenhorst has been the Committee's research analyst and is one of the authors of the new juvenile code enacted by the Washington State Legislature this past June. She is currently the Project Manager for the implementation of that code by the Washington State Department of Social and Health Services. She will also be speaking to you today.

We are both very pleased to be here today to have the opportunity to tell you what the State of Washington has been doing with regard to status offenders.

During the last 10 years numerous changes have occurred in the programs available in Washington state for status offenders. The most significant activity that has contributed to these changes has been the continuing dialogue around the State about the total juvenile justice system. A great deal of exchange among all of the persons who are a part of the juvenile justice system—police, judges, probation counselors, social service caseworkers, legal services attorneys and numerous others—has resulted in a comprehensive rewrite of our juvenile law. That revision will become law next July. Concerns about status offenders were key to the final passage of this revision. I will briefly tell you what has been happening in Washington State with regard to juvenile courts in general and status offenders in particular.

The history of Washington State's discussion of all of the issues surrounding status offenders goes back at least to 1967. In that year the Legislature amended the juvenile code to provide that dependent children could not be placed in any of our State's juvenile correctional facilities. One significant exception was made to this requirement. The law was not revised to say that incorrigible youth could not be housed in institutions, in fact, it specifically provided that they could be.

Since 1967 there has been a great deal of activity concerning the remaining aspects of the entire juvenile court process. Much of this activity, of course, was a response to the 1966 and 1967 U.S. Supreme Court decisions which afforded juveniles some of the due process rights that had been given adults.

This activity centered around legislation introduced by the 1969 Legislature. That proposal was the Uniform Juvenile Court Act developed by the Uniform State Law Commissioners in 1968. Since the law of the State of Washington concerning the juvenile courts had not been revised to any great extent since its original enactment in 1913 and because many juvenile court procedures did not find their source in the law but were simply generally accepted practice, a great deal of attention was given to the Uniform Act. It offered an opportunity to bring some uniformity to the operation of the juvenile courts across the State, and it also suggested some changes in the juvenile court system which many felt would be an improvement.

The 1969 Washington State Legislature, however, did not pass this law. Instead it asked the Washington State Judicial Council to study the proposal and to study the existing juvenile court law and to report to the Legislature its recommendations for change. Their recommendation, a bill which was introduced in the 1973 Legislature, reflected consideration of an immense number of issues surrounding the juvenile court system. The aspect of this legislation that was the most significant was its treatment of that group of youth within the juvenile court system who had come to be called status offenders. The Judicial Council's proposal made no mention of any of these youth who had previously been within the juvenile court's jurisdiction for offenses that could only be committed by children—running away, truancy, incorrigibility, etc.

At the same time this recommendation was before the Legislature, another proposal, which was also a comprehensive revision of the juvenile court law, was introduced. This proposal originated with the Washington Association of Superior Court Judges. The superior court judges had been involved in the work of the Judicial Council, disagreed with their conclusions, and as a result came up with their own recommendation to the Legislature. Their proposal was very similar to the Uniform Juvenile Court Act. It did not go very far in changing the status quo. It retained juvenile court jurisdiction over status offenders and provided for the commitment of incorrigible youth to institutions. It also permitted the detention of this group of children.

From 1973 to 1976 the issues of juvenile court jurisdiction over status offenders and the institutionalization of those children dominated the attention of those who were considering revisions of the juvenile court law. A total of about 11 distinct comprehensive revisions of the juvenile code were considered by the Legislature in that 3 year period of time. The pattern of legislative history was that one body of the Legislature would complete extensive work on a proposal, pass it over to the other house, only to find that there was not enough time for that body's resolution of all of the issues surrounding the juvenile court code revisions.

In 1976 I and Senators Ray Van Hollebeke and John Jones decided to attempt the passage of a very small piece of legislation. We decided to address the issue of institutionalization of status offenders directly by introducing a bill which proposed only one change in the juvenile code—that institutionalization of incorrigible youth be prohibited. After much debate, and a significant compromise, a change in the law was realized. The bill as finally enacted, provided that an incorrigible youth could be given a disposition of custodial diagnosis and treatment for a period of up to 30 days, if other less restrictive alternatives have been tried, and if the child's behavior evidenced a substantial likelihood of degenerating into serious delinquent behavior. In addition, the act provided that such treatment had to be provided in a facility separate and apart from children who had committed delinquent acts. The act also provided that a year would elapse before this change would take effect, and in that period of time the State Department of Social and Health Services was to prepare a report to the Legislature indicating what resources had been developed to provide alternatives to the institutionalization of incorrigible youth.

In the period of time between the enactment of this law and its effective date, a great many meetings were held throughout the State involving representatives of the various agencies affected by this revision. The change had been made law; however, people throughout the State continued to argue about the merits of the legislation. Most agreed that it was a good policy. There was a great deal of concern however about whether these youth would be provided with alternative living arangements and also be provided resources that would help toward the resolution of their problems. Discussions about the law resulted in

a discussion of the two remaining major issues surrounding status offenders: the issue of juvenile court jurisdiction and the issue if placing runaways, incorrigibles, truants, promiscuous teen-age girls and other youth who had not committed a crime, in juvenile detention facilities.

During this period of legislative activity some changes were taking place in the actual practices of courts and some communities concerning status offenders. Several courts on their own initiative adopted it a policy that the juvenile court would be an agency of last resort for status offenders. They required that other alternatives in the community—counseling, crisis intervention, tutoring programs, etc., be utilized before the court became involved. Several community projects also developed throughout the State to provide alternatives to status offenders. Many of these were begun with monies that came into the State of Washington from the 1974 Juvenile Justice and Delinquency Prevention Acts. Two projects are particularly noted in this State for their efforts to provide crisis intervention service to status offenders, and for placing responsibility outside the juvenile court system for status offenders. These projects are two of the eight Federal deinstitutionization projects funded under the Juvenile Justice and Delinquency Prevention Act.

It is interesting to note that many of these activities went beyond the scope of the change required by the 1976 legislative amendment. Much of the reason that occurred can be attributed to the 1974 Juvenile Justice and Delinquency Prevention Act. Key people in the juvenile justice system thought the State wanted to respond to the mandate of that law. In addition, some of the individuals that were spending time on legislative proposals were anxious to realize some of the improvements contained in those proposals. Many of them could be accomplished administratively by the courts. While the juvenile code did not mandate these programs, it did not prohibit them either.

At the same time that all of these voluntary changes were occurring, a meeting was held in Albuquerque, New Mexico, in June of 1976, sponsored by Legis 50, The Center for Legislative Improvement. Legis 50 had received a Juvenile Justice and Delinquency Prevention grant to encourage legislative change with regard to status offenders. Part of their efforts included bringing people together from the various States to talk about how they could effect legislative change. Representatives of the State of Washington participated in this meeting held by Legis 50 in Albuquerque. This group of about seven people came back from the meeting with plans to hold a statewide conference on status offenders so that all of the people who were a part of the juvenile justice system in Washington State would have a chance to get together, discuss the issues, and perhaps reach some conclusions about further directions to be taken with regard to status offenders. The conference was held in Issaquah, Washington on the following December 16 and 17. A background paper for the conference reviewed the current controversy about status offenders, discussed that controversy in the context of the history of the juvenile justice system and the services they were providing status offenders, and detailed all of the policy issues that remained to be resolved by the State of Washington. A final report of the conference summarized the statements made by the speakers on the issues surrounding status offenders, the conclusions reached by workshop sessions, and the final plenary session where each of the issues was discussed by all conference participants. Approximately 150 individuals attended representing practically every kind of agency involved with status offenders. Some ex-status offenders also were in attendance.

We would like to submit to you a copy of the background paper that was prepared for this conference, and a copy of the conference report.

Following this conference, legislation was introduced in the Senate to revise sections of the juvenile code that dealt primarily with children who are classified as dependent children. The proposal prohibited the detention of any dependent child. It also eliminated juvenile court jurisdiction over truants, provided for legal emancipation of youth, and required that status offender referrals go to the State Department of Social and Health Services instead of the juvenile courts. Juvenile court jurisdiction over status offenders was not completely eliminated. The proposal provided for court review of any out-of-home placement of a child upon request for such a review by the parent or child. The court's authority over this child was limited to deciding the child's placement.

At the same time that the Senate was considering this proposal the House had before it a revision of the juvenile code that changed the law only with respect to delinquent children. That proposal recommended diversion of minor and first offenders from the juvenile courts and proposed mandatory sentences for all youths. In about May of this past year these proposals were combined and with numerous revisions were enacted into law and became the 1977 revision of Washington's Juvenile Court Code. Finally, after 9 years of legislative effort to revise Washington's Juvenile Code, a proposal had enough impetus and received enough support from a variety of interest groups to be passed by the Legislature and endorsed by the Executive Branch.

This act, as finally approved, makes several changes for status offenders in Washington. The act revises the juvenile courts' jurisdiction over both status offenders and dependent children. The juvenile courts, under this proposal, will have jurisdiction over only four types of dependent youths. Those who have been abandoned, those who have no parent, guardian or custodian, and those who qualify for a diagnostic commitment for a maximum of 30 days because they have run away and are exhibiting behaviors that evidence a likelihood of degenerating into serious delinquent behavior.

This new definition of dependent children eliminates very old provisions of the existing law which authorizes juvenile court jurisdiction over young people for reasons that are vague, outdated, and even offensive. This revision, for example, strikes the provisions which permit the courts to assume jurisdiction over children whose home "by reason of the depravity of the parent * * * is an unfit place for such child" or "who are in danger of being brought up to lead an idle, dissolute, or immoral life."

The juvenile courts' responsibility for status offenders is narrowed substantially. Juvenile court jurisdiction over truants is eliminated altogether. Most status offenders can no longer be charged as dependent youth. The court's involvement with status offenders, is restricted to (1) deciding where a child will live, if a parent or child brings that single issue to the court for resolution, (2) adjudicating petitions which allege a child to be a dependent by virtue of the fact that he or she is in conflict with his or her parents, has run away from a placement decided by the court, is evidencing a substantial likelihood of degenerating into serious delinquent behavior, and is in need of custodial treatment in a diagnostic and treatment facility.

In the latter case, the court may only order a nonsecure placement or commitment for a child found to be this type of dependent to a custodial diagnostic and treatment facility for not more than 30 days if the diagnosis and treatment is expected to prevent degeneration into serious delinquent behavior, and if the youth is housed separately from juveniles who have committed offenses. This dependency category and this 30-day commitment option to replace the "institutionalization of incorrigibles" provision of the 1976 Senate Bill 3116.

The revision does however provide an alternative to the court's past involvement with status offenders. It enacts a "Runaway Youth Act" which authorizes the arrest of a runaway youth and provides that a runaway is to be returned home or referred to the Department of Social and Health Services for temporary residential placement and crisis intervention services in place of referral to the juvenile court. The act also requires the Department of Social and Health Services to provide crisis intervention services to "families in conflict". These crisis intervention services are also to be made available to truants.

With limited exception for some runaways, the past practice of placing dependent children and status offenders in juvenile detention centers is prohibited. The Department of Social and Health Services is to provide alternative nonsecure placements instead.

These changes definitely reflect the thinking that the juvenile courts should not be providing services for status offenders. After many long years of juvenile court history as the agency of last resort for youth in trouble, these sections finally transfer that responsibility to a social service agency, the Department of Social and Health Services.

The portions of the act that set out the new juvenile court processes for young people who commit crime also reflect this thinking for juvenile offenders. Under the act, a juvenile will be sentenced, not based upon his or her need for rehabilitation, treatment or service, but rather based upon the offense he or she has committed. The emphasis of the new law is on the child's act not on the total needs of the child. A child who commits a given crime will be given a

specific kind of punishment. This part of the new law states that its intent is to provide "punishment commensurate with the age, crime, and criminal history of the juvenile offender."

This new law called House Bill 371, takes effect on July of 1978.

The response to this new enactment varies widely. Efforts have been made to involve people from every discipline of the juvenile system to talk about implementing the new law. The Washington Association of Juvenile Court Directors, in particular, although they opposed the House Bill 371, have organized three statewide conferences since the act passed this past June to discuss its implementation. Persons from practically every discipline have been represented. One further conference will be sponsored by this association next month. Plans are already in progress for the State Department of Social and Health Services to sponsor the next conference. That agency is very interested in continuing the sense of cooperation which has developed as a result of these conferences. They have promoted a tremendous opportunity for interchange among the various people who will be responsible for implementing the act and who will be providing for services for young people throughout the State for many years to come.

House Bill 371, marks for the State of Washington a turning point in the history of its juvenile court system. Those who endorsed the revision of Washington State's Juvenile Court Code rejected the thinking which has been fundamental to the operation of the juvenile courts since their creation at the turn of the century. House Bill 371 is based on the belief that the juvenile court should not exist to act as "parens patriae" to children in trouble. House Bill 371 makes the juvenile court a trier of fact and adjudicator of conflict. It, for the most part, has been taken the juvenile courts out of the business of providing services to youth.

The full time attention of many people is being given to the implementation of the act. A couple of groups are talking of coming to the 1978 legislature and asking for massive or minor changes. Many questions are and will continue to be asked about the overall effect of this legislation for juveniles in the State of Washington.

The future of the juvenile court system in Washington State is a very open question right now. Much of that future will be molded by the way in which the new juvenile law is implemented and much of it will be molded by the success or failure of this new system of justice for juveniles. We believe the change of this legislation will bring about a better system of justice for children and encourage your effort to seek the changes required under the Juvenile Justice and Delinquency Prevention Act throughout the country.

STATEMENT OF THOMAS J. HIGGINS, FORMER MEMBER HOUSE OF REPRESENTATIVES, STATE OF IOWA

Senator Culver, members of the Committee: I am pleased to be able to testify before you today on the progress Iowa has made in complying with one of the key provisions of the 1974 Juvenile Delinquency Act, the abolition of incarceration for status offenders.

Let me note for the record, however, that I am offering only a personal perspective based upon my service in the Iowa legislature as Vice Chairman of the Interim Study Committee on Juvenile Justice. Recently I was designated to be the Principal Regional Official for Region VII of HEW, and my remarks should not be construed as necessarily reflecting the position of the Department.

I am very happy to tell you that Iowa is within sight of not only full compliance with the 1974 law, but appears likely to go beyond that goal to elimination of the court's jurisdiction over status offenders altogether.

Let me back up. Shortly after the enactment of the 1974 law, the Iowa General Assembly passed legislation redefining status offenders as "children in need of assistance" instead of delinquents, and forbade their placement in either of the State's two juvenile security institutions. This change was prompted more by the findings of an interim legislative committee than by fear of loss of federal funds, which demonstrates, I think, that the policy direction was a sound one. Fortunately, it was only a beginning step.

Faced with a renewed mandate, the Legislative committee began the more comprehensive task of rewriting the whole of Iowa's juvenile code. Although

it engaged many issues concerning the rights of individuals and the needs of society, no single issue received as much concentrated attention and debate as the question of status offenders.

After a thorough examination of the literature, extensive hearings and site visitations, the committee concluded unanimously that the best public policy was to eliminate status offenders from the jurisdiction of the court. It was a move dictated by logic and experience. Happily, it more than fulfills the mandate of the 1974 law. The point I wish to emphasize, however, is that it was done because it is good public policy.

The 1974 Act required that status offenders not be detained in secure institutions. Obviously we solved that problem by the action I have described, but in addition, our legislation would prohibit the incarceration of any juvenile in a locked facility unless there could be shown on rather specific grounds that he or she was a physical threat to themselves or those around them. Naturally, we are speaking here of individuals charged or adjudicated as delinquents. The bill does not allow dependent or neglected children to be kept in a locked facility.

The bill has at least one other relevant feature. It requires a detention hearing within 48 hours of being taken into custody. I believe that both this feature and the safeguards on detention that I described above should become a condition of receiving Federal funds in any future legislation. There is abundant evidence that the practice of incarceration, where it is not necessary as a matter of public safety, ultimately does far more harm to the individual than any conceivable benefit to society. It reinforces the kind of negative stereotyping which leads almost inexorably to a future lifetime of crime.

The same reasoning underpinned our move on status offenders. The preponderance of evidence gathered by psychologists, sociologists, and criminologists over the last two decades suggests very strongly that coercive intervention by the state in such situations generally serves to make them worse. We talked with scores of young people who had been through such an experience. Status offenders typically are pleading for help by their actions, i.e., running away, truancy, etc. No one disputes the obligation of government to provide that assistance. That was the well intentioned rationale which provided for court intervention in the first place.

What we must now demonstrate is the sensitivity to know how such assistance should be offered. Court intervention is overkill. We in Iowa will opt instead for the use of voluntary community resources which have as their goal the preservation of the family unit. Court intervention, particularly by those courts already overburdened by delinquency cases and possessing inadequate training and resources, too often results in the breakup of the family. The State has never, and will never, be able to devise an adequate substitute for the family. Certainly there will be those instances where separation will be a necessity. But again, the evidence gathered by in-home counseling efforts demonstrates that many separations take place which are not necessary.

I do want to stress that such legislation carries with it the obligation to develop good community resources. There will be those who will claim, Senator, that this will never be done. If so, it is a terrible indictment of our ability to respond to an overriding need. But, I would say this. So long as we continue to use the courts as a dumping ground for our most pressing social, rather than criminal problems, States and local communities will never answer the challenge. And we will never break out of the syndrome of failure which permeates our efforts for families in need of assistance.

We have made a good start in Iowa. After much debate and approval by two committees, the Iowa House approved the legislation by a vote of 91 to 6 this year. I anticipate favorable action by the Senate next year. The role of the court in status offense cases is limited to the provision of counseling and then only when requested by the family after a showing that all other voluntary remedies have been exhausted. In the absence of any neglect or criminal interest, that is the proper role of the State.

Finally, I want to say that the role of this committee and its legislation has been invaluable in the intelligent struggle to identify the causes and proper solutions for juvenile delinquency. We must redouble our efforts in that regard. The influences against the family in our society are many: television advertising, corporate policy, spiritual and physical poverty are but a few. Let us make government an ally rather than an adversary for families.

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WEDNESDAY, SEPTEMBER 28, 1977

STATEMENT OF PETER B. EDELMAN, DIRECTOR, NEW YORK STATE DIVISION FOR YOUTH

Mr. Chairman and members of the Committee, I appreciate the opportunity to testify today as part of your inquiry into compliance by the States with the requirements in the Juvenile Justice and Delinquency Prevention Act of 1974 for removal of status offenders from detention and correctional facilities.

I think we have made considerable progress toward compliance in New York State, and therefore I am especially pleased to be able to participate today.

What we have done in New York is both less than what needs to be done and more than what Federal law requires.

It is less in the sense that the number of status offenders now being served in community-based or rural, non-institutional settings instead of correctional-type institutions is painfully small compared to the number of youngsters who need help as a consequence of family or school or other problems. In New York State, as in the rest of America, the services we offer to youngsters who have problems but have broken no law are very inadequate. So, removing the status offenders from correctional facilities is only a beginning.

We have done more than federal law requires in the sense that we have at the same time been altering our patterns of service for all youngsters who are served by the New York State Division for Youth. This includes delinquents as well as status offenders. We have moved toward non-institutional care for minor delinquents as well as status offenders, and we have moved to enrich our services in the areas of education, employment, medical care, mental health, and family relationships for all the youth whom we serve. In addition, we have moved to respond far more stringently to youngsters who have been involved in serious criminal-type activity, although that is of course not the subject of these hearings.

A few introductory words about our statutory and service framework in New York State might be helpful.

We have had a separate status offender statute since 1962. Thus, one set of laws covers delinquency—acts by youngsters between the ages of 7 and 16 which would be crimes if committed by adults. Another set defines Persons in Need of Supervision—younsters in the same age bracket who are habitually truant, out of parental control, or incorrigible. In practice, youngsters under 12 are rarely sent to the Division for Youth.

The Division for Youth serves some 2,000 youth in residential care at any one time. About 45 percent are juvenile delinquents, 30 percent are PINS youth, and the rest are either JDs and PINS who are referred as a condition of probation or referrals who have no court-affixed label. Service is provided in a variety of settings ranging from locked facilities to family foster care. Another 3000 youth are under aftercare supervision at any one time.

Voluntary agencies deliver more of the services to status offenders in New York State than does the Division for Youth. Thus, while the Division for Youth may have some 600 PINS youngsters in residential care out of the 2,000 youth it has in residence at any one time, there will be more than 2000 PINS youngsters in the care of voluntary agencies, both group care and family foster care, at any one time.

A bit more definitional context: When I refer to a secure facility, I mean a locked facility. When I refer to a training school, I mean a large, multi-cottage-type facility, which is institutional in nature because of its size even though it is not a locked facility.

When I assumed the directorship of the New York State Division for Youth in August 1975, there were some 240 PINS youngsters in New York State Training Schools and about 30 in secure facilities. In addition, a 90-bed training school for PINS girls had been closed within the month prior to my assuming the job. There were another 350 PINS youth in non-institutional DFY programs. The 270 institutionalized PINS youngsters were in three places: 120 14–17 year old boys and girls (80 boys and 40 girls) at a place called Tryon, 120 11–14 year old boys and girls (80 boys and 40 girls) at a place called Highland, and 30 PINS girls in a secure facility called Brookwood.

It is fair to say that all of these youngsters were inappropriately placed, although in some cases the inappropriateness was more a matter that they could be served as effectively at less cost in other settings, than it was a matter of

particular harm being done to the youngsters. In many other cases, however, the training schools and secure facilities were not responding to the particular needs of the youngsters. Most of these, in turn, were youngsters who had a far better chance of being helped if they could be in substitute family settings or in small group community settings, but some were youngsters who needed help of a more intensive nature.

The cost of operating the training schools was high: about $16,000 per bed on-grounds cost, and $24,000 per bed when fringe benefit costs, central office and other administrative overhead costs, and the cost of intake and aftercare were added in. These figures included no figure for amortization of physical plant. Despite these high costs, the training schools were institutions which were neither fish nor fowl—neither costly enough to provide individualized care of a highly sophisticated nature to each youngster, nor small enough to be a part of the community around them and to provide individualization as a sheer consequence of their small size.

Well over half of the PINS youngsters who had been sent to the training schools could have been served as well or better in community-based programs—either in group homes or foster care, or in specialized combinations involving, for example, foster care along with alternative education and some specialized counseling of one kind or another. Another third, or so, of the PINS training school group could have been served as well or better in a non-institutional rural setting—a camp or smaller residential center. In all, 85 to 90 percent of the PINS youngsters who were in the training schools could have been served in a less expensive form of care, just as appropriately or more so. It is also the case, however, that there was an irreducible number of perhaps 10 to 15 percent of the institutionalized PINS youngsters who needed something more intensive. These complex and difficult youngsters were lost in the populations of the training schools, and did not get what they needed, even though, because they were out of the community and not especially visible, they did not present enormously acute problems. Now they are visible and they constitute one of the serious challenges that we face.

Facing the Federal mandate, and facing serious State fiscal restraints, we decided to try making both a virtue out of a necessity and a necessity out of a virtue. The necessity was cutting our State budget. We tried to make a virtue out of that by taking our cuts in the closure of unnecessary institutional beds, namely those that had been used for status offenders. We also converted virtue into a necessity by stressing that the closure of institutional beds was fiscally unavoidable.

We already had a number of alternatives to institutionalization available. There were over 500 beds in non-institutional rural settings, the majority in camp-type programs, and over 400 beds in small group community-based settings. There were nearly 300 beds in family foster care. These beds were filled, to be sure, but they could nonetheless play a role in a strategy of alternative placements. In addition, there were nearly 300 new beds "in the pipeline" with State money. All but 56 of these were in community settings, and the 56 rural beds were of a non-institutional nature.

Nonetheless, if we had tried to close the inappropriate institutional beds without adding to the alternatives in the pipeline, it would have been difficult. Thus, while it was logical to consider closing training school beds when we were told that some $3 million, or about 10 percent, had to be cut from our previous year's total funding, I was reluctant to proceed without having additional funds for replacement services. So I went to our State Division of Crimnial Justice Services and asked whether LEAA or JJDPA funds could be made available for alternatives to the training school beds which we wanted to close.

The answer was yes. Our Division of Criminal Justice Services saw this as part of its mandate from Congress. Rather quickly, as a consequence, we developed a grant application for approximately $1.7 million for alternatives to institutionalization beyond those already in our State "pipeline."

The State Crime Control Planning Board voted the grant in December 1975, and in March 1976 the Legislature ratified our plans by enacting the State budget as it had been proposed by the Governor. Our "deinstitutionalization" plans thus became a legal mandate as of April 1, 1976 at the start of the 1976–1977 fiscal year. Later that year, the Legislature went a step further and enacted Governor Carey's proposal that the placement of status offenders in training schools be banned by statute.

Throughout 1976, a multi-ring circus was in operation. Let me explain. You will recall my statement that there were already over 1200 non-institutional places available, in total. The problem was that placement of youngsters in these programs and foster homes was not occurring in any centralized way. The program directors often made their own referral arrangements for youngsters from the courts, from probation officers, and from other sources outside the Division for Youth. Thus, in operative effect, the Division for Youth was almost two separate agencies. Youngsters "ticketed" by the courts for t[illegible] training schools tended to go there even though New York State law permits no such judicial mandate. They tended to be sent to the training schools in part because the alternative placements were too often not open to them.

One reason the alternative placements were not available to "training school" youngsters was that our own bureaucratic organizational structure worked against our being "one" agency. There was one group of senior people who supervised facilities, and there was an entirely separate bureaucracy for intake and aftercare. Intake workers had very little say in where youngsters would be placed. Facility directors, other than directors of training schools a[illegible] locked facilities, could reject virtually any one. If an intake worker did want to stand up to a facility director, he had to carry his fight to Albany for the placement of a single youth. It was not often done.

Thus, we had to reorganize from top to bottom. Even as we were moving toward serious and significant changes in the pattern of our services, we reorganized our bureaucratic structure into a regional approach. In each of four regions of the State, subdivided further into eight districts, we placed all facilities, all intake and all aftercare under unified supervision. Further, we gave our intake personnel, now combined with aftercare workers and called youth serv[illegible] teams, the power to determine, subject to appeal, where youngsters would be sent.

As we were inventing and implementing the regional structure with its concomitant alterations in the balance of bureaucratic power, we were developing our placement alternatives. The newly minted regional directors were given mandates to develop plans in their areas for spending the $1.7 million grant which had been obtained from the Division of Criminal Justice Services. Each was allotted a portion of the funds and directed to develop a variety of service alternatives, a certain number of new family foster care slots, and so on.

Simultaneously, there was a schedule of gradually phasing cottages out of the training schools. The schedule was gradual enough so that most of the youngsters could go home when their contemplated institutional stay was completed. For those, perhaps a third, who needed some additional placement, the time frame was stretched long enough so that plans could be made on an individual basis.

As the year progressed, new group homes opened in a number of places in the State. Additional beds in our youth development centers (a somewhat more intensive form of community-based group care) appeared. We added 90 b[illegible]s in the area of family foster care. We developed about 75 slots in independent living for youngsters nearing the end of their stay with the agency. And, we developed hundreds of "miscellaneous" placements of a "day service" nature.

I would like to say a special word about day service. The theory of day service was that youngsters could live at home if they had special supervision and specially designed programs, so that they could have an educational alternative to attending the school which had so recently been anathema to them, or could get other service of a counseling or treatment nature. As it turned out, our day service options served not so much to enable youngsters to s[illegible]y at home as to enable placement of many youngsters in group homes or family foster care who otherwise would not have been appropriate for those programs.

In any case, the PINS youngsters were entirely removed from our training schools by January 1977, some months ahead of schedule. They or, more accurately, their successors are being served now in a wide variety of settings including camps and other rural programs, group homes, family foster care independent living, supervised residence with college students, voluntary agencies, and their own homes with special supervision and supportive service.

Some comparative costs may be in order. The current annual cost of a tr[illegible]ing school bed is on the order of $27,000, of which about $18,500 is the on-grounds cost. The current cost of a group home is approximately $15,000, of which $9,000 is the on-grounds cost. The current cost of family foster care is abou[illegible]

$5,700, of which about $3,800 is the average payment to the family. The independent living program costs about $4,320 per youngster per year. Programs wherein we have a few youngsters living on college campuses, with supervision, cost about $8,000 per youngster per year. The on-grounds costs, alone, of an appropriately intensive program for that handful of youngsters who have vary special problems is about $35,000 per year.

It is important to understand that, for some youngsters, the cost of an appropriate program, even though community-based, may mount up. Thus a youngster in an urban home, at the $15,000 cost just indicated, might also thrive because he or she has the chance for a special program to deal with a learning disability, and may also be participating in, let us say, a supported work program. For such a youngster, the overall program cost may perhaps be $23,000 per year, but then that is an intensive, totally appropriate program responding to the individualized needs of the child, and is still less expensive than the current cost of the training school placement. Indeed, if one were to ask for the secret underlying appropriate program models for status offenders, it is in individualized response whether by the mixing and matching of community enrichment options, and by the development of appropriate program options for those youngsters who cannot respond in a community setting. For older youngsters, employment and vocational training opportunities are exceptionally important. Work with families is critical when there is any possibility of improvement in that area. Mental health-based therapeutic approaches are necessary sometimes. Special attention to learning disabilities and overall educational deficiencies is another key element. Proper medical care is another. And, above all, it is essential to find the right mix and match for each youngster.

As we were changing our approach for status offenders, we were also moving in the area of delinquency. That is not the subject of these hearings, but it is important to make reference to it, because the agenda for agencies like the Division for Youth is more extensive than relating to status offenders. There is an unfortunate tendency abroad in the land today to think simplistically in terms of getting tougher on delinquents and "deinstitutionalizing" status offenders. In fact, there are many delinquents, if not a majority, among those sent to us by the courts, who are as much "victim" youngsters as are the status offenders and need exactly the same mix of programs in non-institutional kinds settings as do status offenders. We have also placed special emphasis on more stringent approaches to the more serious offender, to be sure, but such youngsters are a distinct minority among the delinquents we receive.

The current situation is not without its problems. Our facilities across the board, whether rural or urban, are now dealing with relatively more difficult youngsters. I think they are up to the challenge, but sometimes some of them are not so sure. And, it is true that the relative increase in the complexity of the youngsters served at each level in the system has clearly exposed our staff gaps and vulnerabilities. As a consequence, we need extensive budgetary help from our Legislature this year. Since we have operated for the past 2 years with a budget that has not even kept pace with inflation and since we have saved the taxpayers literally millions of dollars by closing unnecessary institutional beds, we think we have a good case for getting some help now that we need it.

Let me turn briefly to the question of detention. Our steps in this area have not been as rapid, but we are moving along.

Eight secure detention facilities exist in New York State. With one exception they are operated locally, but they are regulated by the Division for Youth and reimburse the localities for half their cost.

Over 12,000 youngsters spent some time in secure detention in 1975, more than 1,000 of them for more than month. About half the detainees were alleged status offenders. The total number detained decreased to slightly over 10.000 in 1976, as more nonsecure alternatives were developed. Most of the reduction was is the status offender area.

We are pursuing a multiple strategy. We have done an extensive study showing that there are too many secure detention beds in the State, both because removal of alleged status offenders will decrease bed needs and because of over-detention of alleged delinquents. We are therefore pressing for the reduction of secure capacity. We are also encouraging multi-county contractual arrangements with regard to the use of remaining facilities, so that every county can have secure detention beds available when they are needed.

We are working jointly with our State's Division of Criminal Justice Services on a strategy of developing non-secure detention alternatives. Each of the seven localities (six counties and New York City) operating secure detention either has or shortly will have a DCJS grant for starting up a non-secure program. Division for Youth staff have been extensively active in helping localities design non-secure alternatives, and in getting across the idea that non-secure alternatives include a full range of programs—from highly staffed programs which derive near-security out of intensity of staff coverage, to group home type care, and family foster care, and including non-residential programs which serve a youth from a base of residing in his or her own home.

Things are coming along. Four of the eight secure detention facilities no longer serve alleged status offenders, and new non-secure alternatives are coming into existence quite rapidly.

I expect that the detention figures for 1977 will reflect the further progress that we are now making, and we should have no difficulty coming into compliance in a timely fashion.

I am happy to have had the opportunity to appear before the Committee today. I have separately submitted some budgetary data and descriptions of some of our alternatives to institutionalization that we think are interesting. I would be happy to elaborate on any of these matters in response to questioning, and by further written submission if the Committee so desires.

J 79020

STATEMENT OF REX C. SMITH, DIRECTOR, MARYLAND JUVENILE SERVICES ADMINISTRATION

DEINSTITUTIONALIZATION OF STATUS OFFENDERS—"THE MARYLAND EXPERIENCE"

Substantive and significant change in the social order often brings conflict, apprehension, and even fear, breaking tradition brings forth great challenges. The "greater good" theory holds that in the struggle to increase the human dignity of mankind there will most certainly be a measure of incongruity between philosophy and reality. Therein lies the problem, the philosophy that no child should ever have to be confined for non-law violating behavior is in conflict with the reality that society has an obligation to protect its children fr[illegible] themselves, or perhaps from other influences within the community. Here lies the challenge, since this conflict will always exist, society has failed to create that protection in any manner which would negate a requirement for confinement. It is argued that this failure is not cause enough to give legitimacy to the confinement of these children. Only by restricting confinement will society, in fact, create devices for protection, normal growth, and development of these children, the latter argument appears to be much in the sense that "necessity is the mother of invention." It is apparent that our current movement toward the ends of each of these potentially conflicting principles has in mind th[illegible] "necessity is the mother of invention." More importantly, we cannot justify the continuing confinement of these children on the basis of current reality which is that we have not devised a full range of means of protection of these children outside of confinement.

Maryland was in the throes of a resolution to this conflict as early as June, 1972. The Legal Aid Bureau filed a major legal challenge to the State's juvenile laws that allowed confinement in training schools for children found to be in the status offender category. The attorneys, Mr. Joseph A. Matera and Mr. Michael A. Milleman, requested a special three judge federal court be impaneled to hear the complaint brought as a class action suit for approximately 500 population of 170; a female institution contained approximately 200 status offchildren. The suit was filed on behalf of two 13-year-old boys in one of the State's training schools.

Since 1969, Maryland was required by law to separate status offenders from delinquent offenders in its training schools. To meet that requirement Maryland maintained an institution for male status offenders with an approximate fenders; and two, 30-bed forestry camps were set aside for the status offender. Therefore, approximately 430 status offenders were institutionalized at a given time within Maryland's training school system. It should be stated that Maryland has ranked as one of the highest States in the commitment of juveniles to training school facilities. It is noteworthy that the establishment of the Department of Juvenile Services in 1967 was the result of very progressive thinking

related to the treatment of juveniles. Nationally it is a unique development where all of the traditional court probation services and the detention and institutional services were put under one umbrella organization. This allowed for the implementation of a common philosophy of treatment of children before the courts throughout the State. It was with that thrust that even prior to the class action suit and to legislative consideration of the deinstitutionalization of status offenders, Maryland's department of juvenile services had imbarked upon a vast program of community-based facility development. It may have been this thrust, begun in earnest during 1969, that permitted the later development of a substantially effective response to legislation which deinstitutionalized the status offender.

During the 1973 session of the Maryland General Assembly, two different bills were introduced. One bill which had gained the majority of its support from the judiciary and the staff of the Department of Juvenile Services permitted institutionalization but only after documented steps had been taken to provide for community-based services to the status offender. The second bill, Senate Bill 1064 sponsored by Senator Clarence Blount of Baltimore City, called for the total deinstitutionalization of the status offenders with no loopholes. Obviously this bill did not receive as much favor as the first. It was too dramatic! It was too revolutionary! The system could not handle it.

In the waning hours of the session of the general assembly, perhaps at the eleventh hour, the Senate bill sponsored by Senator Blount passed. Between the time of its passage by the general assembly and its being signed into law by the Governor, there was a great deal of controversy concerning the effect on children and on the institutional programs which had developed to serve the status offender. The Governor received advice from the judiciary who did not favor the bill and many others who were apprehensive about its enactment. Dr. Neil Solomon, Secretary of the Department of Health and Mental Hygiene, in May 1973 advised the Governor of his support for the bill knowing of the tremendous amount of responsibility and work which would have to go into its implementation. Governor Mandel signed the bill into law on May 24, 1973. The bill was very specific in its sections dealing with detention and commitment. Article 26, section 70–11 of the Annotated Code of Maryland was amended to read "detention is permitted only when a person is alleged or adjudicated to be delinquent child." Section 70–12 of article 26 was amended to read "a child in need of supervision (status offender) shall never be placed in detention, but only in shelter care facilities maintained by the Department of Social Services. . . ." Section 70–19 of article 26 was amended to read "if a child is found to be in need of supervision (status offender) the court may not confine the child in a juvenile training school or any similar institution." This bill was signed by the Governor on May 24, 1973 and was to become effective January 1, 1974.

The effect of the passage of this legislation immediately created a tenor of great apprehension as to the requirements of program design and development for those children outside of institutional settings, and the administrative quandary of the obvious need to close those institutions which had been exclusively serving the status offender. This meant a great deal of energy was directed at personnel and programmatic issues.

Perhaps of greater significance, as far as the intent of the legislature was concerned, was the report of the Joint Budget and Audit Committee which required that any moneys accrued as a result of phasing down or closing of institutions for status offenders would be required to be directed toward the development and maintenance of community-based services for these youth. The impact on our institutional programs was as follows: The Victor Cullen School for Boys, approximately 170 beds, was completely closed. Two 30-bed forestry camps were closed to status offenders but were converted to house delinquent youth. Approximately 200 beds of the 240-bed Montrose School for Girls were relieved. The Boys' Village Training School, housing approximately 275 delinquent youth, was reduced in size to 100 beds with that population going to the 2 forestry camps and to the Montrose School. Later the Boys' Village commitment population of 100 was reduced altogether by utilization of the available bed space at the Montrose School. The net effect budgetarily for the Department of Juvenile Services with regard to institutional programs was a complete reversal of the allocation of moneys available to the department. In fiscal year 1973, 57 percent of the department's budget went to institutional programs while 40 percent went to community services' programs. By fiscal

year 1975 the institutional percentage of the budget was reduced to 40 percent while the community services' programs percentage increased to 57 percent.

During the summer and fall of 1973, the major emphasis of the Department of Juvenile Services was toward a full implementation of the intent and spirit of Senate bill 1064. A complete analysis of those youngsters in institutional programs prior to January 1, 1974 was undertaken to determine in greater detail the number and nature of the youth requiring community services. In addition there was an analysis of the rate of entry for the previous years of status offenders into detention and training school populations. This allowed the department to assess the extent to which services would have to be developed, first for those children who had to be relieved from detention or commitment and, second, for those children who otherwise would have been confined in detention or commitment programs.

Analyzing statistical data was the easy part. The incredibly difficult part was adjusting to an entirely new frame of reference with regard to these children. This turned out to be an extremely healthy and rewarding challenge. Nearly all of the staff of the Department of Juvenile Services had to begin to think in terms of preventive and impacting programs and services aimed at problem-solving for the youth and their families. The crutch, the threat of institutionalization, the ultimate weapon in the arsonal of techniques, was no longer available. Nearly everyone had had it available for potential utilization, given the courts concurrence. The cry went out from almost everyone dealing directly with these most difficult children, i.e., school personnel, police, social workers, probation officers, counselors, etc. The department had supported the legislation, the principle, and the philosophy, and now had to face the reality. The court and community services component of the Department of Juvenile services was administered through regional and county offices and it was through these staff and their efforts, despite their own conflicts of anxiety and fear, that the department reached out to seek to find a way to implement the legislation. The strategy consisted of working internally to reach the conclusion that it could be done and done with the least amount of disruption to the lives of the many children being served by the Department of Juvenile Services.

Meetings were held with State and local police jurisdictions to advise them of the new procedures and hopefully offer them, through the department, the alternatives to detention.

Other meetings were held at the local and State level with the Social Services Administration concerning youth who were under their care and who, prior to January 1, 1974, were often referred to court for institutional placement upon runaway or ungovernability within a foster home. A concrete agreement was reached between the departments that there would be no further referrals to the juvenile justice system of those youngsters in their care who became status offenders. Meetings were then held with local school officials regarding the availability of services within the educational system which would have to be developed as an alternative to referral to the juvenile court system.

Several discussions ensued with group home providers toward the establishment of a minimum of 80 additional group home beds for youth requiring a continuing residential program. The department had provided seed money toward the development of some of these group homes and was in a position to provide additional funding and increased rates to group home program providers. The most significant area of concern having to do with 24-hour availability of residential shelter care involved a vast increase in the recruitment, training, and development of individual foster homes for emergency shelter care and for longer term residential care. Perhaps the greatest burden fell upon line probation officer personnel in their increased responsibility for administering the time-consuming progress of referral and placement of these children in residential facilities. More of their time had to be devoted to intensive work with individual children and their families.

A specialized purchase of services program was just in its infancy and, to some degree, buttressed the efforts of the probation counselor because tutorial, clinical, family counseling, and other such services could be purchased for a youth while he remained in his own home.

It was determined sometime in August 1973 that our staff would assume a January 1, 1974 posture in that no further recommendations for institutionali-

zation or for detention would be made after September 1, 1974. The department requested of the judiciary that no further commitments of status offenders take place after October 1, 1973. This recommendation was accepted by most of the judiciary.

At the same time there were several legal considerations which required consideration by the Attorney General's office of the State of Maryland. One consideration had to do with whether forestry camps, because of the nature of its program, was a training school or "similar institution." That would determine whether the camps would be closed. The attorney general ruled that the camps were, in fact, a training school or "similar institution." Second, the attorney general ruled that the effect of the law on January 1, 1974 meant that no child who is a status offender could be in an institution after that date. There had been some controversy as to whether children who had been committed prior to January 1, 1974 could remain beyond that date.

The effect of this upheaval within the Juvenile Justice System in Maryland reinforces the idea that the best laid plans of mice and men will go awry; however, it has also proved the axiom that "necessity is the mother of invention." Maryland was not fully prepared for these children in terms of having developed sufficient programs to deal with all of their needs throughout the State. The financial effect of closing the institutions was not as great as had been anticipated. There was great difficulty in effecting the strategy as previously mentioned with regard to group home bed development and other alternatives which could not be effectively funded. The frustration often associated with inability to provide the proper residential setting for some youth led to inappropriate practices. On occasion, a youth who is really a status offender may have a charge of delinquency placed against him to effect institutionilization. Occassionally a technique was used which involved holding a child in contempt of court as a delinquent act for not having lived up to the order of the court. This type of action was not wholesale but it was clearly indicative of the ever present conflict between full adherence to a principle and philosophy which the real world would not fully support. The lack of support within the real world for that philosophy, commended action in the interest of protecting the child.

On the whole the strategy did work and continues to work. Programs and services by various agencies within counties and county school systems have developed significantly. These agencies are dealing with more and more problems of these children and their families at earlier stages. Referrals of status offenders for court action have dropped off significantly as a result of the development of these services and the recognition that reality must reach to the principle. In 1974 the Department of Juvenile Services received nearly 4,000 referrals for status offenders. The following year it was 1,000 less. In 1976 it was 1,000 less than that.

In early 1975, 1 year following the impact of Senate bill 1064, the Department canvassed its staff with regard to the effect. While there was still a great deal of concern for children whose behavior could not be dealt with effectively in the community, there was overwhelming support for deinstitutionalization of the status offender, both at detention and commitment. There was general agreement that this was one of the best things that could have happened to children in this category in the State of Maryland. To quote the final paragraph of one of the narrative responses from the staff of a major urban county, lying outside the Metropolitan Washington, D.C. area, "the only comment that we would make would be that we feel the cins type of case should not even be in juvenile court." That sums up the general feeling of most staff as it relates to deinstitutionalization of status offenders. Any falling back to a position which is an open door to conditions prior to January, 1974, is a thought which is intolerable, even to those who must come face to face with youth for whom we seem to have devised no effective solution to their problems.

The Maryland experience is not over. There are critics. There are those who believe some youth must be confined to be treated and protected. There are those who believe our service technology has not met the needs of these children outside of confinement, but who believe to open the door a little bit to confinement means opening it to indiscriminate confinement again. There is absolutely

no question that the hundreds of youth who were confined as status offenders prior to January 1, 1974 did not need that confinement. To take a step backward would be disastrous. The position of the State of Maryland is evident. The major citizens' organizations, lobby groups for juvenile justice, legal and other advocates, and a recent Maryland Governor's Commission on Law Enforcement and the Administration of Justice have maintained a staunch position that deinstitutionalization of status offenders will be maintained in Maryland. It is a posture that requires more than a commitment of attitude, a commitment of frame of reference, and a commitment to a principle. It requires a commitment of energy, governmental priority and funding. It is at a risk of realizing that we may not be able to meet all of the needs of all of the children all of the time. We should be sobered to another realization, that our previous ability to confine these children did not solve all of the problems of all of the children all of the time. It can be said that the same children who are the most frustrating and for whom we have worked arduously and failed within the community to meet their needs are the same children for whom we diligently tried to devise programs within a confined setting. This also did not work and often led to their movement from one institution to another, their running away from one institution after another, and their relatively ungovernable behavior within an institutional setting. Simply said, there are those children in this status who simply defy our current ability and technology to treat them effectively. The vast majority of those in this status are being treated effectively and can be treated effectively without confinement, once we are fully committed to that end.

The Maryland experience proves that the deinstitutionalization of status offenders can and should be fully implemented. There are risks involved, but no where near the extent of risk involved in the confinement of hundreds and hundreds of status offenders, previously in Maryland but currently in this Nation.

79021

STATEMENT OF THOMAS M. YOUNG AND DONNELL M. PAPPENFORT, SCHOOL OF SOCIAL SERVICE ADMINISTRATION, UNIVERSITY OF CHICAGO

ALTERNATIVES TO SECURE DETENTION OF JUVENILES

Certain provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) have led jurisdictions in several States to reexamine their use of secure detention for juveniles. Interest in alternatives to detention has risen and alternatives suitable for juveniles charged with status offenses are of special interest since this group of juveniles is named in the legislation [Sec. 223, (a) (12)].

During fiscal year 1976, Dr. Pappenfort and I conducted a study of the use of secure detention of juveniles and of alternatives to its use. The study was funded through a grant from the Law Enforcement Assistance Administration to the School of Social Service Administration at the University of Chicago. Ms. Phyllis Modley with the National Institute of Juvenile Justice and Delinquency Prevention was the grant monitor. She and Dr. James Howell, Director of the Institute, were consistently helpful in many ways during the course of our study.

The main components of the study involved (1) a review of literature published since 1967 on the use of secure detention and of alternatives, (2) selection of and visit to 14 juvenile court jurisdictions with alternative programs, (3) preparation of individual reports describing each jurisdiction including a detailed description of its alternative program, and (4) submission of a final report and an executive summary based upon both the literature review and the field research.

REVIEW OF THE LITERATURE

Our review of the literature on the use of secure detention for juveniles confirmed that the main issue now is what it always has been: Secure detention is misused for large numbers of youths awaiting hearing before the Nation's

juvenile courts. This statement is supported by recent reports sent to us from 22 States and the District of Columbia, many of which contained statistics on youths detained by age, race/ethnicity, sex, type of offense, and average length of stay. The types of misuse of secure detention revealed in this literature are:

(1) County jails are still used for temporary detention of juveniles, particularly in less populous States. Even in some more heavily populated jurisdictions, however, jails are used for some juveniles despite the existence and availability of a juvenile detention facility. In many States seeking to reduce the use of jails for the detention of juveniles, the dominant alternative is seen as the construction of a detention facility.

(2) Use of secure detention for dependent and neglected children appears to be on the decline as more jurisdictions develop either shelter-care facilities or short-term foster home programs. Some jurisdictions, however, are known to misclassify dependent and neglected children as youths in need of supervision who then are placed in secure detention. The extent of the latter practice is unknown.

(3) Many jurisdictions still exceed the NCCD recommended maximum detention rate of 10 percent of all juveniles apprehended; the proportion of juveniles detained less than 48 hours continues to hover around 50 percent. These patterns are frequently cited as evidence of the inappropriate use of detention.

(4) Many jurisdictions are unable to mobilize the resources necessary to attend to children with special (neurological and psychiatric) needs. These children are then often detained, sometimes for excessive lengths of time.

(5) Status offenders tend to be detained at a higher rate than youths apprehended for adult-type criminal offenses and also tend to be held longer.

(6) Youths of racial and ethnic minorities tend to be detained at higher rates and for longer periods than others; females are detained at a higher rate and longer than males.

(7) Extra-legal factors are more strongly associated with decision to detain (versus release) than legal factors (those specified by juvenile codes). Time of apprehension (evenings and weekends), proximity of a detention facility and degree of administrative control over intake procedures have all been found to be associated with the decision to detain in addition to those factors contained in items (5) and (6) above.

The actual extent to which these patterns of misuse exist either within or between States is unkown. Many States—and jurisdictions within States—still do not collect statistics at regular intervals on the use of secure detention.

SITE VISITS TO PROGRAMS

For site visits we selected programs in 14 jurisdictions. Selection was purposeful and not random. We included programs in large, middlesize, and small cities; programs designated for alleged status offenders or alleged delinquents, or both; residential and non-residential programs. We also tried to achieve some geographic spread across the country. The 14 programs we visited in January and February, 1976 are:

Discovery House, Inc., Anaconda Montana
Community Detention, Baltimore, Maryland
Holmes-Hargadine Attention Home, Boulder, Colorado
Attention Home, Helena, Montana
Transient Youth Center, Jacksonville, Florida
Proctor Program, New Bedford, Massachusetts
Outreach Detention Program, Newport News, Virginia
Non-Secure Detention Program, Panama City, Florida
Amicus House, Pittsburgh, Pennsylvania
Home Detention, St. Joseph/Benton Harbor, Michigan
Home Detention Program, St. Louis, Missouri
Community Release Program, San Jose, California
Center for the Study of Institutional Alternatives, Springfield, Massachusetts
Home Detention Program, Washington, D.C.

Table 1 lists the 14 programs grouped according to how they named or classified themselves.

TABLE 1

Percentages of Youths Allegedly Committing New Offenses, Running Away, Total Failure Rate, and Success Rate for 14 Alternative Programs

Type of Program	Percent			
	New Offenses	Running Away	Total Failure Rate	Success Rate
Home Detention Programs:				
Program A.....	4.5	3.0	7.5	92.5
Program B.....	4.4	8.4	12.8	87.2
Program C.....	2.4	0.0	2.4	97.6
Program D.....	5.2	0.0	5.2	94.8
Program E.....	2.4	1.9	4.3	95.7
Program F.....	10.1[ab]	...[ab]	10.1[ab]	89.9
Program G.....	5.5	0.0	5.5	94.5
Attention Homes:				
Anaconda.....	NA	NA	NA	NA
Boulder.....	2.6[a]	2.6[a]	5.2[a]	94.8
Helena.....	NA	NA	NA	NA
Programs for Runaways:				
Jacksonville...	...[c]	4.1	4.1	95.9
Pittsburgh.....	0.0[ad]	7.8[d]	7.8[ad]	92.2
Private Residential Foster Homes:				
New Bedford....	0.0	10.0	10.0	90.0
Springfield....	1.2	6.8	8.0	92.0

[a] Information based on interview only
[b] Runaways may not be included
[c] Not applicable
[d] Includes youths not within court jurisdication
NA Information not available

HOME DETENTION PROGRAMS

The seven Home Detention Programs used a similar format. The youths re side with their parents and are assigned to probation officer aides. Youths ar required to meet individually with their assigned aides at least once daily an may meet (individually or in groups) more often. The aides may be avail l to parents as needed for information and advice on finding solutions to problem of their own or they may be required to contact parents, teachers, and othe

significant adults regularly in person or by telephone. Some jurisdictions emphasize the supervision and surveillance aspects of this format; others emphasize the service aspects. In certain jurisdictions residential alternatives to youths' homes have been provided for those who cannot, will not, or should not return home.

All of the Home Detention Programs authorized the aides to send a youth directly to secure detention when he or she did not fulfill program requirements—for example, daily contact with the aide, school, or job attendance.

ATTENTION HOMES

Attention Homes are group homes which house between five and 12 juveniles and have one set of live-in houseparents. Frequently, the home is a converted single family dwelling in a residential neighborhood so that the juveniles can continue attending their schools. Social service workers are often available to the juveniles and the adults providing care.

PROGRAMS FOR RUNAWAYS

The programs for runaways were also group residences but differed in certain respects both from each other and from the Attention Homes previously described. The program in Pittsburgh was designed for runaway youths from that area. Admission to the residence was not limited to juveniles referred from detention intake. Youths arrived by referral from other agencies in the community and on a drop-in basis as well. The program emphasized intensive counseling for youths and their parents to resolve immediate crises and then arranged for longer term counseling with other agencies when needed.

The program in Jacksonville was designed as an alternative to the use of secure detention for runaways. It is a group residence also but most youths are from other States; they are usually brought to the residence by the police and court officials. Youths do not stay long in this program since its primary goal is to help them return to their natural parents. Counselors are available 24 hours a day to talk with the youths and arrange for their return to their own homes.

PRIVATE RESIDENTIAL FOSTER HOMES

The private residential foster homes are quite different from one another. The program in New Bedford, Massachusetts is called the Proctor Program. It is run by a private social work agency and is one of several alternative programs in a jurisdiction where there is no secure detention facility for girls. The Proctor Program pays a salary to a small number of single women (called "proctors") between the ages of 20 and 30 to take one girl at a time into their homes and provide 24-hour care and supervision while agency staff develop treatment plans for each girl.

The program in Springfield, Massachusetts is a network of foster homes (two beds each), two group homes (five beds each), and a "Receiving Unit" group home (four beds). Besides the foster parents and group home parents, a small number of staff provide counseling and advocacy services for the juveniles and support for the foster parents. In relative terms, this program was the most extensive one we encountered. We know of no other part of the United States in which is located a city the size of Springfield where so few youths are detained securely prior to adjudication.

PROGRAM COMPARISONS

For most of the programs listed in Table 1 we obtained information on the percentages of youths running away or allegedly committing a new offense while in the alternative program awaiting adjudication. Negative information of these kinds cannot do justice to program efforts and have in themselves problems of comparability. Nevertheless, they do provide an opportunity to compare programs collectively and to illustrate what can be accomplished.

You can see that the program failure rate is obtained by adding the proportions of youths running away or allegedly committing new offenses while in

the program. These measures were chosen because all the programs included among their goals keeping youths trouble free and available to the court while awaiting an adjudicatory hearing. The failure rates range from 2.4 percent to 12.8 percent. You should note that both of the programs reporting these percentages had the same format: they were Home Detention Programs. It appears that similar programs can produce different results when carried out by different organizations in different jurisdictions, possibly working with different kinds of juveniles.

In general, the program failure percentages for Home Detention Programs tend to be alleged new offenses rather than runaways. In only one instance (Program B) does the percentage running away exceed that for alleged new offenses. Furthermore, two programs reported no runaways during their reporting year.

The Attention Homes in Boulder, Anaconda, and Helena serve diverse groups of Juveniles with considerable success.

The percentages for the residential group home programs for runaways reflect their purposes. What they have been able to accomplish, with local and interstate runaways, should be of considerable importance to the many jurisdictions that have found such youths especially difficult to contain suitably.

The two private residential foster home programs are both located in the State of Massachusetts and were developed partly in response to the progressive act of that State in closing its juvenile correctional institutions. The New Bedford program for girls experienced no allegations of new offenses during the reporting year, although 10 percent ran away. The program serves many girls referred for running away or incorrigibility, although it serves alleged delinquents as well. The Springfield statistics may be of the greatest importance of any in Table 1. Almost no juveniles are securely detained in this jurisdiction so juveniles who are difficult to supervise as well as easier ones are referred to the program. The 8.0 percent total for "failure" is quite an achievement, especially as it includes few alleged new offenses. In fact, excluding programs only for runaways, the 1.2 percent of interim offenses is the smallest of any program.

The success rate is simply the inverse of the failure rate. You will recall however, that all of the Home Detention Programs authorized their personnel to place a youth in secure detention when he or she did not fulfill program requirements. The proportion of youths placed in secure detention in this way ranged from 8.1 percent to 24.8 percent for these programs. Some observers argue that the success rate listed for the Home Detention Programs in Table 1 should be reduced by the proportion of youths placed in secure detention by program personnel. If this were done, the adjusted success rates would be as shown in Table 2. Others argue that it is unfair to consider use of a planned preventative procedure as a program weakness. The youths placed in secure detention by alternative program staff did get to court.

TABLE 2.—*Adjusted success rates for home detention Programs*

Program:	*Adjusted success rate*
A	80.
B	70.
C	89.
D	73.
E	70.
F	76.
G	(1)

[1] Data on youths placed in secure detention not available for this program.

PROGRAM COSTS

In each jurisdiction visited, we asked for the cost per youth per day for the alternative program and for the secure detention facility. The results are displayed in Table 3.

TABLE 3.—COSTS PER YOUTH PER DAY OF 14 ALTERNATIVE PROGRAMS AND OF SECURE DETENTION FACILITIES IN THE SAME JURISDICTIONS

Jurisdiction	Cost	
	Alternative Program	Secure detention
Home detention programs:		
Program A	[1] $6.03	[1] $36.25
Program B	[1] 11.42	[2] 29.60
Program C	[1] [2] 24.22	[1] 35.69
Program D	[3] 4.85	[3] 17.54
Program E	10.34	27.00
Program F	[4]	[4]
Program G	[4]	[4]
Attention homes:		
Anaconda	15.00	[5]
Boulder	13.67	22.83
Helena	22.00	[5]
Programs for runaways:		
Jacksonville	18.00	18.00
Pittsburgh	85.00	35.00
Private residential foster homes:		
New Bedford	63.87	[5]
Springfield:		
Intensive detention program	32.28	[4]
Detained youths advocate program	14.30	[4]

[1] Expressed in 1974 or 1975 dollars.
[2] Includes costs of a contract for program evaluation of about $3 per youth per day.
[3] Expressed in 1972 dollars.
[4] Not available.
[5] No secure detention facility.

CONCLUSIONS ABOUT ALTERNATIVE PROGRAMS

In concluding this presentation, we set forth certain generalizations about programs currently in use as alternatives to secure detention for youths awaiting adjudication in juvenile courts. You should remember that we visted only [f]ew such programs and that selection of programs in different jurisdictions might have resulted in other generalizations. Still, we will summarize conclusions that we believe to be of immediate importance to individuals and organizations that may be considering the development of alternatives in their jurisdictions.

1. The various program formats appear to be about equal in their abiilty to keep those youths for whom the programs were designed trouble free and available to court. That is not to say that any group of juveniles may be placed successfully in any type of program. It refers, instead, to the fact that in most programs only a small proportion of juveniles had committed new offenses or run away while awaiting adjudication.

2. Similar program formats can produce different rates of failure—measured in terms of youths running away or committing new offenses. The higher rates of failure appear to be due to factors outside the control of the programs' employees—e.g., excessive lengths of stay due to slow processing of court dockets or judicial misuse of the program for pre-adjudicatory testing of youths' behavior under supervision.

3. Any program format can be adapted to some degree to program goals in addition to those of keeping youths trouble free and available to the court—for example, the goals of providing treatment or concrete services.

4. Residential programs—group homes and foster—are being used successfully both for alleged delinquents and status offenders.

5. Home Detention Programs are successful with alleged delinquents and with some alleged status offenders. However, a residential component is required for certain juveniles whose problems or conflicts are with their own families. Substitute care in foster homes and group homes and supervision within a Home Detention format have been combined successfully.

6. The Attention Home format seems very adaptable to the needs of less populated jurisdictions, where separate programs for several special groups may not be feasible. The Attention Home format has been used for youth populations made up of (a) alleged delinquents only, (b) alleged delinquents and status offenders, and (c) alleged delinquents, status offenders, and juveniles with other kinds of problems as well.

7. Thoughtfully conceived non-secure residential programs can retain, tem porarily, youths who have run away from their homes. Longer term help i believed to be essential for some runaways, so programs used as alternatives t detention for these youths require the cooperation of other social agencies t which such juveniles can be referred.

8. Certain courts are unnecessarily timid in defining the kinds of youth (i.e., severity of alleged offense, past record) they are willing to refer to alter native programs. Even when alternative programs are available, many you are being held in secure detention (or jail) who could be kept trouble free an available to court in alternative programs, judging by the experience of juris dictions that have tried.

9. Secure holding arrangements are essential for a small proportion of allege delinquents who constitute a danger to others.

10. The costs per day per youth of alternative programs can be very mislead ing. A larger cost can result from more services and resources being mad available to program participants. It can also result from geographical varia tion in costs of personnel and services, differences in what administrative an office or residence expenses are included, and under-utilization of the program

11. A range of types of alternative programs should probably be made avail able in jurisdictions other than the smallest ones. No one format is suited t every youth, and a variety of options among which to choose probably will in crease rates of success in each.

12. Appropriate use of both secure detention and of alternative programs ca be jeopardized by poor administrative practices. Intake decisions should b guided by clear, written criteria. Judges and court personnel should monito the intake decisions frequently to be certain they conform to criteria.

13. Since overuse of secure detention continues in many parts of the country the main alternative to secure detention should not be another program. large proportion of youths should simply be released to their parents or othe responsible adults to await court action.

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STATEMENT OF ROBERT D. VINTER, DISTINGUISHED PROFESSOR OF SOCIAL WORI UNIVERSITY OF MICHIGAN

Mr. Chairman and members of the Subcommittee, I am happy to be here toda to testify regarding alternatives to institutions for status offenders.

At the outset I should note that the conclusions and comments set forth i my prepared statement are drawn from several sources. One major source dat is material collected by the National Assessment of Juvenile Corrections. Th extensive empirical research project of which I was co-director was funded b LEAA. Other sources of data upon which I have drawn are government survey and the reports of countless researchers, commissions and committees.

Terms and definitions are a problem in this field, so I should state what mean by institutions, by alternatives to institutions, and by deinstitutionaliz tion. I use the definition of *institutions* that prevails across the states: the are generally large, closed, and self-contained residential facilities that r strict offenders' contacts with the community. They are often geographical separated from communities, maintain 24 hour surveillance and control ov their inmates, isolate them from community activities and relations, and provi on-grounds educational and sometimes vocational training services. Isolation a secure custody are features of these facilities and they may be surround l walls or fences, although many have open campuses; some or all of their bui ings, particularly dormitories, may be locked and barred. I also include ranch and camps in this category because they are very similar to institutions exce in being somewhat smaller and usually providing farming or conservation vo tional activities.

Alternatives to institutions include all other facilities and programs to wh delinquents and status offenders can be assigned, and include both resident and non-residential services. Conventional probation for children in their o communities and homes is the most traditional and prevalent non-resi al program. Day treatment centers and special schools are also in use am some states. Community-based residential facilities are slowly growing in portance and include foster care placements, group homes, so-called halfw houses, and other types of residential programs. In these alternative residen

programs, the assigned youths are allowed some access to community activities and resources, and almost all attend community schools.

I use *deinstitutionalization* to refer to the policy and practice of assigning adjudicated delinquents and status offenders to these alternative facilities and programs instead of committing them to institutions, or of committing smaller proportions to these facilities than in the past. We have measured States' deinstitutionalization policies and trends by summing those committed to all types of residential facilities and dividing this figure into the total number of youths assigned to community-based residential programs. Using this measure, it is clear that States have moved slowly and only partially to adopt and implement deinstitutionalization policies: in 1974—the last year for which there are comparative statistics—States, on the average, assigned 86 percent of all committed youth to institutions, ranches and camps; at least six States were still sending *all* these cases to institutions, and only four States were assigning 50 percent or more of these cases to *non*-institutional facilities. (Robert Vinter, George Downs, and John Hall, *Juvenile Corrections in the States: Residential Programs and Deinstitutionalization*, 1975.)

I. INSTITUTIONALIZATION OF STATUS OFFENDERS

Advocates of deinstitutionalization policies for juvenile offenders, and especially for status offenders, make several compelling arguments against reliance on institutions.

First, they point to a large body of evidence that clearly demonstrates the harmful consequences for minors which follow on incarceration in closed facilities. These ill effects are due to the sterility of living conditions and daily routines in most institutions, the frequently oppressive and harsh practices used to control large numbers of inmates, the generation of antisocial attitudes, and the intensive training in criminal skills given by veteran offenders to others who are only misdemeanants or status offenders. These effects are universal and inevitable, despite the sometimes heroic efforts to reform these places and to sustain more human living arrangements. It would be grossly unfair to say that most of the staff who operate these facilities are indifferent or cruel, but it is probably precisely true to say that callousness abounds and no institution has existed for long without episodes of outright brutality.

Second, there is now an overwhelming body of research showing that institutions are simply not effective in rehabilitating—or even educating—their young inmates regardless of the procedures employed or the extra resources sometimes invested to enrich their services and programs. (Douglas Lipton, Robert Martinson, and Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies*, 1975.) With the single exception of being able to keep some youths off the street for a time, there seems to be nothing these places can do with or for their charges that other services cannot do better. The overall track record of these places is dismal despite the temporary achievements of a few exemplary programs.

Third, institutions are very expensive to operate and the costs of new construction or renovation have been almost prohibitive. We found that States averaged about $12,000 per offender in operating costs during 1974, with 14 States spending over $14,000 per inmate, and several spending over $19,000. I believe these cost levels explain much of the decline during the 1970–1974 period in the total numbers, and the rates, of youth committed by the 50 States to institutional facilities—a net reduction of 36 in populations of the State-run places. The 1977 operating costs are certainly much higher, probably averaging about $15,000 per annum.

Rises in crime rates over recent years, increased public concern about crime and perhaps especially about juvenile crime, a 36 percent reduction in the numbers of juveniles committed to States' institutions over a 5 year period—these developments had led us to expect we would find radically different types of offenders in the field studies of programs across the nation. But when we looked inside a representative sample of institutions, halfway houses and group homes, and day treatment centers, we found scant evidence that youths were being differentially assigned among these kinds of programs according to the seriousness of their commitment offenses. The highly mixed proportions of inmate commitment offenses within our study's 16 institutions were surprizing: only 17 percent of the inmates had been committed for person crimes, including crimes of violence, although this was higher than the 7 percent of such cases in the halfway houses, and the 11 percent in the day treatment programs.

Thirty-seven percent of the juveniles housed in institutions had been committed for property offenses and 10 percent for drug offenses (mainly "soft") but, in contrast, 29 percent had been committed for status offenses and another 7 percent only for misdemeanors or probation/parole violations (other than property/person offenses). In summary, there were *twice* as many status offenders and misdemeanants in the institutions as youth who had committed person crimes. (Robert D. Vinter, ed., *Time Out: A National Study of Juvenile Correctional Programs*, 1976.)

Because there are known sex differences in both offense and commitment patterns, we also calculated these proportions separately. Programs handling only males did include a larger percentage of more serious offenders, but the differences between the sexes for person crimes was very small. Much more surprising for our interest in the fit between program assignments and youth offenses is the finding that *71 percent* of the institutionalized females had been committed only for status offenses, and 62 percent of the females in all kinds of programs had committed only status/misdemeanor/violation offenses. Since programs for females cost much the same as those for males, and States averaged about $12,000 per offender-year to operate their closed facilities in 1974, this finding alone challenges the coherence of budgetary and assignment priorities for juvenile offenders. I believe that spending upwards to $25,000 per year to incarcerate promiscuous girls and misdemeanant boys is an affront to common sense and the taxpayer's purse.

The view from inside these kinds of programs was not offset by our studies of State-level policies and practices, nor when we reviewed evidence regarding juvenile incarceration in detention facilities, and even adult jails. Our survey of 207 juvenile courts across the nation gave some insight into how this curious mix of youths reaches the correctional programs. Although only 7 percent of the cases formally adjudicated as delinquent were sent to correctional facilities, analysis of court processing led to the proposition that "status offenders referred to juvenile courts have the same, if not higher, probability of being committed to correctional facilities as juveniles with more serious offenses." (Rosemary Sarri and Yeheskel Hasenfeld, eds., *Brought to Justice: Juveniles, the Courts, and the Law*, 1976.)

The argument for use of alternative non-institutional programs for status offenders rests fundamentally on two widely accepted principles: first, that juvenile offenders should be differentially assigned among facilities and programs according to the degrees of risk or danger they present to the community—usually determined by their current offenses and past histories—and second, that as youths with problems these juveniles should be assigned to services likely to ameliorate their difficulties. It is certainly contrary to sane public policy to incarcerate such juveniles in facilities that are harmful to their welfare or increase their problems. Unfortunately, institutions produce these ill affects, whereas alternative services can be more deliberately targeted on the particular kinds of problems demonstrated by the heterogeneous range of juveniles encompassed within the status offender category. Such programs are *working* and are far less expensive.

II. ALTERNATIVES TO INSTITUTIONS FOR STATUS OFFENDERS

Despite the perplexing patterns I have summarized, there is also hopeful information from the States. A very wide variety of alternative services is being developed and at least partially implemented for status offenders as State legislatures adopt policies excluding these youths from correctional facilities, and as State officials exercise their administrative discretion in order to make room for more serious juvenile delinquents by moving status offenders out. Given the heterogeneity of the types of youths included within this category, and the diversity of State and community resources, we find that all manner of programs and services are being brought into use, sometimes as single measures but often in combination. These programs can be classified into two main kinds: *residential* programs that locate juveniles in placements or facilities outside their homes, and *non-residential* programs that serve juveniles who remain within their own homes. In the attached diagram (attachment) I have attempted to display the varieties of both kinds of programs along a gradient that reflects cost differentials among them. The location of programs along the diagonal reflects their per child *relative* costs. These are only approximations

because of the variations in expenditures for every type of program between and within the states, the differences in cost accounting procedures, and the absence or unreliability of cost data. (Costs reported here are expressed as states' average facility or program operating costs during 1974, the last year for which such information is available. Although costs have unquestionably increased everywhere, it is very risky to estimate comparable 1977 costs for each kind of program by straight-line extrapolation. Types of expenditures included in the States' operational costs varied considerably, and the annual increases in each type—e.g., utility and personnel costs—differ greatly among regions of the nation.)

A. Nonresidential programs

The full scope of non-residential programs for status offenders is only suggested by the series located *above* the cost diagonal on the attached diagram. All of these are known to be in operation among some States, at varying levels of usage depending on their statutes, policies, budgets, and the availability of other State and community resources. Programs that maintain juveniles in their own homes range from mere provision of conventional social and public education services, at one extreme, to specialized and targeted programs for particular subgroups of status offenders with identifiable differences in their family, school, or community behaviors and conditions.

At the lower and least costly end of the diagonal are the services offered to many types of minors through public and private sector programs without, necessarily, a court finding. Although the per child expenditures for such services are relatively modest, we know that the mere fact of official court processing often results in *exclusion* of status offenders from access to the most important of these resources. Among public schools this process is called "freezing out" the youths who seem to demonstrate special problems. In this important sense official court processing may constitute a disabling stigmatization.

When courts reach findings in such cases they *may* then also assign these youths to conventional or—if available—to special probation programs. In either event the minor remains within his or her own home and experiences supplemental services within the same community, but with added cost.

At the other end of this non-residential services continum are the more costly and specialized day treatment, educational, vocational, and employment training programs. The overwhelming majority of status offenders appear to be youths who demonstrate greater problems in their family and school situations, and who are unlikely to obtain sufficient developmental assistance unless special efforts are taken. In recent years "alternative schools" have emerged as one major means for serving such youths, although most juveniles in these programs are not adjudicated status offenders. Our findings indicate that the most significant limitation of specialized programs serving status offenders is the inadequacy of their resources for effective preparation to enter the world of work. Instead, undue emphasis is often placed on their apparent emotional and attitudinal difficulties, rather than on their obvious difficulties in acquiring basic skills needed to equip themselves for legitimate social roles in a real and less than hospitable world. (I assume it is understood that the lack of employment opportunities for all youth is having disastrous implications for those who are status offenders and have additional difficulties.) In this range of non-residential programs lie a multitude of ventures in service and in providing resources and opportunities to kids who have been identified as having or being "problems" in their communities.

My view, and that of most who work at these matters, is that it is far more desirable to extend and strengthen these services, and to make them readily accessible to courts and status offenders, than to develop a separate and parallel structure of costly programs for particular categories within each state and community. In my mind there is no question about the rich diversity of American communities, or about their uncatalogued resources and capabilities, but there is every reason to think that these have not yet been mobilized and channeled—or brought on line—for the types of youths we are concerned about: the losers, the unruly, and the misfits.

I should note that to the best of my knowledge there are no reliable figures on costs for status offenders being served through the kinds of non-residential programs shown above the cost diagonal on the attached diagram. Mandatory public education expenditures are made for *all* services on the diagram, but

these costs appear as auditable and calculable costs only for closed institutions (all operate their own schools) and for certain non-residential special education/vocational training programs. The anomaly in cost accounting among community services is that status offenders—and other children who behave in unacceptable ways—are often squeezed out of local public education programs *after* the annual pupil censuses have been taken to assure maximum shares of state/federal allocations.

B. Residential programs

The range of residential programs for status offenders is suggested by the series located *below* the cost diagonal on the attached diagram. The main types of alternative programs are as follows: foster care, small group homes, hostels, and halfway houses.

1. *Foster care.*—Foster home care may involve either single placements of from one to two juveniles or multiple placements of from two to five juveniles. The facility utilized is generally the foster parent's own home which may be located anywhere and everywhere. The juvenile lives in the home and receives supervision from the foster parents who are usually a married couple. Auxiliary services are available on call. A foster home placement involving multiple placements as opposed to single placements necessitates a somewhat larger home and some rennovation or equipment costs may be incurred. Foster parents dealing with several juveniles must also be more competent than foster parents charged with the care of only one or two juveniles. Finally, neighborhood opposition may serve to restrict the location of foster homes used for multiple placements. As of 1974, the average cost of foster care was $2,600 per juvenile per year and up.

2. *Small group homes.*—Small group homes serve anywhere from five to fourteen juveniles. The facility utilized is generally a larger, older home or rooming house, requiring rennovation to bring it up to operating and housing code requirements. The building is sometimes a special facility constructed to standards. A continuing problem with group homes is neighborhood opposition to their location in residential areas. The services provided by small group homes are similar to that provided by foster homes involving multiple placements except that the group home services normally include non-residential auxiliary services and often special arrangements with community schools. The staff of a group home is likewise similar to the staff of a foster home but the staff, who function as surrogate parents, may be state employees, and there may be additional personnel to provide care and support services, such as cooking and laundry. The operating costs of a group home are typically higher than the costs of a foster home when the staff are state employees. A group home often will undertake a commitment to maintain a minimum level of occupancy which also increases costs. The 1974 average operating costs of a group home per juvenile per year were $5,600 and up.

3. *Hostels.*—Hostels are facilities which may service upwards of 20 youths who are usually runaways or transients. The facilities utilized are typically converted rooming houses or similar facilities with little space for each individual resident. The buildings are otherwise similar to those utilized for small group homes. Neighbors are likely to oppose residential locations for such facilities. They may be located downtown so as to provide easy access for clients. The services offered in hostels are geared to uncertain, fluctuating and mixed populations with high turnover. Many hostels operate on a twenty four hour alert schedule. The staff typically includes counselors, social workers and persons who perform a liaison or outreach funuction as well as persons who provide care for the juveniles and maintain the facility. The efforts of the hostel's staff are often directed at negotiating the juvenile's return to his or her own home or relocation in another program and this kind of service increases the staffing requirement. The operating costs of a hostel are generally higher than of a small group home due to the impracticality of maintaining an average capacity population throughout the year.

4. *Halfway houses.*—Halfway houses are facilities which may service from eight to sixty juveniles, but the average population tends to be approximately twenty-five. Facilities utilized for halfway houses are highly diversified, ranging from large rennovated buildings to specially constructed and fully equipped facilities with elaborate intra-mural arrangements. These facilities can be located anywhere—in both rural and urban areas—but zoning regulations and neighborhood opposition often create difficulties in finding a location for

facility, especially a newly constructed facility. Halfway houses may be open or semi-closed. The open houses look much like elaborate small group homes with larger and more specialized staffs. Medical and other auxiliary services are typically obtained through vendor payment contracts and other services are usually made available through state and local agencies. The operating costs of open halfway houses per juvenile per year were $6,200 and up. The costs of semi-closed halfway houses may equal those of institutions.

TUESDAY, OCTOBER 25, 1977

STATEMENT OF DR. KARL A. MENNINGER, CHAIRMAN OF THE BOARD, MENNINGER FOUNDATION AND THE VILLAGES, INC.

"THE VILLAGES, INC.": A PROJECT FOR PREVENTION

There is a disturbing phenomenon abroad in the land. It is that so many good and thoughtful people have lost patience with all the younger generation. I don't mean the hard hats indignant about flag desecration, nor policemen angry at being called names, nor conventional middle-agers who don't like hairy faces and Robin Hood haircuts. It's more than that. I am thinking rather of the mood of rancor and asperity on the part of many intelligent people, including exasperated parents. It stems, I believe, from anger and fear, and from a sense of helplessness and vast perplexity about the next generation.

Young people have many justifications for being disturbed, worried, and even bitter. One of these is that they are all held responsible for the violent, anti-social behavior of a few, some of whom are very conspicuous, noisy, and provocative. It is easy to forget that young people are not a homogeneous group, any more than are older people. And not all of young people commit crimes, or end up in prison or in psychiatric institutions.

But some do. Too many. And these whose actions are so desperate, violent, and hateful, began to be the way they are a long time ago. They come mostly from homes and neighborhoods unfit for civilized human beings. They are the bad fruit of the ghetto, and they act now as they were once treated.

Everyone knows that the population of jails and reformatories is largely a rotating one made up of repeaters who go in and out, in and out. Does it not seem imperative that instead of shouting for more policemen and fiercer crime pursuit we should try to break up this vicious circle? Why not do something for the children whom we know right now are going to be the criminals who fill the jails and hospitals in another dozen years? Why are we not determining to stop the flow of *criminals* instead of wildly endeavoring to control the rates of *crime?*

This is a question which has troubled me very much. Most of my professional life has been spent in treating disturbed and distressed people and in teaching young doctors to do so. I have even treated some "criminals." But now I see the greater importance of doing something preventive. And I think I can convince other people of this.

As a young doctor I treated many cases of typhoid fever, zealously. I was proud of my labors with these sufferers. But, compare my accomplishments with that of the doctor's who corrected the water and sewage systems! They successfully treated not a few score but thousands of patients in advance, as it were. Vaccination isn't a very exciting procedure but it has spared millions the agony of smallpox. The abolition of the public drinking cup and other such simple procedures have prevented untold numbers of deaths.

Why shouldn't this same principle be applied to the incidence of alienated youth? Why wait till they are sick—or incorrigible? We know it *can* be done. Why don't we do it? I propose to try. Let me describe the plan.

Fifty years ago we set up a new program in Topeka, Kansas, for the diagnoses and treatment of mental illness. From the inspiration of the Mayo Clinic idea of group medical practice, we organized the Menninger Clinic and Hospital, the Southard School, later the Menninger Foundation and School of Psychiatry. Education, research, and prevention were a part of the program in all these, but the emphasis was on demonstrating the curability of mental illness.

Giving treatment to patients is engaging; it is exciting; it is rewarding. To make research discoveries is exciting, too, but most research efforts does not

result in any immediate discovery. But prevention isn't very exciting or rewarding to the doctor. Some even ask, "Is there such thing as prevention?"

I often hear this strange question both from colleages and from laymen. It is precisely what people used to say many years ago about the treatment of mental illness. Almost everybody knows today that most mental illness responds to treatment, and that most cases recover. And despite the skepticism of some, *prevention* can be achieved if we really want it. Much mental illness, much character deformity, much delinquency and crime could be prevented from ever occurring.

Where on earth does the public think our criminal population comes from? China? Russia? The North Pole? Our criminals come from the heart of America—perhaps better to say the bowels of America. Where do the bitter, angry, violent young men of our streets come from? Where do they grown up? Where are their families? They were all once helpless, innocent babies; what set them against us? What molded them into hoods and thugs?

Population growth and urban congestion create increasing numbers of evil neighborhoods and wretched or non-existent homes. The filth and ugliness and starkness of the crowded living quarters contributes to a pervading atmosphere of sullenness, hopelessness, fear and hate. Many children are exposed *every day of the year* during their formative years to cursing, obscenity, threats, roughness, cruelty, and open defiance of law. Escape to the streets, joining one gang or another to diminish bullying and abuse from older boys, eluding the policeman and defying the weary teacher—these are the daily routine. Everywhere the grim, cold, dangerous environment remains the same; there is no safe place to go. There is no escape.

We leave them in this wretched life until sooner or later from boredom, fear, challenge, prestige or plain hunger these boys strike out at someone and get caught in the social defensive machinery. And while agencies bicker about what to do with him, where to send him, who will take him, the boy becomes more wretched, hopeless and bitter. He becomes a "case." The "case" grinds through the juvenile court, the detention home, the industrial school, perhaps a few foster homes on trial. Later it may be the reformatory or prison for awhile—and then out again, and a dreary replay.

"Why do we have so much recidivism?" the newspaper editors will ask.

"We are not being tough enough," some politicians will declare. "If I am elected I will see that vigorous steps are taken to restore law and order."

Not all neglected children come from poor neighborhoods. There are truly some poor little rich boys, too. And not all the children reared in evil neighborhoods and broken homes go the route described. Some have fortunate accidents of one kind or another. Some are reached and helped by the Boys' Clubs of America, Boy Scouts, the Salvation Army, various youth agencies, fortunate foster home placements. A very small number may even receive professional help.

But if we are serious about large scale prevention of delinquency and crime, we must greatly multiply our efforts to rescue these children before they are ruined. There are perhaps as many as 2,000,000 of them improperly cared for in homes and neighborhoods from which they should be removed.

But removed to where? Removed to whom? Who has love for sale? Who wants trouble? Where are the good mothers and fathers who can take on this enormous task?

THE FIRST VILLAGE

Thirteen years ago a few of us began to think about a children's village in which this philosophy could be carried out. We envisaged a cluster of homes, with perhaps a dozen boys and girls in each. Several cottages together would comprise a village—whence the name we chose, The Village, Inc. Such Villages might ultimately spring up in a hundred places. We have been offered sites in a dozen States, but we decided to concentrate on a model pilot plant in Topeka where we knew experienced youth workers and cottage parents. We were told that there were hundreds of eligible boys and girls right around us. We began with one cottage and have since grown to a total of five cottages for boys and girls, the Eagle Ridge Village.

We are close enough to the larger community for participation in some of its advantages including the public schools, the Boy Scouts, the local churches. Open and wooded country surrounding the Village insures a minimum of human molestation and a maximum of available natural resources. Birds,

beasts, butterflies, grass, flowers, trees, soil, fresh air and clean water have replaced alleys, factory walls, smog, garbage heaps, and billboards. This is not for an *exercise* in esthetics, but is a part of a new philosophy of living which substitutes preservation and appreciation for destruction and exploitation of the environment. Nature education of an elementary sort is in progress, and a more ambitious curriculum is in the planning.

Not for treatment, remember. Not for correction. And most certainly not for punishment. *I am talking about prevention!*

We are assuming—with respect to these boys and girls—that we still have a chance to prevent the *need* of any professional treatment or correction. Their behavior is still normal and appropriate for the environment in which they have lived. But they need *a new environment* to react to, new surroundings, new models of living, new friends and a whole new way of life. They need to learn what it is to be loved, and to love, to cooperate instead of only to hate and fight and steal. They need to develop orientation of caring, saving, protecting and building instead of fighting and destroying. There is the way of true crime *prevention* and youth *conservation.*

For this their immediate environment is especially important. Each cottage in a village has its own cottage parents who act as surrogate father and mother. They are responsible in many meanings of that word, and collaborating with the other cottage parents in the village for the general administration.

They will serve as *models of maturity and activity* and as sources of love and counsel. They establish and maintain the family routine and the daily schedules. They arrange and supervise the work and play and special education. A new way of life can only be taught by mature people who themselves possess the vision and the dedication, hence the proper orientation, training and counseling of these key figures, the houseparents, is of the utmost importance. A training program for cottage parents is a corollary project of our main program.

THE RESCUE OF THE ENVIRONMENT

We want our Villages to be characterized by a special feature of motivation, one which we believe we can inculcate and develop in them. Everyone knows, now, of the great present world danger from what we have done and are doing to our environment. These young people need us, but we need them more! We need all the help we can get to save ourselves and our planet. And we must teach this with all our hearts.

The whole world—not only a few frantic individuals—seem bent on committing suicide. We have cut down our forests, killed off our wildlife, polluted our lakes and rivers, gouged ugly holes in beautiful hillsides, wasted our precious fertile soil and poisoned the atmosphere we all have to breathe. Some of our fellow citizens lay about them with guns and traps, bows and arrows, dynamite and poison to murder *our* wild animals (not just theirs). Others murder our rivers with needless dams, and our lakes with filth and chemicals; we befoul even the vast oceans with filth and poisons.

We read about this great threat to our world in all the magazines. This is good, for if the doom of our race and our planet is to be averted, *all of us* must know the issue and join in the effort. Thousands of deterrent programs will soon be launched. But where will such leaders get their working followers? Who will volunteer? Who will understand the urgencies? Two great handicaps in the reconstructive effort are going to be the *scarcity of personnel and the slowness of the spread of the gospel.*

And it is right here that the Villages have their great opportunity. Since our hope lies in the involvement of the coming generation in the great task of environmental rescue, why not particularly those who have been rescued from harmful environments? The worst of all pollution and waste has been that of our youth. In the conservation villages I am describing, the pervading spirit and effort is toward the reversal of this world-wide propensity for destruction, in their own homes and in the community!

This is the central idea of our project and constitutes its uniqueness. It is a new emphasis in education. It is education for survival, which is surely the most important prevention of all.

It is as if we said to our rescued children: "You who have known dreary and dreadful surroundings can understand what it means to change the environment in which one lives. You have seen children crippled and embittered by their surroundings.

"Now you live in a home with people opposed to all that. They love one another, they love you, they love their beautiful world. With you they are trying to learn to live with other people and other creatures.

"One day you will leave here on your own career. When that day comes, we believe you will feel a special need to help not only other neglected children, but our dirtied, damaged earth, our raped and ravished planet. We want you to go out with love for the beauty of the natural world and with a feeling of our love and the assurance of our help. You will go with commitment to help save the world. It's your world, too."

And *will* they indeed go forth in this spirit? *Of course* they will, if we imbue them with it.

Will they achieve these goals? Some of them will. Certainly they will not fill the streets and the jails and the hospitals.

Does it sound quixotic? A gigantic fantasy of effecting world change with a handful of waifs? Preposterious? Impossible?

Perhaps, But something impossible must happen soon or none of us will be here.

STATEMENT OF HERBERT G. CALLISON, EXECUTIVE DIRECTOR, THE VILLAGES, INC., TOPEKA, KANS.

The Villages, Inc. is a non-profit organization founded in 1964 in Topeka, Kansas for the purpose of providing long term residential care for children who have no homes or who can not remain in their homes.

My entrance into the field of corrections took place in Iowa where I began as a correctional counselor at the Iowa Men's Reformatory and progressed to superintendent of the Riverview Release Center. This experience permitted me to become acquainted with thousands of adult offenders. The most depressing feature of this acquaintance was realizing that the majority of incarcerations could have been prevented by intervention at an earlier state.

In fact, the offenders incarcerated in Iowa could have represented adult forms of children before they are referred to The Villages. To be more specific: the children referred to Eagle Ridge Village by the juvenile court and other agencies, have previously not been taken care of by abusive, neglected parents; they have experienced several foster home and/or institutional placements; and many have been involved in three or four runaways. Unfortunately, the point at which a child is referred to The Villages usually represents the last step before institutionalization. Biological parents have either exhausted their efforts to form a stable home, are uninterested or incapable of doing so, or they do not exist. Foster homes have not proven to be adequate, long term alternatives, and other child care agencies have, for various reasons, relinquished responsibility for these children. At this point in their involvement with the juvenile justice system, children are left with only three alternatives: (1) They may be institutionalized or incarcerated as status offenders; (2) They may continue within the juvenile justice system, and another series of foster home or similar temporary placements can be attempted; or, (3) They may be placed in a facility which can offer a placement for as long as they need care. The Villages is an example of the third alternative.

As you know, The Villages is only one of several programs which assumes responsibility for children as long as they need someone to do so. However there are several unique ingredients that differentiates The Villages from other similar programs:

(1) The key professional within a Village is the career parent. Village parents are hired primarily for their ability to relate to children. They are required to maintain high professional standards of parenting through on-going training and are encouraged to continue personal growth as well.

(2) Village parents are assisted by a team of professionals including social workers, psychologists, and psychiatrists. However, in contrast to many programs, these support professionals assist only the parents in becoming more skillful at foster parenting, rather than providing direct services, to the children.

(3) The children have access to a variety of services, such as therapy, tutoring, medical and dental services, opportunities for cultural and creative interests, and recreational facilities through the community resources available within their particular geographical area.

(4) A plan is developed for each child which provides him/her with a set of expectations that will help prepare him/her for assimilation into the adult world. These expectations encourage behaviors which require socially acceptable responses to individual problems.

The Villages, Inc. has been criticized in the past as operating against the current trend in our society which encourages foster home placement and adoption in lieu of institutional placement. However, as Dr. Karl Menninger has inferred, the basis philosophy of The Villages, Inc. is to provide surrogate families for children whose own biological homes are no longer available to them. Neither the Board of Directors nor the staff of The Villages, Inc. believes that any group home can totally supplant the benefits of a home with healthy and mentally healthy biological parents, but we do believe that we can serve as a viable alternative to temporary or inappropriate placements. Many children fail in foster homes, and recently we have noticed a definite increase in the number of children referred to us have failed in adoptive homes. If there are no facilities to assume responsibility for these "failures', they will "fall into the crack" of the criminal juvenile justice system only to emerge later as adults who require additional assistance due to criminal behavior, mental illness, or welfare needs.

On the other hand, as Martinson, Wilkes, and Lipton discovered in their evaluation of juvenile programs. "Removing juveniles and youths from the community is effective during the 'high risk period' (under 16) if they are placed in an environment where they can gain skills normally associated with this period." This statement is confirmed by the children who have lived at Eagle Ridge Village. Of the 152 children who have lived at Eagle Ridge Village and subsequently left, only three have been incarcerated as adults; seven others were incarcerated as juveniles, and non of the children located during our most recent follow-up (ending December 31, 1976) were on welfare at the time of the study.

It is rewarding to watch the children grow, to see their school work improve, and to see them beginning to develop some of their own talents and creative interests. All this is accomplished without exorbitant costs. As of this week, stemming from our recent audit by the State of Kansas, our costs are $25.79 per day per child, or 56 percent of the average per diem cost for caring for juvenile offenders at the Boys Youth Center in Topeka and the Girls Youth Center in Beloit, Kansas. This does not mean that all children remain at The Villages throughout all the years of their development.

Right now although we anticipate eleven high school seniors graduating next spring, we also anticipate that four children will return to their biological parents or to foster homes, and four other children will be transferred to other agencies in the State of Kansas for special assistance that we cannot provide. At any one time, we can also anticipate 2 out of the 10 children in each cottage will require some special assistance such as therapy, special medical or dental services, or a special educational program through the public school system.

In spite occasional "failures", we are convinced that the children who enter the homes at Eagle Ridge Village will more than likely graduate from high school and enter the community as productive citizens. They will more than likely continue with some form of advanced education, either vocational or academic. They may return to The Villages from time to time for support or assistance, but we do not except that they will be incarcerated as adults or return to welfare.

STATEMENT OF GEORGE P. BELITSOS, DIRECTOR, YOUTH AND SHELTER SERVICES, INC., AMES, IOWA

Youth and Shelter Services, Inc. is a private non-profit corporation which has endeavored to establish a comprehensive community-based juvenile corrections program. Our agency's four facilities are located in Ames, Iowa. We serve local county people and their families who find themselves in or on the verge of trouble. Story County has a population of 70,000.

Our original project, called Shelter House, grew out of county-wide concern for the growing number of juveniles involved in delinquent behavior, drug abuse and status offenses. Though our teenage population is only 7,000, there were well over 500 juvenile arrests the year before the founding of Youth and Shelter Services. A parallel concern emerged from a number of sources over the

increasing number of juveniles detained in the Story County jail. Many of these youth were runaways detained only because adequate parental supervision was unavailable.

Three over-burdened juvenile probation officers for Story County felt strongly that the needs of youthful offenders were not being appropriately met. They joined with an Ad Hoc group of concerned citizens to seek ways to divert the flow of local juveniles from both the county jail and State correctional institutions. The apparent ineffectiveness of these traditional responses, they felt, was witnessed by a high rate of recidivism among youthful offenders. The citizens group was determined to establish new services in such a manner as to keep the responsibility for and solution to youth problems within the community.

For a year the Ad Hoc citizens group carried on a drive to establish an alternative to detention, persuading the local Y to rent part of its facility and convincing the City of Ames to come up with matching funds for an LEAA grant. In late 1972, Shelter House opened, the first of its kind in Iowa.

The need for places like Shelter House to serve as alternatives to jail is continously apparent to us. Detention is extremely significant because it is the initial contact point for many juveniles with the juvenile justice system. For many of the young people who have been in jail and have been referred to us, jail has had an overwhelmingly negative outcome in forming their attitudes toward the juvenile justice system.

The story of one youth's experience in jail makes the need for alternatives for juveniles tragically clear. Upon the opening of Shelter House, referrals were coming from concerned judges across the State, but in order to maintain our community base we could only accept, on a space available basis, referrals from neighboring counties. Dean was a 16 year old boy referred from the community of Marshalltown by the Chief County Probation Officer, a man dedicated to his profession for 10 years. It was a Friday and though we accepted Dean, he and the probation officer did not arrive as planned. Late in the day we were told that the probation office did not have time to deliver Dean to our facility that Friday but would have him there on Monday. Dean was guilty only of being a runaway. He had already been in jail for a week. He was suspected of using drugs and was not behaving at home. Dean was never told that he would be released to Shelter House. Somehow he had the idea he was to be in jail for 30 days. Over the weekend, Dean pulled loose the nylon drawstring from jacket the jailers had allowed him to keep to ward off the chill in his small, dimly lit windowless cell. He threaded one end of the cord through a sturdy, wire mesh ventilation grill near the top of one wall and tied it securely. He knotted the other end around his throat. And then standing a few inches from the wall, Dean let his knees collapse. In minutes a young life was over. Shortly before he killed himself, Dean penciled a brief message on a wall of his cell in the Marshall County jail. It contains a four letter word which I have often heard from kids in jails and institutions. It is a four letter word which many of us adults don't understand or appreciate hearing. That word is help and Dean statement read, "I want to die. No dope. No O.D. No rope. No hand. Razor blade. I cut my wrist. No blood. I ain't ready to die. Help me die. Twenty two more days help help help help."

Shelter House is a residential facility in a middle-class neighborhood with a capacity for eight youth. Immediate counseling is provided to each resident who has been referred to the juvenile court in order to help the youngster to understand why he is in the system and what is going to happen to him. This counseling gives the youngster a chance to deal realistically with his problems and an opportunity to discuss his feelings with someone in addition to t[illegible] probation officer.

As needs and gaps in the social service delivery system to juvenile offenders have been identified and resources secured the programs of our agency have expanded. Most recently we have developed an alternative to training school incarceration. Youth House is a community-based residential program for up to eight local boys and girls who need extended care away from home. The average length of stay of a Youth House resident is from six months to a year.

In addition to community-based alternatives to detention and incarceration we also provide crisis intervention services, out-client individual and fam[illegible] counseling, evaluation and diagnostic services, foster home placement, drug abuse treatment and a popular experimental delinquency prevention which offers youth involvement in electronic music, photography, film and other creative endeavors.

All our programs emphasize the importance of strengthening the family to combat juvenile delinquency. The programs strive to find new ways of providing the support which the traditional extended family used to afford to children. In contrast to the tendency of the juvenile justice system to take the juvenile out of the family setting and the community, a large part of our effort is toward supporting the family structure, keeping the family unit together and enhancing the ability of the family to function more effectively.

We strongly believe in the need to base all these efforts in the community. The people and groups most directly involved with a juvenile's problems live in the community. The family and the community unit should be the beginning point of concern in the prevention of and response to delinquency. With the positive development of the full potential of each youngster in the family and in the community a career in crime will not be a viable or attractive option.

All our facilities are located in residential neighborhoods in the community. The houses are almost indistinguishable from the others on the block. Our 18 paid staff members, most of whom are para-professionals, are aided by 50 volunteers ranging in age from 18 to 83 and including several graduates from the programs. Maximum use of community volunteers and college interns has been an emphasis from the start in order to insure a grass roots community involvement and investment in serving youth in trouble.

To effect comprehensive and coordinated efforts in the community we have developed liaison and cooperative agreements between our organization and other agencies. The integration of services is as important as the range of services. Disjointed responses to the problems of a troubled youth are not helpful. All persons associated with the young person in all phases of his life must be oriented toward the same goal, aware of each other and working in their respective areas towards the positive development of the youth. Coordinated efforts are essential if our programs are to build or rebuild solid ties between the juvenile offender and the community in, for example, the areas of education, employment, recreation and the arts.

To help further the goal of comprehensive, coordinated corrections services in our community we have developed a Juvenile Justice Committee, consisting of representatives of each of the agencies vitally concerned with youth who come into contact with the law. The group meets monthly to discuss current issues and youth needs.

Our concept of community-based juvenile corrections is essentially experimental within Iowa. The original Shelter House project met with considerable resistance from doubting segments of the public. Questions were raised about the likelihood of offenders running away from the non-secure facility, the wisdom of a co-ed living arrangement and the availability of youth for their court hearings. The Ad Hoc committee lost 2 houses and 6 months of time due to petitions circulated by neighbors before finally securing the present residential home. We have managed to overcome neighborhood resistance by a lot of hard work and by proving ourselves to be good neighbors.

One elderly next-door neighbor, Mrs. Dean, was quoted as saying, "We'll all be murdered in our beds." Three months after opening, another neighbor asked me to go and talk to Mrs. Dean because she was worried about one of our residents. When I approached her, I discovered she had gotten to know a 13 year old client over the back fence. This was a boy who had stolen three bicycles and whose parents had abandoned him. Her personal contact with the boy had sparked her concern for him as a person. Five years later, Mrs. Dean is still our neighbor. She recently spoke at an Open House for our newest facility and was quoted at that time as saying, "You'll all find out that these people are good for the neighborhood."

Our mutually cooperative relationship with the local Juvenile Court-Probation System has been a major component in the success of our community-based efforts. Our alternatives to detention and institutionalization have been built with the intimate involvement of these people.

Since its founding 5 years ago, Youth and Shelter Services has recorded 1200 active clients involved in its programs. We have provided services to both status and criminal offenders but the majority of the juveniles in our programs are status offenders. Our program has gained favor among youth and families in trouble, which is witnessed by the fact that self and parental referrals make up our second and third largest referral category. We feel this is a reflection of our non-coercive philosophy and youth advocacy approach.

Both in-house evaluations and an independent study seem to demonstrate the effectiveness of Youth and Shelter Services. The criteria used to measure effectiveness have been whether juveniles in our programs ran away or failed to appear in court, whether they committed any crimes while in our programs and whether they successfully completed treatment. Our Shelter House Program, our Youth House Program and our out-patient programs are also quite successful from a cost-effectiveness stand point.

Youth and Shelter Services' long struggle for credibility is not over but in recent years we have gained considerable community support. Local financi... support from the City of Ames and the County Board of Supervisors has allowed the original Shelter House program to phase out of an LEAA-Crime Commission grant without interrupting continuity of service. These same sources plus citizen donations allow us to offer our outclient individual counseling program, parent support groups, family therapy and crisis intervention services at no charge. Youth House has been funded with a grant through the Juvenile Justice and Delinquency Prevention Act.

It is my belief that, given the resources, community-based juvenile corrections will prove to be the best investment the States and the Federal Governme... will ever make in curbing crime in America. With the dual purpose of providing rapid rehabilitation services and preventing the further criminalization of youthful offenders, community-based corrections across the country have embarked upon programs which attempt to respond to the roots of delinquency, at the community level.

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STATEMENT OF HON. JOHN P. COLLINS, PRESIDING JUDGE, PIMA COUNTY JUVENILE COURT CENTER, TUCSON, ARIZ.

Mr. Chairman, I am John P. Collins, the presiding judge of the Pima County Juvenile Court Center in Tucson, Arizona. I am accompanied today by Ms. Sharon Hekman who services as the Director of our deinstitutionalization project in Tucson. It is an honor to appear before the Subcommittee today to discuss the need for the deinstitutionalization of status offenders and the experiences of Pima County with deinstitutionalization.

In order to adequately address this issue, it is necessary to consider the proper roles of young people in our society, the juvenile justice system and t... community as a whole. Thus, I would first like to take a few minutes to discuss the philosophy of the Pima County Juvenile Court Center concerning the interaction of young people, the courts and the community and then proceed to describe how we have attempted to implement this philosophy in Pima County.

Since the advent of kids, we have been faced with the question of how best to deal with their problems. Until the end of time, or at least for so long as there shall be kids, we will not have adequately resolved that question or their problems; all the more reason for our ever vigilance.

Since 1899 the Juvenile Court system has been actively involved in the li... of far too many of our children and families; yet their problems have not lessened and more often than not have increased in numbers and exacerbated in extent—and unfortunately by reasons of the existence and practices of the court system itself.

There will never be a more appropriate time for us to seize upon so as to change our destructive attitudes and practices toward and against the children who are fortunate enough to be a part of this great Nation—in fact, the time may not come again at all. The question before you has become the one most paramount to our nation—to our Congress—to this subcommittee—and we w... l either face up to the realization of actuality or we will let a golden opportunity once again pass us by. Continued and unnecessary destruction of our children—our only reason for living—must not be any longer continued.

Actually the question before you is relatively simple. Only *we the people* have made it overwhelming to the point that it has almost become a self-fulfilling prophecy. There is nothing—absolutely nothing—that we do in these historic halls or in the courtrooms, boardrooms and backrooms of our everyday experiences where decisions are made for and about life that does not seriously relate to and in some way affect our children. What then can we reasona... y expect, Mr. Chairman, that this body can do to be accountable to a nation whose very basic essence is a fabric of family life like precious gold—with a stitching of diamonds, individual—every one—made up of our children.

The answer is, Mr. Chairman—some of us know that the situation that presently faces our families and children can't be made too much worse by any reasonable actions here taken. The prospect is that it could be made a whole lot better if we would but take the power of the State out of the lives of those of our children whose conduct has not amounted to a violation of any criminal law. Likewise, for those children who are appropriately before the court, the degree of court intrusion into their lives should be limited to what is absolutely necessary.

The question I address in this context, Mr. Chairman, is whether the conduct of a child—not criminal in nature—should be sufficient to invoke the jurisdiction and awesome power of the court and State to be exercised against that child in a manner that in reality is punitive at best and too often totally destructive at its worst, though done in the "best interest of the child".

I know that certain of my colleagues around our Nation are of the opinion that the power of the State properly should continue to be unleashed against the child who becomes bored with his classes at school and becomes truant, or merely disenchanted with the "good life" practiced by his parents to the extent that he responds by running from a situation in which he does not feel he fits—and to which he is unable to relate and respond. There are many many other not so clear instances of conduct on the part of our children that do not amount to criminal acts, but for which my colleagues referred to, seem to be of the further opinion our court system should logically grow so as to "accommodate" all this population of children—and to allow the court system to seek and obtain officially monies for "social purposes" that may be administered by it—in the name of children. Such allows the court to control the very lives of these children to the point of ultimately (or in the first instance) locking them up in jails and detention centers and reform schools—or ordering them into official and sanctioned "placement facilities" run by or under the jurisdiction of the court—when the children fail to respond to the official "messing around" of the court and the State in the pathologies of their lives.

I respectfully disagree with those views of my colleagues, Mr. Chairman, and voice my considered opinion that "there ought to be a law"—that prevents the power of the State—and the court—and the too often arbitrary "discretion" of a person who happens to make his living for a time as a judge from trampling around on the lives of children whose conduct has brought them to the attention of the State—the court—the Judge—but without having committed a criminal act.

It is no secret, Mr. Chairman, that in recent years more children have been locked up—and for longer periods of time—though they have committed no criminal act—than are those children who have committed such acts. How is this possible—in this "child-oriented society" of ours, where our adults are zealously protected from the same said powers of the court and State? The answer is, of course, that we simply are not the child-oriented society we say or like to think we are. We lock up our kids though they have committed no crime and we otherwise intrude into their lives—for "an indeterminate time"—usually until at least their 18th birthdate—all in the name of "helping" the child "in trouble". We not only literally smother said children in far too many cases, but we further alienate them from their family by such official actions and—our biggest crime of all—and in nearly every such case, we tend to "chill the efforts and still the voices" of those in the private sector of our community who could better offer reasonable alternatives to said children in the form of "places to be and things to do". I speak now of the true and traditionally accepted role of the family—the school—the church—and the private sector of our communities, all of whom are much better prepared and willing to act but for the court's interference. There is always something "sterile" as seen from the eye of a child in an offering of services made by the court or the State—in the name of "what's best for the child".

Mr. Chairman, I have been a trial Judge for the past 13 years and for the last 5, I have presided over our court's juvenile division.

There is no place for empire builders in the juvenile justice system. Those who administer in this area should "think small", offering only appropriate services to a limited population of children—namely those who commit criminal acts. They should discourage the inclusion of that population of children who are otherwise traditionally brought to court for conduct not amounting to criminal acts. They should encourage the private sector of the community to

provide "things to do and places to be" so as to keep away from the court the maximum total numbers of children, and especially the whole population whose conduct does not amount to the violation of a criminal law. They should know that the earlier a child is brought into the official court system, the longer he is apt to stay and usually with the most negative of experience. They should know that the official system destroys or seriously impairs at least as many children as it helps. They should know that inappropriate intrusion by the court and State into the pathologies of children and families actually prevents or significantly lessens the otherwise more effective and less destructive efforts of the family, the school, the church, and many more appropriately existing private sector agencies. They should know that for so long as the various States allow their juvenile court to include in its jurisdiction that specific population of children whose conduct does not amount to the commission of a criminal act then those States should be encouraged in every way appropriate to allow the private sector of our community to provide services to children and families without intrusion by the court or by the state. They should know that adolescence is a time for the growing up of our children, a time for a child to be allowed to reasonably act out his aggressions and hostilities; and a time for a child to be reasonably obnoxious and a time for a child to react to some of the boredoms he has discovered in life. A practical definition of boredom is "hostility without enthusiasm". They should know that it is important that such latent hostility be reasonably addressed by the child himself as opposed to its being bottled up inside of him. They should know that "enthusiastic boredom" makes for destructive aggression—both as to the child and as to the community as a victim, and such destruction may be of great magnitude—and yet unnecessary.

Mr. Chairman, unless we shall have committed a crime, none of us in this room would passively allow ourselves to be confined even on Order of the Court. Nor would we otherwise allow "services" to be thrust upon us though the most probable reason given is "rehabilitating of our shortcomings" or to in some other way curb our "obnoxious attitudes", as may be seen by others who happen to be endowed of such power over us. Such shortcomings and obnoxious attitudes make us an individual—a diamond in the rough and we will not submit to alteration. Our children as well as ourselves have an inalienable right, I suggest, to not be so rehabilitated by Order of the Court. I must admit that I have a few non-criminal but obnoxious adult acquaintances who I should think would be "helped" if they were locked up for a few days—and a few of them probably think the same of me. The very trait in a child that makes for adolescent conduct that may be considered "obnoxious" or "nonconforming" by some may well be the trait or attitude that if left without the abuse of "rehabilitation" will make for the child's eventual success as an adult. In fact, another child in another instance may be praised, not condemned, for similar "outgoing" conduct. The price of requiring conformance to the ways of the average person is to create a whole population suppressed into mediocrity. More often than not it seems that the child who is ordered to submit to court intrusion into his life though his conduct did not amount to the violation of a criminal act—is a child of superior potential—and likewise more often than not, this child will have this potential unnecessarily tarnished if not severely diminished or even destroyed—and all to the prejudice of himself and his community and his nation and without any justification therefore.

Mr. Chairman—I submit that it is at once in the best interest of our country and our children that this committee take such action in the area of juvenile matters that will specifically exempt that population of children referred to above as now being inappropriately under the jurisdiction of the juvenile court system from such unwarranted intrusion into their lives; namely, those children who are yet subject to arrest and jail though they have committed no crime. In all ways appropriate to its authority, it would seem that this committee should affirmatively resolve to elevate the quality of life available to our children by providing effective incentive to our children, to the family, and the community's private sector so as to encourage them collectively and individually to engage themselves in matters and processes that more likely than not will tend to reduce destruction of the child. Such involvement will in and of itself reduce the type of delinquency that will be expected to otherwise continue on into a person's adult life. Certainly, in most cases, the criminal of today is found to have been the delinquent of yesterday. I'm sure all of us here agree that we

don't need further adult crime. If we would reduce adult crime and numbers of those committing same, then it would appear that we must produce fewer delinquents. It would appear that this could be accomplished if we would see fit to exclude from the court system that population of children who are not appropriately there but who are being treated as delinquents nevertheless. We would further provide for our children of all ages appropriate services and experiences by involving the private sector of our community, and to further involve where appropriate, the child's family, school and church. Within this framework the child should ever be encouraged to be an individual, accountable to himself and thus to his family, community and nation.

Mr. Chairman, the specific things that are being done in our community in this regard partially as a result of an LEAA demonstration grant which indicates that the same could be accomplished in any other community all relate to the discontinuance of unnecessary intrusion by the court into the lives of our children wherever and whenever possible.

Personally, I like the response my community's children have been giving those alternatives to court involvement. I believe that our children like this alternative participation on their part; I'm sure the families of our community are happy about these new found experiences. Our community, Mr. Chairman, has been to the proverbial well—and it likes what it has found there. Its job is not finished—nor will it ever be—and no panacea has been discovered nor employed—but progress has been made—and fewer and fewer children in our community are being destroyed—and I might add—fewer and fewer children who have been through this experience are coming into our court at all as delinquents. Our community is happy to share the experiences of its children with your committee, Mr. Chairman, and all of us who live there sincerely hope that it will be of benefit to you in our deliberations in the task you have before you.

PIMA COUNTY EXPERIENCE

Historical background

Prior to the landmark "Gault" decision rendered by the United States Supreme Court, the Pima County Juvenile Court Center functioned as most traditional Juvenile Courts around the country. Judges, probation officers, and all pertinent Court staff essentially functioned autonomously and had the full right and power to do just about anything they wanted, with any child they wanted, regardless of the reasons for bringing said child before the Court. Our Court Center was no different in that juvenile officers filed petitions, children were not represented by counsel, and the basic attitude was that "the Court could be, and frequently was, all things to all people". Kids were referred, prosecuted, placed on probation or committed to correctional institutions with little or no thought given to their rights or, for that matter, to whether the various alternatives that were being presented were of any value to the child in a real sense.

The "Gault" decision did change the processing procedure of juveniles within this jurisdiction in that defense counsel was made available and prosecutors were provided the juvenile arena by the local County Attorney's Office. However, there were few programmatic changes in terms of dispositional alternatives for young people during the late 60's and early 70's as many children from this county continued to be committed to the State Department of Corrections (879 between 1968 and 1971) and additionally, significantly large numbers of children were placed on official probation for indeterminate periods of time. During this same time frame, relatively few young people who were adjudicated either delinquent or as status offenders were placed by the Court in group care facilities with ranch-type setting environments. Their staffing patterns and professional expertise were limited and did not reflect the more comprehensive residential treatment patterns that frequently exist today. In summary, the basic philosophical and programmatic approach to juvenile offenders during the 60's and early 70's was traditionally correctional in nature with an extremely exaggerated, closed system and closed door approach.

Upon assuming responsibility for the Pima County Juvenile Justice Court Center in December of 1974, I recognized that continuance of such an approach was adding to the problems already existing in the judicial-rehabilitative process and, therefore, I took a number of steps to offer the children of Pima County more productive and hopefully more rehabilitative alternatives.

Coalition for community treatment of children

One of the most important of these steps was to go to the community and ask for its support and participation in changing the policies of the past. This initiative eventually resulted in the establishment of an organization known as the Coalition for Community Treatment of Children. In its initial phase of development, this organization was spearheaded by the Tucson Ecumenical Council through the urgings of the Juvenile Court. The Ecumenical Council became concerned about the plight of Pima County's children and served as an initial facilitator to elicit community support and bring together a wide variety of concerned citizens, agencies and organizational groups. Thus, the Coalition for Community Treatment of Children was formed and appointed as the chairperson of this group was a representative of the local chapter of the National Council of Jewish Women. When all was said and done, some 32 agencies and organizations (representing some 62,000 total combined membership) formed under this umbrella to carry forth to the Tucson community the concept of serving our children's needs in our community with the goal being to obviate the need for the large number of commitments to the State Department of Corrections. This group's support, backing and encouragement not only enabled and assisted in bringing to life community-based resources but also served as an important catalyst in responding to and dealing with the negative reactions that emulated from the community from those opposed to such a dramatic change in philosophical direction.

Volunteer program

As an adjunct to our deep concern that members of our community must be involved in our Juvenile Court System, we initiated and developed a Volunteer Program in July, 1973. Our initial effort was funded through a grant obtained from the Arizona State Justice Planning Agency that enabled us to begin. This program allowed for the recruitment, training and work assignments for a significant number of concerned Tucsonians who wished to become involved with the children of our community. This program has developed, grown and just recently expanded to the point that we now have over 100 active volunteers functioning in literally every area of our Court Center operation.

During calendar year 1976, we were able to document some 12,480 hours of service to our Court coming from a significant number of concerned and dedicated people. The infusion of volunteers into the working units of the Court resulted in salaried staff being freed to concentrate on job tasks as well as providing a fresh prospective of the Court processes.

Since the inception of the Volunteer Program in 1973 approximately 700 Pima County citizens have been involved in a wide variety of Court activities. Some volunteers have served the minimum 6 month commitment required of participants, while others have maintained their relationship for over 3 years.

Historical conclusion

With this change of philosophy within the Court Center and with the establishment of community-based treatment resources, there followed a rather dramatic decrease in the number of children committed to the State Department of Corrections. As a comparison to those figures previously quoted, during calendar year 1976, only 16 children were committed from our jurisdiction to the State Department of Corrections. When one compares these figures with the combined statistics of the prior commitment rate one can readily see the impact this new philosophy has had on the Juvenile Justice System, particularly in Pima County.

As a result of our change in operating procedure, the large State industrial school operated by the State Department of Corrections, called Fort Grant, was closed to the housing of Juvenile offenders. The tremendous decrease in referrals from Pima County was a significant factor in the Department's decision but, more importantly, graphically illustrated the radical change made by this Juvenile Court relating to its decisions about placement of children in correctional institutions. As the Pima County Juvenile Court Center moved through calendar years 1973 and 1974 we continually reflected on where we were, from where we had come, and where we still needed to go. As we were expressing our pleasure over the significant advances we felt had been achieved in reference to the large numbers of juveniles committed to the State Department of Corrections we were, at the same time, concerned and dismayed about the increasing numbers of status offenders referred to our doors and the manner in which we elcted for these young people to be handled.

The deinstitutionalization of status offenders initiative

It was approximately at this time that we wrote our grant proposal and submitted that document to the Law Enforcement Assistance Administration asking that we be considered as a recipient for discretionary dollars in order to show that the deinstitutionalization of status offenders was workable. It is extremely important to note that in the preparation of this document, we once again went to the community and elaborated in some detail our philosophical position and what we hoped to accomplish by virtue of our change in direction. We asked for community support and for community tolerance. The documented response to our request for support was both overwhelming and impressive. Said support came from many individuals, churches, schools, a myriad of social and welfare agencies, law enforcement officials, elected officials and, of course, from the Coalition for Community Treatment of Children. It is also important to note that initial support was not entirely universal and there were those who were gravely concerned regarding what this programmatic change might do to their respective organizations and/or empires; i.e. the State Department of Economic Security was gravely concerned that if status offenders were not detained or otherwise umbrellaed under the judicial system, they might fall upon their "caseloads" and increase their work loads. In the same vein, some members of the residential treatment center community were concerned that should status offenders be removed from the jurisdiction of the juvenile court, then obviously the total number of children available for placement would decline and, therefore, their income might suffer.

On December 31, 1975, the Pima County Juvenile Court was awarded a 2-year discretionary grant through the Law Enforcement Assistance Administration (L.E.A.A.) for the deinstitutionalization of status offenders. The Court Center was one of eleven (11) sites across the Nation selected for such a demonstration project.

This project was begun on January 9, 1976. Status offenders referred to the court were deinstitutionalized by promulgation of an order by the juvenile court judge and Director of Court Services that no status offender could be detained without their express permission. This action was coupled with development of shelter care facilities, community alternatives and a juvenile court mobile crisis intervention unit.

Based on the philosophy that status offenders do not belong in the juvenile justice system and can be dealt with more effectively by community agencies, a decision was made to subcontract approximately 80 percent of the total money to community agencies to provide necessary services. Based on a needs assessment that had been conducted prior to the formal grant application and based on the amount of indicated community support, requests for proposals were drafted and sent to numerous community agencies. The response was overwhelming.

Involved in the selection of programs to be funded were probation officers working directly with children. Several very difficult lessons were learned from this process. First, Pima County Juvenile Court had never been involved in subcontracting money to the community and had no idea of the conflicts created by the availability of funds. Second, the use of line staff effectively precluded traditional, political considerations. Several "well-connected" agencies were dismayed when their proposals were not funded. Selections were made on the basis of the merit of the programs and previously identified youth needs in the local community. This selection process resulted in a number of innovative programs being funded but this did not happen without tremendous political pressure from some agencies or court personnel.

An attempt was made to fund projects that would reach previously neglected segments of the youth population in our community; i.e., minority, female and rural young people. Therefore, we made certain that funds were equitably distributed to those agencies which would serve these youth. Moreover, the kind of services had to be tailored to the needs of the young people involved rather than to those of the adults administering the programs. This approach resulted in the funding of several non-traditional projects that we believed would provide attractive and needed services.

Community programs funded under the D.S.O. project are as listed below. The Community and Family Services Unit of the Court Center is charged with monitoring most of these projects and serving as resource persons for the subcontractors as well as schools, community agencies and neighborhoods.

Shelter care

Autumn House (Youth Development, Inc.)—provides temporary housing for up to five status offenders on the west side of Tucson. Individual and family counseling are offered, as well as referrals to other agencies when appropriate.

Open-Inn, Inc.—provides temporary shelter care for up to five status offenders on the eastside of Tucson. Individual and family counseling, both residential and non-residential, are offered, as well as referrals to other agencies when appropriate.

Springboard (Teen Challenge of Arizona, Inc.)—provides short-term housing for five status offenders on the north side of Tucson. Counseling for adolescents and their families is also offered, as well as referrals to other agencies when appropriate.

Individual Shelter Care—Time Out (Catholic Community Services of Southern Arizona, Inc.)—provides short-term custodial care for status offenders in 14 individual foster homes. This program is oriented toward providing shelter care for rural areas.

Alternative education

Old Congress Street School (d.b.a. Mosenthal Alternative School)—provides an alternative school setting for chronically truant children or drop outs. This project utilizes an "open" education model.

Sunnyside Truancy Project (Sunnyside School District)—provides a major training effort that focuses on teachers and other significant school personnel in order to explore in-school alternatives for children labeled as chronically truant.

Outreach

Shining Star Learning Center—offers non-traditional learning experiences and activities in subjects of interest to young people in the South Park area. The population served is predominantly black.

Rural Outreach Projects (P.P.E.P.)—provides outreach and service assessment in rural Pima County; mobilization of local resources to provide diversions for rural youth and establishment of referral processes with outside resources are also part of this program.

Santa Cruz Outreach Project (Catholic Community Services of Southern Arizona, Inc.)—provides outreach counseling and referral services to children and families; advocacy and special support services are also available. The population served is largely Mexican-American.

N.Y.P.U.M. (Y.M.C.A.)—provides a recreational/educational program for young people through the use and care of mini-bikes; group and family counseling are also provided.

Youth Advocacy Services (Traditional Indian Alliance of Greater Tucson. Inc.)—provides inter-tribal cultural support and understanding, utilizing cultural workshops, educational tutoring, crisis intervention, peer counseling and job placement.

Free Clinic of Tucson, Inc.—provides medical physicals, including follow-up referral for possible treatment; health education advocacy and outreach are also provided.

Profiles of Me—provides school workshops for young women in junior high school to make them aware of the images that they project; utilizes information on diet, make-up, exercise, fashion consciousness and personality development in these classes in an effort to enhance self-esteem.

Youth Involvement Outreach Services (Suicide Prevention/Crisis Center)—provides 24 hour crisis hot-line (telephone) services; follow-up outreach counseling is available.

Young women's services

New Directions for Young Women—was funded to examine the conditions that led to the nearly 3 to 1 ratio of incarcerations for status offenders vs delinquent acts for female adolescents (for adolescent males, the ratio is reversed) and to examine the social and institutional policies out of which those conditions developed. New Directions offers direct services such as counseling, assertiveness training and career awareness; however, the primary focus remains advocacy for female adolescents in the public schools, the Juvenile Justice System, traditional youth serving agencies and within families

Community neighborhood resource units

Creative Learning Systems—provides an alternative to institutionalization of status offenders by implementing the T.A.L.K. program in five high schools (three inner city and two rural schools). The T.A.L.K. program will provide counseling and a support group for students involved in status offenses and offers viable alternatives to socially unacceptable behavior.

Another part of the project will be the development of the Night Circle rogram that will involve both the youth and his or her family. In addition, Creative Learning Systems will provide training for probation officers and teachers in the five selected high schools to deal with status offenders and their family.

Jobs for youth

P.P.E.P.—provides a work program that will direct itself to the needs of the two neglected population groups in Ajo—the youth and the elderly. P.P.E.P. will provide work experience and compensation to status offenders in the Ajo ea by having the youth do home repair, yard maintenance and other needed work for the elderly residents in Ajo. This project serves a rural population.

Sunnyside School District—provides jobs within the Sunnyside School District for district students, ages 14–18. Priority will be given to status offenders who are in school and to those who will return to school after having dropped out.

Marana School District—provides jobs and, during the period of this contract, will actively recruit and supervise youth who are given jobs under the D.S.O. Jobs for Youth Project. This project serves a rural population.

FINANCIAL FACT SHEET

	Contract amount per year	Proposed number of referrals: per year
Shelter care:		
Open-Inn	$59, 243	240
Teen challenge	62, 468	180
Youth development	64, 294	180
Catholic community services	63, 343	125
Outreach:		
Santa Cruz	30, 665	75
Free clinic	29, 526	260
Profiles of me	28, 264	250
PPEP	33, 886	125
Shining Star	28, 000	60
Suicide prevention	20, 000	250
TIA	20, 400	150
NYPUM	21, 979	120
Truancy programs:		
Old Congress Street School	120, 000	100
Sunnyside Junior High School	102, 600	100
Young women's services: New directions for young women	102, 893	300

Juvenile Court services provided for the D.S.O. project are as listed below:

Mobile diversion unit

The Mobile Diversion Unit of the Pima County Juvenile Court Center has been funded since July of 1975 under a Federal L.E.A.A. grant received through the Arizona State Justice Planning Agency. Under this grant, six probation officers and two clerk typists have been hired for the diversion of status offenders program. With additional funding through the Deinstitutionalization of Status Offenders grant (L.E.A.A. discretionary grant) eight probation officers and four clerk typists were added to the unit in May of 1976.

Since this time, the Mobile Diversion Unit has assumed the responsibility for intake of all status offenders. Services are provided on a 24 hour a day, 7 day a week basis by teams of two probation officers each who are dispatched by radio throughout the metropolitan Tucson area to assist families in need of services related to status offenses.

The project is designed to provide crisis intervention to and meaningful diversion of children and parents in both the pre-arrest and post-arrest

processing of children through the Juvenile Justice System. Delivery of services is directed primarily to children classified as status offenders and is geared toward immediate, intensive counseling and referral of these children to appropriate community agencies for follow-up.

Community and family services

The primary function of the Community and Family Services Unit (C.F.S.) was to monitor the services for youth under the D.S.O. grant. This tas included screening, education, and selection of projects, as well as support and monitoring after the projects were established.

A secondary function of the C.F.S. Unit, in addition to monitoring the D.S.O. projects, was to assist the communities and schools in Pima County in developing methods of dealing more effectively with youth. In order to accomplish this, staff gave speeches, presentations and provided expertise to interested agencies, persons and schools.

C.F.S. workers have also assisted in developing and participating in community projects, such as Walkathons, Jobs for Kids, Adventure Playground ar Youth/Adult Hearing Boards designed to assist communities and neighborhoods in dealing with problems related to delinquency. Additionally, each worker was charged with organizing and developing activities within an assigned area. They have designed various community programs aimed at dealing with status offenders.

Other programs providing services to status offenders are listed below:

The Young Women's Company (L.E.A.A. grant)—provides a variety of learning experiences whereby young women can become familiar with job opportunities in non-traditional areas of employment. Emphasis has been plac on job development, skill building and requisite knowledge for independent living. Services have also included vocational testing and counseling, advocacy, exposure to a variety of tools and equipment, on-the-job training and job placement. Both delinquent and status offenders are served.

Project W.O.R.K. (L.E.A.A. grant)—assists young people who have been involved in the Juvenile Justice System in securing employment. Both delinquent and status offenders are served.

Pima County Juvenile Justice Collaboration (L.E.A.A. funded)—assists in the deinstitutionalization effort in Pima County. The Collaboration is worki within Pima County to develop the voluntary agencies to a level that will allow sufficient, alternative community services for those children currently labeled as status offenders. A major portion of this effort is directed at organizational development, examination of existing services and development of unmet service needs for children.

Family Counseling Program (Arizona Supreme Court)—provides family counseling services for youth who come in contact with the Juvenile Justice System. Pima County has certified approximately 44 agencies and/or individuals to provide a variety of services to both delinquent and status offender youth.

Facts, findings and summaries—Referral data

Through the efforts of this Court and its strong commitment to community-based care through prevention, diversion and deinstitutionalization, some very revealing statistics are beginning to take place. Surprisingly, the figures of interest are manifest with both delinquent and status offender children.

Table 1

This table compares the total number of referrals to our Court for a variety of offenses for the past five (5) years.

	1973	1974	1975	1976	197 (projected
Delinquent only	4,473	5,762	6,106	6,038	4,79
Delinquent and other	20	38	36	38	5
Delinquent and status	422	544	479	572	/
Status only	3,786	2,855	2,797	2,525	1,95
Status and other	10	17	18	12	1
Total	7,711	9,179	9,436	8,185	7,8

When looking at the referral data over the past five (5) years (1977 data is actual through nine (9) months and projected through December) we are pleased with the declining number of "Status Only" referrals and hypothesized this would occur as a result of our initiative. It is also interesting to note this decline began in 1976, or the same year we began to implement our grant. We conclude that alternative programs in the community are being used in place of the Court and, further, law enforcement is referring fewer status offenders as they know "we won't lock them up".

What we did not expect and were surprised to note is our projection of a rather large decline in the total number of delinquent referrals for 1977 over 1976. Our data reflects this also began in 1976 or, at the beginning of our grant period. We have no real explanation for why this is happening or if it will likely continue. However, considering our population is ever increasing and juvenile crime is on the rise nationally, it does present an interesting topic for study.

Table 2

This table is similar to Table 1 but addresses individual children as opposed to total number of referrals.

	1973	1974	1975	1976	1977 (projected)
Delinquent	2,161	4,143	4,118	4,316	3,805
Status	2,129	2,147	1,996	1,912	1,463
Total	4,920	6,290	6,114	6,228	5,268

Once again, we see that the total number of children being referred for both status and delinquent offenses during 1977 are projected to be down considerably.

Detention data

Our existing computerized data system was not initially designed to systematically track detention admissions by explicit categories, i.e. delinquent, status offender-pure, status offender-probation violation, status offender-out of county/out of State, etc. This makes comparative statistics difficult but we have pulled out some interesting facts.

We did a special detention study in 1974 which showed that of the 1,768 children detained, some 781 or 44 percent were status offenders. This figure would include the so-called "pure" status offender as well as the other jurisdiction and probation violation varieties (about 10 percent of the total or 78 children). The large majority of this group were Pima County children detained for nothing more than a status offense.

During calendar year 1977, there have been 1,518 referrals of status offenders to Mobile Diversion through the end of September and thirteen (13) have been detained.

In addition to the above figures, other children were detained for variations of status offenses. As previously described, some were out of county/out of State, who were held for other jurisdictions and some were detained as probation violators (adjudicated delinquents who commit a status offense while on probation).

This data simply confirms our belief that a secure, locked detention facility is not required to deal with status offenders. Our conclusion is there is not a need for the court to be involved, but in rare instances, and community operated agencies and programs can absorb and deal effectively with this population.

Probation caseloads

Our Court's efforts around community-based care, diversion, deinstitutionalization and improved assessment of kids has led to another remarkable reduction. The following table shows the total number of juveniles officially placed on probation or receiving probation services dating back to 1972.

Table 3.—Total children on probation

1972	1,476
1973	1,089
1974	806
1975	856
1976	689
1977 (projected)	591

We believe these reductions are due primarily to the following:

1. Status offenders are not being adjudicated and placed on probation;
2. Our Delinquency Intake Unit is diverting more children;
3. Length of official probation is being reduced and in many cases, determinate sentences are being substituted for the traditional indeterminate approach;
4. Utilization of more community agencies obviates the need or desire to "saddle" a child with a probation officer.

These significant caseload reductions have allowed our staff to provide some real face-to-face service to our kids. Prior to these reductions, the caseloads were so high (about 60 per probation officer) that little of significance could possibly be accomplished. Our goal is to continue reducing the number of children on probation and the length of said "sentence" for each child.

General conclusions and comments

The utilization of community resources and the implementation of diversionary projects has enabled our Court Center to reduce its overall staffing pattern. In early 1975, the Pima County Juvenile Court employed some 190 people; at the present time, our staff numbers 157. It is our contention that Juvenile Courts should remain small, mobile and develop the capacity to react quickly to our ever changing adolescent society.

The increasing demands being placed upon Juvenile Courts with each passing year can not possibly be encompassed, addressed, and solved by our traditional Juvenile Court Systems. Developing a comprehensive network that includes a large variety of community agencies, schools and church groups is paramount to the successful operation of any Juvenile Court and, most importantly, the Juvenile Justice System cannot continue to believe it can adequately supplant responsibilities as recent trends would indicate. Juvenile Courts must push responsibility back into the homes, the communities, the schools and the churches if inroads are to be made with this population group.

The concept of Deinstitutionalization of Status Offenders is sound and workable for the many reasons that have been enumerated. It is also important to show that the cost for implementation of alternative programs is significantly less expensive than historical incarceration and encompassment in the juvenile system. We know from our short personal experience that providing alternatives to detention reduces the housing costs of children by $20 per day, per child (detention cost—$52 per day—shelter care cost—$32 per day). We also know that incarceration of a child in an institution operated by the State Department of Corrections runs in excess of $20,000 per year. Through our short experience we believe we have demonstrated that alternative programs for the status offender not only obviates the need for such incarceration but further shows that tax dollars proportioned in different ways can ultimately serve many more children.

Over the past 2 years, our County led a long and hard fight with the Arizona State Legislature to modify its statutes relating to status offenders. During the 1976 legislative session, we were able to introduce a Bill that would have totally removed status offenders from the jurisdiction of the Juvenile Courts. This Bill passed the Arizona Senate but failed in the House of Representatives. In 1977, we were again instrumental in introducing a Bill in the Arizona House of Representatives that would have prohibited the detention of all status offenders and further prohibited their commitment to the State Department of Corrections. After much difficulty and through many hours of testimony and lobbying, one piece of this Bill was passed into law. Status offenders are now statutorily prohibited from being committed to the State Department of Corrections for long-term institutional care. Unfortunately, they still may be detained in a variety of facilities around the State of Arizona but we hope to attack and win this battle in the future.

In summary, we would like to share our strong belief relating to the concept of deinstitutionalization. We certainly do not maintain that our approach, our beliefs or our programs are a panacea or "the answer" for every status offender in every jurisdiction; we do believe, however, that status offenders should be deinstitutionalized and can be, given the combined support of a Juvenile Court and its community. Our experience has demonstrated to us that progressive movement can take place, given the proper attitude and framework are present. We sincerely feel that our efforts have proved beneficial to a large number of children and further hope this initiative will continue to gain momentum nationwide.

STATEMENT OF H. DOUGLAS LATIMER, COORDINATOR, NEIGHBORHOOD ALTERNATIVE CENTER, SACRAMENTO COUNTY PROBATION DEPARTMENT, SACRAMENTO, CALIF.

NEIGHBORHOOD ALTERNATIVE CENTER

The Neighborhood Alternative Center is a community based program operated by the Sacramento County Probation Department, designed to exclude juvenile status offenders i.e. beyond control, runaway, curfew, and truancy from the traditional juvenile justice system. The Center is located in the midst of the population concentration and easily accessible by freeway and public transportation. The Center serves as the sole receiving point for all status offenders in Sacramento County, the capitol county of California, with a population of approximately 800,000 people.

With the passage of the Juvenile Justice and Delinquency Prevention Act (JAYH) of 1974, Sacramento County began making preparations for removing all status offenders from their institutional settings, i.e. the Juvenile Hall, Boys Ranch and the Girls School. Since the County had received an Exemplary Project Award from the Law Enforcement Assistance Administration for its 601 Diversion Project, Juvenile Diversion Through Family Counseling, and felt this approach was still valid, a grant was sought from the Office of Criminal Justice Planning, State of California, in January of 1976, to place its Diversion Unit, with modifications, in a community setting. This grant was subsequently approved as a top priority project by the California Council on Criminal Justice for funding from Juvenile Justice and Delinquency Prevention monies in June of 1976. This grant and subsequent money allowed the Probation Department to open a Neighborhood Alternative Center in the community October 10, 1976. Thus the Neighborhood Alternative Center was fully functioning when the California Legislature passed Assembly Bill 3121 in an emergency measure, which also mandated removal of all status offenders from institutional settings by January 1, 1977.

The first year the Center was open it handled 1,883 youngsters and their families and provided 3,198 counseling sessions. Referrals from parents, schools or other community agencies account for 58 percent of the youngsters and the remainder are referred by law enforcement agencies. Approximately one-third of the youngsters were referred for runaway. It is interesting to note that during the last 4 months of the first year of operation approximately one-fourth of the clients were of minority background, tending to dispell the myth that status offenders are mainly white, middle-class youngsters. The above figures do not include 425 youngsters referred for curfew violations in curfew sweeps.

The focus of the family counseling at the Neighborhood Alternative Center espouses the belief that status offenders are best handled as family problems and are not suited to the court system. This approach relies on several main features: (1) The immediate intensive handling of a case during the crisis; (2) The staff spending the majority of their counseling time during the crisis as opposed to weeks or months later; (3) The use of specially trained probation officers with graduate student interns as co-therapists; (4) Providing the service 24 hours a day, 7 days per week; (5) Avoidance of court referrals in most situations.

The techniques of crisis intervention and family crisis counseling are basic concepts to the Center. Family counseling in the Probation context may differ a great deal from that of a private therapist, both in the volume of work and a resistance from often reluctant clients.

It is difficult to describe the type of counseling that occurs at the Neighborhood Alternative Center but it might be representative to discuss the aims of the training program. Among things the deputies are required to learn are: (1) The concepts of family process and family rules and the extent to which the way the families make decisions is often as important as the decisions themselves; (2) The concept of the family as a system and the ways in which the actions of one family member affects another member of the family; (3) How to enlist the family's own efforts to work on its problem; (4) Techniques for improving communication among family members; (5) How understanding one's self and one's own family system is important in becoming an effective family counselor. These steps and other training exercises are well documented in the National Institute of Law Enforcement and Criminal Justice Publication, Number 027-000-00371-1, Juvenile Diversion Through Family Counseling, An Exemplary Project 1976.

As the primary concern of the Center is resolution of status offender behavior and delinquency prevention, traditional definitions of recidivism do not seem relevant. Children and their families are encouraged to return for additional counseling sessions if further crises occur or status offenses continue. In the later part of the grant year it was determined that approximately one-fourth of the cases had at least one previous referral to the Center. Two-thirds of these repeat referrals were self-referrals, indicating that their previous intervention session had been a satisfactory experience for the family. The evaluation component of the grant indicated that only 29 percent of the youngsters seen in the first year of operation at the Neighborhood Alternative Center went on to commit delinquent offenses. A subjective evaluation was also done via mail in a random sample basis. Approximately 45 percent of these questionnaires were returned and the response was 85 percent favorable. Most families indicated a strong need for this type of service in the community and appreciated the 24-hour a day, 7-day a week operation. The evaluation team also noted that only 1 percent of the youngsters seen by the Neighborhood Alternative Center staff were referred to the Juvenile Court for further action.

Sacramento County has shown through its 601 Diversion Unit that this type of program is economically sound and less expensive than the traditional system. An analysis of comparable costs was done in 1972, at which time it was shown that family counseling with equivalent staff resulted in a [illegible] percent saving. The figures would be much more favorable at this time due to the increased costs, with added district attorneys and public defenders due to increased legal rights of minors. The previously existing Diversion Unit was and still is part of the Sacramento County Probation budget. This unit includes one supervising deputy probation officer, three senior deputy probation officers, four deputy probation officers and one legal transcriber. This unit cost is approximately $198,000 per year. The grant personnel include one supervising probation officer as the grant coordinator, two senior deputy probation officers, one legal transcriber, six part-time graduate student interns and buildi[illegible] rental for approximately $192,000. The total cost therefore for handling status offenders, through the Neighborhood Alternative Center, is approximately $385,000 per year.

The problems incurred in setting up the Neighborhood Alternative Center were greatly reduced due to the past experience of the 601 Diversion Unit located in the Juvenile Hall. The site selection was crucial and a variety of delays were incurred once the selection was made. Numerous agencies were involved in acquiring the facility, including the County Department of Real Estate, County Counsel Office, Administration and Finance Agency, and the Board of Superviors of Sacramento County. Therefore, site acquisition was almost as important as site selection and required a great deal of coordination and patience. The facility was initially an empty shell and the staff as well as the supervisors were involved in laying out the floor plan and selecting furnishings to provide an informal and relaxed atmosphere condusive to family counseling. Another problem area for other agencies attempting to implement a similar program would be locating and identifying professional family therapists to act as trainers and consultants during the initial stages until the staff felt adequate in their new role as family therapists. The clarification of roles and the education of local law enforcement agencies is also a requirement to a successful program. Law enforcement must be aware of legally mandated programs and understand the role of a probation officer are als

defined by statute similar to theirs. There must be a mutual commitment made by all law enforcement agencies, including probation, that status offenders need assistance and cannot simply be ignored.

The Neighborhood Alternative Center has been successful in Sacramento County for a variety of reasons, not listed necessarily in their order of importance. A major factor in the success of the Neighborhood Alternative Center has been the dedicated professional and clerical staff. The assignment is voluntary, requiring prior probation experience in the Probation Department, and a commitment to family counseling as a treatment modality. The staff is committed to providing the service when the need exists and are therefore in rotating shifts and working mainly evenings and weekends. Continued staff training, consultive services and a supportive administration all assist the staff in avoiding the burn-out factor often found in high stress assignments.

The support of the various law enforcement agencies in Sacramento County has also been a great asset to the program. With the rising crime rates, local law enforcement officers prefer to leave family related problems to those with special training and concentrate on curtailing criminal activity. In the initial stages of the grant the coordinator spoke to various roll call training sessions and was therefore personally able to explain the new program and handle any questions as they arose. This also resulted in the law enforcement agencies delivering youngsters directly to the Neighborhood Alternative Center and not taking them initially to their various offices for initial booking procedures. The coordinator has continued to be in close contact with the Youth Service Divisions of the various law enforcement agencies and they have continued to refer many families on an informal basis; both in person and via the telephone. The confidentiality of the records is also seen as a plus factor by law enforcement as they often do not wish to have a minor receive a criminal record.

The graduate student interns from California State University at Sacramento have been a valuable addition to the program and without their services it would have been difficult to maintain the service as a 24-hour a day, 7-day a week facility.

The evaluation group, the Criminal Justice Research Foundation, has also been invaluable in providing analytical data on an ongoing basis and constructive criticisms to the program.

In conclusion, the program has been a success because it fills a need in the community by providing a service to particular types of minors and their families not normally seen by other agencies. The staff continues to provide a service that conveys to the public their commitment and belief that families can improve their communication processes and thereby meet each others needs in a more effective manner.

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STATEMENT OF JAMES GIRZONE, COMMISSIONER, DEPARTMENT OF YOUTH, RENSSELAER COUNTY, N.Y., REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES

Mr. Chairman, members of the subcommittee, I am James Girzone, commissioner, Rensselaer County, New York, Department of Youth. I am also chairman of the New York State juvenile justice standards and goals task force and serve as a member of the Criminal Justice Advisory Board of the Capitol District Regional Commission. I am here today to present the views of the National Association of Counties[1] Policy Steering Committee on Criminal Justice and Public Safety on the Implementation of the Juvenile Justice and Delinquency Prevention Act, particularly as it relates to the deinstitutionalization of status offenders.

Mr. Chairman, before I begin I want to take this opportunity to express my personal and professional appreciation to this subcommittee for its sensitive and dedicated work on behalf of our Nation's young people. Your efforts with the Juvenile Justice and Delinquency Prevention Act have reflected what I consider to be the only significant recognition by the Federal Government that

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[1] The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county government.
The goals of the organization are to:
Improve county governments;
Serve as the national spokesman for county governments;
Act as a liaison between the nation's counties and other levels of government;
Achieve public understanding of the role of counties in the federal system.

helping troubled youth through their formative years is an issue of national interest. Nevertheless, I have to admit a sense of personal ambivalence about the very existence of this act.

On the one hand, I know and appreciate that the act has made, and will continue to make, an important contribution to the improvement of our Nation's system of juvenile justice, but I am deeply, passionately, offended by the very need for the act. I am outraged that we must still argue that most so-called juvenile delinquents are themselves victims; that incarcerating youngsters in need of supervision is a more telling indictment of our adult population than or our juvenile population; that criminalizing status offenses is but a way of ignoring serious social problems rather than solving them; and that institutionalizing youngsters, generally, is a barbarism unworthy of a supposedly "advanced" nation.

In some respects, then, the fact that we have this law is a negative, though necessary, commentary on our national priorities and sensibilities. The act, for the most part, all too often only affects those children who have already drawn attention to themselves by violating either a law or a rule established b adults, many of which, particularly status offenses, serve delinquent parents and authorities more faithfully than delinquent children (one study notes that 72 percent of all police encounters with status offenders are initiated by adults, usually relatives).

I know the act says "prevention" over and over, and I know the Congress intended that the emphasis of the act be on prevention, but much of our experience with the law seems to indicate that prevention has often meant prevention of more serious transgressions, not prevention of actual impact with the juvenile justice system nor prevention of juvenile delinquency itself.

I do not fault this subcommittee for any of this. You have done a superlative job, and continue to do so, within the purview of your jurisdiction. I submit that the dilemma lies with our definition—society's definition—of prevention and where prevention begins.

Prevention to me means addressing those social issues that cause young people to go into the street, unsupervised; that cause them to want or need to leave home; that force them to fend for themselves before they are emotionally or educationally ready to do so; and that cause them to take up a style of life that is conducive to the breaking of adult criminal laws.

The Juvenile Justice and Delinquency Prevention Act does not and cannot address these issues simply because our judicial system cannot address them. Yet these are the real issues of prevention and they are the issues which our society has only peripherally addressed to date.

The National Association of Counties maintains that most juvenile delinquency has its roots in social circumstances, not law; that status offenses are but the most obvious and flagrant example of this; that the courts are not the proper agencies to attempt the rehabilitation of status offenders; that community based alternatives to incarceration are essential elements of humane social and juvenile justice policy; and that deinstitutionalization brought about in a timely manner with due consideration to available resources ought to be a major priority for this society.

Our charge here today, as I understand it, is to attempt to better understand the effect the Juvenile Justice and Delinquency Prevention Act is having on the deinstitutionalization of status offenders. I wish to make five specific points in that regard:

Deinstitutionalization ought to mean more than simply getting children out of jails; it ought to mean creating social service programs to help them survi their early years.

The funding provided in the act is sadly inadequate even in light of substantial public and private expenditures in many counties.

The provisions of the act encourage deinstitutionalization at the State level to a far greater degree than at the local level in many States.

Deinstitutionalization requirements should apply to private as well as public institutions.

Incarceration in secure institutions is the most expensive method, both socially and financially, of dealing with status offenders.

I want to note here that the act concerns itself specifically with the deinstitutionalization of status offenders or "persons in need of supervision". It is my personal conviction, based upon my professional experience, that there are

large numbers of adjudicated juvenile delinquents whom we fail by not recognizing that they too can be deinstitutionalized and salvaged as useful citizens. I am not arguing that all adjudicated juvenile delinquents can benefit from community based corrections; only that we do not try hard enough to identify those who can.

Let me tell you about my experience in Rensselaer County and use it as a point of departure for our discussion. Last year we sent fifty-eight (58) youngsters to State or private institutions—not because we wanted to or because they could not have benefited from more humane community based alternatives. Quite the contrary. Half of these children were status offenders or "persons in need of supervision". They were not criminals, but they did pose severe discipline problems.

Lacking any other alternative, we were forced to send them to State or private institutions where we knew the change was great that they would have their lives further mangled by our "civilized" system of juvenile corrections. We had no other alternative simply because we did not have the financial resources to keep them in the community.

This is particularly sad because we know that not only is it programmatically more desirable to keep the child in the community, but it is also more cost effective.

In Rensselaer County it costs us $1.4 million each year to incarcerate adjudicated juvenile delinquents and status offenders. It costs $27,000 to keep one of these youngsters in a State training school for 1 year; private residential treatment facilities, akin to State institutions, cost about $24,000 per year per child; and publicly financed community based group homes cost only $15,000 per year per child.

Any way we look, from either a social policy standpoint or a cost perspective, it becomes clear that the most expensive solution to juvenile justice problems is incarceration in secure institutions.

Mr. Chairman, I am not here to make a plea for additional Federal monies. The policy platform of the National Association of Counties clearly states that "the primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government", not the States and not the Federal Government. But the fact remains that deinstitutionalization does not have much meaning if there are not effective community based alternatives to incarceration.

Not only do the funds not exist from local sources, but the juvenile justice and delinquency prevention monies, insofar as many local governments are concerned, are too few for effective use. Consequently, they do not encourage deinstitutionalization as completely as the Congress wished nor are they sufficient to provide satisfactory alternatives.

In some States the deinstitutionalization incentives in the Juvenile Justice and Delinquency Prevention Act are often more important and attractive in encouraging State deinstitutionalization than at the local level. The States, in order to participate in programs sponsored by the act, must deinstitutionalize their State institutions. This has happened in New York. But because the act does not require the deinstitutionalization of private facilities, local judges faced with cases where community based alternatives are not available can still, in fact, "institutionalize" status offenders in private institutions. So although it is possible to be in legal compliance with the act at the State level, it is still possible for local authorities to institutionalize status offenders through the private institution route.

We also have some evidence that some States have deinstitutionalized their State facilities and then not been willing to provide assistance to local governments in deinstitutionalizing local public facilities.

California, for example, began its deinstitutionalization program some years ago and its regional planning units, without objection from the State, are now refusing to fund county deinstitutionalization programs on the basis that deinstitutionalization is required for compliance with the law and therefore financial incentives are not required. Consequently, counties are left to finance deinstitutionalization as best they can from other resources.

Even when the money actually gets to the local level it is often insufficient either because of a real deficiency in available dollars or because political priorities have been exercised in its distribution.

In New York State, local governments are eligible for $2,568,000 million in action funds. Seven metropolitan counties get $2,340,000 of that amount; two

developmental planning areas composed of six counties get $75,000; and eight regional coordinating areas incorporating 20 percent of the State's population and consisting of 33 counties get only $53,000 to service all their needs.

I understand the practical need to direct limited resources where the problem seems most acute, i.e. urban areas, but that, in my opinion, is a political judgement which has little justification when we are discussing the lives of young people. That most of the funds go to urban areas does not reflect than an urban delinquent needs more help than a rural delinquent. It only reflects the politic element in our assistance programs and the fact that children, be they urban or rural, are political non-entities. It is the needs of the adult community and their political power that dictates where the money goes: the squeeky wheel commands the resources.

The issue is not that urban areas get a disproportionate share of the funds relative to their problems—they do not: the issue is that they get so much from the available pie and children from less populated areas get so much less.

There is little difference between a troubled urban youth and his counterpart from a rural area except in where they live and their visibility. If our interes were truly in the child regardless of his home, resources would not be allocated according to a delinquent's potential negative impact on the community, but rather according to his individual needs.

My point, Mr. Chairman, is that all youngsters, rural and urban, deserve equal treatment under this law and that because the resources it provides are so scanty, political judgments currently dictate its distribution.

This general scarcity of funds under the Juvenile Justice and Delinquency Prevention Act for all juvenile justice programs, not just deinstitutionalization, has a direct impact on the amount of monies available for deinstitutionalizati Although juvenile justice and delinquency prevention funding has increased significantly, the other prime source of Federal funding, the 20% provided by the Law Enforcement Assistance Administration, has been diminished significantly. So in terms of total Federal dollars available for juvenile justice programs, we have been robbing Peter to pay Paul; consequently, deinstitutionalization has been directly effected by this smaller Federal pot.

I want to point out that the money provided by the Federal Government to local governments is but a small percentage of the total funds actually being spent on juvenile justice programs by county governments. Through the use both public and private funding sources, counties have supplemented LEAA monies, and in many cases, conducted successful programs without Federal funds altogether.

Nevertheless, regardless of however much we are now spending, it is too little for the task at hand. Some of the kinds of programs counties are making significant financial contributions to follow, to give you some idea as to the breadth of our efforts:

Los Angeles County has initiated a status offender detention alternative program that costs $1,456,000. of which only $745,000 is Federal funds; 5 perc comes from the State and the rest, almost $650,000, comes from the county.

Grafton County, New Hampshire, has funded its 10 percent match for a program of comprehensive youth services totally with private funds.

Bernallillo County, New Mexico, funds a prevention, diversion and crisis coun seling program with $126,000 in county funds (38 percent of the cost of the program). Only $18,000 comes from the Juvenile Justice and Delinquency Prevention Act. The remainder of the program is financed with Title XX, CETA community development funds, runaway youth, and private contributions.

Anne Arundel County, Maryland, finances youth service centers and gr houses for status offenders solely with State, local and private monies at a cos of over $400,000 per year without any Federal monies. They also run non resident juvenile rehabilitation centers for status offenders and delinquent with $230,000 in juvenile justice and delinquency prevention funds and $220,00 in county funds, including capital investments. The State provides $5,000.

One of the other ways local governments help support their own efforts i through intergovernmental and regional cooperation. They do this throug regional associations that endeavor to coordinate resources and efforts to avoi waste and duplication. My county, as but one example, makes our non-sec detention facilities available to other local governments as space provides. Thi kind of effort needs to be encouraged.

Mr. Chairman, we have in previous testimony before this subcommittee offere one possible solution to the funding issues associated with deinstitutionalization

a program of State subsidies. We believe a State subsidy program would encourage deinstitutionalization while offering fiscal assistance to already hard-pressed local governments. Programs already exist in seventeen States and we think this evidences an area that warrants investigation by the Congress.

The National Association of Counties respectfully urges that Congress give serious consideration to establishing a new title to the Juvenile Justice and Delinquency Prevention Act: one that would provide for an independently funded program of State subsidies which would (a) reduce the number of commitments to any form of juvenile facility, (b) increase the use of non-secure community based facilities, (c) reduce the use of incarceration and detention of juveniles, and (d) encourage the development of organizational and planning capacity to coordinate youth development and delinquency prevention services.

Mr. Chairman, I would at this point like to offer some specific comments on other aspects of the Juvenile Justice and Delinquency Prevention Act which may be of interest to the subcommittee in your general oversight of the implementation of the act.

PRIVATE AGENCY FUNDING

I fully understand and am sympathetic with the Congress' desire to assure that worthy private agency projects are funded by local governments and that they not be rejected simply for lack of political popularity. In attempting to protect private agencies, however, we may have endangered yet another integral part of the juvenile justice delivery system, i.e. the comprehensive planning of local governments.

Just as the State plan is important to assure proper, efficient and effective use of resources without duplication or waste within the State, the local government plan operates similarly within the county. Programs which deviate from that plan are potentially harmful to the implementation of the plan.

The issue here is not whether unpopular programs ought to be funded but whether State agencies are in a position to competently evaluate these programs outside the context of the community in which they are to operate.

I realize the conference report explicitly notes that congress expects the State to provide the local government "with a full opportunity to explain why it decided not to fund the legal private agency", but our experience with LEAA and its repeated thwarting of congressional intent has left us highly suspicious in expecting conference report language to prevail in the implementation of the act.

I also want to point out that when we allow the State to directly interfere with a local government's funding perogatives, we not only jeopardize the community's comprehensive planning, but we directly appropriate both decision making power and dollars as well. It is important to note that when the State directs that a particular project be funded, it is part of the 66⅔ percent pass through funds for local governments that actually pays for the program. If the State is going to make the funding decision, it seems reasonable that they also provide the funds. Then at least the State would have a continuing interest in the program and would not, or could not, wash its hands of responsibility for negative impacts that may be created.

A closely related issue is the question of what happens when a program is forced upon a local community and then loses its funding after a couple of years for whatever reason. The county then is often subjected to intense political pressure to continue the program out of its funds. While some may argue in support of this political dynamic, the fact may be that the program may not contribute toward achieving the goals set forth in the comprehensive plan, yet may be able, to the detriment of the planned programs, to attract and command enough political support to appropriate scarce funds.

This competition for scarce resources has occurred in Los Angeles with programs that were originally funded by the State and which subsequently lost that funding. In the political tug-of-war that followed, locally planned-for projects lost out to the detriment of the comprehensive plan for juvenile justice programs.

We fully recognize the significant and essential contributions private agency programs make in many local juvenile service and justice programs. In some communities, as in my own, the local government actually contracts out the bulk of its programs to private contractors which have the capacity to provide many services far better than the county government.

The fact remains, however, that no single private agency or group of them can ever fulfill the responsibility of the local government in devising a comprehensive plan or in coordinating the many diverse public and private activities encompassing a system of juvenile care and justice within a community. In light of the general recognition that such coordination is not only desirable but essential, it seems to us to make little sense to endanger that coordinating function solely because some jurisdictions may have been intemperate in refusing funds to worthy private agencies for political reasons.

Mr. Chairman, we too deplore those instances, but they are relatively few in number and do not justify threatening the more important concept of local comprehensive planning for juvenile justice programs.

ONE HUNDRED PERCENT FUNDING

Amendments to the act that have provided 100 percent funding for qualified programs are particularly important for programs encouraging deinstitutionalization in States where there is opposition to the concept. We commend this subcommittee for its sensitivity in this matter.

There is an unfortunate tendency in many communities to take the "easy" route and export the problem child out of the community because of the lack of local programs that provide alternatives. The amendments will make this occasion less likely since it will remove the budgetary argument that so often serves as an excuse for initiating responsible and effective community based alternatives. I also think it will encourage more innovation since the programs will not be dependent upon local funding and the political pressure funding decisions encourage.

There is, however, one significant problem with the program as it is now constituted: the Federal funding often runs out before sufficient local community support has been developed to sustain the program on its own. Achieving such support can sometimes take 2 or 3 years. Consequently, it would be helpful if there were provisions in the act that provided for a phase-out of Federal funding, rather than an abrupt termination, for particularly controversial programs. Please note that I am not speaking of *all* projects—only those whose lives are endangered by political considerations that can be overcome within a reasonable time.

In a slightly different context, the lack of a long term Federal commitment can be seen in Colorado where there are so few juvenile justice and delinquency prevention funds for the State that the State has held all funds at the State level and made them available on a competitive bid basis. It is clearly understood by applicants that the eligible programs will only be funded for 1 year and that thereafter the burden of continuing the program will be on the local government.

In some cases counties are accepting this circumstance and using part of LEAA monies to fund or partially fund a second year, but there is also some evidence that many communities do not participate in the program simply because they either do not have the resources for funding the project after the first year or because they know they will not have created the necessary community support during the life of the Federal funding to ensure program continuation.

STATE ADVISORY GROUPS

State advisory groups have been strengthened by amendments proposed by this subcommittee, but they are still paper tigers in many States. Although they are supposedly the "experts" in the area of juvenile justice, they have no real authority in making the actual funding decisions. The results are sometimes appalling.

Recently in my own State of New York a proposal came before the advisory group to fund a $200,000 project from juvenile justice and delinquency prevention funds to fingerprint juvenile offenders. The advisory group unanimously recommended that the State planning agency turn down the project because it seemed more in the interests of police authorities than the children. The State totally ignored the advisory group recommendation. The State planning agency being politically sensitive, thought it prudent to provide the funding since the project was suggested by the State legislature.

Mr. Chairman, it seems clear to us that the process of funding juvenile justice programs under the act leaves much room for improvement. There are alterna

tives. We could separate responsibility for juvenile funds and give it to a board separate from the State planning agency, say, the advisory group. Or we could devise a CETA type funding mechanism. The point is that there must be a better way to ensure that the will of the congress is better honored than it is at present.

STATE PLANNING AGENCIES

The performance of State planning agencies with respect to implementation of the Juvenile Justice and Delinquency Prevention Act varies widely from State to State. In actuality, we have very little conclusive information that would lend itself to broad generalizations.

We do, however, know that some States have abused their role in the allocation of funds. A flagrant example occurred, once again, in New York as recently as June of this year. The city of Rochester, eligible for $90,000 in juvenile justice and delinquency prevention monies, received a grant from the State SPA for $483,521 to fund a program supposedly directed at protecting the elderly from juvenile crime. Aside from the suspect nature of the essence of the grant, a suspicion which has since been confirmed by the manner in which the program is being implemented, the program has raised quite a few eyebrows. After getting the money, the city of Rochester then sublet the entire contract back to a service arm of the same State planning agency that awarded the grant in the first place.

Mr. Chairman, we do not intend this as an indictment of all State planning agencies. We know that many are doing everything in their power to effectively implement the act, but the bottom line to all this is that the State planning agency, however well intentioned and professional, is still far removed from the community in which the programs it decides upon are implemented. Since they are far removed from the local government budgetary process, it is a mistake to expect them to play too great a role in assessing local priorities, particularly with respect to large, urban jurisdictions.

This is obviously a subject to which we cannot do justice here except to note that the role of the State planning agencies will be central to the debate over the future of LEAA which will begin in ernest next year. It is safe to note, however, that in many cases, the same problems posed by the SPAS with respect to LEAA programs also apply to the juvenile justice and delinquency prevention act and its implementation.

CONCLUSION

Mr. Chairman, we thank you once again for this opportunity to present testimony with respect to these very important subjects. Our staff is based here in Washington and is available to be of further assistance at any time. We are particularly impressed with the work your staff has done in preparing for these hearings and look forward to a long, fruitful association with you.

I would be pleased to answer any questions the subcommittee may have either on the text of my statement or on other related matters.

79025

STATEMENT OF ROBERT R. DYE, CHAIRMAN, NATIONAL INTER-AGENCY PROGRAM COLLABORATION ON JUVENILE JUSTICE, NEW YORK, N.Y.

Mr. Chairman and Members of the Sub-Committee: We appreciate being asked to attend these oversight hearings on behalf of our National Inter-Agency Task Force on Juvenile Justice Program Collaboration. My name is Robert R. Dye, Chairman of the Program Collaboration. I am also an Associate Executive Director, National Council of YMCAs. I am accompanied today by Mariana Page Glidden, the Associate Director of the National Collaboration.

The National Program Collaboration consists of 16 national youth serving agencies including the:

American National Red Cross
Association of Junior Leagues
Boy's Clubs of America
Boy Scouts of America
Camp Fire Girls
Girl's Clubs of America, Inc.
Girl Scouts of the U.S.A.

National Board of YMCAs
National Board, YWCA of the U.S.A.
National Council for Homemakers—Home Health Aide Services
National Council of Jewish Women
National Council on Crime and Delinquency
National Federation of Settlements and Neighborhood Centers
National Jewish Welfare Board
Salvation Army
Travellers Aid—International Social Service of America

About one and one half years ago, a $1.5 million grant was received by our National Program Collaboration to work toward the goal of removing and keeping status offenders out of institutions. This is the first time in our organizational histories that 16 national youth serving agencies have joined in a single proposal around a single cause. The seriousness of this issue brought us together and has kept us together. The project goal is to develop the capacities of the national voluntary organizations and their local affiliates to serve status offenders and to develop through collaboration community-based services for status offenders as alternatives to detention/correction institutions. Also, to develop community-wide advocacy programs on behalf of the needs of status offenders. We have been working in five project sites: Connecticut; Spartanburg, South Carolina; Pima County, Arizona; Oakland, California; and Spokane, Washington.

Today, we would like to tell you why we feel it is important to cultivate and nourish this kind of collaborative enterprise; give you some of the results of our activity together; let you know about some of the problems we are facing and what issues we see ahead of us.

Let's start with collaboration as a new style of work.

Almost 3 years ago, soon after the signing of the Juvenile Justice and Delinquency Prevention Act, fourteen (14) national organizations, working through the vehicle of the National Assembly of National Voluntary Health and Social Welfare Organizations, formed a Task Force on Juvenile Justice Program Collaboration. Two organizations were later added to the group.

There were several assumptions that brought this group together.

The widespread dissatisfaction with current results in juvenile justice prevention and treatment programs.

The recognition that the problems of youth delinquency are so complex that no single discipline or segment of society—and especially no single agency, governmental or voluntary—can by itself effectively alleviate these problems.

The recognition that if the voluntary sector is to make a significant contribution towards the prevention and treatment of juvenile delinquencies, it must do so in collaboration with other community institutions such as the schools, courts, police and child welfare agencies.

The realization that the new juvenile justice legislation with its call for community-based programs in lieu of institutionalization, shifts the responsibility to those of us who manage the private community organizations, and this shift will call for a present and future work style which is collaborative.

The assumption that a pressing need today is to develop intelligent and sustained advocacy and education programs among our citizenry to bring about humane and creative community responses to the problems of children in trouble.

Our collaborations in the five target sites have been operating for about one and one half years, and many things have begun to happen. To build the capacities required to perform in this program area, education and training programs have been started in all the sites. The Tucson (Pima County) Collaboration brought *150 Board members from 25 collaborating organizations* to understand the new organizational roles required in their communities. Juvenile Judge Collins told that group that the answer to the problem of how to treat children in trouble was present in that meeting—in the vehicle of community-wide planning and utilization of community resources.

In Tucson also the collaboration will sponsor in November a *National Conference on "Changing Values: Teenage Women In The Juvenile Justice System"* There have been a *Community Awareness Project on youth and their legal rights* and a *Prospective Employers Program* to encourage the private sector to take an interest in the special employment problems of status offender youth. Training sessions for staff and volunteers have been sponsored covering such topics as *Drug and Alcohol Abuse, Program Evaluation, Federal and State Funding Systems*, and *Programming For Young Women.*

In Spokane, there has been a *Board Awareness Training Seminar* to help Board members understand who status offenders are and how their organizations could be involved in a network of community-based services. This collaboration sponsored a program in which Spokane *police officers attended a Child Welfare League Conference on Juvenile Justice* in Calgary, Alberta with the video-tape of this conference then being used as a training tool for the entire police division.

In Oakland, California, in order to operationalize the capacity-building objectives, the Inter-Agency Collaboration Effort has sponsored two Conferences focusing on "*Troubled Youth—A Perspective*", and "*Why Collaboration/Why Work With Public Agencies*".

The major emphasis of our state-wide collaboration structure in Connecticut is *ADVOCACY*. Based in Hartford and composed of affiliates of the National Task Force organizations, it publishes a *monthly newsletter* focusing on community awareness of status offender issues and legislation. It has also been *monitoring* and reporting on the activities of the Connecticut State legislature as it relates to issues of status offenders and youth.

Most importantly, although a 2 year project is a limited time in which to form new coalitions of effort and build the common trust necessary to make them perform with credibility, collaborations in each of the five sites have now reached the direct-programming stage, developing and conducting programs aimed at creating alternatives to the system of incarceration.

In Tucson, here are a few: A *counseling and Job Development program* sponsored by three women's organizations; *New Careers Through Day Care*, with organizations like the YWCA, the Urban League, and a group called New Directions For Women, all joined in a common sponsorship. Also: a *Youth Law Project*, a *Parent Drop-In Center*, an *In-School* program, and an *Applied Leadership Training Project*. A *Foster Parent Program* and a *Tutoring Program* are other PIMA County results of this effort.

In Spokane a *Peer Support Group* program utilizes the power of the adolescent peer group to assist troubled young people in examining their problems and finding more effective ways to deal with them.

In Oakland, the results of the Needs Assessment Survey indicated that female runaways, truancy and alcoholism were three of the problems for which there were no services in East Oakland. As a result, the Inter-Agency Collaboration effort is sponsoring a *Female Runaway Program* and a *Truancy/Alcohol Program*. Six organizations are sponsoring the runaway work.

In Spartanburg, the *Minority Youth Culture Expression program* reaches out to status offenders through music, art, drama and dance. The *La Vida Back Packing Program* is an outward bound program to build confidence and good self-images in troubled kids.

And in the Danbury, Waterbury and Torrington areas of Connecticut, programs such as *Peer Counseling in Schools, Status Offender Tutoring Projects, Family Counseling Program*, and a *Crisis Intervention Project* are direct-service programs sponsored by a total of eight organizations.

Our newly created involvements with new programs, different partners (private and public), and increased attempts to bring about a change in the way communities have reacted to status offenders and other children in trouble, have not been free of problems. In fact, there have been many blocks and many resistances to these efforts.

Some of these problems are our own. This is a new agenda for many of our collaborating units and to build understanding, train staff, develop resources, create programs and run them for new target groups cannot be done immediately. Once organizations start moving in these new directions, it is important that we support them and not make the going too tough. If the public partners are hostile to these new efforts; if the bureaucracy too overwhelming; if the economic risks are too great to take; then although organizations feel they should make their resources available to the troubled kids who need them, they find the obstacles too great to overcome. The fact that our National Collaboration is intact after 3 years indicates a commitment to this agenda and I hope that will continue.

Another issue which is different, city by city, is how the *juvenile court* regards the private volunteer sector. Judges like John Collins of Pima County and Bill Kannell of Akron, Ohio use the private organizations of their communities as resources for troubled youth. If every judge operated as those two do, tre-

mendous advances could be made everywhere. We find, that in some cities, judges have difficulty in accepting community-based programming as the new direction and find ways to resist these attempts.

Similarly, another problem we face is to *bridge the wide chasms that have existed and do exist between the agencies of state, city and county governments and the private volunteer sector.* While the gains have been great in some States and cities in bringing public and private partners to see the advantages of combining their talents and their resources, still in other places the priva' organizations are seen as competitors for the available funds and regarded as unable to program effectively for children who need special help. These resistances must be overcome if the community-based organizations are to assume a greater responsibility for these young constituencies.

Recently the National Council of YMCAs took a survey of 91 programs in 45 cities where juvenile justice alternative programs are being conducted by our units. These programs were classified into six categories: Group Homes and Residential Treatment Centers, Youth Service Bureaus, General Outreach Programs, after-School Day Care, Shelter Care and NYPUM, a national diversi program of referred young people. The most serious problem facing the program operators was *funding security.* Not to be able to plan more than a year or two in advance causes staff frustration and instability in those operations. In poor communities there is a reluctance to start so-called demonstration projects for 1 to 2 year periods because when the demonstration funds end, it is likely that the programs will end also. There is no assurance that States which have been heavily funding youth prisons and training schools, will protect those funds for the community-based alternatives which will replace them.

One of our organizations in Chicago, recently almost turned down an LEA special emphasis grant for $500,000 to bring a comprehensive in-school program within three city high schools because it could not be funded for more than 1 year. Not only will it be hard to hire a staff for a 1 year only period, it will also be difficult to persuade three inner-city principals, beset with an endless variety of problems, to put energy and effort into an endeavor that might not have more than a nine-month life.

One of the helpful provisions of the Juvenile Justice Legislation was the flexibility it provided for *longer-range funding.* While we recognize that Federal funding levels precludes taking projects over 5–10 year periods, 1 year fundi builds the kind of problems into a project that makes it difficult to succeed.

The need for *widespread and sustained advocacy* for more enlightened community responses to status offenders and other youth in trouble continues as one of our most serious needs. We must simply make communities realize that when children are traumatized into running away from an intolerable home situation, or not attending a school where the coping is too difficult, the community can not turn its back on the problem. The responsibility is ours to care for and nurture *all* our kids, not just the ones who are lucky to be able to operate successfully in families and schools. When we feel that the way to handle the problem is to remove young people from our sight—lock them up and ignore them—then it is we who should be treated. This treatment we call *education,* and *new understanding,* and, hopefully, the infusion of the human element we call *compassion.*

The last, but perhaps the most serious problem we face, is the way we continue to treat individual parts of the youth problem without seeing the interrelationships that exist between all the parts. We perpetuate the fragmentation of efforts that create single program solutions for single symptoms.

Consider some of the more sweeping aspects of this "non-system".

Service delivery is increasingly offered via symptom—e.g. drugs, delinquency, employment, alcohol, education, welfare needs, counseling. This leads to a most unhealthy stigmatization of the youth who receive these services and does not reflect the much more complex world in which they live as human beings.

Services are grouped by symptoms, in large part because funds for services are made available on a symptom basis. This leads to increased specialization within a certain symptomatic field which further increases the lack of communication between the various components at work on youth problems. Un' is we see the relationships that exist between the problems of an increasing school drop-out rate, a youth unemployment problem which has reached in excess of 40 percent for black youth in New York City, and the high rate of delinquency, we will have a human problem of staggering dimension. Generations of young

people will reach their adult years unschooled, with no job skills and with no prospect of employment.

If we are to work intelligently at a problem like this, we must insist that the planning systems be connected. The school superintendents who are worrying about the drop-out rate must be in the same planning system as the police official and the judge who is apprehending and dealing with this drop-out who has become delinquent. Present must be the legislator who is producing legislation for new jobs programs, the employer who controls the jobs market, and the union official who influences the labor market. And the youth organizations who deal with people as a whole—and not in segmented parts—must be a part of this comprehensive, integrated approach to *youth development*.

This is what we should all be about. The development of our youth. All our youth. Not the picking at them—at bits and pieces of the problem.

Our program collaborations in our communities must grow to become these kinds of instruments. Planning must be done not in the organizational sense or by problem area or symptom. It must be total planning done at a community level with youth development as the goal. Unless we are willing to put in this kind of time and effort, we will continue to lose kids to the streets—lose them for good.

What our goal should be, ultimately, is to bring about a National Youth Policy which will generate the kind of planning for the whole which is required. Which recognizes the need for a merging of disciplines of interests, and of funding resources such as single purpose government, agencies, businesses and individuals, so that this nation's youth can be helped to reach the stage of development that will allow him or her to live lives of hope and fulfillment, for the good of themselves, their families, and this Nation.

STATEMENT OF WILLIAM TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT

79026

I want to thank the Chairman, Senator Culver, for extending this opportunity to me to appear before the Subcommittee today to discuss the role of community based youth services in the implementation of the Juvenile Justice and Delinquency Prevention Act, particularly the deinstitutionalization of status offenders.

I would first like to present an overview of the community based youth services that have emerged over the last 10 years, the types of services they provide, what makes them successful, and a brief review of some of the difficulties they encounter.

Over the last 10 years various youth services have emerged as alternatives to the traditional public and private youth service system. Concerned community people sought to respond to a growing need for youth crisis services, particularly for youth in trouble with drugs, youth with family problems, youth in difficulty with the law and youth on the run. The existing youth service system was by and large a professional operation, open 9–5. Status offenders, particularly runaways, posed special problems to deliver service to because of their extralegal if not illegal standing. Few programs were willing to assume the personal and corporate risk involved, and/or were willing to be available by midnight in a crisis.

Status offenders, particularly those labeled runaways and incorrigible, have historically presented difficulties for the existing system. Youth adjudicated delinquent for, say car theft or burglary, had a clearly defined problem, a delinquent act, judicially sanctioned treatment plan, probation, sentencing or some services, and a clear message about recidivism "Don't do it again." Status offenders, on the other hand, clearly were not criminals per se, so the "problem" for which they came to the court's attention was much more vaguely defined. The major shortcoming was that the court system could not create a treatment plan for a youth labeled incorrigible or a youth on the run from the family situation. Recidivism became an obvious problem for the courts, because their message to the youth was "Don't have personal or family or school problems again or we will lock you up. For your protection of course." So it became widespread among social workers to hear "Give me a delinquent any day before a status offender."

You can begin to see the nature of the problem the court system had with status offenders. They were an inflexible service delivery system, unable to cope with those youth whose problems were never clearly defined legally or clinically, and no community services were willing to take the legal risks even if they knew how to deliver effective services to these youth. The existing models of service delivery failed to adapt to changing youth needs, and the court systems response of incarceration only excerbated the problem time and time again. And for whatever the labels of delinquent and status offenders are worth—and recent research points to a lack of differences between youth with either label—the labels and practices are still used extensively.

Community people set about creating youth services that would be appropriate to youth in a society undergoing extensive changes in values and mores. As society evolved out of that turmoil, so did community based youth services. They have grown from informal referrals by individual public youth workers to systematic, formal referrals sanctioned by the courts. This of course does not exist everywhere. Nor does it address the issue as to whether the juvenile court should have jurisdiction over status offenders. NYAP believes that status offenders should be removed from the court's jurisdiction.

Such an action, we believe, would bring about the creation of more community based crisis, treatment and prevention programs for young people. These are the basic services that need to be created as alternatives to incarceration.

Crisis services, whether it is personal counseling, assistance by telephone or medical intervention, continues to be a need of young people on a 24 hour basis. As community youth services developed, crisis services became their first specialty. Available when no one else was around, they earned the trust of young people by developing new models of service delivery. Today most youth services still provide crisis services. The National Runaway Switchboard operated by Metro Help in Chicago provides a toll free information and message exchange service that also provides crisis counseling by phone nationwide. Across the country, hotlines such as Project Place in Boston; Lighthouse in Baltimore; Northwest Resource Line in Portland; and 621–CARE in Cincinnati provide emergency telephone counseling. The availability of hotlines and other such services contributes to preventing situations from worsening, and is often able to link the youth up with longer range treatment services.

Treatment services developed more slowly among community youth services. In part this development of services was based on a dissatisfaction with the services available from the traditional system. Community based services have grown into multi-service youth centers providing a range of legal, information, counseling, therapy, employment, education, health and other services for youth. These include, the Junction in Portsmouth, New Hampshire; Boston's Teen Center Alliance; The Door and Contact Center, both located in New York City; and Partners Inc. in Denver, Colorado. One important innovation was creating an alternative to the medical model of services, which defines the youth as having a "illness", diagnoses what that illness (label) is, and prescribes a treatment plan. The alternative model was based on the assumption that the youth's difficulties were not necessarily in his head, but often was a healthy reaction to other conditions in their lives. Runaway centers, such as The Center in Rochester, N.Y.; Huckleberry House in Columbus, Ohio; New Day in Albuquerque, N.M.; Sunflower House in Corvallis, Oregon; and Foundations in your home town of Cedar Rapids, Iowa, have developed a specialty in delivering effective services to runaway youth and their families, and have been able to work successfully with other youth as well. Alternative schools have developed specialties in working with young people unable to cope with the public system and are labeled truants. The Alternative Schools Network in Cook County, ILL is an excellent example of these schools coming together to improve their services. Around the country there have been formed about 35 such coalitions which come together to share ways to improve their services to youth. NYAP provides support and assistance to these coalitions.

Prevention services for youth are related to a basic youth development strategy local youth servises adopt either formally or informally. Much of the innovation in prevention services for youth has come from those programs working primarily with drug abusing youth, where the critical need is to create and provide constructive alternatives. Often prevention services are delivered in schools, through drop in centers or in various types of craft

recreation and education type programs. They are seldom called prevention services but rather are offered by community youth services as programs to provide positive experiences for young people.

The change in the philosophy and model of service delivery to young people is very much reflected in the style in which services are rendered. These community based youth services have been particularly effective in working with status offenders who are self-referred, as well as those who the court refers. One measure of success of the programs is that youth continue to seek these services voluntarily. This is based, in part, on the fact that the services are located in the community, are staffed by people who are personally invested in the outcome of their work, and who continue to provide a positive, supportive environment in which youth will be receptive to service and to changes in their lives. More importantly, these services are effective because of their use of well-trained volunteers. One of the remarkable innovations has been the development of peer counseling, youth trained to counsel other youth. These conditions have helped youth services adapt to changing youth and community needs. One of the more noticeable trends of the last few years is the increase in the number of youth who now come to these programs with more serious and complex problems. Youth services are responding to this trend by improving their treatment and prevention services, particularly their counseling components.

There are other characteristics of community based youth programs that help them deliver successful services. By utilizing a small staff and community volunteers, and supported by a Board of Directors of community and professional people, these youth services earn community support by their ability to retain flexibility in responding quickly to problems. Whether it is a new fad in drugs of preferred abuse or a local crisis creating problems for youth, these youth services have earned the trust and respect of the youth they serve and are capable of responding effectively.

One of the difficulties in sustaining these youth services is on-going funding. While the costs of operating these programs is often much lower than publicly provided services, there is a constant lack of stability in financial support. Often government funding sources seek to follow some currently hot issue, tending to make funds available to cope with symptoms rather than causes of problems. Youth Service Bureaus have been susceptible to this, as they are funded in LEAA funds for 2–3 years for diversion and perhaps some treatment services, but are often restricted from providing prevention services. Some such as Allen County YSB in Lima, Ohio, Aunt Martha's YSB in Park Forest, Illinois and Mount Baker YSB in Seattle, Washington have been able to develop comprehensive services. Both youth service bureaus and drug programs have suffered from an instability in government funding. Youth workers are now seeking to establish multiple sources of funding from public and private local. State and Federal sources. Multiple funding bases allow for more stability in programs, as they are not dependent on current trends of any one funding source. Youth services have been successful in obtaining Title XX funds in Ohio and Michigan, Revenue Sharing in Illinois and California, and CETA funded staff positions in many States.

There is an on-going need among youth services for training and technical assistance. As new youth come into programs as peer counselors and as programs develop new components, new skills in training and management are required. Often, through State and metropolitan networks, youth services have provided this assistance to themselves. Both State and Federal efforts in these areas need to be increased.

This need for technical assistance and training is particularly relevant to the deinstitutionalization of status offenders. NYAP believes that if the movement to overhaul the juvenile justice system is to continue and grow to include a re-examination of all youth incarcerated and the types of services they need, the removal of status offenders from secure dentention must succeed. If we as the people involved in this change of the juvenile justice system are not able to provide effective services for status offenders, we will not be given the opportunity to remove more youth from secure detention and deliver community based services to them. It is imperative that not only community youth agencies but also court and state-run youth services receive adequate training and technical assistance. As a resource for this training, youth workers who have proven their effectiveness in working with status offenders are under-utilized.

To be effective as service providers and to insure success in the movement to change the juvenile justice system, youth workers must participate actively in the existing political systems. It is NYAP's analysis that most of the laws and policies adversely affecting young people are made at the state and local level, and that youth advocacy needs to address the planning and policy making systems there. Most of the existing networks of youth services are moving in this direction. However, there are maze-like systems they must learn; in fact States must submit 26 separate Federal plans related to youth services.

Perhaps the most important of these is the Comprehensive Juvenile Justice Plan submitted by State Planning Agencies. Youth workers have had an uphill struggle in working with this system and gaining a voice in its planning and policy making. With the new amendments to the Juvenile Justice and Delinquency Prevention Act which provide for a stronger Advisory Group role and more representation on the Supervisory Board, we look forward to the further involvement of youth workers in juvenile justice planning. This Subcommittee has already heard testimony about the lack of commitment in the States to deinstitutionalization and youth workers can confirm this.

Clearly community based youth services have proven their effectiveness in working with status offenders and others. They have been the pioneers and architects of many of the innovations in youth work over the last 10 years. When they are supported with financial resources and assistance, they can provide a cornerstone to the movement to change the juvenile justice system.

In conclusion, I would like to focus on the critical need for the federal government to develop a comprehensive national youth policy. We now see a $1 billion youth employment program underway that has no connection to another youths programs because there is no national youth policy. We see a major reform in juvenile justice, but there is an appalling lack of coordination with other programs, particularly those of HEW. We are about to see a so called comprehensive youth and family services program proposed in HEW that appears to primarily focused on adolescent pregnancy. Community based youth services are very much interested in discussing with this Subcommittee how a national youth policy might be created, and how coordination among various Congressional Committees might be attained.

Thank you very much for the opportunity to speak with you today.

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STATEMENT OF MARSHALL BYKOFSKY, ESQ., COUNSEL TO THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES

My name is Marshall Bykofsky and I am appearing today on behalf of the National Network of Runaway and Youth Services. The Network is a nationwide association of over 120 neighborhood based programs and coalitions which are engaged in the provision of easily accessible and integrated services to youth, families and their communities. We greatly appreciate the opportunity to comment upon the process of desinstitutionalization of status offender youth as they are among the young people served by our member agencies. Since the enactment of the Juvenile Justice and Delinquency Prevention Act, we have observed with varying degrees of satisfaction, frustration, encouragement and disappointment as the various jurisdictions attempted to plan for and implement a system of community-based youth services.

It had been our fervent hope that the deinstitutionalization process would result in a well planned and well integrated system providing a broad array of service modalities which would address the comprehensive needs of troubled youth and families. We had hoped that it would bring order to a currently chaotic non-system under which any community-based agency which would be so ambitious as to attempt to address the needs of a young person in a holistic fashion is confronted with near-insurmountable obstacles. In order to attempt to provide comprehensive services to our clients, the agency in New York City of which I was until recently the Administrative Director and Chief Staff Attorney, found it necessary to secure funds from no less than five federal agencies, three state agencies, five city agencies, and three charitable organizations. In addition we were required to be licensed or approved by no less than ten different units of state and local government. What staggers the imagination is not so much the magnitude of the fund

raising task, but the fact that in all but the rarest instances there was a total lack of coordination and congruence of plans, procedures, requirements, goals, objectives, and policies among the agencies. The planning processes mandated by the Juvenile Justice and Delinquency Prevention Act has so far done little to re-write this tale of woe.

At the Federal level, there is no conceivable way in which the Office of Juvenile Justice and Delinquency Prevention could alone support the burden of maintaining a system of comprehensive services. It would certainly require a concerted federal effort that as of this day has not materialized.

Youth employment legislation has recently been signed into law, yet the regulations promulgated thereunder exclude by definition youth service agencies from mandated or priority participation in the planning or implementation of the program at the local level. The product evidences the fact of their exclusion at the national level. In addition, the core of the legislation is built around the CETA Prime Sponser system which in the past has not had the best of records of contracting with community based agencies serving status offender youth.

The Economic Development Act has provided billions of dollars for public works projects including the construction or renovation of institutional facilities. I know of no instance in which a community-based program has been able to take advantage of these public works dollars to renovate that old boarded-up house at the end of Main Street for use as a group home.

The National Institute of Drug Abuse over the past few years has begun to turn its back on status offender youth. In the very middle of a demonstration project designed to provide services to youthful "street-people" who were indiscriminate "soft-drug" abusers my own program was compelled to deny services to this very population when we were informed by NIDA that, except under clearly delineated circumstances, only "hard-drug" abusers could be counted in computing our matrix.

Community-based programs serving youthful status offenders do not appear to have been able to attract sufficient interests from those Federal agencies that plan for the housing, health, community development, volunteer services, educational, or mental health needs of our nation. We were particularly saddened to note that the First Lady's Mental Health Commission, which has major task forces focusing on almost every conceivable population group, has no task force on adolescents.

We sincerely hope that the recently enacted amendments to the Juvenile Justice and Delinquency Prevention Act which reconstitutes and strengthens The National Advisory Committee and the Coordinating Council will be a start in resolving this problem from the national prospective. However, the Committee and Council, even in expanded form would not in and of themselves be sufficient. What is needed is an on-going forum in which policy-makers, program planners and managers, direct service providers, and consumers can interact in a process geared toward the development of a comprehensive national youth policy; a product which has been as elusive as a cure for the common cold.

The JJDPA has mandated the establishment of Juvenile Justice Advisory Groups to participate in the planning process at the national and state levels. These groups, by and large, have not yet developed into comprehensive planning bodies. Several reasons for this failure have hopefully been remediated by the recent amendments to the Act. Among these are lack of input from alternative youth programs, which in many instances represent the state of the art in providing community-based services to youth and their families; lack of clout with Supervisory Board of the State planning agency; lack of a mandate to comment on the state plan prior to submission to the Supervisory Board; and the lack of a mandate to comment on State planning agency grants.

There are however, several glaring deficiencies which remain outside the mandates of the Act even as amended. First, although the broad array of public agencies mentioned in the Act should be sufficient to enable the state Juvenile Justice Advisory Group to take a comprehensive approach to youth problems, the individuals who represent those agencies at the meetings of the advisory groups often do not possess the requisite "clout" to formulate policy for their agency or compel cooperation with other agencies. Second, the authority of the advisory group to monitor deinstitutionalization within the

State is couched in discretionary rather than mandatory language. Here, in the District of Columbia, an Ad-Hoc Coalition had to be formed to monitor the deinstitutionalization process. Although we have achieved a small measure of success in some of our endeavors, the frustrations we have experienced in attempting to gain access to information and planning documents are too painful to recount. Surely this monitoring function should be within the purview of the advisory groups even though their past experiences in receiving requested information from State agencies have not differed greatly from ours. Third, there remains a lack of consumer input into the planning process. Although the advisory groups must now include past or present recipients of juvenile justice services, 26 remains too high an age limit to assure any youth participation. In some jurisdictions a decade has passed since a 26 year old was amenable to the processes of the juvenile justice system. Fourth, the advisory groups particularly citizen members, are in need of training and technical assistance if they are to function in an effectual manner. Finally, it appears as if many States have ignored the special needs of rural communities which often, for geographic and economic reasons, require special assistance and consideration.

As we move from the State to the local planning process the patient's condition deteriorates from serious to critical. There are no mandated juvenile justice planning groups for the Regional Planning Units. Nor is there a mandated percentage representation for youth interest on the regional planning units. Community-based alternative youth agencies have found and will continue to find it exceedingly difficult to penetrate the mechanism which is planning services for a community of which they are an integral part.

In societies which purport to distinguish facts from values, planning on any level, cannot proceed effectively without persuasive data upon which to base it. Youth services planning is plagued by inadequate data in many areas, most importantly in the area of "social indicators"; i.e., those aggregate measures which can be used to indicate the status of population groups. We have yet to see developed a rational research data base which retrieves such information from all appropriate sources and compiles it into a common format which allows comparison and analysis by all participants in the planning process.

As might be expected, the tragedy of the implementation of deinstitutionalization flows naturally from the litany of planning deficiencies.

Although the Act unequivocally provides for coordination and maximum utilization of existing programs many States proceeded at a gallup in the opposite direction. Here in the District as a government agency procrastinated for over a year on a contract with one of our member programs that has been providing shelter care services to youth for a decade, that same agency was busy establishing over a half-dozen new shelter care facilities of its own.

Further, we have found that State operated facilities often lack any of the in-house supportive services which may be found in community-based programs; such as individual, group, peer and family counseling; and educational, vocational, recreational, and advocacy programs. Some State programs would have some of these services provided for by separate agency units which lack the programatic and operational understanding which is gained by being an integrated part of a group home operation. The lack of in-house supportive services in these programs severely curtails the accessibility of these services to the youth in the program. The concept of immediacy is one which cannot be overemphasized in any discussion of troubled youth. For young people, particularly those who are separated from their families, the importance of past history and future consequences diminishes while the reality of the immediate crisis attains dominance. The solution to "here and now" problems becomes a condition precedent to the exploration of the more complex and underlying difficulties. That our member programs have been willing to provide immediate access to services is one basic reason why these agencies have been able to attract and hold those young people who have avoided or been avoided by "traditional" service providers.

Other State programs intend that the youth in their shelter facilities receive their supportive services from the community in which they are located. Yet, all too often, little or no effort has been made to coordinate activities with community service providers to insure the availability and accessibility of their services. Rarely is additional funding provided to allow these programs to expand to meet the increased demand for these services.

The JJDPA clearly mandates that the States expend a large portion of their formula grant monies on programs and services utilizing enumerated "advanced techniques." With several exceptions, States have been creating programs which fail to approximate anything that might be identified as innovative and are all too often distinguished by the drab uniformity of their approach. We fear that we are witnessing a proliferation of uniform "mini-training schools" which happen to be located within communities. The deficiency of large facilities is not merely in their size. Many young people have failed to benefit from their experience at said facilities as their individual needs and varied problems were not met by the particular program, modality of treatment, or methodology of that facility. The shortcoming of any mass or uniform approach is that it can never be appropriate for everyone. All too often those for whom a placement is inappropriate outnumber those who fit in. To tell so many youngsters that they are inappropriate for our system while failing to diversify our system is to state that if the shoe doesn't fit, there's something wrong with your foot. Perhaps we might be better served by supporting the manufacture of different size shoes. Many of our member agencies have been attempting to develop a broad range of alternative living situations within a given community. These include temporary foster care by volunteer families and individuals, temporary and long-term group care, independent groups and individual living combined with supportive services. As a continuum these arrangements represent an interesting variation on the graduated stress model utilized extensively in the substance abuse and community mental health fields. Only the development of a divergent and vast array of modalities and treatment approaches could result in the availability of appropriate placements for young people in need.

The rush of State and local governmental agencies to operate their own shelter care programs becomes increasingly difficult to justify not only because of their organizational and programatic deficiencies but because of the well accepted fact that alternative community-based youth serving programs have proven to be more cost-effective.

Several additional problems which relate primarily to legislatures and the judiciary demand to be addressed before closing. First, many jurisdictions (e.g. Florida and Washington, D.C.) continue to have on their books and continue to enforce so-called "piggy-back" laws. Under these statutes an individual who has been previously adjudicated as a status offender may be charged with delinquency for the alleged commission of a subsequent status offense or merely treated as a delinquent (i.e., remanded to a training school) should they be found to have committed said subsequent offense. This practice is clearly contrary to the intent of the Juvenile Justice and Delinquency Prevention Act. Further, in light of the fact that status offenses are often committed as a consequence of parental neglect or abuse, all too often the result is punishment of the victim.

Second, in many jurisdictions, juvenile court judges retain the discretion to mandate the placement of a status offender in a specified facility. Here in the District of Columbia as in many other localities across the country, judges have exercised this discretion by remanding status offender to secure detention and correctional facilities, contrary to the letter and intent of the Act.

Finally, the question of arrest and detention. The stigma of negative labeling may easily attach to youngsters as a result of a police arrest and even a short period of incarceration. If it is the intent of the Act to disassociate young status offenders from a criminal self-perception and to provide services to them and their families in a non-punitive manner, then we must re-design the entry-process for this service delivery system. We further believe that the strained resources of the law enforcement and juvenile justice systems could be more appropriately and effectively utilized by concentrating on those individuals who have committed criminal acts. We therefore wish to join with such other groups as the National Council on Crime and Delinquency, the National Council of Jewish Women, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention in recommending that future legislation and planning be geared toward the ultimate removal of status offenders from the jurisdiction of the criminal justice system.

APPENDIX B: ADDITIONAL MATERIAL SUBMITTED BY THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AT THE REQUEST OF SENATOR JOHN C. CULVER

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

March 16, 1978

The Honorable John C. Culver
Chairman
Subcommittee to Investigate Juvenile
Delinquency
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

You will recall that on September 27, 1977, I testified before the Subcommittee to Investigate Juvenile Delinquency concerning implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. At that time, you expressed interest in receiving more complete information regarding the activities of the Office of Juvenile Justice and Delinquency Prevention so that the Subcommittee could exercise its oversight responsibilities more effectively. Subsequently, you submitted a number of specific questions you wanted us to address.

In response to your requests, I am pleased to provide the answers to the individual questions you submitted, with attachments.

In preparing this material, we have taken steps to assure that it comprehensively addresses all of the concerns you have raised. I trust this information will be useful to the Subcommittee in its deliberations.

With warm regards,

John M Rector

John M. Rector
Administrator
Office of Juvenile Justice and
Delinquency Prevention

Question 1

1. In your testimony before the Subcommittee on September 27, 1977, you noted that a lack of support on the part of previous administrations has tended to nullify the Congressional deinstitutionalization mandate. In fact, you cited a "lack of commitment to the Act," and "administrative sabotage at the highest levels." Could you provide us with greater detail as to what form this "lack of commitment" and "administrative sabotage" took?

   1. There are a multitude of happenings which underscore the lack of commitment of the previous administration which tended to nullify the implementation of the JJDP Act. Typical examples include:

      a. While the JJDP Act was signed into law on September 7, 1974, the Office of Juvenile Justice and Delinquency Prevention was not officially created until June of 1975. It was not until June 12, 1975, when the President signed P. L. 94-32, which provided $25 Million in supplementary funds and authorized 51 positions, that the Office could be established.

      b. The first Assistant Administrator of the Office was not appointed until November 21, 1975, 15 months after the Act was passed.

      c. Section 207(d) of the JJDP Act required that the National Advisory Committee for Juvenile Justice and Delinquency Prevention be established and members appointed within 90 days after the date of enactment. However, the members were not appointed until April 25, 1975, seven months after the Act was passed.

d. The 51 personnel slots made available to LEAA on June 12, 1975, were allocated as follows:

LEAA Regional Offices	20/1
OJJDP Operations Staff	14
NIJJDP Staff	10
OJJDP Administration	7
LEAA Personnel Office	1
LEAA Office of General Counsel	1
	53/2

/1: Of the 20 slots allocated to the Regional Offices, these slots were not earmarked by the LEAA Administration for juvenile justice personnel and thus only 7 out of 10 regions hired juvenile justice speicalists initially and two did not have specialists until FY 77. In fact, the Regional Office Juvenile Justice Specialist, because they were responsible to the Office of Regional Operations and not OJJDP, in most cases were not devoted full-time to juvenile justice matters.

e. The history of administration requests for funding for the JJDP Act provides additional evidence of lack of commitment to implementation of the Act. The Office of Management and Budget

did not recommend funding for the JJDP Act in either FY 75 or 76. In FY 77, the administration requested only $10 million for the Act. While Congress was able to obtain nearly 50 percent of the funds authorized for the program, the administration continually attempted to prevent implementation. Similarly, the administration cited the availability of the maintenance of effort sections of the Act as the basis for not supporting any appropriation, while simultaneously it supported and worked doggedly to repeal this very provision of the Act.

f. On November 9, 1976, the Administrator of LEAA approved a Regional Office Special Emphasis Program designed by OJJDP to allow for the initiation of new projects deemed important by the SPAs and Regional Offices but which did not specifically fall within the Special Emphasis programs conducted by the Special Emphasis Division. The projects were to be funded with reverted FY 77 formula grant funds totalling $4.354 million. The title of the initiative was "Programs to Support Deinstitutionalization and Separation of Juveniles and Adults," and grants were limited to $200,000 over a two-year period. Internal and external clearance of this guideline was completed by February 22, 1977. On February 25,

the LEAA Administrator, without any prior discussion with this Office, instructed LEAA's Office of the Comptroller to reallocate the funds earmarked for this program to the 46 states participating in the program. The LEAA Administrator was advised by the Office of General Counsel that "the proposed reallocation of the funds as a formula grant supplement could give rise to a legal challenge because such action would be contrary to the notice," namely, the January 25 memo requesting the Regional Administrators to notify the SPAs of the intent to reallocate unobligated formula funds to Special Emphasis. The Office of General Counsel memo also stated that under Section 527, "there should have been some consultation with OJJDP prior to a decision to reallocate the funds as directed by the Administrator." The Regional Office Special Emphasis program continued as planned by OJJDP although the program announcement was not released until May 20, 1977, due to continual administration delay in approving issuance.

g. The Subcommittee's excellent record on these matters vividly documents the stifling of the 1974 Act. The two volume set Ford Administration Stifles Juvenile Justice Program: Part I, 1975 and Part II, 1976 are permeated with materials documenting, as Senator Bayh often mentioned, the "forked tongued" approach of the Ford Administration, whether it

be in the area of Appropriations (Part II, pp. 1377-1408), Budget (Part II, pp. 1419-1498), Maintenance of Effort (Part II, pp. 1501-1640) or Presidential and White House Role (Part I, pp. 94-122). Additionally, the Maryland Juvenile Justice, 1976 volume provides clear documentation of such matters, for example at pp. 146-153, the Chairman of the Advisory Committee discussed an effort by the State Crime Commission and Executive Branch staff to convert the total JJDP allocation of $500,000 to non-juvenile justice purposes. Perhaps a republication of these invaluable volumes would help state and local officials and others such as the State Advisory Groups to develop a more accurate understanding as to why adequate technical assistance and other support for the formula grants program were not forthcoming in the formative years of the Program. Likewise, the publication of the Oversight volume based on the April 1977 hearing would help provide a greater understanding of important issues, for example the opposition of the SPA Conference to the effort to strengthen the advisory groups or the National Council of Juvenile Court Judges' effort to repeal Section 223(a)(12) and (13) and the requirement of youth participation as well.

In sum, if one were to characterize the Act as a child, it was nearly aborted, battered, abused, neglected and grossly undernourished. In recent months we have made a comprehensive diagnosis of the ramifications of such maltreatment and the subject, deeply scarred but hopefully not beyond redemption, is beginning to manifest healthier behavior and is on the road to recovery.

Question 2

2. What role do you expect OJJDP to play in the future in implementing the deinstitutionalization mandate with respect to monitoring, technical assistance, the promulgation of regulations, the review of state plans and training?

OJJDP has assumed most of the administrative and program functions of the ten Regional Offices for both the special requirements of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice component of the Crime Control Act. (See Delegation of Authority to OJJDP Administrator and OJJDP Organizational Chart, Attachment A.) A comparison of the LEAA 1977 Organization and Functions Handbook, HB 1320.1A and the 1978 HB 1320.1B demonstrates the progress made in implementing the intent of Congress regarding the JJDP Act of 1974. The increased recognition of Sec. 527 of the Crime Control Act of 1976 is further reflected in delegations of authority for other LEAA offices. (See Attachment A.)

Our monitoring activities are discussed in detail in Question 4. Briefly, however, OJJDP conducted a series of monitoring workshops for all the states prior to the December 31, 1977 reporting date. The workshops were designed to assist the states to address the problem areas identified in their 1976 monitoring report, and to help in the development of the 1977 report. This monitoring-training will continue as the reports are reviewed and findings are shared with the states.

In the area of technical assistance, OJJDP has for the first time established priorities for the delivery of technical assistance

to the states and local public and non-profit agencies. Highest priority are requests related directly to Sections 223(a) (12),(13), and (14) of the JJDP Act. Normally this effort is based on a needs assessment conducted every six months solely in conjunction with the SPAs. We are now involving others, including the State Advisory Groups in the development of our workplan in this area. (See Attachment A.) We have just completed the last six months needs assessment and review of the 126 needs identified by the states as their priorities.

This year, the Office has undertaken an analysis of the technical assistance (TA) needs to determine their exact relationship to Sections 223(a)(12), (13), and (14), and in which of these areas the needs are concentrated or assistance is most sought. Incidentally, few states rated issues relating to Sections 223(a)(12), (13), or (14) as priority which contrasts sharply with correspondence and public comments by some SPAs in recent months. This analysis will then be compared to the state plans and their identified obstacles to compliance with the Act. Current LEAA policy provides that all TA requests be screened and endorsed by the RPUs and SPAs before final approval by OJJDP. OJJDP will broaden the scope of the national TA effort by reducing some of the layers of administration to final TA delivery, while still maintaining the integrity of planned TA. This will provide a vehicle by which the State Advisory Groups may identify and forward their particular TA needs to our Office. It is estimated

that this mechanism will generate needs that are consistent with OJJDP TA priorities and will increase the input from local private non-profit youth serving agencies. The TA delivered to Special Emphasis grantees will remain a major vehicle for delivering to private non-profit agencies and the new TA contract in juvenile delinquency prevention will be targeted to support the private non-profit agencies.

As yet, the State Advisory Groups (SAGs) have not been a primary target for national technical assistance. In response to the SAGs' expanded role under the Act, e.g., the allocation of Formula Grant funds to these groups, and the fact that citizen participation is the cornerstone of the 1974 Bayh Act, OJJDP will provide increased assistance to the State Advisory Groups, especially to help the groups define and assume their role in plan development and implementation, program analysis and monitoring.

The development and promulgation of guidelines for the JJDP Act is now the responsibility of this Office. Two guidelines have been developed and are now in clearance for review and comment. One guideline (G 4100.) sets forth the requirements for amendments to the FY 78 planning grants and comprehensive plans made necessary by the 1977 Amendments to the JJDP Act. The second guideline (Change 3 to M 4100.1F) contains the FY 79 JJDP Act requirements for states participating in the act. These guidelines have been extensively revised to emphasize the importance placed on juvenile justice by

the Administrator and the Congress. They are in internal and external clearance and will be published for comment in the Federal Register within the next several weeks. (See Attachment B for copies of the FY 78 and 79 Guidelines.)

This Office is now responsible for the review and approval/disapproval of all JJDP Act state plan review requirements. We also have concurrence/non-concurrence responsibility regarding the Crime Control juvenile justice sections of the plan. This authority has been formalized within LEAA and has given the Office direct responsibility over state juvenile justice planning and programming. (A copy of this agreement is contained in Attachment C.)

Question 3

3.a. The number of precise duties of LEAA employees in FY 77 who had significant responsibility for implementing the deinstitutionalization mandate.

In FY 77, the following number of LEAA employees (both Central and Regional Office) had significant responsibility for implementing the deinstitutionalization mandate:

Given the lack of priority for the issue, only three Central Office Staff were assigned to the Technical Assistance and Formula Grants Division of OJJDP. Their responsibilities included:

1. Development of a technical assistance strategy to implement the mandates of the Act;
2. Development and processing of all technical assistance Requests for Proposals (RFPs);
3. Monitoring and evaluation of all TA contracts;
4. Development of policy in all areas of the Formula Grant program;
5. Preparation of M-4100.1F guidelines for states participating in the JJDP Act;
6. Planning and conducting of quarterly workshops for Regional Office juvenile justice specialists to support effective implementation of the Act;
7. Review of the makeup of SPA supervisory boards, advisory groups, and RPU boards for compliance with the Act;
8. Preparation of procedures for identifying and aggregating Crime Control juvenile justice funds for determining maintenance of effort;
9. Review and analysis of monitoring reports submitted by the states;

10. Provide technical assistance and training to the State Advisory Groups Chairpersons and State juvenile justice specialists;
11. Development of six month TA plans for all states and regions to allow for the proactive delivery of assistance to states, local units of government, public and private agencies in support of the Formula Grants program;
12. Initiation of special projects including a project to help rural communities deinstitutionalize status offenders, program assistant to address the problems of teenage prostitution, a training package to assist diversion programs with start-up activities, and a jointly funded effort between HEW and OJJDP to assess the impact of deinstitutionalization of status offenders in ten states, and identify the types of community services received or needed by these youth.
13. Respond to all inquiries regarding state participation in the Act and Act requirements; preparation of background information and materials on the Formula Grants program;
14. Preparation of a process for analyzing state compliance with deinstitutionalization and separation; conduct workshops on monitoring.

Nine Juvenile Justice Specialists assigned to the Office of Regional Operations, LEAA. (Several Regional Offices did not have full-time JJ Specialists until late in FY 77). In conjunction with the support provided by the operational, financial

management and technical assistance divisions of the Regional Offices, their responsibilities included:

1. Administrative functions relating to Formula Grants and the juvenile justice component of the Crime Control Act;
2. Technical assistance to the SPAs relating to plan preparation, including the Planning Grants requirements, Comprehensive Crime Control Juvenile Justice component and JJDP Special Requirements;
3. Review of the states' maintenance of effort levels;
4. Preparation of review memorandum for the Regional Administrator regarding compliance levels of the states' Crime Control juvenile justice components and Special Requirements for the JJDP Act;
5. Review of the states' technical assistance plan and preparation of the Regional Office six month technical assistance plan;
6. Service as team members in management reviews of the SPAs, including supervisory board and advisory group membership compliance;
7. Review of the expenditure of Part E funds as they related to juvenile justice;
8. Response to all inquiries from states, local and private agencies regarding juvenile justice programs and legislation;
9. Program development and application review of the Special Emphasis programs in the regional setting;

10. Review and comment on all Special Emphasis programs in the regional setting;
11. Service as liaison for the Regional Office and OJJDP Central Office staff;
12. Provision of technical assistance to SPAs, local units of government, and private, non-profit agencies; and
13. Participation in conferences, seminars and training sessions at the regional, state, and local level to assist in understanding of the JJDP Act.

b. The number and precise duties of the personnel in the Washington Office that you currently intend to assign to each of these aspects of deinstitutionalization.

There are currently thirteen professionals* and five clericals assigned to work on the deinstitutionalization mandate. They are assigned as follows:

Monitoring

One person is assigned full-time to this task. Duties include: the development of instruments for states to use in monitoring compliance; overseeing the analysis of and compiling the results of the monitoring reports; and providing assistance to states in the area of definitions and related policy issues. In addition to this one person, the six Juvenile Justice State Representatives discussed under state plan review also devote significant time to reviewing monitoring reports and providing monitoring assistance to their states.

Guideline Development and Promulgation

Two people are assigned full-time to handle policy issues and special projects related to the Formula Grants program. Their first and primary duties include: the development and issuance of guidelines setting forth the requirements for amendments to the FY 78 planning grants and comprehensive plans made necessary by the 1977 Amendments to the Act; and the development and issuance of guidelines for the FY 79 JJDP Act requirements. This staff will continue to be responsible for all guidelines as well as the development of policy related to the Formula Grants program. In addition, they will develop and implement special projects designed to assist states in implementing deinstitutionalization, separation, and advanced techniques.

Technical Assistance

One person is assigned full-time to this task. Duties include: the development and processing of all technical assistance requests for proposals (RFPs); management and monitoring of all OJJDP's TA contracts; serves as the Government Project Monitor for three national TA contracts; oversees the development of the six-month delivery plan; conducts monthly, or as needed, meetings with all national contractors and subcontractors; screens all ad hoc TA requests to

determine their relationship to OJJDP's TA priorities; reviews, develops, and assigns special project tasks; responsible for all administrative functions in the TA branch; reviews, comments, approves, disapproves all publications prepared by national contractors; responds to all inquiries from state, local, and private agencies regarding OJJDP technical assistance, prepares such reports as required regarding TA strategies, activities, and delivery.

State Plan Review

Six people are assigned full-time as juvenile justice state representatives. Their duties include: programmatic functions relating to Formula Grants and the Juvenile Justice component of the Crime Control plan; technical assistance to states relating to plan preparation for all juvenile justice requirements; review and document all juvenile justice sections of the state plans regarding compliance levels and recommend appropriate action to the Administrator of OJJDP; review of the state maintenance of effort levels; handle all inquiries from states, locals, and private agencies regarding the juvenile justice program, legislation and Act requirements; review and analyze all state monitoring reports and negotiate with states regarding deficiencies and compliance. Current staff limitations require that the juvenile justice state representatives draw upon the resources of other LEAA offices for many administrative purposes.

The eleventh person working on the deinstitutionalization mandate is the Director of the Technical Assistance and Formula Grants Division of OJJDP, who oversees the work of the thirteen professionals and five clerical staff, and who reports directly to the Administrator of OJJDP. In addition, one person in our National Institute for Juvenile Justice and Delinquency Prevention is assigned to training. This staff person works closely with the technical assistance staff person since these areas are closely related and must be planned and coordinated together.

*Two of the thirteen professional positions are currently vacant as two of the Regional Office Juvenile Justice Specialists did not return to Washington, D.C., when the Regional Offices closed.

c. The number and duties of personnel which in your opinion would be adequate to fully implement each of these aspects of deinstitutionalization.

It is estimated that an additional fourteen staff (ten professional and four clerical) will be needed to fully implement the programmatic and administrative aspects of the deinstitutionalization mandate. This estimate is in addition to the thirteen professional and five clerical slots currently available in the Technical Assistance and Formula Grants Division. The duties of these additional fourteen staff would be assigned as follows:

-- Four additional professionals would be assigned as juvenile justice state representatives and would have the same duties as outlined under state plan review in question 3.b. This additional staff would give us ten professionals working with the states as was the case when the Regional Offices were in existence and would require that each staff member work with a five to six state assignment rather than their current assignment of nine to ten states. It would permit closer relations with the states in terms of technical assistance, monitoring, and juvenile justice program planning and implementation.

-- One additional professional would be assigned to technical assistance which would permit greater quality control over OJDDP TA contractors. We currently have one person responsible for three contracts and several more are scheduled for development and award in FY 78 and 79. An additional staff person assigned to technical assistance would enable us to reduce the time between contract development and award, as well as ensure that all OJJDP contractors are delivering high quality TA.

-- One additional professional would be assigned to training giving us two people responsible for carrying out the training mandate of the JJDP Act. The training responsibilities of the Office have never been fully developed or implemented. And while training is a function of the Institute, as specified in the Act, it should be closely coordinated with technical assistance. Two staff assigned to training would allow for the implementation of a meaningful training program for juvenile justice.

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-- Four additional professionals would be assigned to monitoring functions giving us a total of five people in this area. This estimate is based on the current as well as on-going monitoring responsibilities which this Office could conduct. Such activities include providing more assistance to the states in establishing baseline data, setting-up on-going systems to track compliance on a regular basis, and establishing a system for the Office to use in verifying compliance.

3.d. Number and type of positions authorized for OJJDP for FY 78:

Number	Type
61 Permanent Full-time	49 Professionals
5 Permanent Part-time	19 clericals
2 Temporaries	
68 Total	68 Total

3.e. There are currently sixteen professional and three clerical vacancies in OJJDP. The Office has recently been reorganized and we are now in the process of recruiting to fill these vacancies in line with our reorganization plan. The number of current vacancies can be attributed to staff turnover, the fact that several former Regional Office juvenile justice specialists did not return to OJJDP when the Regional Offices were closed, and the general stifling of the program so well documented by the Subcommittee.

4. In addition you testified that the past monitoring of the progress toward deinstitutionalization had been inadequate and that the OJJDP was taking a number of steps to correct this situation. What specific steps is OJJDP taking to correct the following deficiencies in the monitoring effort:

I have made Sections 223(a)(12), (13) and (14) the number one priority of this Office and have undertaken the following activities to improve the monitoring deficiencies:

--Required all state formula plans be reviewed to assure OJJDP funds are being utilized to address Sections 223(a)(12), (13), and (14);

--Special conditioned all FY 78 plans to require that states submit complete data in their monitoring reports. (Attachment D contains a copy of the Special Condition);

--Required in theFY 79 guidelines (Section 13(c) of M 4100.1F, Change 3) that all barriers, including financial, legislative, judicial and administrative, faced by the state in achieving full compliance with Section 223(a)(12) be identified and that a description of technical assistance needs to overcome these barriers be stated;

--Designed a format to survey, identify and provide information on each facility to determine whether it is classified as a juvenile detention or correctional facility and to determine compliance with sections 223(a)(12), (13), and (14) of the Act (See Attachment E for the Facility Format);

--Completed the reviews of the submitted FY 77 monitoring reports and are in the process of specifically notifying all states of report deficiencies and requesting additional information if required (See Attachment F for a copy of the letter to states regarding monitoring report deficiencies);

--Developed descriptions of exemplary monitoring techniques and strategies. This material will provide states the opportunity to identify monitoring techniques featuring one or more of the following areas: legislation, information collection, methods of collection, methods of inspections, violation procedures, youth involvement and community education;

--Prepared policy answers regarding all the issues that have been surfaced as a result of plan reviews, monitoring submissions, regional workshops and communications with this Office;

--Completed a study of what other Federal agencies are accomplishing who must also engage in monitoring to effect compliance with program standards;

--Preparing a five state study that will analyze the impact of monitoring compliance on these states;

-- Assigned a staff person full-time to work on monitoring compliance issues with the states;

--Developing a strategy that will require this Office to undertake site visits to assure the validity of data submitted;

--Developing a state formula grant supplement program to assist states in meeting monitoring requirements and have earmarked two million dollars of technical assistance funds to support this effort; and,

--Notified all states that formula funds could be used to support monitoring purposes and offered technical assistance support to any states requesting such assistance;

In addition, OJJDP recently developed and presented four regional monitoring workshops. These workshops were held with the purpose of clarifying the OJJDP guidelines regarding 1977 monitoring reports. The workshops were two days in length with the first day devoted to providing information relative to the definitions and guidelines contained in M 4100.1F, Change 1, issued May 20, 1977, and addressing monitoring questions and issues which arose since that time. Also, the new legislation was discussed. The second days activities centered on the monitoring formats, deficiencies identified in the 1976 reports and technical assistance support needed. During the second day the session was primarily individual meetings between state representatives and OJJDP resource persons. (See Attachment G for agenda and summary of findings.)

OJJDP is also planning to have follow-up workshops which will be held after the 1977 monitoring reports have been submitted and analyzed by OJJDP. As cited earlier in this response, OJJDP jointly funded an effort between their Office and HEW that assesses the impact of deinstitutionalization on ten states and identifies the types of community programs used by deinstitutionalized youth. We also developed a special emphasis program that would provide additional resources to the states to fund service programs for deinstitutionalized youth. This was made possible through the use of reverted formula funds from those states who chose not to participate in the JJDP Act. (See Attachment H for copies of the OJJDP/HEW study as well as my comments on the GAO Draft Report "DSO: Federal Leadership and Guidance Needed If It Is to Occur.")

OJJDP through three technical assistance contractors has provided over four hundred instances of technical assistance to SPAs, county and city agencies, private agencies and local communities covering all of the following topics:

--developing residential placement networks;

--purchase of service techniques for alternative resources;

--group home improvement;

--foster care development;

--changing juvenile codes;

--development of diversion programs;

--employment programs for youth;

--crisis intervention methods;

--statewide DSO strategies; and

--methods of gaining support for deinstitutionalization of status offenders.

This technical assistance activity has made available to the states and communities expertise for any service or treatment needs of youth that may be affected by deinstitutionalization. (See Attachment I for a copy of the Technical Assistance Progress Report).

As a result of LEAA's past history of not enforcing guideline requirements, many SPAs were "caught short" when it became clear that OJJDP was very serious in its monitoring for compliance with sections 223(a)(12) and (13). These states are now claiming that the rules have been changed or there are more requirements than previously understood.

nonoffenders. Finally, the draft monitoring format makes specific note of private facilities, jails, and nonoffenders.

Some states claimed that they had no authority to monitor jails or private facilities. OJJDP's response has been to point out that the SPAs reported to the Office and Congress by statements in their original participation application, that they had all the authority (formal or informal) to implement the Act. OJJDP is assisting those states by providing them with examples of alternatives (legislative change to grant the authority to monitor, formal agreement to allow monitoring) and technical assistance if they request help.

As you know, the first guidelines instructing states on the requirements for participation in the JJDP Act were issued July 20, 1975. Additional clarifications were then issued May 20, 1977. Many states did not avail themselves of the opportunity to comment on these guidelines but since enforcement proceedings have been taken seriously by OJJDP, many are now starting to do so.

I will open all the OJJDP guidelines, including those resulting from the 1977 amendments, for comment and review. In addition to the LEAA internal/external review procedures, guidelines will also be published in the Federal Register. This should not only provide for wide dissemination and review but clarify this Office's serious intent to enforce the contractual agreement between the states and the Federal government regarding sections 223(a)(12), (13) and (14).

5. In your testimony you mention that OJJDP is contemplating a major new initiative with discretionary grant funds to assist a number of programs that are providing viable alternatives to the detention and deinstitutionalisation of non-criminal offenders. When will this new initiative be formally announced? What types of programs will be funded under this initiative? How will this initiative be coordinated with the current deinstitutionalization of status offenders initiative?

The Office has initiated a new three-part program designed to aid all the states in meeting their deinstitutionalization of non-offender mandate, to aid the State Advisory Groups, and to provide incentives to those states that have already done a good job in the area of deinstitutionalization of non-offenders. This three-part effort has formally been named the Children in Custody Incentive. Specifics concerning each component follow:

Deinstitutionalization of Status and Non-Offenders Initiative

It is anticipated that each state will receive a supplemental award. The award will be based upon a population formula and will be used exclusively for the development of programs/projects which have as their goal the deinstitutionalization of status offenders and non-offenders. It is anticipated that all states will receive funds, however those states which are not participating in the JJDP Act will receive Special Emphasis funds rather than supplemental formula grant funds.

This initiative will be announced soon, and will be coordinated through the State Planning Agencies. All programs/projects funded under this initiative will have as their goal the deinstitutionalization of all non-offenders, and will be consistent with the State's most recently approved JJDP plan.

Advisory Group Initiative It is anticipated that each State which is participating in the JJDP Act will receive a supplementary award for its Advisory Group. The funds which are to be distributed on a population basis are to act as a supplement to the funds the Advisory Groups are already receiving. They are to be utilized for the purposes of monitoring to ensure compliance with Section 223(a)(12) and (13) of the JJDP Act and for efforts designed to fully implement the mandates of Section 223(a)(12).

These funds will be awarded as part of the Deinstitutionalization Initiative. State Planning Agencies will be mandated to give a predetermined percentage of their over-all supplement to the Advisory Groups. This initiative will be announced at the same time as the Deinstitutionalization Initiative.

Special Incentive Initiative It is anticipated that a predetermined number of states that have ~~been~~ successful in the area of deinstitutionalization of status offenders and non-offenders will receive a financial incentive for doing a good job. The financial incentive will be utilized by the states to enable them to achieve 100% compliance.

Coupled with the financial incentive will be a private non-profit effort which will utilize the resources of several private agencies to actually provide services to aid in the deinstitutionalization of status and non-offenders.

This program is in its developmental stages. There are a myriad of issues which are inherent in a program of this type that are in the process of being resolved. It is anticipated that all the issues will be resolved and the program will be implemented by May 1978.

As in the previously mentioned initiatives, it is anticipated that this initiative will be coordinated with the selected states' deinstitutionalization efforts. However, as this is a broad program which encompasses more than just the State Planning Agency, coordination will take place through several agencies, one of which may be the State Planning Agency.

6. What percentage of JJDP formula grant monies and what percentage of crime control formula grant monies were obligated for creating alternatives to detention and institutionalization of status offenders in each of the last three fiscal years (1975-1977)? Of these monies how much was actually spent for such purposes in each of these three fiscal years?

The Act mandates that 75% of the states formula grant award be allocated to "Advanced Techniques" as defined by the Act. In FY 75 through FY 77 the states were allowed to utilize up to 15% for planning and administration purposes, thus 75% of 85% of the formula grant award must be allocated to advanced techniques. The advanced techniques may be described as those kinds of programs that lend themselves to creating alternatives to detention and deinstitutionalization of status offenders.

For FY 75 through FY 77, the states allocated $297,255,742 of their Part C and E Crime Control award to juvenile justice programs. The states were prohibited from reprogramming out of juvenile justice without prior approval from the LEAA Administrator. During this same period LEAA expended or allocated $65,738,258 towards the maintenance of effort for juvenile justice.

To date, the states are not required to report obligations or expenditures on a project-by-project basis. Current OMB regulations prohibit requiring this kind of detailed reporting by the states. The participation of the states in the LEAA/PROFILE system is voluntary and hence does not reflect an accurate picture of obligations and expenditures on a project-by-project basis. In an effort to obtain a more accurate picture of the obligation of funds by project, we have

included a requirement in the 1979 guidelines that states provide a list of all delinquency projects (by title, summary and amount of funding) funded under the prior year's approved plan.

This year OJJDP reviewed the juvenile justice component of the FY 78 Crime Control plans with emphasis on the kinds of programs being funded with Crime Control monies that dealt with alternatives to incarceration. Even this kind of review will not yield an accurate picture of fund flow on a project by project basis. The FY 78 Crime Control plans are the first plan submissions to undergo this kind of analysis. With this kind of review we feel the Office is in a better position to provide leadership to the states regarding their expenditure of juvenile justice Crime Control funds.

The following information is provided on maintenance of effort for FY 75 through FY 77:*

Summary of FY 75 Crime Control Funds

States C and E Block Funds	$110,647,451
Categorical Grants, Contracts, Inter-Agency Agreements	$ 15,461,764
Total	$126,109,215
Required Amount	$ 111,851,054
Excess	$14,258,161

*Provided by LEAA's Office of the Comptroller

Summary of FY 76 Crime Control Funds

States C and E Block Funds	$103,572,480
Categorical Grants, Contracts, Interagency Agreements	$19,858,894
Total	$123,431,374
Required Amount	$111,851,054
Excess	$11,580,320

Summary of FY 77 Crime Control Funds

State C and E Block Funds	$83,035,811
Funds allocated by percentage of availability	$30,417,600
Categorical Grants, Contracts, Interagency Agreements	$17,837,833
Total	$130,837,833
Required Amount	$126,773,000
Excess	$4,064,833

Summary of JJDP Act Fund Flow - FY 75

Awarded	Expended
$9,331,000	$4,959,000

Summary of JJDP Act Fund Flow - FY 76

Awarded	Expended
$24,205,000	$4,705,000

Summary of JJDP Act Fund Flow - FY 77

Awarded	Expended
$43,271,000	$2,970,000

The above figures are expenditures only as the SPAs do not have to report obligated funds.

Another factor which accounts for the apparently slow fund flow has been the untimely response of the states in submitting their quarterly reports regarding the expenditures of both Crime Control and JJDP funds. For example, the expenditure figures provided in this report are for the quarter ending November 15, 1977. They have been updated to account for any of the late submissions up through February 2, 1978. (See Attachment J for letter sent to all of the states in an effort to effect more timely reporting.)

7. The Juvenile Justice Amendments of 1977 specifically authorize the Coordinating Council to review the practices of all Federal agencies to determine if they are consistent with the policy of deinstitutionalizing non-criminal offenders. As Vice-Chairperson of the Coordinating Council, which specific programs and policies do you intend to suggest be reviewed first?

Second in importance only to the Formula grant program is our activity in the Inter-Departmental area. As Vice-Chairperson of the Council, I intend that the sole agenda item will be that emphasized by Section 206(c); namely, to review the programs and practices of Federal agencies and to report on the degree to which such agency funds are used for purposes which are inconsistent or consistent with the mandates of Section 223(a) (12) and (13).

Studies will be made of a number of programs, including, but not limited to, the following:

EDA - Public Works - Commerce

BIA - Boarding Schools for Delinquents - Interior

OE - Title I - HEW

Title II - HEW

Runaway Youth - HEW

Children's Bureau - Abuse and Neglect programs in particular - HEW

Additionally, as the Attorney General's designee for all Department of Justice activities relative to the International Year of the Child, and as a member of the Interagency Steering Committee, I have stressed the importance of child and youth advocacy, especially in conjunction with the theme of Section 223(a) (12) and (13). (See Attachment K for letters in this regard.) I have taken a lead

8. In your testimony before the Subcommittee on September 28, 1977, Mr. Peter Edelman expressed some concern about the new LEAA regulations, M 4100.1F, Change 1, defining juvenile detention and correctional facilities. The Subcommittee has received a number of other communications expressing concern about these regulations. One of these concerns is that in certain cases the regulations would in effect sanction the placement of non-criminal offenders in large centralized institutions which are not community based, as long as these institutions were used exclusively for status offenders. Is this the intent of the regulations? If so, what is the rationale for such a regulation?

As I indicated in answering prior questions, these regulations are not new and were issued May 20, 1977, after undergoing the usual LEAA internal/external clearance procedures.

The concerns expressed to this Office are regarding the states' wishes to continue mixing criminal-type offenders in large public and private institutions with non-offenders rather than any concern for non-criminal offenders in large facilities.

Part C of the detention and correctional facility definition states: "Any public or private facility that has the bed capacity to house twenty or more accused or adjudicated juvenile offenders or non-offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders or non-offenders, or is community-based."

This then allows for status offenders to be placed in non-secure facilities of twenty beds or more if the facility is used exclusively for the care of status offenders.

The logic behind this decision was that size is only one of many factors in determining an effective residential program; other factors such as degree of security, community-based locations, degree of normalization, etc., were also important.

It was recognized that innovative residential treatment programs may exist or might be developed in excess of twenty beds and that these programs might be structured in such a way as to foster normalization in open, cost-effective settings. It was further recognized that some good programs not meeting the criteria would suffer.

Instead of setting an absolute prohibition against placing status offenders in facilities with a specific number of beds, OJJDP established a preference for facilities of less than twenty beds by providing more flexibility for the operation of these facilities. These facilities can be located outside of the immediate community they serve and can commingle status offenders with criminal-type offenders. Pursuant to the OJJDP definition of correctional and detention facilities, once a facility exceeds nineteen beds, it must be community-based or have to be a non-secure residential program solely for status offenders. OJJDP, while recognizing that factors other than size may make a program desirable, had to also be concerned about the other issues of placing status with criminal-type offenders and security.

The definition adopted tries to allow some flexibility on size if the facility restricts the population it will serve to the non-criminal child and meets the requirement of non-security as defined in the guidelines. (See Attachment L for additional information on definitions).

9. Another concern is that the new regulations would prohibit the placement of non-criminal offenders in any facility in which more than 50 percent of the population are delinquents. Currently a number of fairly small non-secure, community-based facilities mix non-criminal offenders and delinquents. What is the rationale for such a regulation?

Presently, many states do not differentiate in their treatment of non-offenders and status offenders and those juveniles who have committed criminal-type offenses, either because both groups are defined as "delinquents" or because they are mixed indiscriminately in placement facilities. Section 223(a)(12) requires states to differentiate, by not placing status offenders in detention and correctional facilities.

The OJJDP regulation does not prohibit the placement of criminal offenders with non-criminal offenders unless the facility of placement is defined as a detention or correctional facility.

The OJJDP definitions limits commingling of status offenders and criminal-type offenders. The decision to allow the commingling of status offenders and criminal-type offenders in a limited category of facilities with criminally involved youngsters is based on the following rationale: OJJDP did not wish to compel communities which have a need for a single alternate type of facility to develop two facilities. This would be difficult for many jurisdictions and would be wasteful of the limited funds available for youth programs. In reaching this decision, OJJDP was aware of the diverse opinions that exist on the issue of commingling. The definition adopted tries to balance the opposing views by limiting commingling to non-correctional type facilities that are smaller than twenty beds or community-based.

The impact of these definitions on states will depend on the present practices these states are using in placing status offenders in facilities whose main purposes are to hold or treat criminal-type offenders. Section 223(a)(12-14) will no doubt also require states to rethink their approaches as to how they will serve the non-criminal incarcerated child. (See Attachment L for additional information on definitions).

The rationale behind the JJDP Act supports individual handling and screening of all youth coming into contact with the juvenile justice system, and the use of the most least restrictive setting for placement. It is difficult to see how this can be accomplished through the continued use of facilities used primarily for the placement of criminal-type offenders.

The issues that this surfaces is the states' practice of using large private facilities for non-offenders, status offenders, and criminal offenders. OJJDP's position is that if a facility is large, and not community-based, that it should at least be required to restrict its population if it wishes to serve the non-criminal child.

INDEX OF ATTACHMENTS

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*See Appendix C for Cost and Service Impacts of Deinstitutionalizati of Status Offenders in Ten States.

ATTACHMENT A

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.40B

DELEGATION OF AUTHORITY TO THE ADMINISTRATOR, OFFICE OF
Subject: JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

1. PURPOSE. The purpose of this Instruction is to delegate authority for the administration and operation of the OJJDP to the Associate Administrator (hereafter Administrator, OJJDP).

2. SCOPE. This Instruction is of interest to all LEAA personnel.

3. CANCELLATION. This Instruction cancels LEAA Instruction I 1310.40A dated April 21, 1976.

4. FUNCTIONAL DELEGATION. The Administrator, OJJDP is delegated the authority and responsibility for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs and for activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research and improvement of the juvenile justice system, as authorized under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, hereinafter referrred to as the "JD Act") and the related activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, hereinafter referred to as "The Act"), including the following:

   a. Administrative Management. Plan, direct, and control the implementation and operations of all LEAA juvenile justice and delinquency prevention programs administered directly through OJJDP.

   b. Policy Development. Develop, approve, and promulgate juvenile justice and delinquency prevention policy for implementation by OJJDP and, to provide policy direction to all programs concerned with juvenile delinquency and administered by LEAA. Where such policies have major administrative or management implications or affect the general policies of LEAA, they are subject to approval by the Administration.

   c. Grants and Program Authority.

      (1) Grant and Program Management. Subject to the policy direction, allocation of funds; and in accordance with directives issued by the LEAA Administration, the Administrator, OJJDP, is delegated the authority to approve, award, administer, modify, extend, terminate, monitor and evaluate grants within program areas of assigned responsibility and to reject or deny grant applications submitted to LEAA within assigned programs

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including grants and agreements and programs supported by fund transfers from other Federal agencies, under the following categories:

(a) Grants under Part A of the "JD Act" separately and specifically delegated by the LEAA Administration.

(b) Formula grants under Part B of the "JD Act."

(c) Grants under Part B (II) of the "JD Act"; categorical grants using Part C and E funds of "The Act" transferred to OJJDP; and, National Institute of Juvenile Justice and Delinquency Prevention grants under Part C of the "JD Act" or using Part D funds of "The Act" transferred to OJJDP separately and specifically delegated by the LEAA Administration.

(d) The comprehensive juvenile justice program required under Part C of "The Act".

(2) Award, Approve, Modification, and Extension of Grants and Contracts. The Administrator, OJJDP is delegated authority to award, approve, modify, and extend grants and contracts as follows:

(a) Grants and contracts under Part A of the "JD Act".

1 Approve and award grants and approve for award contracts separately and specifically delegated by the LEAA Administration.

2 For FY 1977 and subsequent years, approve budget category deviations.

(b) Formula Grants under Part B of the "JD Act".

1 Approve Annual Plan.

2 Award Formula Grants according to applicable fiscal year allocation formula and appropriation.

3 Approve Formula Grant program deviations. (Since Formula Grant funds are not discrete budget items in a State Comprehensive Plan award, coordination with OCJP will be required prior to approval of program deviations.)

4 Approve Formula Grant extension by subgrant to allow expenditure from December 31 to March 31 provided that current acceptable fiscal reports are on file with none outstanding and that all special conditions are satisfied, under the following conditions:

a Delays in equipment deliveries which are unanticipated and are not the fault of subgrantee. (Submission of subgrantee/vendor contract is required).

b Unforeseen delays in obtaining FCC clearances for communication programs.

c Unforeseen delays in construction projects caused by strike, weather, environmental impact, equipment, energy crisis. (Submission of contract which outlines original completion dates is required).

d Delays related to compliance with Uniform Relocation Assistance Act.

5 Approve the use of Formula Grant funds as match for other Federal programs.

6 Approve the use of Formula Grant funds for construction of innovative community-based facilities.

7 Waive the "cash match preference" for Formula Grant funds established by M 7100.1A, Change 3, Chapter 7, paragraph 7 dated October 29, 1975.

(c) Grants and contracts under Part B (II) of the "JD Act"; categorical grants and contracts using Part C and E funds of "The Act" transferred to OJJDP; and, National Institute of Juvenile Justice and Delinquency Prevention grants and contracts under Part C of the "JD Act" or using Part D funds of "The Act" transferred to OJJDP separately and specifically delegated by the LEAA Administration.

1 Approve grant applications and RCAs (Requests for Contract Action) separately and specifically delegated by the LEAA Administration.

2 Award grants and approve for award contracts separately and specifically delegated by the LEAA Administration.

3 Approve budget category deviations.

4 Extend expenditure deadline of grants beyond the 90 day expenditure allowed following the end of the grant period.

(3) Concentration of Federal Effort. The Administrator, OJJDP, is delegated the authority to implement overall policy and develop objectives, and priorities for Federal juvenile justice and delinquency prevention programs and to advise the President, through the Attorney General and the LEAA Administrator, concerning planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(4) Research, Demonstration and Evaluation. The Administrator, OJJDP, is delegated the authority to support research and demonstration projects in order to improve juvenile justice and delinquency prevention programs; to evaluate all federally-funded projects under the "JD Act" and "The Act", and other Federal, State and local programs; and, to disseminate research and evaluation results, and pertinent data and studies in the area of juvenile delinquency.

(5) Training. The Administrator, OJJDP, is delegated the authority to conduct training programs and related activities under the "JD Act".

(6) Information. The Administrator, OJJDP, is delegated the authority to collect, analyze and promulgate useful information regarding treatment and control of juvenile offenders; and, to establish and operate an effective Information Clearinghouse and Information Bank.

(7) Technical Assistance. The Administrator, OJJDP, is delegated the authority to provide technical assistance to Federal, State and local governments and other public and private agencies in planning, operating, and evaluating juvenile delinquency programs.

(8) Audit Clearance. The Administrator, OJJDP, is delegated the authority to clear audit findings and recommendations for those reports in which OJJDP is the designated action office.

(9) Waivers on Consultant Fees. LEAA requirements on requests for waiver of consultant fees by grantees may be approved up to $200 per day.

(10) Pass-Through Funds. Subject to financial and program guidelines the Administrator, OJJDP, is delegated the authority to waive the requirement that 66 2/3 percent of Federal monies be made available to local units of government.

d. Operations. Subject to the general authority of the Administration, the Administrator, OJJDP, is delegated the authority and responsibility to represent the Administration with other Federal agencies and State and local governments in the following matters:

(1) Contacting State and local officials to encourage participation in OJJDP's program.

(2) Providing and/or arranging for the provision of assistance in the form of technical consultation to recipients of "JD Act" funds in the areas of juvenile justice planning, management, and program development.

(3) Reviewing and evaluating LEAA juvenile justice and delinquency prevention programs regardless of fund source.

(4) Monitoring OJJDP grants contracts, interagency agreements, and purchase orders.

(5) Interpreting LEAA juvenile justice and delinquency prevention policy.

5. REDELEGATION. The Administrator, OJJDP, may redelegate the authority in this Instruction, in whole or in part, provided that any redelegation is in writing and approved by the LEAA Administrator. This restriction does not apply to a temporary redelegation of authority to the Deputy Associate Administrator, under Section 201(e) of the "JD Act" or other deputy or assistant to be exercised during the absence or disability of the OJJDP Administrator or deputy or assistant. Authority redelegated by the OJJDP Administrator shall be exercised subject to the OJJDP Administrator's policy direction and coordination and under such restrictions as deemed appropriate.

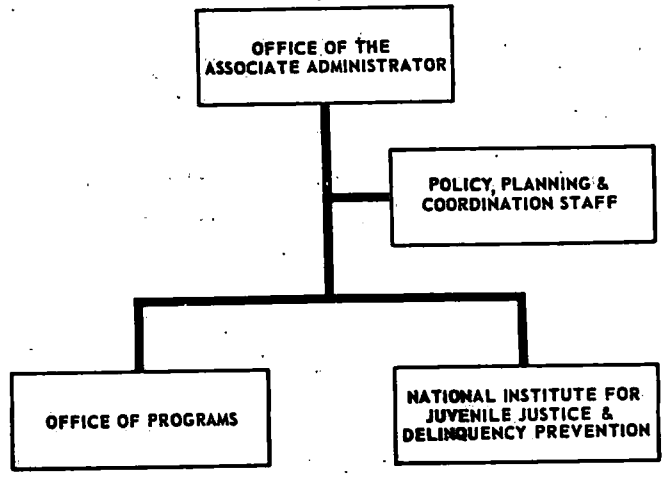
6. RECORDS. The Office of Juvenile Justice and Delinquency Prevention shall keep such records concerning the delegations in paragraph 4 as the Administrator, OOS, and the Comptroller shall require. Records shall be forwarded to these offices as required.

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

CHAPTER 15.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

FIGURE 15-1. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ORGANIZATION CHART



CHAPTER 15. ORGANIZATION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

146. OFFICE OF THE ASSOCIATE ADMINISTRATOR (to be known as the Administrator, OJJDP). This office has the authority and responsibility for providing national direction, control and leadership to encourage the development and implementation of effective methods and programs for the prevention and treatment of juvenile delinquency and improvement of juvenile justice; conducting research, demonstration and evaluation activities and disseminating the results of such efforts to persons and groups working in the field of juvenile justice and delinquency prevention; providing technical expertise and resources to State and local communities to conduct more effective juvenile justice and delinquency prevention and treatment programs; and coordinating Federal efforts in the juvenile delinquency area. The office has the authority and responsibility for policy guidance and administration of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) established by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (hereinafter referred to as the "JD Act"). The office:

a. Approves and awards grants and approves for awards contracts where authority to do so has been delegated by the LEAA Administrator.

b. Administers, modifies, extends, and terminates grants within the program areas of assigned responsibility.

c. Rejects and denies applications for grants within the program areas of assigned responsibility.

d. Plans, directs, and controls the management and operations of OJJDP.

e. Develops, approves, and promulgates juvenile justice and delinquency prevention policy for implementation by OJJDP; and, provides policy direction to all programs concerned with juvenile delinquency administered by LEAA.

f. Provides policy input to and receives assistance from OGC on legal matters related to juvenile justice and delinquency prevention (OJJDP).

g. Provides analysis and advice on juvenile justice and delinquency prevention policy issues to the LEAA Administrator, the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council), and the National Advisory Committee for Juvenile Justice and Delinquency Prevention (National Advisory Committee).

h. Prepares all annual reports required under the "JD Act" for submission by the Administrator.

i. Plans and conducts unique and/or sensitive projects.

147. POLICY, PLANNING, AND COORDINATION STAFF. This staff is responsible for developing plans, policies, procedures, budgets and guidelines for OJJDP; coordinating the Federal juvenile justice and delinquency prevention (JJDP) efforts; and, coordinating of OJJDP efforts with other LEAA offices. The staff:

a. Coordinates overall management planning within OJJDP, specifically with regard to management-by-objectives, grants and contract management, and LEAA's budget process in accordance with established LEAA procedures.

b. Coordinates the development of plans, policies, procedures, and guidelines for the implementation of OJJDP activity.

c. Coordinates the development of OJJDP objectives and priorities.

d. Coordinates the development and implementation of a comprehensive OJJDP resource implementation plan for the provision of assistance through grants and contracts and technical assistance.

e. Conducts program studies and analyses to support the development of JJDP policy.

f. Identifies data to be collected by OC, OCJP and NCJISS pertinent to the JJDP special emphasis and formula grant program for the purpose of analysis to develop and implement a national policy and procedures to improve program operations.

g. Coordinates OJJDP activity with other LEAA offices, particularly in the area of evaluation.

h. Develops and implements mechanisms to improve the coordination of the various Federal JJDP efforts.

i. Provides direct liaison with and support to the Coordinating Council and the National Advisory Committee.

j. In coordination with the Office of Public Information, develops annual reports required by the "JD Act" and other reports which the Administrator, OJJDP and LEAA Administrator may from time to time request.

k. Monitors grants and contracts awarded under Part A of the "JD Act" to support the coordination of the Federal JJDP effort.

148. OFFICE OF PROGRAMS. This office is responsible for the administration and operation of OJJDP's grants (including formula grants) and assistance programs. Pursuant to Section 201(e) of the "JD Act," the Deputy Associate Administrator, Office of Programs shall act as Associate Administrator during the absence or disability of the Associate Administrator or in the event of a vacancy in the Office of the Associate Administrator. The office plans, directs, and controls the management and operations of OJJDP formula grant and special emphasis grant programs and associated technical assistance and training.

149. FORMULA GRANT AND TECHNICAL ASSISTANCE DIVISION. This division is responsible for providing assistance to States with regard to JJDP formula grants. The division:

a. Reviews and recommends approval/disapproval of the JJDP portion of Planning Grant Applications and State Comprehensive Plans (Formula Grant Program).

b. Coordinates with OCJP in providing technical and financial assistance for the development of the JJDP portion of State Plans (Formula Grant Program)

c. Provides technical assistance to Federal, State and local governments, public and private agencies, and courts:

(1) For planning JJDP programs;

(2) For establishing, operating coordinating, and evaluating JJDP programs.

d. Monitors the implementation of the JJDP portion of State Plans (Formula Grant Program).

e. Analyzes data generated through the review and monitoring of the Formula Grant Program, and technical assistance activities and provides recommendations for policy and program development to the Policy, Planning, and Coordination Staff and Associate Administrator.

150. SPECIAL EMPHASIS DIVISION. This division is responsible for the design, development, and implementation of JJDP special emphasis grants and contracts. The division:

a. Designs, develops, implements, and monitors grants and contracts for special emphasis programs as directed by the Administrator, OJJDP.

b. Recommends projects and programs for funding, termination, and technology transfer.

c. Coordinates special emphasis program development with the NIJJDP to insure that the latest state-of-the-art is being implemented in program operations.

d. Analyzes data generated through the review and monitoring of Special Emphasis grants and contracts and provides recommendations for policy and program delopment to the Policy, Planning and Coordination Staff and the Associate Administrator.

151. NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION. This office, headed by a Deputy Associate Administrator, is responsible for encouraging, coordinating and conducting research, demonstrations and evaluations of juvenile justice and delinquency prevention activities; providing a clearinghouse and information center for the collection, publication and dissemination of all information regarding juvenile delinquency; conducting a national training program; and developing proposed standards for the administration of juvenile justice. This office:

a. Plans, directs, and controls the management and operations of the NIJJDP.

b. Coordinates the design, development and implementation of NIJJDP research, demonstration, training and evaluation programs with the OJJDP/Office of Programs and other LEAA offices to insure that LEAA JJDP programs receive state-of-the-art research support.

c. Analyzes data generated through the review and monitoring of its programs and projects; and, provides recommendations for policy and program development to the Policy Planning and Coordination Staff and the Associate Administrator.

152. RESEARCH DIVISION. This division is responsible for conducting basic and applied research on juvenile justice and delinquency prevention issues. The division:

a. Conducts, encourages and coordinates basic and applied research into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of contributing to the prevention and treatment of juvenile delinquency.

b. Encourages the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency.

c. Conducts special prevention and treatment studies, prepares findings, and recommends to the Policy Planning and Coordination Staff and the Associate Administrator effective prevention and treatment strategies for implementation.

d. Analyzes and disseminates the results of research, demonstration, and training activities and pertinent data and studies (including a periodic journal) throughout OJJDP, LEAA; and, to practitioners in the field of JJDP and to individuals, agencies and organizations concerned with the prevention and treatment of juvenile delinquency.

e. Through coordination of its research efforts provides information to the Associate Administrator for the development of policy direction for the National Institute of Law Enforcement and Criminal Justice, in matters of JJDP; and, seeks the advice and consultation of the Sub-Committee of the Advisory Committee for Juvenile Justice and Delinquency Prevention concerning overall OJJDP policy and programs.

153. TRAINING AND DISSEMINATION DIVISION. This division is responsible for conducting national training programs and operating an information clearinghouse. The division:

a. Develops and conducts national training programs, seminars, and workshops; develops a curriculum for and conducts a national JJDP training program.

b. Develops technical training teams to assist State and local agencies.

c. Coordinates JJDP training activities with the Office of Criminal Justice Education and Training.

d. Provides a coordinating center for the collection, preparation, and dissemination of useful data regarding JJDP.

e. Assures the adequacy of clearinghouse and information center activities for the preparation, publication and dissemination of all information regarding JJDP, including State and local programs and plans, availability of resources, training and education programs, statistics, and other pertinent data information.

f. Coordinates its efforts relating to the preparation and dissemination of information, reports and publications with the National Criminal Justice Reference Service and the Office of Public Information.

154. PROGRAM DEVELOPMENT DIVISION. This division is responsible for the development of JJDP standards; the evaluation of JJDP programs; and the analysis and preparation of associated reports. The division:

a. Provides for the evaluation of all JJDP programs assisted under Title II of the "JD Act," and other Federal, State or local JJDP program, upon the request of the Associate Administrator.

b. Reviews existing reports, data and standards relating to the juvenile justice system in the United States; prepares proposed standards for the administration of juvenile justice at the Federal, State and local level for review by the Advisory Committee to the Associate Administrator on Standards for the Administration of Juvenile Justice; and, prepares recommendations for Federal, State and local action to facilitate the adoption of these standards.

c. Prepares and submits to the Associate Administrator, OJJDP, an Annual Report on research, demonstration, training and evaluation programs funded by the National Institute for Juvenile Justice and Delinquency Prevention, including recommendations for future programs.

d. Analyzes and disseminates the results of evaluation activities and pertinent data throughout OJJDP, LEAA; and, to practitioners in the field of juvenile delinquency and to individuals, agencies, and organizations through the OJJDP clearinghouse.

e. Provides for the preliminary data collection and analyses associated with new program development.

155-160. RESERVED.

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.

Subject: SPECIAL DELEGATION OF APPROVAL AUTHORITY FOR REVERTED FORMULA GRANT FUNDS TO THE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

1. PURPOSE. The purpose of this Instruction is to delegate special authority to the Administrator (OJJDP) for grants funded with Reverted FY 1977 Formula Grant Funds.

2. SCOPE. This Instruction is of interest to all LEAA personnel.

3. BACKGROUND. Section 223(d) of the Juvenile Justice and Delinquency Prevention Act states that in the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, determines does not meet the requirements of this Section, the Administrator shall make that State's allotment under the provisions of Section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in Section 224. For FY 77 this money (totalling $4.354M) was made available to public and private agencies via LEAA Guideline M 4500.1E Chg. 2 issued May 20, 1977 entitled "Programs to Support Deinstitutionalization and Separation of Juveniles and Adults.

4. DELEGATION OF PROGRAM AUTHORITY. Subject to the policy direction, availability of funds, and directives issued by the Administration, the Administrator (OJJDP), is delegated the authority to approve, award, administer, monitor, modify, extend, terminate and evaluate all grants funded with Reverted FY 1977 Formula Grant Funds not to exceed $300,000 for a 24 month grant period for those projects funded under the program referenced above. In addition, the Administrator (OJJDP), is delegated authority to:

   a. Reject or deny grant applications and concept papers;

   b. Approve or deny requests for extensions of the grant period up to 12 months provided the total grant period does not exceed 24 months. Requests for extensions beyond a total grant period of 24 months must be approved or denied by the Administrator, LEAA.

James M. H. Gregg

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

Distribution: All LEAA Personnel

Initiated By: Office of Juvenile Justice and Delinquency Prevention

ATTACHMENT A

HB 1320.1A
September 29, 1976

FOREWORD

1. PURPOSE. This Organization and Functions Handbook is designed to acquaint all personnel assigned to LEAA with the specific responsibilities of their offices and other LEAA offices.

2. SCOPE. This Handbook is of interest to all LEAA personnel. The information contained in this Handbook will aid in the improvement of inter-office coordination and cooperation by providing personnel with knowledge about the detailed functions of LEAA, as a whole.

3. CANCELLATION. This Handbook cancels HB 1320.1, Organization and Functions Handbook of June 25, 1975.

4. GENERAL. Organizations are in a dynamic state of flux at all times. Changes in their environment require the undertaking of new functions and/or the modification or elimination of old functions. Everyone is encouraged to continually examine the functions being performed by their offices and use the provisions provided in this Handbook for bringing about positive change. By continually striving for clarity in LEAA's organizational structure, confusion and uncertainty over responsibilities will be removed and improved communication for decision-making will result.

Richard W. Velde

RICHARD W. VELDE
Administrator

ATTACHMENT A

HB 1320.1B
January 5, 1978

FOREWORD

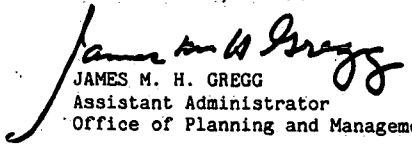
1. PURPOSE. This Organization and Functions Handbook is designed to acquaint all personnel assigned to LEAA with the specific responsibilities of their offices and other LEAA offices.

2. SCOPE. This Handbook is of interest to all LEAA personnel. The information contained in this Handbook will aid in the improvement of inter-office coordination and cooperation by providing personnel with knowledge about the detailed functions of LEAA, as a whole.

3. CANCELLATION. This Handbook cancels HB 1320.1A, Organization and Functions Handbook of September 29, 1976.

4. GENERAL. The closure of LEAA's regional offices has occasioned a transfer of functions to the Washington, D.C. Central Offices. In general, regional office Operations Division functions are now the responsibility of the Office of Criminal Justice Programs (OCJP), formerly ORO, while regional office TA Division functions have been divided among OCJP program desks and other LEAA program offices. Regional office financial functions are the responsibility of the Office of the Comptroller (OC). A new office, the Office of Community Anti-Crime Programs has been established to operate the community anti-crime programs mandated in the legislation. The responsibilities of the Office of Audit and Investigation (OAI) have been expanded to include a program review of recipients of LEAA funds. A fifth OAI area office has been established in Chicago to assist in carrying out this responsibility. In a resource consolidation move the Executive Secretariat (ExSec) has been merged into the Office of Planning and Management (OPM).

5. JUVENILE JUSTICE AND DELINQUENCY PREVENTION. In accordance with Section 527 of the Crime Control Act of 1976, all programs dealing with juvenile justice and delinquency prevention are administered by or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In this connection, whenever and wherever reference is made herein to juvenile justice and delinquency prevention programs, it shall be understood that these programs are administered by or operating under policy direction developed in conjunction with or provided by the Associate Administrator, OJJDP.



JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

ATTACHMENT A

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.52A

November 17, 1977

Subject: DELEGATION OF AUTHORITY TO THE ASSISTANT ADMINISTRATOR, OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS (OCACP)

1. PURPOSE. The purpose of this Instruction is to delegate the authority for the administration and operation of the Office of Community Anti-Crime Programs (OCACP) to the Assistant Administrator, OCACP.

2. SCOPE. This Instruction is of interest to all LEAA personnel.

3. CANCELLATION. This Instruction cancels LEAA Instruction I 1310.52 dated September 30, 1977.

4. BACKGROUND. The Crime Control Act of 1976 establishes an Office of Community Anti-Crime Programs in LEAA. The OCACP operates under the direction of the Deputy Administrator for Policy Development. Its purpose is threefold:

   a. To provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

   b. To coordinate activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice, DOJ/CRD) designed to encourage and assist citizen participation in law enforcement and criminal justice activities; and,

   c. To provide information on successful programs of citizen and community participation to citizen and community groups.

5. FUNCTIONAL DELEGATION. The Assistant Administrator, OCACP, is delegated the authority and responsibility for the administration and operation of OCACP to ensure that community anti-crime programs and other related programs, as delegated by the Administration to OCACP, are developed and implemented in accordance with the provisions of the Crime Control Act of 1976 and that activities dealing with juveniles are subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

   a. Administration and Management. Plan, direct, implement, and control the programs and activities of OCACP.

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b. Technical Assistance. Provide appropriate technical assistance to community and citizens groups to enable such groups to encorage community and citizen participation in crime prevention and law enforcement and criminal justice activities.

c. Monitoring and Evaluation. In accordance with LEAA policy, direct and supervise the monitoring and evaluation of OCACP programs.

d. Collection and Dissemination of Information. Provide information on successful programs of citizen and community participation to citizen and community groups.

e. Representation. Coordinate community anti-crime programs and activities with other Federal agencies and programs (including DOJ/CRD) designed to encourage and assist citizen participation in law enforcement and criminal justice; and represent the Administration with public and private organizations engaged in community anti-crime programs and activities.

f. Grants and Program Management. Subject to the policy direction, allocation of funds, and directives issued by the Administration, the Assistant Administrator, OCACP, is authorized to approve and award grants and agreements for programs and projects as have been specifically and separately delegated by the Administration and to administer, modify, (not to exceed the original dollar amount of the approved award) extend, terminate, monitor and evaluate all OCACP grants and agreements; and to reject or deny grant applications submitted to LEAA within OCACP assigned programs. In this respect, grants may be extended up to twelve months; however, the total period of award for any grant may not exceed 24 months. OCACP grants and agreements dealing with juveniles must receive OJJDP concurrence prior to award.

6. REDELEGATION. Authority delegated in this Instruction may be redelegated, in whole or in part, provided that any redelegation is in writing and approved by the Administrator. This restriction does not apply to a temporary redelegation of authority to a deputy or an assistant to be exercised during the Assistant Administrator's absence. Authority redelegated by the Assistant Administrator shall be exercised subject to the Assistant Administrator's policy direction and under such restrictions deemed appropriate.

7. RECORDS. OCACP shall keep such records concerning the delegations in paragraph 5 as the Assistant Administrator, Office of Operations Support and the Comptroller shall require. These records shall be forwarded to these offices as required.

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

ATTACHMENT A

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.44B

November 11, 1977

Subject: DELEGATION OF AUTHORITY TO THE DIRECTOR, OFFICE OF CRIMINAL JUSTICE EDUCATION AND TRAINING (OCJET)

1. PURPOSE. The purpose of this Instruction is to delegate authority for the administration and operation of the Office of Criminal Justice Education and Training to its Director.

2. SCOPE. This Instruction is of interest to all LEAA personnel.

3. CANCELLATION. This Instruction cancels LEAA Instruction I 1310.44A dated October 13, 1977.

4. FUNCTIONAL DELEGATION. The Director of the Office is delegated the authority and responsibility to coordinate the development and implementation of policy for the LEAA criminal justice system manpower development program (except for juvenile justice and delinquency prevention).

   a. Grants and Program Management.

      (1) Subject to the policy direction, allocation of funds and directives issued by the Administration, the Director, OCJET is delegated the authority and responsibility to:

         (a) Approve, award, administer, monitor, modify, extend, terminate, and evaluate grants and agreements provided under Part D, Law Enforcement Education Program (Section 406(a-d) and the Internship Program (Section 406(f)), and to reject or deny grant applications submitted to LEAA under Part D, Sections 406(a-d) and 406(f). In this respect, the total period of award for any grant may not exceed 12 months.

         (b) Administer, monitor, modify (not to exceed the original dollar amount of the approved award), extend, terminate, and evaluate grants and agreements provided under Part D, Sections 406(e) and 402(b)(5). In this respect, grants may be extended for up to 12 months; however, the total period of award for any grant may not exceed 24 months.

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(2) Subject to the policy direction of the Administration, the Director, OCJET, is delegated the authority and responsibility to direct, supervise, and administer the Law Enforcement Education Program (LEEP), the Education Development Program, the Internship Program, and the Graduate Research Fellowship Program. The Director is delegated the authority and responsibility to coordinate the implementation of these programs and related technical assistance through other research and action offices, as appropriate, and to coordinate with the Office of the Comptroller on the financial aspects of LEEP.

b. Policy Planning. Coordinate the development of education and training policy for implementation by other LEAA offices directly administering education and training programs under Section 402(b)(6) and Section 407 of the Crime Control Act of 1976. (Juvenile justice and delinquency prevention education and training policy is developed and implemented by the Associate Administrator, OJJDP).

c. Directives and Guidelines. Coordinate the development and implementation of directives relating to policy and procedures for criminal justice manpower planning and programs.

d. Monitoring and Evaluation. In accordance with LEAA policy, direct and supervise the monitoring and evaluation of OCJET programs.

e. Data Collection and Analysis. Work closely with NCJISS to collect and analyze data to provide management information on criminal justice manpower planning and programs. Work closely with the Office of the Comptroller in connection with LEEP data.

f. Representation. Represents the Administration to other public and private institutions in matters relating to criminal justice education and training and manpower development.

5. REDELEGATION. Authority delegated in this Instruction may be redelegated, in whole or in part, provided that any redelegation is in writing and approved by the Administrator. This restriction does not apply to temporary redelegation of authority to a deputy or an assistant to be exercised during the absence of the Director. Authority redelegated by the Director shall be exercised subject to the Director's policy direction and coordination and under such restrictions deemed appropriate.

6. RECORDS. The Office of Criminal Justice Education and Training shall keep such records concerning the delegations in paragraph 4 as the Assistant Administrator, Office of Operations Support and the Comptroller shall require. Records shall be forwarded to these offices as required.

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

ATTACHMENT A

Dear :

As you know, the National Advisory Committee is sponsoring a three day training conference for the state advisory groups on March 1st through the 3rd here in Washington. It is anticipated that this conference will be responsive to the issues and concerns raised by you and other advisory group chairpersons and members throughout the states and territories.

Although it is hoped that this session will provide you with much of the assistance needed to carry out your advisory group functions, it would be of great assistance to the Office of Juvenile Justice and Delinquency Prevention, if, during and after the conference, you were able to identify other long range training and technical assistance needs and communicate them to this Office.

The '77 Amendments to the JJDP Act will have significant impact on the state advisory groups and their activities. As a response to your increased activity and responsibility, the Office of Juvenile Justice and Delinquency Prevention is mounting a national technical assistance and training program to support your efforts.

To date, state advisory groups have not been a primary target for national technical assistance. With the expansion of the state advisory group's role in Federal legislation, the allocation of formula funds to state advisory groups and the increased awareness of the value of citizen advisory groups, OJJDP wants to provide immediate technical assistance from the national level to state advisory groups. The technical assistance will focus on the Juvenile Justice and Delinquency Prevention Act, issues in achieving the goals of the Act, and the roles and responsibilities of the state advisory groups.

Specifically, technical assistance will be provided to help state advisory groups define and assume their role in plan development and implementation, program analysis, monitoring and other needs identified by the advisory groups as critical to the implementation of the Act. Technical assistance will be provided through a variety of methods such as on-site consultation, conferences, workshops, documentation and training.

In the near future a representative of the OJJDP will be contacting you to discuss your particular technical assistance needs. Prior to that, the Office of Juvenile Justice and Delinquency Prevention encourages you to communicate your needs directly to the Technical Assistance Branch of the Office.

Should you have any questions regarding the above, please contact Mr. Jim Gould of the Technical Assistance Branch of OJJDP at (202) 376-2211.

With warmest regards,

John M. Rector
Administrator

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Guideline

ATTACHMENT B

G 4100.

Subject: 1978 PLANNING GRANT AMENDMENTS AND COMPREHENSIVE PLAN SUPPLEMENT DOCUMENT

1. PURPOSE. This Guideline sets forth the requirements and provides guidance for the preparation of Amendments to 1978 Planning Grants and Comprehensive Plans, authorized under Parts C and E of the Crime Control Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974. Amendments to Planning Grants and Comprehensive Plans are made necessary by 1977 Amendments to the Juvenile Justice and Delinquency Prevention Act. The requirements and procedures of this Guideline apply ONLY to changes and additional information for 1978 Planning Grants and Comprehensive Plans which are necessary for compliance with the 1977 amendments. Requirements for 1979 Planning and Comprehensive Plans will be issued at a later date.

2. SCOPE. The provisions of this Guideline apply to those State Planning Agencies which have elected to apply for and accept funds under the Juvenile Justice and Delinquency Prevention Act of 1974.

3. AID IN USING THE GUIDELINE. For assistance in using this Guideline or for answers to questions about it, contact the Office of Juvenile Justice and Delinquency Prevention.

4. DEADLINE FOR SUBMISSION OF PLANNING GRANT AND COMPREHENSIVE PLAN AMENDMENTS. The deadline for submitting amendments to the 1978 Planning Grants and Comprehensive Plans meeting the requirements stated herein is 60 days after the date of issuance of this guideline. An original and two copies must be submitted to the Office of the Comptroller, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

PART 1. PLANNING GRANT AMENDMENTS

5. COMPOSITION AND REPRESENTATIVE CHARACTER OF SUPERVISORY BOARD.

a. Act Requirement. Section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the chairman and at least two additional CITIZEN members of any advisory group established pursuant to Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, shall be appointed to the State Planning Agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section.

Distribution: SPAs; LEAA Professional Personnel

Initiated By: Office of Juvenile Justice and Delinquency Prevention

b. Planning Grant Amendment Requirement. Describe actions taken or to be taken to ensure that the Chairman and two CITIZEN members of the advisory group be appointed to the Supervisory Board by May 31, 1978, unless good cause can be shown to justify an extension. For purposes of this requirement, a citizen member is defined as any person who is not a full-time employee of the Federal, State or local government.

6. ORGANIZATION AND COMMITTEES.

a. Act Requirement. Section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that any executive committee of a State Planning Agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State Planning Agency.

b. Planning Grant Amendment Requirement. The State Planning Agency must describe the actions taken or to be taken to ensure that by May 31, 1978, any executive committee, is comprised of a proportionate share of advisory group members. Supervisory Board members who are REPRESENTATIVES of the advisory group shall be represented on all executive committees, in at least the same proportion as their number is to the entire Supervisory Board.

7. ADVISORY GROUP ALLOTMENT.

a. Act Requirement. Section 222(e) of the JJDP Act requires that 5 per centum of the minimum annual allotment to any State under Part B of the Act be available to assist the advisory group established under Section 223(a)(13) of the Act.

b. For purposes of computing the 5 percent allotment, the following procedures shall be used:

(1) Each State shall allocate $11,250 and, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands shall allocate $2,812.50. These funds are not to be considered as part of the maximum 15% monies set aside for planning and administration funds. The maximum 15% for planning and administration is calculated on the total formula grant award.

(2) The funds allocated to the advisory group may be used for such functions and responsibilities consistent with Section 223(a)(3) of the JJDP Act. Funds allocated to the Advisory Group shall not supplant any funds currently allocated to them.

(3) The 5 percent allotment does not preclude the State from providing additional financial and technical assistance to the advisory groups. However, the provision of any additional funds for the advisory group shall be consistent with the approved FY 78 JJDP Plan and must be from planning and administration monies unless the funded activities are of a program or project nature.

c. Planning Grant Amendment Requirements. Describe the steps to be taken to notify the advisory group of this requirement. The advisory group shall develop a plan for the utilization of these funds which, upon review by the State, shall be submitted as a part of the planning grant amendment document. Indicate the amount of funds allocated to the advisory group.

8. ADVISORY GROUP COMPOSITION.

a. Act Requirement. Section 223(a)(3) of the JJDP Act requires that at least one-third of the members of the advisory group be appointed prior to their 26th birthday, at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system. In addition, the composition of the advisory group may now include business groups and businesses employing youth, youth workers, involved with alternative youth programs, and persons with specialized experience regarding the problems of school violence and vandalism and the problems of learning disabilities.

b. Planning Grant Amendment Requirements. The State shall provide a list of all advisory group members, including the new appointees, with a statement of how the composition of the advisory group meets the statutory membership requirements. If the advisory group is not in compliance with all of the provisions of the Act, the State must describe the actions to be

taken to insure compliance by submission of the FY 1979 Planning Grant Application.

9. ADVISORY GROUP ROLES AND RESPONSIBILITIES.

a. Act Requirement. Section 223(a)(3) of the JJDP Act states that the advisory group:

(1) Shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action.

(2) Shall advise the State Planning Agency and its supervisory board.

(3) Shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State Planning Agency other than those subject to review by the State's judicial planning committee established pursuant to Section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group.

(4) May advise the Governor and the legislature on matters related to its functions, as requested.

(5) May be given a role in monitoring State compliance with the requirements of paragraph 223(a)(12)(A) and paragraph (13), in advising on State Planning Agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under Section 261(b) and Section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the Comprehensive State Plan.

b. Planning Grant Amendment Requirement. The State shall describe the procedures it will establish to ensure that the advisory group has the opportunity to carry out its functions consistent with this Section of the Act.

10. PASS-THROUGH REQUIREMENT.

a. Act Requirement. Section 223(a)(5) of the JJDP Act requires that at least 66 2/3 per centum of funds received by the State under Section 222, other than funds made available to the State advisory group under Section 222(e) shall be expended through:

(1) Programs of units of general local government insofar, as they are consistent with the State Plan.

(2) Programs of local private agencies, to the extent such programs are consistent with the State Plan, except that direct funding of the cognizant local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof.

b. Planning Grant Amendment Requirement. The State must provide assurance that at least 66 2/3 percent of the funds received by the State under Section 222, other than the funds the State Planning Agency provides to the advisory group under Section 222(e), shall be expended through programs of units of general local government and local private agencies. Indicate the amount and percentage of funds being passed-through to units of general local government. Local private agency is defined as a private non-profit agency or organization that provides program services within . . . an identifiable unit of general local government or combination thereof.

c. Inclusion and Compilation of Pass-Through. Formula grant funds made available to units of general local government by the State Planning Agency for planning and administration purposes, as well as program purposes, shall be included in calculating the amount of funds to be expended through programs of units of general local government. Formula grant funds made available to local private agencies for programs that are consistent with the State Plan shall also be included in compilation of the pass-through agency has been denied JJDP Act funding by a unit of general local government and after the permit of general local government has been given the full opportunity to explain why it decided not to fund the

the local private agency. In a State where all funding is distributed directly by the State, a private agency need not first apply to a unit of general local government for funding. These funds can also be included as pass-through. In addition, if a unit of general local government recieves pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local award if it funds the project.

PART II. COMPREHENSIVE PLAN AMENDMENTS.

11. ADVANCED TECHNIQUES.

a. Act Requirement. Section 223(a)(10) of the JJDP Act requires that not less than 75 per centum of the funds available to the State under Section 222, other than funds made available to the State advisory group under Section 222(e), whether expended directly by the State, by the unit of general local government or a combination thereof, or through contracts and grants with public or private agencies, shall be used for advanced techniques in developing, maintaining and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, and to establish and adopt juvenile justice standards.

b. Plan Supplement Requirement. In calculation of the 75 per centum of funds which the State Planning Agency must expend on programs that utilize advanced techniques, the State Planning Agency may also include programs which encourage a diversity of alternatives within the juvenile justice system, and establish and adopt juvenile justice standards. These advanced techniques can also include:

(1) Projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system.

(2) Programs and services for the prevention and treatment of juvenile delinquency through the development of twenty-four hour initiative screening, volunteer and crisis home programs, day treat-

ment, and home probation.

c. The State Planning Agency shall report on the per centum of funds being allocated toward programs that are considered as utilizing advanced techniques.

12. STATUS OFFENDERS.

a. Act Requirement.

(1) Section 223(a)(12)(A) of the JJDP Act requires that within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(2) Section 223(a)(12)(B) of the JJDP Act provides that the State shall submit annual reports to the OJJDP Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in the facilities which; (a) are the least restrictive alternatives appropriate to the needs of the child and the community; (b) are in reasonable proximity to the family and home communities of such juveniles; and (c) provide the services described in Section 103 (1), of the Act.

(3) Section 223(c) of the JJDP Act states that failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional

years.

b. Plan Supplement Requirements. In accordance with Section 223(a)(12)(A) of the JJDP Act, the State shall submit a revised plan, procedure and time table assuring that within three years of the date of submission of an approved plan, status offenders and non-offenders such as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities, and shall indicate the amount and percentage of funds being allocated for these purposes.

13. CONTACT WITH INCARCERATED ADULTS.

a. Act Requirement. Section 223(a)(13) of the JJDP Act requires that juveniles alleged to be or found to be delinquent, and youths within the purview of Section 223(a)(12)(A), shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

b. Plan Supplement Requirement. The State shall modify its plan for separation required by paragraph 52j of M 4100.1F to the extent that the separation plan covers juveniles alleged or found to be delinquent as well as status offenders, alleged status offenders, and non-offenders such as dependent and neglected children, and indicate the amount and percentage of funds being allocated for these purposes.

14. RIGHTS OF PRIVACY FOR RECIPIENTS OF SERVICES.

a. Act Requirement. Section 223(a)(16) of the JJDP Act requires that the State Plan provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State Plan. Section 229 of the JJDP Act expands upon this paragraph by requiring that, except as authorized by law; program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title.

Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

b. Plan Supplement Requirement. The State must describe their method of procedures for ensuring that all program project records, containing the identity of individual juveniles, are not disclosed, except with the consent of the recipient or legally authorized representative or, as may be necessary to perform the functions of the JJDP Act. Furthermore, the State will provide assurances that under no circumstances will any project report or findings available for public dissemination contain the actual names of individual service recipients.

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

DRAFT

Change

M 4100.1F CHG-3

Subject: STATE PLANNING AGENCY GRANTS

Cancellation Date: After Filing

1. PURPOSE.

   a. This change transmits revisions to the Guide for State Planning Agency Grants, M 4100.1F, January 18, 1977.

   b. Revisions are explained in the following paragraph. Pages to be added are attached. Recipients should remove old pages as indicated in the page control chart and add new pages to the Guide where indicated.

2. SCOPE. This Change is of interest to all holders of M 4100.1F.

3. EXPLANATION OF CHANGES.

   a. Paragraph 22, State Planning Agency Supervisory Board, is modified to reflect changes in representation of the SPA Supervisory Board pursuant to Section 223(a)(3) of the JJDP Act of 1974, as amended.

   b. Paragraph 27, Requirements For State Planning Agencies Which Participate In the Juvenile Justice And Delinquency Prevention Act Program, has been deleted. Paragraph 52 now contains all of the requirements for application and receipt of funds under the JJDP Act.

   c. Paragraph 51, Special Requirements for Juvenile Justice Under The Crime Control Act, has been modified to reflect changes in maintenance of effort requirements. This paragraph now requires that each state allocate and expend 19.15 percent of its total Crime Control allocation for juvenile justice programs.

   d. Paragraph 52, Special Requirements For Participation in Funding Under The Juvenile Justice And Delinquency Prevention Act Of 1974, has been modified to include Omnibus Crime Control Act requirements and OJJDP planning grant requirements. All of these requirements are to be addressed jointly in a separate section of the Comprehensive Plan.

   e. Paragraph 52t, Continuation Support, has been modified to indicate that all programs which receive a satisfactory yearly evaluation shall continue to receive financial assistance at the same level as their initial application.

Distribution: All Holders of M 4100.1F

Initiated By: Office of Juvenile Justice and Delinquency Prevention

f. Paragraph 52n, Monitoring Of Jails, Detention Facilities And Correctional Facilities, has not been changed. Comments and recommendations concerning this paragraph and Appendix 1, paragraph 4, will be entertained.

PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
Table of Contents		Table of Contents	
		iii	Jan. 18, 1977
iii and iv	Jan. 18, 1977	iv	
v and vi	May 20, 1977	v	May 20, 1977
		vi	
16 and 17	Jan. 18, 1977	16 and 17	
		17-1 (and 17-2)	
22 thru 29	Jan. 18, 1977	22 (thru 28)	
		29	
50-56	Jan. 18, 1977		
57-62	May 20, 1977		
63	Jan. 18, 1977	50 thru 63-6	
Appendix 1		Appendix 1	
3 and 4	May 20, 1977	3	
		4	May 20, 1977

JAMES M.H. GREGG
Acting Administrator

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(2) Have a supervisory board (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving and maintaining general oversight of the State plan and its implementation;

b. Application Requirement. Documentation must be presented as to the location and status within State government of the State Planning Agency.

22. STATE PLANNING AGENCY SUPERVISORY BOARD.

a. Authority of the Supervisory Board.

(1) Act Requirement. Section 202 of the Act authorizes LEAA to make grants to the States for establishment and operation of State criminal justice and law enforcement planning agencies for the preparation, development and revision of State plans. LEAA requires that the State Planning Agency have a supervisory board, (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving, and maintaining general oversight of the State plan and its implementation. Since the SPA supervisory board oversees the State plan and its implementation, it must possess the "representative character" required by the Act in Section 203(a)(1).

(2) Application Requirement. Documentary evidence must be presented authorizing the State Planning Agency supervisory board to function as stated above.

b. Composition and Representative Character.

(1) Act Requirement. Section 203(a)(1) of the act requires that the State Planning Agency supervisory board must be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and shall include representation of citizens, professional and community organizations, including organizations directly related to delinquency prevention. The Chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the JJDP Act of 1974, as amended, shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.

Special provision is made for membership from the judiciary. The composition of such boards may vary; however it is required that such boards be fairly representative of all components of the criminal justice system and that the representation takes account of reasonable geographical balance, reasonable urban-rural balance, the incidence of crime, and of the distribution of law enforcement services at state and local levels. The composition of the board must contain representation of the following:

(a) State law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency.

(b) Units of general local government by elected policy-making or executive officials;

(c) Law enforcement and criminal justice officials or administrators from local units of government;

(d) Each major law enforcement function -- police, corrections, court systems and juvenile justice systems.

(e) Public (governmental) agencies in the State maintaining programs to reduce and control crime, whether or not functioning primarily as law enforcement agencies;

(f) Citizen, professional and community organizations, including organizations directly related to delinquency prevention. These may include such agencies and groups as those listed below:

1 Public agencies concerned with delinquency prevention or treatment such as juvenile justice agencies, juvenile or family court judges and welfare, social services, mental health, education, or youth service departments.

2 Private agencies concerned with delinquency prevention and treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children.

3 Organizations concerned with neglected children;

4 Organizations whose members are primarily concerned with the welfare of children;

5 Youth organizations; and

(4) What the funding level is for the judicial planning committee including a budget which outlines the purposes and functions for which these funds are to be used.

(5) Provisions for public notice of meetings, as required by Section 203(g) of the Act and the requirements of paragraph 22.d.

(6) The procedures and methods for assuring involvement of citizens and community organizations in the planning process.

(7) In the case of situations where the judicial planning committee does not exist, the procedures by which the State Planning Agency proposes to consult with the courts and related agencies in the development and preparation of the annual judicial plan.

* 27. REQUIREMENTS FOR STATE PLANNING AGENCIES WHICH PARTICIPATE IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT PROGRAMS.

(Deleted - Change 3. See Paragraph 52.)

28. REQUIREMENTS UNDER SECTION 518 (c) OF THE CRIME CONTROL ACT, SECTION 262(b) OF THE JUVENILE JUSTICE ACT AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS OF THE DEPARTMENT OF JUSTICE

a. Applicability. The State Planning Agency in accepting a grant from the Law Enforcement Assistance Administration for the operation of the State Planning Agency assures that it will comply and will insure compliance by its subgrantees and contractors with Section 518(c)(1) of the Crime Control Act, Title VI of the Civil Rights Act of 1964, Subparts C, D, and E of 29 C.F.R. Part 42, and where applicable, Section 262(b) of the Juvenile Justice Act, to the end that no person shall on the grounds of race, religion, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, or denied employment in connection with, any program or activity which receives financial assistance from the Department of Justice.

b. Application Requirement. The State Planning Agency must describe in its planning grant application how it will implement the following procedures in order to carry out its responsibilities under this Act:

(1) Designation of a Civil Rights Compliance Officer. The SPA shall designate by name a staff member as civil rights compliance officer(s) to review the compliance of the SPA, its subgrantees and contractors with Title VI, the regulations implementing Title VI and the equal employment opportunity regulations of the Department of Justice.

(2) Training of the SPA Staff. The SPA shall provide its entire staff with appropriate training and information concerning the SPAs obligations under the nondiscrimination requirements and this statement. A timetable for this training shall be set forth.

(3) Informing Subgrantees and Contractors of Civil Rights Requirements. The SPA is required to instruct all applicants for and recipients of financial assistance of the obligation to comply with the non-discrimination requirements and the available sanctions in the event of noncompliance. The SPA shall set forth the methods by which it has informed subgrantees and contractors of their civil rights requirements.

(4) SPA and Subgrantees and Contractors to Keep Records. The SPA shall require subgrantees and contractors to maintain records as LEAA shall determine to be necessary to assess the subgrantees or contractors continuing compliance with the nondiscrimination requirements.

(5) SPA to Inform Beneficiaries of Rights. The SPA shall provide information to the public regarding the nondiscrimination obligation of the SPA, its subgrantees and contractors and the right to file a complaint with the SPA or LEAA or both concerning violation of those obligations. The SPA shall describe its efforts to inform the public of its nondiscrimination policy.

(6) SPAs Obligation in Complaint Process. The SPA shall establish and set forth appropriate procedures for the receipt and referral of complaints concerning violation of the nondiscrimination requirements.

(7) SPA to Cooperate in Conduct of Civil Rights Compliance Reviews. In accordance with the requirements of LEAA, the SPA shall cooperate with LEAA in conducting civil rights compliance review of criminal justice agencies within the State.

(8) SPA Report of Awards for Construction Projects. The SPA must report to the Office of Civil Rights Compliance and to the cognizant Regional Office all awards for federally assisted Construction Projects in excess of $10,000 using Part C and Part E funds. The SPA must describe the procedures to insure reporting on Construction Projects form, LEAA Form 7400/1, (see G 7400.1B, appendix 2.).

29. RESERVED

(b) The Housing and Community Development Act of 1974 and the programs supported through it;

(c) The Highway Safety Act of 1966, and the programs supported through it.

50. EFFECTIVE COORDINATION WITH SINGLE STATE AGENCIES DESIGNATED UNDER THE DRUG ABUSE OFFICE AND TREATMENT ACT.

a. Act Requirement. Section 303(a)(18) of the Crime Control Act requires that State plans establish procedures for effective coordination between SPAs and the single state agencies designated under Section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 in responding to the needs of drug dependent offenders, including alcoholics, alcohol abusers, drug addicts and drug abusers.

b. Plan Requirement. The State Planning Agency must specify the methods and procedures it will use to assure coordination and cooperation with the single state agencies. If these methods and procedures have been described in the plan or in the planning grant application, page references to the discussion of the relationships and coordination will be adequate.

* 51. MAINTENANCE OF EFFORT REQUIREMENTS FOR JUVENILE JUSTICE UNDER THE CRIME CONTROL ACT.

a. Act Requirement. Section 520(b) of the Crime Control Act of 1976 and Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, require that in addition to funds appropriated under Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Administrator shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriation for the Administration for juvenile delinquency programs.

b. Individual Level of State Funding. In order to maintain a proportionate share of the statutory maintenance level, the states will be required to allocate and expend, on a state-by-state basis, at least 19.15 percent of the total annual allocation of Parts B, C and E block grant funds for juvenile justice and delinquency prevention-related programs and projects.

c. Basis for Assuring Maintenance Requirement.

(1) The basis for assuring individual State allocations and expenditures equal to the State's proportional share of the maintenance requirement is to establish individual State allocations equal to 19.15 percent of the total Parts B, C *

and E allocations to the particular State. Each State's required minimum allocation level for Fiscal Year 1979 and succeeding fiscal years is equal to 19.15 percent of the sum of its Parts B, C and E allocations of Crime Control Act funds for each year. However, individual states may allocate and expend more than the required minimum allocation on juvenile justice and delinquency prevention programs.

(2) Funds allocated to meet the maintenance of effort requirement as well as formula grants and other funds available for allocation under the State Plan will be considered in making the determination that the State Plan includes a comprehensive program for the improvement of juvenile justice as required by Section 303(a).

(3) Part B funds will be presumed to be allocated to juvenile justice planning and administration activities based on a percentage of Part B funding equal to the aggregate percentage of Parts C and E funds allocated for juvenile justice programs and projects. However, individual states may document that a greater amount of Part B funds are utilized for planning and administration activities related to juvenile justice.

d. Plan Requirement. The State Plan must identify Parts C and E funded programs and projects related to juvenile justice and delinquency prevention and their corresponding fund allocations.

e. Prohibition Against Reprogramming Out of Juvenile Justice Area. There is a general prohibition against reprogramming out of the juvenile justice area. The exercise of reprogramming authority out of the juvenile justice area is therefore subject to prior LEAA approval when a State has allocated more than the minimum 19.15 percent level.

52. REQUIREMENTS FOR STATE PLANNING AGENCIES PARTICIPATING IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

a. Applicability. The provisions of this paragraph apply to those states that have elected to participate in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (herein referred to as the JJDP Act). This paragraph now contains all of the requirements for application and receipt of funds under the JJDP Act.

(1) For those states participating in the JJDP Act, the provisions of the comprehensive program for the improvement of juvenile justice, as required by the Omnibus Crime Control and Safe Streets Act, and the provisions of the JJDP Act are to be *

addressed jointly in a separate section of the comprehensive plan. The requirement of a separate juvenile section emphasizes the distinctions between the juvenile justice system and the criminal justice system and the importance placed on juvenile justice by the Congress. Further, a separate juvenile section will facilitate review and monitoring of progress towards deinstitutionalization and separation.

(2) For those states not participating in the JJDP Act, the provisions of the comprehensive program for juvenile justice should address the requirements of the Omnibus Crime Control and Safe Streets Act.

b. Plan Review Criteria. The requirements of this paragraph are statutorily mandated and must be addressed. OJJDP has determined the following programmatic areas to be of critical concern: Deinstitutionalization of Status Offenders and Non-Offenders; Contact with Incarcerated Adults; Monitoring of Jails, Detention Facilities and Correctional Facilities; Advanced Techniques; Juvenile Justice Advisory Groups; and Detailed Study of Needs. Failure to fully address these programmatic areas shall result in plan disapproval. Failure to adequately address any other requirements may result in a special condition. Where indicated, an assurance is sufficient for compliance providing that no change has been made from the previous year. If a change has been made, the State shall revise and resubmit its response.

c. Plan Supervision, Administration and Implementation.

(1) Act Requirement. Sections 223(a)(1) and (2) of the JJDP Act require the State Plan to designate the State Planning Agency, established under Section 203 of the Crime Control Act, as the sole agency for supervising and preparation and administration of the Plan, and that the Plan contain satisfactory evidence that the designated State Agency has or will have authority to implement the Plan.

(2) Plan Requirement. The State Planning Agency shall provide assurances:

(a) That it is the sole agency for plan administration and has the authority to carry out the mandate of the JJDP Act. If the SPA does not currently have such authority, indicate the steps to be taken to give it such authority.

(b) That, if an administrative mechanism other than the SPA is utilized for implementation of the Act, the SPA shall set forth a procedure for management of the Juvenile Justice Action Program by that implementing agency.*

(c) That it will facilitate the coordination of human services to youth and their families to insure effective delinquency prevention and treatment programs.

d. Planning and Administration of Funds.

(1) Act Requirement. Section 222(c) of the JJDP Act requires that a portion of any allotment to any State under this part shall be available to develop a State Plan or for other pre-award activities associated with such State Plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ percent of the total annual allotment of the State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State or by such units or combination, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

(2) Plan Requirement. The State shall:

(a) Indicate on Attachment A the amount of planning and administration funds to be utilized by the State and the amount of planning and administration funds to be utilized by units of general local government. Planning and administration funds shall not exceed 7½ percent of the total JJDP award and must be matched on a dollar for dollar basis. Cash match must be provided.

(b) Describe the formula and rationale to be used in making available on an equitable basis an appropriate amount of its JJDP planning and administration funds to units of general local government.

(c) List the local planning units and specify the amount of planning and administration funds to be made available to them.

(d) Describe the procedure used to make local planning units directly aware of their eligibility for JJDP planning and administration funds, and the SPA's timetable for *

announcement and award of JJDP local planning and administration funds.

e. Juvenile Justice Advisory Group.

(1) Act Requirement

(a) Section 223(a)(3) of the JJDP Act requires that the State Plan provide for the appointment of an advisory group by the chief executive of the State. Section 223(a)(3)(A) through (E) describes the eligibility criteria for membership and the overall composition of the juvenile justice advisory group which shall:

1 Consist of not less than twenty-one and not more than thirty-three persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice.

2 Include representation of units of local government, law enforcement, correction or probation personnel, and juvenile or family court judges and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments.

3 Include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice education or social services for children which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with specialized experience regarding the problem of learning disabilities; and organizations which represent employees affected by this Act.

4 Not have a majority of its members (including the chairperson) employed full-time with Federal, State or local government.

5 Have at least one-third of its members appointed to the board prior to their 26th birthday, at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system.

(b) Section 223(a)(3)(F) specifies the roles and responsibilities of the advisory group. The advisory group shall:

1 Participate in the development and review of the State's juvenile justice plan prior to submission to supervisory board for final action.

2 Consistent with the provisions of Title II of the JJDP Act, advise the State Planning Agency and the supervisory board.

3 Have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State Planning Agency other than those subject to review by the State's judicial planning committee established pursuant to Section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group and shall be given a role in:

a Monitoring State compliance with requirements of paragraph (12)(A) and paragraph (13).

b Advising on State Planning Agency and regional supervisory board composition.

c Advising on the State's maintenance of effort under Section 261(b) and Section 520(b) of the Crime Control Act, as amended.

d Reviewing the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State Plan.

e Advising the Governor and the legislature on matters related to its function.

(2) Plan Requirement. The State shall demonstrate that the provisions of Section 223(a)(3), related to the composition and roles and responsibilities of the advisory group, have been met by:

(a) Providing a list of all current advisory group members indicating their respective dates of appointment, and a description of how each current member meets the membership requirements specified in paragraph 52e(1).

(b) Indicating the roles, responsibilities and activities of the advisory group with respect to those duties listed in paragraph 52(e)(1)(b).

f. Advisory Group Allotment.

(1) Act Requirement. Section 222(e) of the JJDP Act requires that 5 percent of the minimum annual allotment to any State under Part B of the Act be available to assist the advisory group established under Section 223(a)(3). For purposes of computing the 5 percent allotment, the following procedures shall be used:

(a) Each State shall allocate $11,250 and the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands shall allocate $2,812.50. These funds are not to be part of the maximum 7½ percent monies set aside for planning and administration funds. The maximum 7½ percent funds for planning and administration is calculated on the total formula grant award.

(b) The funds allocated to the advisory groups may be used for such functions and responsibilities consistent with Section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them.

(c) The 5 percent allotment does not preclude the State from providing additional financial and technical assistance to the advisory groups. However, the provision of any additional funds for the advisory group shall be consistent with the approved JJDP Act Plan and must be from planning and administration monies unless the funded activities are of a program or project nature.

(2) Plan Requirement. Describe the steps taken to notify the advisory group of this requirement. The advisory group shall develop a plan for the utilization of these funds which, upon review by the State, shall be submitted as a part of the comprehensive plan. Indicate the amount of funds allocated to the advisory group.

g. Consultation with and Participation of Units of General Local Government.

(1) Act Requirement. Sections 223(a)(4) and (6) of the JJDP Act require that the State provide for active consultation with and participation of units of general local government, or combinations thereof, in the development of a State Plan which *

adequately takes into account the needs and requests of the units of general local government. Nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group. The State shall assign responsibility for the preparation and administration of the local government's part of a State Plan to that agency within the local government structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this Act and shall provide for supervision of the programs funded under this part by that local agency.

(2) Plan Requirement. The State shall provide assurance that:

(a) The Chief Executive Officer of a unit of general local government has assigned responsibility for the preparation and administration of its part of the State Plan.

(b) The State recognizes, consults with, and incorporates the needs of units of general local government into the State Plan.

h. Participation of Private Agencies.

(1) Act Requirement. Section 223(a)(9) of the JJDP Act requires in part that the State provide for the active consultation with and participation of private agencies in the development and execution of the State Plan.

(2) Plan Requirement. The State shall provide assurance that private agencies have been actively consulted and allowed to participate in the development and execution of the State Plan.

i. Pass-Through Requirement.

(1) Act Requirement. Section 223(a)(5) of the JJDP Act requires that at least 66 2/3 per centum of funds received by the State under Section 222, other than funds made available to the State Advisory Group under Section 222(e) shall be expended through:

(a) Programs of units of general local government insofar as they are consistent with the State Plan.

(b) Programs of local private agencies, to the extent such programs are consistent with the State Plan, except that *

direct funding of the local private agency by a State shall be permitted only if such agency requests funding after it has applied for and been denied funding by the cognizant unit of general local government or combination thereof.

(2) Plan Requirement. The State must specify the amount and percentage of funds to be passed through to units of general local government and local private agencies. Local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit of general local government or combination thereof.

(3) Inclusion and Compilation of Pass-Through. Formula grant funds made available to units of general local government by the State Planning Agency for planning and administration purposes, as well as program purposes, may be included in calculating the amount of funds to be expended through programs of units of general local government. Formula grant funds made available to private agencies for programs that are consistent with the State Plan, after the agency has been denied funding by a unit of general local government, shall also be included in compilation of the pass-through. In instances where funding is distributed directly by the State Planning Agency, a private agency need not first apply to a unit of general local government for funding. These funds can also be included as pass-through. In addition, if a unit of general local government receives pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local award if it funds the project.

(4) Waiver of Pass-Through Requirements. The Administrator of OJJDP is authorized to waive the pass-through requirement for any State upon making a determination that the State's services for delinquent or other youth are organized primarily on a statewide basis. Upon granting the waiver, the Administrator of OJJDP shall substitute a pass-through requirement representative of the proportion of services organized primarily on a statewide basis. In making the determination under this section, the Administrator of OJJDP will examine the State's total program of juvenile justice and delinquency prevention, including the entire range of available youth services. A request for waiver must be accompanied by a statement setting forth the following:

(a) The extent of implementation of juvenile justice and delinquency prevention programs at the State level and at the local level...

(b) The extent of financial responsibility for juvenile delinquency programs borne at the State level and at the local level.

(c) The extent to which services provided by the State or direct outlays by the State are made for or on behalf of local governments (as opposed to statewide services).

(d) The approval of the State Planning Agency Supervisory Board.

(e) Specific comments from local units of government which express their position regarding the waiver.

j. Rights of Privacy for Recipients of Services.

(1) Act Requirement. Section 223(a)(16) requires that the State shall provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State Plan.

(2) Plan Requirement. As set forth in Section 229 of the JJDP Act, the State shall provide documentation that procedures have been established to ensure that programs funded by LEAA and OJJDP shall not disclose program records containing the identity of individual juveniles except with the consent of the service recipient or legally authorized representative. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

k. Equitable Arrangements for Employees Affected by Assistance Under this Act.

(1) Act Requirement. Section 223(a)(17) requires that the State Plan provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act. The Act further specifies the provisions which must be included in such protective arrangements.

(2) Plan Requirement. The State must provide assurance that all terms and conditions for protective arrangements of employees affected by the JJDP Act are established. Terms and conditions needed to be established are found in Appendix 3.

1. Deinstitutionalization of Status Offenders and Non-Offenders.

(1) Act Requirement.

(a) Section 223(a)(12)(A) of the JJDP Act requires that within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(b) Section 223(a)(12)(B) of the JJDP Act provides that the State shall submit annual reports to the Administrator of OJJDP containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) of 223(a)(12) and a review of the progress made by the State to provide that juveniles, if placed in facilities, are placed in facilities which (1) are the least restrictive alternatives appropriate to the needs of the child and the community; (2) are in reasonable proximity to the family and home communities of such juveniles; and (3) provide the services described in Section 103(1) of the JJDP Act.

(c) Section 223(c) of the JJDP Act states that failure to achieve compliance with Section 223(a)(12)(A) within the three-year time limitation shall terminate any State's eligibility for formula grant funds unless the LEAA Administrator, with the concurrence of the Administrator of OJJDP, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.

(2) Status offenders are juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult. Further classification defining this term for purposes of monitoring and reporting, as required in Section 223(a)(12)(B) and 223(a)(14) of the Act, can be found in "Status Offenders: A Working Definition," published under an OJJDP grant by the Council of State Governments.

(3) Plan Requirement.

(a) Describe in detail the State's specific plan, procedure, and timetable for assuring that within three years of the date of its initial plan submission, that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(b) This plan must also include a description of the barriers, including financial, legislative, judicial and administrative, faced by the State in achieving full compliance with the provisions of this paragraph.

(c) All barriers discussed in 52 l(3)(b) shall be accompanied by a description of the technical assistance needed to overcome these barriers. The description of technical assistance needs shall include the recipient's name and the type of technical assistance needed.

(d) Reports required under Section 223(a)(12)(B) of the JJDP Act shall be submitted as part of the annual monitoring report required by paragraph 52n.

m. Contact with Incarcerated Adults.

(1) Act Requirement. Section 223(a)(13) of the JJDP Act requires that juveniles alleged to be or found to be delinquent, and youths within the purview of Section 223(a)(12)(A), shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

(2) Purpose. This provision is intended to assure that juveniles alleged to be or found to be delinquent, status offenders and non-offenders, if detained or confined in jails, lockups, detention or correctional facilities, shall not have regular contact with adult inmates, including inmate trustees.

(3) Implementation. The requirement of this provision is to be planned and implemented immediately by each State in light of the constraints on immediate implementation to be described below. In addition, OJJDP encourages states to implement programs and procedures resulting in total separation of juveniles from adults, consistent with Section 223(a)(10)(H) of the JJDP Act.

(4) Regular Contact. The State Plan must provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. This prohibition against "regular contact" permits no more than haphazard or accidental contact between juveniles and incarcerated adults so as to effect absolute separation.

(5) Plan Requirement.

(a) Describe in detail the State's specific plan and procedure for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they could have regular contact with incarcerated adults. In addition, a specific timetable for compliance shall be included. Any deviation from a previously approved timetable shall be justified.

(b) In those isolated instances where juvenile criminal type offenders remain confined in adult facilities or facilities where adults are confined, the State must set forth in detail the procedures for assuring no regular contact between such juveniles and adults for each jail, lockup and detention and correctional facility.

(c) Describe the barriers, including physical, judicial, fiscal, and legislative which may need to be altered to permit the removal and separation of juveniles alleged to be or found to be delinquent, status offenders and non-offenders, from incarcerated adults in any particular jail, lockup, detention or correctional facility. The State must submit a plan for removing these constraints so that the various institutions can comply with the provisions of the JJDP Act.

(d) All barriers discussed in 52m(5)(c) shall be accomplished by a description of the technical assistance needed to overcome these barriers. The description of technical assistance needs shall include the recipient's name and the type of technical assistance needed.

(e) The State must assure that juveniles alleged to be or found to be delinquent are not reclassified as adults in order to avoid the intent of segregating adults and juveniles in correctional facilities.

n. Monitoring of Jails, Detention Facilities, and Correctional Facilities.

(1) Act Requirement. Section 223(a)(14) requires that the State shall provide for an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure facilities to insure that the requirements of paragraph (12)(A) and paragraph (13) are met, and for annual reporting of the results of such monitoring to the OJJDP Administrator.

(2) For purposes of monitoring, a juvenile detention or correctional facility is:

(a) any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders; or

(b) any public or private facility used primarily (more than 50 percent of the facilities population during any consecutive 30-day period) for the lawful custody of accused or adjudicated criminal type offenders, even if the facility is non-secure; or

(c) any public or private facility that has the bed capacity to house 20 or more accused or adjudicated juvenile offenders or non-offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders or non-offenders, or is community-based; or

(d) any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted criminal offenders.

(3) Plan Requirement

(a) The State shall indicate how it plans, on an annual basis, to identify all juvenile detention and correctional facilities which can be used for the detention and confinement of juvenile offenders and adult criminal offenders. This includes those facilities owned and/or operated by public and private agencies.

(b) The State shall provide a plan for an annual on-site inspection of juvenile detention and correctional facilities and facilities which can be used for the detention and confinement of juvenile offenders and adult criminal offenders identified in paragraph 52n(3)(a).

Such plan shall include the procedure for reporting and investigating compliance complaints with Sections 223(a)(12) and (13).

(c) The State shall present a list of facilities identified under paragraph 52n(3)(a), a brief description of the facility, and the agency responsible for the on-site inspection.

(d) The State shall include a description of the technical assistance needed to fully implement the provisions of paragraph 52n.

(4) Reporting Requirement. The State shall make an annual report to the Administrator of OJJDP on the results of monitoring for both Sections 223(a)(12) and (13) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year. The monitoring report must indicate the results of monitoring for both Sections 223(a)(12) and (13) of the JJDP Act and demonstrate the extent of the State's compliance with its plan, procedure and timetable for the implementation of these sections of this Act.

(a) To demonstrate the extent of the State's compliance with Section 223(a)(12)(A) of the JJDP Act, the report must include the following information for both the baseline and the current reporting periods.

1 Dates of baseline and current reporting period.

2 Total number of public and private juvenile detention and correctional facilities and the number inspected on-site.

3 Total number of accused status offenders and non-offenders who were held in any correctional, detention or secure facility as defined in paragraph 52n(2) for longer than 24 hours.

4 Total number of adjudicated status offenders and non-offenders held in any correctional, detention or secure facility as defined in paragraph 52n(2).

(b) To demonstrate the progress and extent of the State's compliance with Section 223(a)(13) of the JJDP Act, the report must include the following information for both the baseline and the current reporting periods.

1 Date designated as to when full compliance will be achieved.

2 Total number of facilities which can be used for the secure detention and confinement of both juvenile offenders and adult offenders.

3 Total number of facilities which were used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months.

4 Total number of facilities which were used for the secure detention and confinement of both juvenile offenders and adult criminal offenders inspected on-site and by whom.

(c) To demonstrate compliance with Section 223(a)(12)(B) of the JJDP Act, the report must include the number of accused and adjudicated non-offenders who are placed in facilities which are not in their home community and are the least restrictive appropriate alternative.

(5) Compliance. It is incumbent on a State to demonstrate that it has achieved compliance with Sections 223(a)(12)(A) and (13) of the Act. Should a State fail to demonstrate substantial compliance by the end of the three-year time frame, their eligibility for formula grant funding shall terminate.

o. Detailed Study of Needs and Utilization of Existing Programs.

(1) Act Requirement. Sections 223(a)(8) and 223(a)(9) of the JJDP Act require that the State set forth a detailed study of the State needs for an effective, comprehensive approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. The State is also required to provide an itemized cost for the development and implementation of programs to meet these needs. Further, the State shall provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State.

(2) Plan Requirement.

(a) Detailed Study. The State shall conduct a detailed study of the juvenile justice system. This study shall be summarized in the plan and include: an analysis of the juvenile crime for Part I offenses and an analysis *

of the status offenses and non-offenses such as dependency and neglect; a listing and analysis of problems confronting the juvenile justice system; a description of the existing juvenile justice system; and a listing of the available resources to meet the delinquency and juvenile justice problems which confront the State and its sub-units. These requirements correspond to the process described in paragraph 34, 35, 36, 37 and 39 of M 4100.1F. The end product shall be a series of PRIORITIZED problem statements which reflect an analysis of the data, monitoring reports and requirements of the JJDP Act. The PRIORITIZED problem statements shall be the basis for the development of the Annual Action Program. The Juvenile Annual Action Programs shall follow the format described in paragraph 42 of M 4100.1F.

(b) Utilization of Programs. The State shall provide a brief description of all existing PROGRAMS in the State for youth and how the activities of these programs are, or will be, coordinated. A program is defined as a major grouping or classification of projects designed to reach the same objective.

p. Equitable Distribution of JJ Funds and Assistance to Disadvantaged Youth.

(1) Act Requirement. Sections 223(7) and (15) require that the State shall provide for an equitable distribution of funds received under Section 222 within the State, and that equitable assistance be available to disadvantaged youth, particularly females, minority youth, and mentally retarded or emotionally handicapped youth.

(2) Plan Requirement. The State shall provide assurance that:

(a) Procedures developed by the State to insure equitable distribution of JJDP Act formula grant money are adhered to.

(b) The needs of disadvantaged youth have been analyzed in the Detailed Study of Needs and that assistance will be available on an equitable basis. All subgrantees and contractors shall comply with General Grant Conditions and assurances regarding non-discrimination. See Appendix 4.

(c) The State has developed and adheres to procedures by which grievances relating to equitable distribution of funds and equitable assistance to disadvantaged youth may be filed and considered.

q. Standards and Priorities for Juvenile Justice and Delinquency Prevention.

(1) Act Requirement. Section 102(a)(5) establishes that one of the purposes of the Act is to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary and legislative action at the Federal, State and local levels to facilitate adoption of Standards.

(2) Plan Requirement.

(a) Description of Standards. The State shall provide either a copy of the State's JJ Standards or reference to the document which contains those Standards.

(b) Standards Development Process. The State shall describe the processes it has used or will use to develop, adopt and disseminate State JJ Standards and indicate the role of the Juvenile Justice Advisory Group in these activities. Included in the Standards development process must be a review and consideration of the Standards recommended pursuant to Section 247 of the JJDP Act.

(c) Establishment of Implementation Priorities. The State shall identify the Standards which have been established as priority areas for implementation. Describe the process by which these priorities were or will be established and the Juvenile Justice Advisory Group's role in that process. Indicate what action is being taken by the State to implement those Standards in this year's Annual Action Program.

r. Advanced Techniques.

(1) Act Requirement. Section 223(a)(10) of the JJDP Act requires that not less than 75 percent of the funds available to the States under Section 222, other than funds made available to the State Advisory Group under Section 222(e), whether expended directly by the State, by the unit of general local government, or a combination thereof, or through contracts or grants with public or private agencies, shall be used for advanced techniques such as those described in Section 223(a)(10), as well as those used in developing, maintaining and expanding

programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to improve services and protect the rights of juveniles affected by the juvenile justice system.

(2) Plan Requirement. The State must clearly demonstrate in its Plan that at least 75 percent of the juvenile justice and delinquency prevention funds shall be used for projects which are designed to deinstitutionalize juveniles, separate juvenile and adult offenders, monitoring, and advocacy programs aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system.

s. Analytical and Training Capacity.

(1) Act Requirement. Section 223(a)(11) and (20) require that the State develop an adequate research, training and evaluation capacity and provide a review of the comprehensive plans, at least annually, to be submitted to the Administrator of OJJDP. The review shall include an analysis and evaluation of the effectiveness of the program and activities carried out under the Plan, and any modifications in the Plan, including the survey of State and local needs which it considers necessary.

(2) Plan Requirement.

(a) The State shall indicate its capacity to conduct research, training and evaluation.

(b) The State shall provide an analysis of the effectiveness of the Plan it submitted two years ago. This analysis shall include a listing of the goals and objectives of the JJDP programs funded in the Plan to be analyzed, and the progress the State has made in attaining these goals and objectives.

t. Continuation Support.

(1) Act Requirement. Section 228(a) of the JJDP Act states that, in accordance with criteria established by the Administrator of OJJDP, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

(2) Plan Requirement.

(a) The State shall provide assurances that all programs that receive a satisfactory yearly evaluation shall continue to receive financial assistance at the same level as their initial application.

(b) Termination. An award may be terminated if:

1 the level of Federal funding to the State under the JJDP Act is decreased materially, or

2 the applicant fails to comply with the terms and conditions of the award, or

3 the applicant fails to receive a satisfactory yearly evaluation.

(c) Satisfactory Yearly Evaluation. For purposes of this section, the term "satisfactory yearly evaluation" shall refer to a project meeting its approved goals and objectives. Project goals and objectives should be consistent with the goals and objectives of the program from which it is funded.

u. Other Terms and Conditions.

(1) Act Requirement. Section 223(a)(21) states that the State plan shall contain other conditions and terms which the Administrator of OJJDP may reasonably prescribe to assure the effectiveness of programs supported by JJDP Act funds.

(2) Plan Requirement. States shall provide a list of all delinquency projects funded under the prior year's approved plan. This includes projects funded with JJDP funds as well as Crime Control maintenance of effort funds. This list shall include the project title, a brief summary and the level of funding.

The crucial difference between evaluation and monitoring is that monitoring is designed to measure outputs, whereas evaluation is designed to determine the extent to which those outputs resulted from the project or program or can be attributed directly to the program or project. Intensive evaluation, unlike monitoring, is not required on all projects. The SPA shall decide which programs or projects to evaluate, but must conduct some intensive evaluations. Such evaluation must incorporate sound evaluation methodologies including, for example, experimental designs developed prior to project implementation, control groups, and independent data collection and analysis.

3. DEFINITION OF A PRIVATE AGENCY RELATING TO PAR. 52(h). REQUIREMENTS FOR SPA'S WHICH PARTICIPATE IN JJDP ACT PROGRAMS.

(a) Definition of Private Agency. A private non-profit agency, organization or institution is defined as any corporation foundation, trust, association, cooperative, accredited institution of higher education, and any other agency, organization or institution which is operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervison or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

4. DEFINITIONS RELATING TO PAR. 52. SPECIAL REQUIREMENTS FOR PARTICIPATION IN FUNDING UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(a) Juvenile Offender - an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(b) Criminal-type Offender - a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(c) Status Offender - a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(d) Non-offender - a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(e) Accused Juvenile Offender - a juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(f) Adjudicated Juvenile Offender - a juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(g) Facility - a place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(h) Facility, Secure - one which is designed and operated so as to ensure that all entrances and exists from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(i) Facility, Non-secure - a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(j) Community-based - facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

(k) Lawful Custody - the exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(l) Exclusively - as used to describe the population of a facility, the term "exclusively" means that the facility is used only for a specifically described category of juvenile to the exclusion of all other types of juveniles.

(m) Criminal Offender - an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

ATTACHMENT C

LEAA FORM 1321/8 (9-72)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TO : OCJP Staff
OJJDP Staff

DATE: January 6, 1978

FROM : Office of Criminal Justice Programs
Office of Juvenile Justice and Delinquency Prevention

SUBJECT: Coordination of OJJDP/OCJP Juvenile Justice Related Grant Activities

The following procedures are established to coordinate juvenile justice grant related activities undertaken by the Office of Criminal Justice Programs (OCJP) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and to comply with the juvenile justice mandates both of the Crime Control Act and the Juvenile Justice and Delinquency Prevention Act.

1. Juvenile Justice and Delinquency Prevention Formula Grants (FY 1975 and onward).

   a. All requests for action relating to JJDP formula grants will be processed in their entirety by the Office of Juvenile Justice and Delinquency Prevention. Any requests pertaining to JJDP formula grants received by OCJP shall be forwarded directly to OJJDP.

   b. Information copies of all actions taken by OJJDP with regard to the JJDP formula grant program will be forwarded to OCJP.

   c. OJJDP shall be responsible for the monitoring of projects funded with JJDP formula grant funds.

2. Crime Control Act Block Grants (FY 1977 and onward).

   a. Part B Planning Grants.

      (1) Clearance of JJDP-Imposed Special Conditions. SPA requests for the retirement of special conditions will be screened by OCJP Criminal Justice Assistance Divisions (CJADs) to ascertain whether or not the SPA response pertains to an OJJDP imposed condition. Those requests which address an OJJDP imposed special condition will be forwarded to OJJDP for review. OJJDP will initiate a memorandum stating whether or not the special condition has been satisfied. The memorandum will take the form of

a concurrence or non-concurrence. Upon receipt of a concurrence memorandum, OCJP will execute the necessary Grant Adjustment Notice (GAN). Upon receipt of a non-concurrence memorandum, OCJP will initiate follow-up action with the SPA to remedy the deficiencies stated in the memorandum of non-concurrence. No JJDP special conditions shall be cleared without the concurrence of OJJDP.

(2) Juvenile Justice Representation on the SPA Supervisory Board. No Part B awards shall be made by OCJP without OJJDP concurrence. This concurrence will be based upon:

(a) Adequate juvenile justice staffing in the SPA.

(b) Adequate juvenile justice representation on the SPA Supervisory Board.

b. Part C and Part E Block Action Grants.

(1) Clearance of OJJDP Imposed Special Conditions. (Same procedures as 2a(1) above.)

(2) Grant Adjustment Requests. Once it has been determined by OCJP/CJAD that a grant adjustment request (GAR) has an impact on the requirements of Section 520(b) of the Crime Control Act (maintenance of effort), that request will be forwarded to OJJDP. OJJDP will review the GAR and initiate a concurrence/non-concurrence memorandum. The memorandum will state briefly the rationale for the concurrence or non-concurrence. Upon receipt of the OJJDP memorandum, OCJP will execute the necessary Grant Adjustment Notice (GAN) or follow-up action with the SPA if there is a non-concurrence. No GAN impacting on Section 520 of the Act will be approved without the concurrence of OJJDP.

3. Discretionary Grants.

a. All FY 1978 applications for discretionary grant funds administered by OCJP which have a juvenile justice component will be reviewed and commented upon by OJJDP.

b. OCJP shall monitor, and where necessary terminate and close out, those juvenile justice grants funded with Parts C, E, or technical assistance discretionary funds prior to FY 1978.

c. For FY 1979 and onward, OJJDP will review and comment on the development of all OCJP discretionary grant programs which have a juvenile justice component.

4. General OCJP/OJJDP Policy. It is the policy of OCJP and OJJDP that all OCJP programs and projects with juvenile justice components will be administered in accordance with the policy established by the Office of Juvenile Justice and Delinquency Prevention.

J. Robert Grimes
Assistant Administrator

John M. Rector
Associate Administrator

cc: Administrator
Office of General Counsel
Comptroller

ATTACHMENT D

The following are standard special conditions which were added to all State OJJDP Act Plans:

(1) Grantee is advised that approval of this plan does not constitute acceptance of any juvenile justice part thereof for multi-year approval pursuant to Guideline Manual M 4100.1F, Paragraph 32.

(2) This award of funds is subject to any additional requirements which may be placed upon OJJDP and the State by the Juvenile Justice and Delinquency Prevention Act of 1977. The grantee agrees to prepare and submit to OJJDP any necessary modifications to this award to comply with any such additional requirements.

(3) Within 60 days from date of award the SPA will develop and supply for OJJDP's review and approval the specific monitoring format which will be used in the effort to determine compliance with Sections 223a(12) and (13) of the Juvenile Justice and Delinquency Prevention Act. This format must (at a minimum) establish monitoring procedures to do the following:

A. Determine whether each State, local or private facility is a juvenile detention or correctional facility be asserting whether:

(1) the facility is secure.

(2) the majority of the residents are characterized as criminal-type offenders.

(3) the facility has held criminal offenders during the past year.

(4) the facility has 20 or more beds, and does not exclusively house status offenders, or is not community-based.

B. If a facility is determined to be a juvenile detention or correctional facility, the monitoring effort must provide the following for each facility to determine compliance with Section 223a(12):

(1) Total number of juvenile offenders and non-offenders admitted to the facility during the report period.

(2) Number of accused status offenders and non-offenders held 24 hours or more in the facility during the report period.

(3) Number of adjudicated status offenders or non-offenders held in the facility during the report period.

(4) How the data was obtained.

C. Determine whether each facility should be monitored in regard to compliance to Section 223a(13) by asserting whether the facility can be used for the secure detention and confinement of juvenile offenders and adult criminal offenders.

D. If it is determined a facility should be monitored in regard to compliance to Section 223a(13), the following should be provided:

(1) Total number of juvenile offenders and non-offenders admitted to the facility during the report period.

(2) Average length of stay of juvenile offenders and non-offenders admitted to the facility during the report period.

(3) Indication of the degree of separation in each of the following areas by a) sight only, b) sound only, c) sight and sound, d) no separation, e) area does not exist.

(a) admissions

(b) living

(c) dining

(d) recreational

(e) educational

(f) vocational

(g) transportation

(h) health

(4) Does the facility utilize adult trustees for the supervision of juveniles?

(5) Constraints on compliance for each facility.

(6) Indication as to how constraints will be removed for each facility.

(7) How was the data obtained?

E. For inspection of each facility the following information should be recorded:

(1) Date of last inspection

(2) Was the facility in compliance with 223a(12) at that time?

(3) Was the facility in compliance with 223a(13) at that time?

(4) Legal authority to conduct inspection.

(5) Who conducted the inspection?

(6) Date of current inspection.

4. Prior to the expenditure of funds for Juvenile Justice programs, the grantee will submit to LEAA/OJJDP for review and approval a revised Attachment A, Multi-Year Plan, and Annual Action Programs which reflect the actual allocation of Crime Control Act fiscal year 1978 funds to be used by the State of (name) for Juvenile Justice programs.

OJJDP Facility Monitoring Survey

PLEASE READ THE DEFINITIONS AND INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM PRIOR TO RECORDING THE INFORMATION.

REMOVAL OF STATUS OFFENDERS — If the answer to any of the questions 3 through 6 is "yes" please complete questions 7 through 10 and 26 through 31.

SEPARATION OF JUVENILES AND ADULTS — If the answer to question 11 is "yes" please complete questions 12 through 31.

Indicate the degree of separation in each of the areas below by: [illegible]

INSPECTION OF FACILITIES

No.	Column heading
1	Facility Identifier — Name; Location; Ownership
2	Base Reporting Period — Initial Plan; Comparison Plan
3	CLASSIFICATION OF FACILITY — Is the facility secure: (1) Yes, (2) No
4	Are the majority of the residents characterized as criminal type offenders: (1) Yes (2) No
5	Has the facility held criminal offenders during the past year: (1) Yes (2) No
6	Does the facility have 20 or more beds, and: is not exclusively status offenders, or is not community based (1) Yes (2) No
7	COMPLIANCE INFORMATION — Total number of juvenile offenders and nonoffenders admitted to the facility during the report period.
8	Number of accused status offenders and nonoffenders held 24 hours or more in the facility during the report period.
9	Number of adjudicated status offenders or nonoffenders held in the facility during the report period.
10	How was data obtained: [illegible]
11	CLASSIFICATION OF FACILITY — Can the facility be used for the secure detention and confinement of juvenile offenders and adult criminal offenders: (1) Yes, (2) No
12	COMPLIANCE INFORMATION — Total number of juvenile offenders and nonoffenders admitted to the facility during the report period.
13	Average length of stay of juvenile offenders and nonoffenders admitted to the facility during the report period.
14	Admissions
15	Sleeping
16	Dining
17	Recreational
18	Educational
19	Vocational
20	Transportation
21	Health
22	Does the facility utilize adult trustees for the supervision of juveniles: (1) Yes, (2) No
23	Constraints on compliance: [illegible]
24	How will constraints be removed: [illegible]
25	How was data obtained: [illegible]
Mo. Day Yr.	Date of last inspection.
27	Was the facility in compliance with 223 (a) (12) at that time: (1) Yes, (2) No
28	Was the facility in compliance with 223 (a) (13) at that time: (1) Yes, (2) No
29	Legal authority to conduct the inspection: [illegible]
30	Who conducted the inspection: [illegible]
Mo. Day Yr.	Date filled out.
	Signature of Person Certifying Data — Name; Title

Instructions

The purpose of this survey is to identify and provide information on those residential facilities which are classified as juvenile detention and correctional facilities under the 1974 Juvenile Justice and Delinquency Prevention Act. The information requested here is limited to that necessary for determining compliance with section 223(a) (12) (13) (14) of the Act and will be used exclusively for that purpose.

The terms utilized in this survey form are defined in the LEAA Guideline Manual for State Planning Agencies (M 4100.1 F chg - 1) issued on May 22, 1979. These definitions are repeated here for convenience in completing the form.

Any area facility cleared for each fiscal year subsequently should be provided for the best reporting period in both the year of initial plan submission and the year of compliance plan submission. No information is required in the shaded area.

The survey is divided into four sections. The first section assesses the removal of status offenders required by section 223(a) (12) of the Act. If the answer to any of the questions 2 through 6 is "yes" then the facility is classified as a juvenile detention and correctional facility under the Act. In such case, questions 7 through 10 must be completed.

The second section measures the separation of juveniles and adults in secure facilities as required under section 223(a) (13) of the Act. If the answer to question 11 is "yes" then questions 12 through 25 must be completed.

The third section assesses the inspection requirements of section 223 (a) (14) of the Act. Questions 26 through 31 must be completed for each facility which is required to report under section 223(a) (12) or (13) of the Act.

The fourth section requires the signature and title of the person certifying that the data contained for the facility is accurate.

Definitions

JUVENILE DETENTION OR CORRECTIONAL FACILITY

(a) *Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or*

(b) *Any public or private facility used primarily (more than 50 percent of the facility's population during any consecutive 30-day period) for the lawful custody of accused or adjudicated criminal-type offenders even if the facility is nonsecure; or*

(c) *Any public or private facility that has the bed capacity to house 20 or more accused or adjudicated juvenile offenders or nonoffenders, even if the facility is nonsecure, unless used exclusively for the lawful custody of status offenders or nonoffenders, or is community-based; or*

(d) *Any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or committed criminal offenders.*

FACILITY - *a place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.*

FACILITY, SECURE - *one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the persons being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.*

FACILITY, NONSECURE - *a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.*

COMMUNITY-BASED - *facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.*

JUVENILE OFFENDER - *an individual subject to the exercise of judicial court jurisdiction for the purposes of adjudication and treatment based on age and offense limitations as defined by State Law.*

CRIMINAL-TYPE OFFENDER - *a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.*

STATUS OFFENDER - *a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. See page 116-121 of the LEAA Guideline Manual for State Planning Agency Grants M4100.1 E for detailed explanation of status offender.*

NONOFFENDER - *a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.*

ACCUSED JUVENILE OFFENDER - *a juvenile with respect to which a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.*

ADJUDICATED JUVENILE OFFENDER - *a juvenile with respect to which the juvenile court has determined that such juvenile is a status offender or a criminal-type offender.*

CRIMINAL OFFENDER - *an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.*

EXCLUSIVELY - *as used to describe the population of a facility, the term "exclusively" means that the facility is used only for a specifically described category of juveniles to the exclusion of all other types of juveniles.*

LAWFUL CUSTODY - *the exercise of care, supervision and control over a juvenile offender or nonoffender pursuant to the provisions of the law or of a judicial order or decree.*

PRIVATE AGENCY: *A private nonprofit agency, organization or institution is defined as any corporation foundation, trust, association, cooperative, unincorporated association or institution, and any other agency, organization or institution which is operated primarily for scientific, educational, service, charitable, or similar public purpose, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c) (3) of the 1954 Internal Revenue Code.*

1. **Facility Identifier**
   Enter the name, city, and ownership of the facility for which information is being recorded. Ownership should be recorded as public or private only.

2. **Base Reporting Period**
   Enter the period of time for which information is being recorded during the year of initial plan submission and the year of compliance plan submission.

   Removal of Status Offenders
   If the answer to any of the questions 3 through 6 is "yes" then the facility is classified as a juvenile detention or correctional facility for purposes of monitoring. In such case, questions 7 through 10 must be completed for each facility.

3. Is the facility secure:
   Enter the appropriate code.

4. Are the majority of the residents characterized as criminal-type offenders:
   Code "1" (yes) if more than 50 percent of the facility's population were criminal-type offenders during any consecutive 30-day period during the past year.

5. Has the facility held any criminal offenders during the past year:
   Enter the appropriate code.

6. Does the facility have 20 or more beds, and: is not exclusively status offenders, or is not community-based:
   Enter the appropriate code. The current operational capacity of the facility should be utilized where it is different than the designed capacity. Operational capacity is that which has been determined for day to day operations and typically the result of administrative policy, licensing or life safety inspection, court order, or legislative restriction.

   A facility with 20 or more beds is classified as a juvenile detention and correctional facility unless it is used exclusively for status and nonoffenders or is community-based. In other words, if the facility has 20 or more beds and is used exclusively for status or nonoffenders, answer "no." If the facility has 20 or more beds and is community-based, answer "no."

7. Total number of juvenile offenders and nonoffenders admitted to the facility during the report period:
   Enter the appropriate code.

8. Number of accused status offenders and nonoffenders held 24 hours or more in the facility during the report period:
   Write in the number of accused status offenders and nonoffenders held 24 hours or more in the facility during the report period. This number should not include (1) accused status offenders or nonoffenders held less than 24 hours following initial police custody, or (2) accused status offenders or nonoffenders held less than 24 hours following initial court appearance.

   The 24 hour period should not include nonjudicial days. This provision is meant to accommodate weekends and holidays only.

   Where a juvenile is admitted on multiple offenses, the most serious offense should be utilized as the official offense for purposes of monitoring compliance.

9. Number of adjudicated status offenders or nonoffenders held in the facility during the report period:
   Write in the number of adjudicated status offenders or nonoffenders held in the facility during the report period.

   Where a juvenile is admitted on multiple offenses, the most serious offense should be utilized as the official offense for purposes of monitoring compliance.

10. How was data obtained:
    Enter the appropriate code describing the organization which collected the information concerning section 223(a) (12) removal of status offenders.

    Separation of Juveniles and Adults
    If the answer to question 11 is "yes" then the facility must comply with the separation requirements under section 223(a) (13) of the Act. In such case, questions 12 through 23 must be completed for each facility.

11. Can the facility be utilized for the secure detention and confinement of juvenile offenders and adult criminal offenders:
    Enter the appropriate code.

12. Total number of juvenile offenders and nonoffenders admitted to the facility during the report period:
    Enter appropriate code.

13. Average length of stay of juvenile offenders and nonoffenders admitted to the facility during the report period:
    Write in the average length of stay in the nearest day. Average length of stay should be figured by dividing the total number of resident days during the report period by the total number of admissions during the report period.

14. Admissions
    Enter the appropriate code indicating the degree to which separation is achieved in the admissions area of the facility. Separation may be established through architectural design or time phasing use of the area to prohibit simultaneous use by juveniles and adults.

15. Sleeping
    Enter the appropriate code indicating the degree to which separation is achieved in the sleeping area of the facility.

16. Dining
    Enter the appropriate code indicating the degree to which separation is achieved in the dining area of the facility.

17. Recreational
    Enter the appropriate code indicating the degree to which separation is achieved in the recreational area of the facility.

18. Educational
    Enter the appropriate code indicating the degree to which separation is achieved in the educational area of the facility.

19. Vocational
    Enter the appropriate code indicating the degree to which separation is achieved in the vocational area of the facility.

20. Transportation
    Enter the appropriate code indicating the degree to which separation is achieved in the transportation of juveniles and adults.

21. Health
    Enter the appropriate code indicating the degree to which separation is achieved in the medical or dental area of the facility.

22. Does the facility utilize adult trustees for the supervision of juveniles:
    Enter the appropriate code.

23. Constraints on compliance:
    Enter the code which indicates the major constraint impeding the family's compliance with section 223(a) (13).

24. How will constraints be removed:
    Enter the code which indicates the major strategy to be utilized in removing the major constraint to compliance with section 223 (a) (13).

25. How was data obtained:
    Enter the appropriate code describing the organization which collected the information concerning section 223(a) (13) separation of juveniles and adults.

    Inspection of Facilities
    Questions 26 through 31 concerning inspection and reporting must be completed for each facility required to report under section 223(a) (12) or (13).

26. Date of last inspection:
    Enter the date that the facility was last inspected for purposes of ascertaining compliance with 223(a) (12) or (13). If this is the first inspection enter today's date.

27. Was the facility in compliance with 223(a) (12) at that time:
    Enter the appropriate code which indicates if 75% compliance was achieved during the first three years and full compliance during the fourth and fifth year following the submission of the initial state plan.

28. Was the facility in compliance with 223(a) (13) at that time:
    Enter the appropriate code which indicates if full compliance was achieved at the time of the last inspection.

29. Legal authority to conduct the inspection:
    Enter the code which describes the legal authority under which the facility is inspected each year.

30. Who conducted the inspection:
    Enter the code which describes the agency who conducted the last inspection.

31. Date filled out:
    Enter the day, month and year that the information was recorded for this facility.

    Signature of Person Certifying Data
    The individual certifying the data on this format should sign his/her name on this line and type his/her name and title immediately below.

ATTACHMENT E

STATE MONITORING FORMAT

A. GENERAL INFORMATION

NAME AND ADDRESS OF STATE MONITORING AGENCY

_____

_____

_____

DATE OF INITIAL PLAN SUBMISSION (IPS) _____

DATE OF COMPLIANCE PLAN SUBMISSION (CPS) _____

BASE REPORTING PERIOD _____

B. REMOVAL OF STATUS OFFENDERS

TOTAL NUMBER OF PUBLIC AND PRIVATE JUVENILE DETENTION AND CORRECTIONAL FACILITIES.

IPS _____

CPS _____

TOTAL NUMBER OF JUVENILE OFFENDERS AND NONOFFENDERS ADMITTED TO PUBLIC AND PRIVATE JUVENILE DETENTION AND CORRECTION FACILITIES DURING THE REPORT PERIOD.

IPS _____

CPS _____

TOTAL NUMBER OF ACCUSED STATUS OFFENDERS AND NONOFFENDERS HELD 24 HOURS OR MORE IN PUBLIC AND PRIVATE JUVENILE DETENTION AND CORRECTIONAL FACILITIES DURING THE REPORT PERIOD.

IPS _____

CPS _____

TOTAL NUMBER OF ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN

PUBLIC AND PRIVATE JUVENILE DETENTION AND CORRECTIONAL FACILITIES DURING THE REPORT PERIOD.

IPS _____

CPS _____

WHO COLLECTED THE COMPLIANCE INFORMATION FOR SECTION 223 (a) (12).

REGIONAL PLANNING UNIT _____

STATE PLANNING AGENCY _____

STATE CORRECTIONAL AGENCY _____

STATE SOCIAL SERVICE AGENCY _____

STATE LIFE SAFETY AGENCY _____

COURTS _____

FACILITY SELF-REPORT _____

PRIVATE CONTRACTOR _____

OTHER _____

C. SEPARATION OF JUVENILES AND ADULTS

TOTAL NUMBER OF FACILITIES WHICH CAN BE USED FOR THE SECURE DETENTION AND CONFINEMENT OF JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS.

IPS _____

CPS _____

TOTAL NUMBER OF JUVENILE OFFENDERS AND NONOFFENDERS ADMITTED TO FACILITIES WHICH CAN BE USED FOR THE SECURE DETENTION AND CONFINEMENT OF JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE REPORT PERIOD.

IPS _____

CPS _____

AVERAGE LENGTH OF STAY OF JUVENILE OFFENDERS AND NONOFFENDERS ADMITTED TO FACILITIES WHICH CAN BE USED FOR THE SECURE DETENTION AND CONFINEMENT OF JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE REPORT PERIOD.

IPS _____

CPS _____

HOW MANY OF THESE FACILITIES DO NOT PROVIDE AN ADEQUATE SEPARATION BETWEEN JUVENILES AND ADULTS.

IPS _____

CPS _____

INADEQUATE ADMISSIONS AREA.

IPS _____

CPS _____

INADEQUATE SLEEPING AREA.

IPS _____

CPS _____

INADEQUATE DINING AREA.

IPS _____

CPS _____

INADEQUATE RECREATIONAL AREA.

IPS _____

CPS _____

INADEQUATE EDUCATIONAL AREA.

IPS _____

CPS _____

INADEQUATE VOCATIONAL AREA.

IPS _____

CPS _____

INADEQUATE TRANSPORTATION.

IPS _____

CPS _____

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INADEQUATE HEALTH AREA.

IPS _____

CPS _____

TOTAL NUMBER OF JUVENILE OFFENDERS AND NONOFFENDERS WHO ARE NOT ADEQUATELY SEPARATED.

IPS _____

CPS _____

HOW MANY OF THESE FACILITIES UTILIZE ADULT TRUSTEES FOR THE SUPERVISION OF JUVENILES.

IPS _____

CPS _____

TOTAL NUMBER OF JUVENILE OFFENDERS AND NONOFFENDERS WHO ARE SUPERVISED BY ADULT TRUSTEES.

IPS _____

CPS _____

DESCRIBE THE ASSURANCES THAT JUVENILES ALLEGED TO BE OR FOUND TO BE DELINQUENT ARE NOT RECLASSIFIED AS ADULTS IN ORDER TO AVOID THE INTENT OF SEGREGATING ADULTS AND JUVENILES IN CORRECTIONS FACILITIES.

WHAT ARE THE CONSTRAINTS ON COMPLIANCE WITH SEPARATION IN THESE FACILITI

LACK OF FUNDS _____

LEGISLATIVE RESTRICTIONS _____

COMMUNITY RESISTANCE _____

ADMINISTRATIVE RESTRICTIONS _____

COURT RESTRICTIONS _____

PHYSICAL RESTRICTIONS _____

OTHER _____

HOW WILL THE RESTRICTIONS BE REMOVED IN THESE FACILITIES.

LICENSING SANCTION _____

COURT ACTION _____

FUNDING RESTRICTION _____

FUNDING INCENTIVE _____

NEW LEGISLATION _____

COMMUNITY EDUCATION _____

PHYSICAL RENOVATION _____

OTHER _____

WHO COLLECTED THE COMPLIANCE INFORMATION FOR SECTION 224 (a) (13).

REGIONAL PLANNING UNIT _____

STATE PLANNING AGENCY _____

STATE CORRECTIONAL AGENCY _____

STATE SOCIAL SERVICE AGENCY _____

STATE LIFE SAFETY AGENCY _____

COURTS _____

FACILITY SELF-REPORT _____

PRIVATE CONTRACTOR _____

OTHER _____

D. INSPECTION OF FACILITIES

TOTAL NUMBER OF JUVENILE DETENTION AND CORRECTIONAL FACILITIES INSPECTED DURING THE PAST YEAR FOR PURPOSES OF COMPLIANCE WITH 223 (a) (14).

_____

TOTAL NUMBER OF FACILITIES NOT IN COMPLIANCE WITH 223 (a) (12) AT THAT TIME.

_____

TOTAL NUMBER OF FACILITIES NOT IN COMPLIANCE WITH 223 (a) (13) AT THAT TIME.

_____

TOTAL NUMBER OF JUVENILE DETENTION AND CORRECTIONAL FACILITIES NOT INSPECTED DURING THE PAST YEAR FOR PURPOSES OF COMPLIANCE WITH 223 (a) (14).

_____

LEGAL AUTHORITY TO INSPECT EACH FACILITY.

COURT DECREE _____

STATE LEGISLATION _____

LOCAL ORDINANCE _____

INTERGOVERNMENTAL AGREEMENT _____

EXECUTIVE ORDER _____

OTHER _____

WHO CONDUCTED THE INSPECTION OF EACH FACILITY.

REGIONAL PLANNING UNIT _____

STATE PLANNING AGENCY _____

STATE CORRECTIONAL AGENCY _____

STATE SOCIAL SERVICE AGENCY _____

STATE LIFE SAFETY AGENCY _____

COURTS _____

FACILITY SELF-REPORT _____

PRIVATE CONTRACTOR _____

OTHER _____

DESCRIBE PROCEDURES ESTABLISHED FOR INVESTIGATION OF COMPLAINTS OF VIOLATION OF 223 (a) (12) AND (13).

DESCRIBE THE PROCEDURE FOR ACCURATE AND COMPLETE MONITORING OF JAILS, DETENTION FACILITIES, CORRECTIONAL FACILITIES, AND OTHER SECURE AND NON-SECURE FACILITIES UNDER 223 (a) (12) AND (13).

ATTACHMENT F

ANALYSIS OF MONITORING REPORT

State: _____ Date of Analysis: _____

Review Team: _____

_____

223(a)(12) - Deinstitutionalization

1. Baseline period: _____

_____

2. Number of juvenile detention and correctional facilities

Baseline data - total _____, public_____, private___

Current data - total _____, public_____, private___

3. Number of juvenile detention and correctional facilities inspected on-site _____. By whom? _____

_____

_____

4. Number of juvenile offenders and non-offenders admitted to juvenile detention and correctional facilities during the report period.

Baseline data _____

Current data _____

5. Number of accused status offenders and non-offenders held in violation during the period.

Baseline data _____

Current data _____

Progress (shown in % reduction or increase) _____

6. Number of adjudicated status offenders and non-offenders held in violation during the period.

Baseline data _____

Current data _____

Progress (shown in % reduction or increase) _____

7. Constraints identified in achieving 223(a)(12). _____

8. Technical Assistance needs identified. _____

223(a)(13) - Separation

1. Date designated as when full compliance will be achieved. _____

2. Number of facilities which can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

   Baseline data _____

   Current data _____

3. Number of jails, juvenile detention and correctional facilities inspected on-site _____. By whom? _____

4. Number of facilities not providing adequate separation.

   Baseline data _____

   Current data _____

5. Number of juveniles admitted to facilities which can be used for the confinement of both juveniles and adults vs. number of juveniles not adequately separated.

   Baseline data - number admitted _____

   number not adequately separated _____

   percentage _____

   Current data - number admitted _____

   number not adequately separated _____

   percentage _____

6. Number of facilities utilizing adult trustees for supervision of juveniles.

   Baseline data _____

   Current data _____

7. Number of juveniles admitted to facilities which can be used for the confinement of both juveniles and adults vs. number of juveniles who are supervised by adult trustees.

   Baseline data - number admitted _____

   number supervised _____

   percentage _____

   Current data - number admitted _____

   number supervised _____

   percentage _____

8. Constraints identified in achieving 223(a)(13). _____

9. Progress made toward compliance. _____

0. What is the assurance to reclassification? Is it adequate? ____

11. Technical assistance needs identified. _____

223(a)(14) - Monitoring

1. Is the authority to monitor for 223(a)(12) established? _____

Adequate? _____

For 223(a)(13) Established? _____

Adequate? _____

2. Is the system for data collection for 223(a)(12) established?

_____ Adequate? _____

_____

_____

_____

For 223(a)(13) Established? _____ Adequate? _____

_____

_____

_____

_____

3. Is the individual facility survey instrument for 223(a)(12) established? _____ Adequate? _____

_____

_____

_____

For 223(a)(13) Established? _____ Adequate? _____

_____

_____

_____

4. Is the system for on-site inspection for 223(a)(12) established? _____ Adequate? _____

_____

_____

_____

For 223(a)(13) Established? _____ Adequate? _____

5. What is the degree/intensity, etc. of the inspection for 223(a)(12)? _____

For 223(a)(13)? _____

6. Is the violations procedure for 223(a)(12) established? _____ Adequate? _____

For 223(a)(13) Established? _____ Adequate? _____

7. Is the State Monitoring Report format adequate? _____ If not, how should it be improved? _____

8. Technical assistance needs identified. _____

ATTACHMENT G

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

Dear:

As you are aware, there have been numerous inquiries on the part of states regarding compliance with deinstitutionalization of status offenders and the new provisions of the 1977 amendments to the JJDP Act.

Because of these concerns as well as the confusion resulting from the recent closing of the LEAA Regional Offices, OJJDP has decided to hold a series of two-day monitoring workshops in October, 1977, to address these issues. All states are invited to attend these workshops regardless of their participation in the JJDP Act.

The attached agenda contains specific information regarding your state's participation.

I am aware of the short notice of this invitation but feel it is unavoidable if we are to meet prior to the December monitoring report submissions required by Section 223(a)(14) of the JJDP Act.

OJJDP will provide additional information regarding these workshops as soon as participants are identified by the State Planning Agencies.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

OJJDP MONITORING WORKSHOPS

To clarify the OJJDP guidelines regarding 1977 monitoring reports, a series of two-day regional workshops have been scheduled for October. Workshop speakers will present information relative to the definitions and guidelines contained in M4100.1F, Chg. 1, issued on May 20, 1977 and address monitoring questions and issues which are arisen since that time. The second day will be devoted to individual meetings between state representatives and OJJDP resource persons to discuss areas where revisions should be made in the 1976 monitoring reports as submitted.

All expenses will be paid by OJJDP including transportation, lodging for one night, and meals at the hotel. Prepaid tickets will be issued to each attendee prior to the workshop date. Each state is limited to three participants and is encouraged to include the state juvenile justice specialist, the person who will carry primary responsibility for monitoring (this may or may not be an SPA staff person), and a representative of the state juvenile advisory board. A preregistration form has been attached for your use in notifying us of the persons who will be attending in order that prepaid tickets may be issued prior to the scheduled workshop.

The timetable and schedule for the workshops is as follows:

October 10-11	Airport Marina Hotel San Francisco, California

Participating states are California, Arizona, Nevada, Oregon, Idaho, Washington, Alaska, Hawaii, Guam, American Samoa, and the Trust Territories. Preregistration information must be received no later than September 29 in order that prepaid tickets may be issued to participants.

October 17-18	Holiday Inn Airport Kansas City, Missouri

Participating states are Montana, Wyoming, North Dakota, South Dakota, Colorado, Utah, Kansas, Nebraska, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Ohio, and Michigan. Preregistration information must be received no later than October 1 in order that prepaid tickets may be issued to participants.

October 24-25	Airport Holiday Inn Atlanta, Georgia

Participating states are Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Arkansas, Texas, Oklahoma, and New Mexico. Preregistration information must be received no later than October 8 in order that prepaid tickets may be issued to participants.

October 27-28	Holiday Inn Center City, 18th & Market Phfladelphia, Pennsylvania

Participating states are Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, West Virginia, Virginia, Virgin Islands, Maryland, District of Columbia, Delaware, and Puerto Rico. Preregistration information must be received no later than October 10 in order that prepaid tickets may be sent to participants.

The tentative agenda for the workshops is as follows:

FIRST DAY	
1 p.m.-5 p.m.	An Overview of the New JJDP Legislation. This presentation will focus on the new JJDP legislation and the implications which it has for compliance with 223(a)(12),(13), and (14). A Discussion of the Issues and Questions Arising Under the 1977 Guidelines and Definitions. This presentation will focus on the 1977 guidelines and definitions issued by OJJDP and the information which will be required for each state's monitoring report. Particular attention will be given to those questions and issues arising most frequently since the guidelines and definitions were issued in May. A Discussion of the OJJDP Facility Monitoring Format. This presentation will focus on the facility monitoring format which has been developed for voluntary use by the State Planning Agencies for the classification of juvenile residential facilities and the organization of monitoring information required for each.
SECOND DAY	
8 a.m.	Breakfast at Hotel.
9 a.m.-Noon	Individual Workshops with State Representatives and OJJDP Resource Persons. OJJDP resource persons will meet with individual states to discuss the 1976 monitoring reports and revisions needed to bring the reports in line with the 1977 requirements. The workshops will also be used to identify technical assistance needs in the area of monitoring.
Noon	Lunch at Hotel.
1 p.m.-3 p.m.	Individual Workshops with State Representatives and OJJDP Resource Persons. (Continuation of morning sessions as necessary).

PREREGISTRATION FORM

State Planning Agency

_____

_____

_____

_____

Name and mailing address of representatives who will attend monitoring workshops.

1. _____

_____

_____

_____

2. _____

_____

_____

_____

3. _____

_____

_____

_____

Please send this preregistration form to Jim Brown, National Clearinghouse for Criminal Justice Planning and Architecture, 505 East Green Street, Suite 200, Champaign, Illinois 61820 (217-333-0312).

28-407 O - 79 - 26

national clearinghouse for criminal justice planning and architecture

December 23, 1977

Morris Silver
Division of Criminal Justice Services
80 Centre Street
New York, NY 10013

Dear Mr. Silver:

As part of our follow-up responsibilities to the Office of Juvenile Justice and Delinquency Prevention concerning the monitoring workshops conducted in October, please find enclosed a copy of the workshop evaluation report. The report summarizes the responses of 71 of 141 workshop participants representing each of the 54 states and territories, with the exception of the State of Nevada whose representatives were unable to attend due to a scheduling conflict.

Contrary to some negative responses directed to the OJJDP following the workshops, the evaluation report indicates the sessions were a helpful method of presenting information and establishing a dialogue concerning issues relative to the implementation of the Juvenile Justice and Delinquency Prevention Act. In an effort to continue this dialogue, OJJDP is considering another series of workshops following their review of the 1977 monitoring submissions. Greater lead time in the preparation of the workshops should eliminate any problems which existed in the October sessions.

Four additional items are currently being prepared and will be distributed to each workshop participant upon completion.

- OJJDP is preparing written responses to each of the questions raised at the four workshops. This includes those discussed in the paper, "Frequently Asked Questions Concerning Monitoring," as well as additional questions discussed in each of the individual State sessions with OJJDP representatives.

- Information is being developed concerning successful monitoring practices currently in use in other states. These will be sent to each workshop participant on a continuing basis for inclusion in the

Monitoring Practices Manuals which were distributed during the workshop sessions. To facilitate this activity, I would appreciate your continued assistance in notifying us of monitoring practices which are proving successful in your state.

- Following a review of the 1977 monitoring submissions, appropriate revisions will be made in the facility monitoring survey and the state monitoring report format for your consideration and possible use. Please note that these revisions will not change the content of the survey and will be directed at clarification and organization of the instrument only.

- A composite list of juvenile residential facilities used for the custody and/or treatment of juvenile and nonoffenders is currently being developed from national sources and will be distributed for your consideration prior to the next series of monitoring workshops.

One final note concerns technical assistance in the area of monitoring practices and procedures. While immediate assistance is available on an ad hoc basis, all requests concerning monitoring should be made to the appropriate regional coordinator for the Arthur D. Little Company during the semi-annual technical assistance assessments in January and July.

If we can be of any assistance in the meantime, please feel free to contact me.

Sincerely,

Jim Brown
Juvenile Project Administrator

Encl.

JB: sw

national clearinghouse for criminal justice planning and architecture

December 23, 1977

TO: Monitoring Workshop Participants

FROM: Jim Brown
National Clearinghouse for Criminal Justice
Planning and Architecture

RE: Workshop Evaluation Report

The following information concerns responses by 71 of the 141 persons attending the four monitoring workshops conducted by the Office of Juvenile Justice and Delinquency Prevention in San Francisco, Kansas City, Atlanta, and Philadelphia. Responses to each question concerning workshop content and organization have been totaled. As can be expected on evaluation forms, the range of comments was quite broad, depending on individual reactions. As such, the comments following each question represents an attempt to summarize the general nature of the comments.

Are multi-state workshops of this type a useful way of resolving issues dealing with the implementation of the 1974 JJDP Act?

68 Yes

3 No

Comment: The majority of the comments in this area were strongly supportive of multi-state workshops to both present information and discuss the resolution of problems concerning the implementation of the Act. Many participants felt that this face to face contact with policy-making resource persons from OJJDP should be expanded into areas other than monitoring, particularly with respect to matters concerning the organization and operation of juvenile advisory boards. Many comments also stressed the value concerning transfer of information with other state representatives in the area of monitoring practices. Additional comments stated:

1. workshops should be held on a quarterly basis;
2. the involvement of advisory board members was an excellent idea;
3. the workshops should be systematic, have continuity, and the end results get used;
4. issue resolution is facilitated by different perspectives;
5. the workshops should be "proactive" and facilitate a two way dialogue;
6. workshops are essential in strengthening the national emphasis of the legislation;

7. the two day time-frame is good; and
8. there should be a clearer identification of the problem and resolution process.

Session	Below Average	Average	Above Average	Superior
Overall Two Day Session	8	26	28	8

Comment: Eighty percent of those responding to the evaluation felt that, while the sessions would have been more helpful at an earlier time, the issues were adequately addressed during the course of the workshops. Many attendees' comments focused on the "we-they" dichotomy which developed due to the catch-up nature of the workshops, and what was perceived as a hard line on compliance in view of the past efforts in many of the states. Most felt that OJJDP staff handled the hostility from some of the states in a constructive manner and that more frequent meetings would eliminate the confrontations, many of which were not related to the monitoring requirement. Several comments recognized that, while the workshops constituted an excellent method for sharing information with other states and resolving issues concerning implementation of the Act, future workshops should be more specific concerning goals and objectives.

Session	Below Average	Average	Above Average	Superior
Panel Discussion	16	40	13	2

Comment: Several comments recognized the utility of these workshops to resolve problems with compliance and monitoring requirements. They stated that the difficult issues concerning compliance surfaced during the general discussion and provided an orientation to the subject to be addressed during the two day period. Several comments emphasized the necessity of this type of face-to-face contact in the resolution of problems. As is often the case with mixed audiences (in this case juvenile planners and advisory board members), the discussions which were helpful to one group were often redundant to another, and vice-versa. For purposes of uniformity in monitoring responses, however, most participants considered the discussion of basic legislative and guideline information material to be a necessity. Most participants commenting felt that the use of "Most Frequently Asked Questions About Monitoring" was a useful technique for discussing problem areas; more information should be sent ahead of time; and that more time should be allowed for general discussion.

Session	Below Average	Average	Above Average	Superior
Individual Workshops	0	21	40	10

Comment: The individual workshop sessions between OJJDP staff and state representatives were well received and generally considered the most

beneficial sessions. Many comments suggested that these sessions be extended with several recommendations that technical assistance topics, such as the facility monitoring forms, be dealt with in a general session. Most felt that the individual sessions had the effect of ameliorating any aminosity created in the general sessions and felt that their problems were being heard, if not resolved. Comments varied as to the approach and attitude of individual workshop resource staff, and many attendees stated their appreciation concerning OJJDP's frankness with regard to the monitoring expectations.

Session	Below Average	Average	Above Average	Superior
Facility Survey Workshop	2	20	40	8

Comment: Comments were generally favorable with respect to the state monitoring report form and the facility monitoring survey form, with several states indicating that they would utilize it in its present form. Several comments reiterated the utility of discussing the survey forms and techniques in a general session with informal follow-up discussions as needed by individual states. The feeling here being that this would facilitate both more specific assistance and minimize any duplication which occurs with the individual state workshops.

Do you feel that the workshop location is appropriate for the states who are attending?

64 Yes

7 No

Comment: The strongest area of comment was that, while the locations were appropriate, an effort should be made to rotate both the states attending and the locations to allow for greater diversity in perspective and facilitate maximum attendance. Several states appeared to be geographically attending the wrong workshops (such as New Mexico in Atlanta) and suggested a realignment for future workshops. Several comments indicated the pro's and con's of the use of airport hotels, including the convenience in arrival and departure and the distance from the downtown areas.

Do you feel that the states in attendance comprise an appropriate grouping for multi-state workshops?

65 Yes

6 No

Comment: Principal comments here concerned the need to group states in a manner which would facilitate interaction between states with similar problems. Many felt that, rather than grouping by geographic location, such characteristics as size, problems encountered, and participation in the Act should be

considered. Those states who attended outside their normal regional areas felt that it was helpful to discuss issues with states outside their normal regional areas.

Were the travel and hotel accommodations satisfactory?

62 Yes

9 No

Comment: Several participants commented on the problems encountered with respect to receiving air tickets and suggested greater lead time in scheduling of the workshops to allow for flexibility in travel arrangements. However, most attendees stated a preference for the prepaid transportation and accommodations in lieu of reimbursement by voucher. Minimal problems with the hotel accommodations consisted of poor food in San Francisco, no hot water in Kansas City, too much airport noise in Atlanta, and crowded meeting quarters in Philadelphia.

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LEAA FORM 1331/0 (5-72)

UNITED STATES GOVERNMENT ATTACHMENT H DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Memorandum

TO William Rine
Deputy Assistant Administrator/
OAI

DATE: February 2, 1978

FROM John M. Rector
Administrator, OJJDP
for [illegible]

SUBJECT: GAO Draft Report "Deinstitutionalization of Status Offenders: Federal Leadership and Guidance Needed If It Is to Occur"

The general thrust of the report would have the reader conclude that deinstitutionalization problems identified by GAO were non-existent and unknown to the framers of the JJDP Act of 1974 and that many issues surfaced by the GAO report are "new". For example, the report focuses on "opposition" found throughout the juvenile justice system to the legislative mandate of deinstitutionalization on non-offenders (including status offenders) and the Act's thrust towards system-wide deinstitutionalization. A careful reading of the legislative history of the Juvenile Justice and Delinquency Prevention Act of 1974 would clearly demonstrate that prior to this Act's passage there was (and still is) "opposition" to deinstitutionalization. Federal legislation was passed, in part, in recognition of this opposition.

The report, however, is deficient and misleading in a number of other substantive areas. The scope of the study was restrictive, e.g., after 1974, and consequently DSO problems lack a historical framework for analyzing GAO conclusions. The methodology by which data was gathered does not appear in the report nor is there an indication of how or why certain states were chosen for review. In addition, the report relies almost exclusively on interviews with juvenile justice systems personnel who tend to have a vested interest in the continuation of institutionalizing juveniles. Interviewing a cross-section of people, including alternative program people and young people, as well as, looking at successes of deinstitutionalization such as Massachusetts would have added a semblance of objectivity to the analysis.

Also, the major "implications" of the study tend to be overly generalized with poor documentation, simplistic to the extent of ignoring the multi-faceted complexity of problems associated with deinstitutionalization and opinions based on a superficial treatment rather than a vigorous analysis of the subject area. The following examples are illustrative:

a. A careful review of the joint study sponsored by LEAA/OJJDP and HEW, "Responses to Angry Youth: Cast and Service Impacts of Deinstitutionalization of Status Offenders in Ten States", would not support the study finding that little progress has been made in realizing the goal of deinstitutionalization. On the contrary, the report stated that "the states examined are at different stages in the process of deinstitutionalization, but all have made clear progress. Progress has been greater in removing status offenders from correctional institutions than in removing them from detentions".

b. The report frequently points out that LEAA has done little to define problems which hinder the goal of deinstitutionalization or provide help to states in overcoming these obstacles. This observation fails, however, to reflect not only the significant number of LEAA activities geared toward encouraging deinstitutionalization but also fails to provide any analysis as to the impact these initiatives are having on legislation, attitudes, and perceptions of state governments.

It is in this context that the following specific comments are stated.

RESEARCH DESIGN

Although the report does not explicitly present the structure or the research design used by GAO in this study, there are several apparent weaknesses.

1. Scope of Study

First, the study covers a very narrow historical period--apparently only since passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (JD Act). Failure to take into account any period prior to 1974 resulted in the absence of a clear definition of the deinstitutionalization of status offenders (DS) problem--particularly with regard to its magnitude, scope, and dimensions.

The President's Commission on Law Enforcement and Administration of Justice (1967) addressed the perplexing status offender problem and noted that: "It is of the greatest importance that all alternative measures be employed before recourse is had to court (p.26)."[1]

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[1] Task Force Report: Juvenile Delinquency and Youth Crime. Washington, D.C., U.S. GPO, 1967.

The National Advisory Commission on Criminal Justice Standards and Goals (1973) also called attention to the importance of developing alternatives to juvenile justice system processing for status offenders. After noting that incarceration is not an effective tool of correction for many youths, the Commission went on to recommend that all status and other first offenders be diverted. The Commission recognized that chronic and dangerous delinquents should be incarcerated in order to protect society, until more effective treatment methods are found. However, it encouraged the juvenile justice system to search for "the optimum program outside institutions for juveniles who do not need confinement.[2]

Several research studies have documented the following facts:

1. Juvenile status offenders are incarcerated as long or longer than children who are committed for rape, aggravated assault and other felonies classified as "FBI index crimes."

2. The younger the offender, the longer is the period of institutionalization.

3. Classification for rehabilitation lengthens the period of institutionalization and does not reduce the rate of recidivism.

4. Children with the longest institutional sentences have the highest rate of parole revocation.[3]

Research findings such as these led some groups to argue in favor of removal of juvenile court jurisdiction over status offenses, in hopes of ensuring that they would not be incarcerated.[4]

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[2]National Advisory Commission on Criminal Justice Standards and Goals A National Strategy to Reduce Crime, Wash., D.C., U.S. GPO, 1973, pp. 34-35.

[3]National Council on Crime and Delinquency "Jurisdiction over Status Offenses Should be removed from the Juvenile Court," Crime & Delinquency, Vol. 21, Apr. 1975, p. 98.

[4]For a full discussion of the various policy positions regarding this issue, see Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, A Comparative Analysis of Standards and State Practices: Jurisdiction--Status Offenses (Vol. V), OJJDP, 1977.

By 1974, the consensus was that status offenders should not be incarcerated, under any circumstances. The Congress built on this consensus in its passage of the JD Act of 1974, which required participating states to remove all status offenders from incarcerative settings within two years.

A major result of this legislation was the beginning of an accelerated search for appropriate alternatives to incarceration for status offenders.

In conjunction with its announcement of the first major action program thrust aimed at DSO, the Office of Juvenile Justice and Delinquency Prevention published a "background paper" which addressed a number of issues and problems pertaining to the deinstitutionalization issue.[5]

It was noted at the outset that "we simply do not have comprehensive and reliable data on the numbers and characteristics of status offenders in detention centers, jails and correctional institutions (training schools) (p.17)."

It was also noted therein "that some of the crucial problems in deinstitutionalizing status offenders are:

- Determining who, in fact, are status offenders rather than criminal violators being processed as status offenders.
- Creating mechanisms for assessing the needs of status offenders and matching them with the range of community services.
- Identifying existing resources for status offenders.
- Assuring access of status offenders to existing community resources.
- Providing alternatives to short-term detention of status offenders.
- Providing means for dealing with the needs of female status offenders. (pp. 8-9)

This background paper also set forth the program rationale supporting the DSO program (pp. 10-13). The last of these points was that "the programs developed (under the announced DSO effort) will vary from community to community, providing various program models which can be compared through evaluation to determine the relative utility of alternative approaches (p. 13)."

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[5]"LEAA's Discretionary Program to Reduce Detention and Institutionalization of Juvenile Status Offenders," in Program Announcement: Deinstitutionalization of Status Offenders, OJJDP, March, 1975.

In acknowledgement of the lack of explicit knowledge regarding the effectiveness of treatment programs for status offenders, the same paper noted that, from the evaluation of this DSO program, "we hope to be able to provide communities with information on what type of efforts are likely to work best in which situations (p.13)."

Such studies, e.g., Juvenile Corrections in the States: Residential Programs and Deinstitutionalization; Time Out: A National Study of Juvenile Correctional Programs, suggest that it is not because of the nature of alternative programs themselves that deinstitutionalization has not been accomplished; rather, the key to the lack of success in this area would seem to be the manner in which such programs are implemented (procedures, criteria for selection of program participants, due process considerations, etc.). This observation applies to the status offender area more explicitly than to the larger juvenile offender population because of particular difficulties in defining the status offender population.

It is apparent that the limitations of GAO's research design did not allow the research team to fully grasp the nature of the status offender problem. We would be happy to provide or direct the research team to sources other than those referenced herein in order to help correct this deficiency in the report.

The results of this weakness in the research design is that the study team's ability to set criteria for determining what would constitute satisfactory progress toward deinstitutionalization was hampered. In fact, the report does not indicate what criteria were used to assess the success of DSO. These criteria should be explicitly stated. Such criteria should also reflect obstacles to deinstitutionalization, or degrees of difficulty associated with its accomplishment.

2. Sample Selection

The report does not indicate how the 9 States were chosen for study. While it seems that the conclusions of the report are generalized to all States, it is not clear how representative the 9 States are of the U.S., to which the JD Act applies. The critical question is: Along what dimensions are the 9 States similar to others to which the conclusions are apparently generalized?

On this same issue, it appears that the sample of persons interviewed within the 9 States was a biased one. Although it is not made clear how the respondents were selected, their organizational affiliations (pp. 51-52) would suggest that, for the most part, they would be opposed to DSO at the outset.

The result of this apparent "sample bias" would be to make it easier to draw the conclusion that the DSO effort is not succeeding.

METHODOLOGY

The report does not indicate the procedures by which data were gathered. This is especially important in the area of individual interviews. There is no indication as to whether they were opened, structured, etc. The interview instrument is not included in the report.

A related weakness in the report is the absence of data analysis procedures. In fact, very few data are presented. Their interpretation is hampered by the absence of explicit success criteria.

Identification of Successful Services. The report concludes that: "While several research efforts are underway, to date little has been achieved at the national level in terms of identifying the types of services that appear more successful in dealing with status offender problems and disseminating this information to the States."

Research. Two major research efforts were underway at the time of the passage of the JD Act: a National Assessment of Juvenile Corrections (NAJC), and an evaluation of the Massachusetts' deinstitutionalization experience.

The NAJC project (products referenced earlier) assessed the nature and quality of correctional programs for juveniles. A major conclusion of the study was that foster home services constitute a promising direction for extending community corrections at significantly low cost levels than institutionalization.

The 7-year evaluation of the Massachusetts' deinstitutionalization experience[6] consisted of 5 major components: 1) a study of youth in the community-based programs; 2) an evaluation of program organization and function; 3) a study of youth subcultures in group homes and non-residential programs, in comparison with a subculture of youths in the earlier institutions; 4) an analysis of the operations of the regional offices that have replaced the administrative offices of the institutions; and 5) observation and interviews concerning operations in the central office of the Massachusetts Department of Youth Services. An early product of their research, "Neutralization of Community Resistance to Group Homes" gives very helpful strategic direction to those involved in the establishment of group homes for juveniles. Other preliminary findings in the area outlined above have been shared through various forums with officials and practitioners at the State and local level.

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[6]See Lloyd Ohlin, Alden Miller, and Robert Coats, Juvenile Correctional Reform in Massachusetts, OJJDP, 1977.

Exemplary Projects. Several projects that hold promise for meeting the needs of status offenders in alternative settings to juvenile justice system processing have been designated "exemplary" by LEAA. The ones most applicable to the status offender area are: "Project New Pride", "Neighborhood Youth Resource Center" and "Family Crisis Counseling". The latter project was referenced in the OJJDP Program Announcement for the DSO action program. In that same announcement (p.9) other programmatic approaches were suggested: in-house placement, shelter homes, small group homes, foster homes, special crisis services, runaway facilities, counseling, healthcare, job placement, recreation, remedial education, and youth advocacy approaches.

Assessment. Three nationwide assessments of alternative programs for youthful offenders: diversion[7], alternatives to incarceration[8], and alternatives to detention.[9]

While the Phase I Assessments of juvenile diversion and community-based alternatives to juvenile incarceration did not recommend specific promising approaches to practitioners, they clarified definitional problems, built program typologies and explained existing processes for referral to alternative programs.

The diversion study stressed the dynamics of diversion programming, particularly the importance of the legal status of programs and the potential labeling of juveniles. Additional insights were given regarding several aspects of programs, such as whether participation is voluntary and staff capabilities which seemed to relate to better functioning programs.

The national assessment of detention and alternatives to its use resulted in the identification of four types of community-based alternatives to detention for status offenders and other juveniles: 1) home detention, 2) "attention" homes, 3) specialized programs for runaways, and 4) private residential foster homes. Each of these program approaches was described in some detail in the published report and subsequently shared with the U.S. Senate Subcommittee to Investigate Juvenile Delinquency on September 28, 1977, on the basis of a statement ("Alternatives to Secure Detention of Juveniles") prepared by Thomas Young and Donnell Pappenfort.

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[7]Robert McDermott and Andrew Rutherford, Juvenile Diversion (summary), LEAA, 1976.

[8]Osman Benger and Andrew Rutherford, Community-based Alternatives to Juvenile Incarceration (summary), LEAA, 1976 and Alternatives to Its Use (summary), LEAA, 1977.

[9]Thomas Young and Donnell Pappenfort, Secure Detention and Alternatives to Its Use (summary), LEAA, 1977.

Standards. LEAA has provided support for three national standards development efforts covering the entire juvenile justice system: 1) the Institute of Judicial Administration/American Bar Association Juvenile Justice Standards Project, 2) the Juvenile Justice and Delinquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals, and 3) (pursuant to Sec. 247 of the JD Act) the National Advisory Committee on Juvenile Justice and Delinquency Prevention.

These standards and the comparative analysis of standards and State practices suggest alternative ways of handling the problems posed by status offender behavior.[10]

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[10]Institute of Judicial Administration/American Bar Association (IJA/ABA) Joint Commission, Standards Relating to Non-Criminal Misbehavior, (Tentative Draft) (1977); National Advisory Committee on Criminal Justice Standards and Goals, Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976); National Advisory Committee on Juvenile Justice and Delinquency Prevention, Report of the Advisory Committee to the Administrator on Standards for Juvenile Justice, (sic) (September 30, 1976) and Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (sic) (Advanced Draft, March, 1977).

In addition to the weaknesses within the overall research design, the following points regarding the analytical phase also merit further discussion:

Over-generalization with insufficient supporting data. Statements are made that state and local juvenile justice officials believe incarceration of status offenders is justified, and the SPAs do not have authority to make deinstitutionalization a reality. Nowhere is it made explicit why officials feel some placements of status offenders are necessary. Assertions that such placements are justified are neither helpful nor constructive given the prior Congressional documentation of abuses in this area. Further, it is not apparent whether such beliefs relate to all status offenders, most, or only a few. Because interviews are the source of the data, it would have been helpful to indicate numbers of interviews, generally held beliefs, and their rationale.

Further, the question of authority may not be so much that SPAs have no direct implementation authority, as that they need to have authority to plan and coordinate the implementation of the Act's mandates in the state.

While it may be a matter of semantics, it is important to distinguish a State Planning Agency's authority to implement a plan and its authority to "direct" other State agencies' activities. Section 223(a)(2) of the Act requires only the former. What SPA officials have said is that they lack the latter authority. While having "direct" or "operational" authority would facilitate deinstitutionalization, the Juvenile Justice Act neither tests nor requires that such authority be vested in the SPA. As Office of General Counsel, Legal Opinion 76-7, October 1975, points out, there are a variety of other mechanisms available to SPAs to achieve the deinstitutionalization mandate. Because the OJJDP program is under the Governor's direct authority, the cooperation of other state agencies should be possible through the Governor's office. Thus, SPAs must make clear to the Governor, the legislature and relevant state and local agencies the nature of the state's commitment to the mandates of the Juvenile Justice Act and the consequences of failing to meet it.

Unquestioned assumptions and unsupported beliefs. The report implicitly assumes that there are alternative services which should be provided to status offenders in lieu of institutionalization. It allows no possibility that some should simply be sent home, an option increasingly utilized by states and localities with no apparent ill effects.

Further, the report assumes that the category of "status offender" is discrete and definable, ignoring the considerable overlap of the delinquent, status offender, and dependent/neglected categories of youth who come before the court. Finally, it ignores the haphazardness of the ways in which a youth may come to bear a particular label that will in turn be used to determine or limit the dispositional outcome.

The problems cited about service availability are so general (e.g., limited funding, community resistance, large caseloads) as to be applicable to most social service programs. The specific anecdotes add little information or insight. The facts of these vignettes are undoubtedly true, but most states and localities find ways to deal with them. It is not a case of Federal officials hiding answers, or acting to limit services. Dealing with troubled youth is often frustrating and sometimes unrewarding. However, the primary responsibility is a state and local one, met with varying degrees of commitment and success, as the report shows.

Some assertions are made in the report without any apparent basis, e.g., "many status offenders who do not receive adequate services later become involved in criminal behavior", and "status offender placement will overburden case workers", and "community-based programs. . . are more concerned with building success stories than treating juvenile offenders", and "status offender placement (problems include) frustrating foster parents to the point of having them leave the program." Single opinions are cited; no examination of cause and effect is offered; allegation substitutes for analysis.

Inadequate or outdated information. The report suffers, as could not be helped to some degree, from not reporting relevant information. Reading the Arthur D. Little cost and service impacts study of DSO could have added significantly to the alternative services discussion. The inadequacies of the monitoring systems and reports are set out, but little attention paid to the additional guidance and the workshops provided by OJJDP in an effort to respond to the problems. The discussion of data problems depends heavily on OJJDP's own analysis of the monitoring reports and adds little of any value based on GAO's site visits. State data collection problems and their potential solutions receive little constructive attention.

Several recommendations that are made, such as that on page 50, were already underway by OJJDP before the GAO study was undertaken.

Monitoring. LEAA Office of General Counsel Legal Opinion 76-7, October 7, 1975, states the following with regard to the state's monitoring responsibility:

> "Each SPA has responsibility for monitoring "jails, detention facilities, and correctional facilities" under Section 223(a)(14). A state planning agency may attempt to obtain direct authority to monitor from the Governor or State Legislature, may contract with a public or private agency to carry out the monitoring under its authority, or may contract with a state agency that has such authority to perform the monitoring function. Formula grant "action" program funds would be available to the SPA for this purpose since monitoring services (or funds for those services) are of a "program" or "project" nature related to functions contemplated by the State Plan."

In addition to suggesting several monitoring options, the opinion clearly states that formula funds may be used to defray monitoring expenses.

Monitoring guidelines. OJJDP prepared and issued Change 1 to Guideline Manual M 4100.1D on July 10, 1975. These guidelines outlined the information states must report to indicate progress in compliance with Section 223(a)(12) and (13). These guidelines required the states to provide in their FY 1976 comprehensive plan an indication of how the state planned to provide for accurate and complete monitoring of jails, detention facilities, correctional facilities, and other secure facilities to insure that the requirements of Sections 223(a)(12) and (13) were met. The guidelines further required that the annual report to the Administrator on the results of monitoring compliance with Section 223(12) and (13) be made no later than December 31. This report was to indicate the results of monitoring, including:

a. Violations of the provisions and steps taken to ensure compliance, if any.

b. Procedures established for investigation of complaints of violations of the provisions of deinstitutionalization and separation requirements.

c. The manner in which data were obtained.

d. The plan implemented to ensure compliance with (12) and (13), and its results.

e. An overall summary.

The initial issuance of guidelines addressed Section 223(a)(14) as noted above and also provided guidance in the implementation of Sections 223(a)(12) and (13). The guidelines required that the 1976 Plan describe in detail the State's specific plan, procedure and timetable for assuring that within two years of submission of its plan status offenders, if placed outside the home, would be placed in shelter facilities, group homes, or other community-based alternatives rather than juvenile detention or correctional facilities. The plan was required to describe existing or proposed shelter and correctional facilities. Further, the plan had to describe the constraints faced in meeting the objectives of deinstitutionalization. It should be noted that the guidelines were revised and updated yearly with each revision providing additional guidance and clarity on compliance monitoring issues.

In September 1975, through an OJJDP discretionary award, the Council of State Governments published a report entitled "Status Offenders: A Working Definition". The purpose of this report was to provide a common,

workable definition for status offenders. This report developed criteria for classifying confined youth as status, criminal-type, or non-offenders. The report identified specific circumstances, then provided the classification a child should be considered under each circumstance. The criteria outlined within this report was included in the guidelines as a standard for the determination of status offenders as it applies to monitoring.

On June 16, 1976, OJJDP issued information to clarify minimum standards of state compliance in the deinstitutionalization of status offenders and provided options states could select in obtaining baseline data.

To further assist states in their present and future monitoring efforts and to improve many of the deficiencies noted in the 1976 monitoring reports, OJJDP has done the following:

a. Prepared definitions of detention and correctional facilities for purposes of monitoring. On May 20, 1977, Change 1 of Guideline Manual M 4100.1F was issued. OJJDP provided the states four criteria for determining whether a facility is, for the purpose of monitoring, a juvenile detention or correctional facility.

   To further assist states in their monitoring efforts, a format was designed to survey, identify and provide information on each facility to determine whether it is classified as a juvenile detention or correctional facility and to determine compliance with Sections 223(a)(12), (13) and (14) of the Act.

b. OJJDP developed and presented four regional monitoring work shops.

   These workshops where held to clarify the OJJDP guidelines regarding 1977 monitoring reports. The workshops were two days in length, with the first day devoted to providing information relative to the definitions and guidelines contained in M 4100.1F, Change 1, issued May 20, 1977, and addressing monitoring questions and issues which arose since that time. Also, the new legislation was discussed. The second day's activities centered on the monitoring formats, deficiencies identified in the 1976 reports, and technical assistance report needed. During the second day the session was primarily individual meetings between state representatives and OJJDP resource persons.

c. OJJDP has planned follow-up workshops to be held after the 1977 monitoring reports have been received and analyzed by OJJDP.

d. As cited earlier in this response, OJJDP jointly funded an effort with HEW to assess the impact of the deinstitutionalization of status offenders on ten states and identify the types

of community programs used for deinstitutionalized youth. (This draft report was made available to GAO during their study.)

e. OJJDP also developed a special emphasis program that would provide additional resources to the states to fund service programs for deinstitutionalized youth. This was made possible through the use of reverted formula funds from those states who chose not to participate in the JJDP Act.

f. OJJDP has recognized the importance of legislative changes in the states that would be beneficial to DSO progress since the passage of the JJDP Act.

All monitoring reports were reviewed to analyze present and contemplated changes that would prohibit placement of status offenders in detention and correctional facilities, and further the separation of juveniles from adults. This progress was reported in the monitoring report overview. OJJDP also supported the National Center for Juvenile Justice in completing a survey of the states in which juvenile justice codes were analyzed pertaining to Deinstitutionalization of Status Offenders.

In addition to these activities, OJJDP, through three (3) Technical Assistance Contractors, has provided over two hundred instances of technical assistance to the SPAs, county and city agencies, private agencies, and local communities covering all of the following topics:

a. Developing residential placement networks.

b. Purchase of service techniques for alternative resources.

c. Group Home Improvement.

d. Foster Care Development.

e. Changing juvenile codes.

f. Development of diversion projects.

g. Employment programs for youth.

h. Crisis intervention methods.

i. Statewide DSO strategies.

j. Methods of gaining support for Deinstitutionalization of Status Offenders.

This technical assistance activity has made available to states and communities the expertise to provide service and treatment needs to youth affected by deinstitutionalization.

A Federal point of view. The tone of the GAO report reflects a belief that because Congress has acted, the states could or should have snapped to attention and set about achieving immediate compliance. While there is regular commentary about what the Attorney General, LEAA and OJJDP can (or should) do to provide information and leadership, the contents of this report do not convey significant understanding of the range of political, legal, legislative, institutional, and attitudinal difficulties at the state and local level. Indeed, the tone of the report is vaguely accusatory, concerned with finding fault, and distinctly patronizing about what Federal, state and local officials should do.

Overall, this is not a careful, well-done, or well-written piece of work. Worse, it is outdated in it's facts and simplistic in its view of the problems of implementation. Not only would it be misleading to publish it in its present form, it would also be a disservice to GAO.

ATTACHMENT I

Technical Assistance Summary Report

The following is a presentation of OJJDP's technical assistance priorities and a summary of the office's major contracts and instances of technical assistance during the past calendar year.

Priorities

The priorities developed by the OJJDP are those directly related to the implementation of the JJDP Act of 1977. The highest priority has been given those TA efforts that support deinstitutionalization, separation, monitoring and the Special Emphasis effort.

Specifically the TA effort has been targeted in the following five priority areas:

1. Use and development of community alternatives to secure confinement;
2. Better utilization, management and coordination of existing resources;
3. Development and implementation of legislation that prohibits institutionalization of status offenders and of dependent and neglected children;
4. Development and implementation of policies and procedures that support deinstitutionalization, separation and special emphasis areas; and,
5. Increased awareness and support of the public for positive change in the juvenile justice system and development of child advocacy mechanisms.

OJJDP's Contractors and Instance of TA

Arthur D. Little, Inc., is responsible for providing technical assistance to formula grantees. Their primary area of focus is capacity building and Concentration of Federal Effort. In addition, Arthur D. Little conducts an assessment of needs for all juvenile justice technical assistance regardless of which contractor will respond.

Instance of TA by Priority Area

Priority No. 1	TA Provider	Instance
Community Alternatives to secure confinement	ADL	23
Priority No. 2		
Better utilization of existing resources	ADL	70
Priority No. 3		
Implementation of Legislation	ADL	4
Priority No. 4		
Implementation of Policies to support DSO and Separation	ADL	39
Priority No. 5		
Increased Awareness of the public for positive change in juvenile justice. (Includes training and assistance to juvenile justice advisory groups).	ADL	26
Other		
This area includes special training to juvenile and family courts and Ad Hocs	ADL	17
Total		184

The National Office for Social Responsibility provides assistance to Special Emphasis grantees for deinstitutionalization of status offenders and diversion. NOSR also responds to technical assistance needs of formula grantees in the areas of deinstitutionalization of status offenders.

DSO	Provider	Instance
DSO Special Emphasis Projects	NOSR	78
Diversion		
Diversion Special Emphasis Projects	NOSR	86
Ad Hocs		
Includes some needs identified in six month cycle and areas of NOSR special expertise, (ie) Youth Employment	NOSR	59
Total		223

The National Clearinghouse for Criminal Justice Planning and Architechture provides technical assistance to formula grantees around the issue of separation of adults and juveniles. The Clearinghouse also responds to requests relating to the programming of juvenile facilities. In addition, they provide technical assistance relating to the monitoring requirements of the Juvenile Justice and Delinquency Prevention Act of 1977.

The following is the TA by type and instance delivered by the Clearinghouse for the OJJDP during the past calendar year:

Type	Instance
Separation of Adults and Juveniles	25
Alternatives to detention and correctional facilities	6
Development of Monitoring Systems	8
Improvement of Intention and correctional facilities	13
Total	52

Soon, OJJDP will fund TA contractors to respond to problems relating to delinquency prevention and improvements in the juvenile justice system.

Recently the OJJDP Technical Assistance and Formula Grants Division met with ADL, NCSR and the Clearinghouse staff to review 126 technical assistance needs that have been identified by the RPUs and SPAs for national contractor response. Those needs that are approved by OJJDP are assigned to one of the three contractors depending on area of expertise or contractual responsibility. Some TA is delivered by resource teams made up on staff from several of the contractors. The approved TA needs will be the basis for the next detailed six month technical assistance workplan.

A review of the TA summary will show that of a total of 459 instances of TA delivery only 76 would be considered as Ad Hoc responses. This means that 84% of the TA delivered in the past year was of a proactive nature.

OJJDP ORGANIZATION OF TA DELIVERY

To assure that the majority of TA services are expended in priority areas technical assistance is planned and delivered in regular six-month cycles. The technical assistance cycle consists of the following steps; needs assessment, workplan development, delivery, documentation and, if needed, follow up. Arthur D. Little, Inc. is responsible for providing technical assistance to formula grantees. In addition, Arthur D. Little conducts an assessment of needs for all juvenile justice technical assistance regardless of which contractor will respond.

The overall planning of technical assistance in juvenile justice follows the procedures outlined in LEAA Instruction, I6900.2A. The RPUs and SPAs develop technical assistance plans that are submitted to the Central Office. National Contractor TA addresses those needs for which local or state resources are not adequate. The needs assessment conducted every six months are for those identified for a national contract. The purpose of the assessment is to make each need actionable. That is, to define the problem in enough detail to develop a response. The assessment process for each six month cycle is as follows:

Arthur D. Little staff contacts the SPA Juvenile Justice Specialists and reviews needs that have been identified in the technical assistance planning process and/or in conversation with RPUs, state or local agencies.

Technical assistance needs and recipient willingness to receive technical assistance are confirmed, further defined and documented by staff.

A preliminary set of technical assistance needs defined in actionable terms is presented to the SPA Juvenile Justice Specialist for prioritization.

The list of needs is then presented to OJJDP in a joint meeting of technical assistance contractors and the Technical Assistance Division.

The Technical Assistance Branch either approves or disapproves of technical assistance contractor response to the need. If technical assistance is approved, then the need is assigned by the Technical Assistance Division to a contractor. This contractor is then responsible for taking what ever steps are necessary to deliver the technical assistance.

In this way it is insured that technical assistance is planned, actionable and consistant with office priorities.

Ad Hoc Requests for TA

It is OJJDP policy that national contractor assistance be planned. Therefore, requests for Ad Hoc assistance, not included in the six-month planning cycle, are discouraged. However, if a crisis arises and the technical assistance is needed immediately, OJJDP has the capability to respond. Ad Hoc requests for technical assistance are routed through the RPU, to the SPA to the Technical Assistance Branch. If OJJDP approves the request, it makes an assignment to the appropriate contractor.

Even with Ad Hoc requests it is the general policy that such requests are within the priority areas.

Technical Assistance Delivery

Following the assignment of a technical assistance need, the contractor notifies the SPA that they are responding to the need. The contractor then develops a workplan, which is a specific statement of when, where and how the TA will occur. This workplan must be approved by the Technical Assistance Branch before any TA occurs. Throughout the process the recipient and the SPA are kept informed of what is happening.

SPA staff are always encouraged to participate in all aspects of the technical assistance. At the completion of the TA assignment, a report is prepared and distributed to the recipient, SPA and the Technical Assistance Branch.

Non-Grant Related TA

The majority of TA provided by OJJDP has been targeted in the five priority areas set out the TA Summary section of this report. The delivery of TA is further refined in being directed at those programs and projects related to DSO, separation and monitoring. (Secs 223a(12), (13) and (14) of the Act). The only non-grant related TA would fall into one of these categories.

Current Priorities

The priorities developed by the OJJDP are those directly related to the implementation of the JJDP Act of 1977. The highest priority will be given those TA efforts that support DSO, separation, monitoring and the Special Emphasis effort.

The delivery of TA for FY'78 will be targeted in the priority areas set out in the TA summary report section.

Special Projects

The following is an example of the kind of Special Projects conducted during the last calendar year:

Cost and Service Impacts of Deinstitutionalization of Status Offenders.

The report on the cost study, comparing and contrasting tbn states, has been completed.

Monitoring Workshops

Conducted regionally for all states to assist in their compliance with 223(a) (14) the annual monitoring report.

National Youth Workers Conference

Conducted at Indiana University, attended by approximately 1,000 youth workers to improve their skills as youth advocates and service providers.

Volunteers in Courts

Initiated preliminary effort to implement national technical assistance regarding volunteers in the juvenile courts.

The attachment to this report represents an example of the kinds of technical assistance delivered in OJJDP's area of priorities.

ATTACHMENT J

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

Dear :

A recent review of the H-1 quarterly reports (LEAA Form 7160/1) submitted by states participating in the Juvenile Justice and Delinquency Prevention Act disclosed that some states are not submitting these reports in a timely fashion. It should be noted that these H-1 reports are due on a quarterly basis and should be submitted whether or not any JJDP funds were obligated during that period.

It has been further noted that several states have been experiencing difficulty in obligating their JJDP funds. The prompt and expeditious obligation of these funds is necessary for the provision of needed services to youth. Prompt obligation and expenditure of funds is also needed to ensure that the mandates of the JJDP Act, specifically the deinstitutionalization of dependent and neglected children and status offenders, is accomplished.

The Office of Juvenile Justice and Delinquency Prevention views the JJDP fund flow problem with critical concern and will monitor even more intensely the obligation and expenditure of all JJDP funds to ensure that they are utilized soundly and expeditiously. An unwillingness to satisfactorily address these matters will result in extension denials and ultimately the deobligation of such funds.

If there are any questions regarding this or any other matters within our responsibility, we are available to provide advice and technical assistance. Please contact the Technical Assistance and Formula Grants Division within OJJDP.

With warm regards,

John M. Rector
Administrator

ATTACHMENT K

March 14, 1978

Ms. Jean Young
c/o United States Mission
to the United Nations
799 United Nations Plaza
New York, New York 10017

Dear Ms. Young:

I wish to take this opportunity to extend my sincerest congratulations on your forthcoming appointment as chairperson of the United States National Commission on the International Year of the Child. The United States is extremely fortunate to be represented by a person of your talent and experience, and I am confident that under your leadership, the Commission's efforts will contribute significantly to the well-being of children. As the official Department of Justice representative for the IYC, I am very pleased to have this unique opportunity to work with you as an advocate on behalf of the rights of all children.

I feel it is particularly appropriate that the IYC will mark the twentieth anniversary of the Declaration of the Rights of the Child and that our statement of mission calls for activities that focus specifically on the child as an individual rather than as an appendage of the family. The rights and problems of the child are in many instances related to the family. However, children have distinct needs and deserve distinct attention.

The Department of Justice, and this Office in particular, have a special interest in improving and protecting the rights of children. In planning the overall Departmen of Justice observance of the IYC, I have selected four issues to serve as the focus for our activities. These issues are: children and youth in custody; children and youth as victims of violence; the effects of advertising and programming on violence and drug use among youth; and sexual exploitation of children and youth. In addit. this Office is planning to provide the necessary resources to enable the Department of State to undertake an international study of the rights of children.

One of our initial IYC-related activities will take place later this month when the Children's Express, an organization operated for and by children, will conduct public hearings on the problem of incarcerated children. The hearing examiners will be children and the witnesses will include young people who have been incarcerated, legislators, government officials, and representatives of national organizations. Later in the year, hearings will be sponsored on other issues related to children's rights and special needs. I plan to incorporate the findings of the hearings into futu Office activities and into deliberations of the cabinet-level Federal Coordinating Council on Juvenile Justice and Delinquency Prevention of which I am vice chair. The Council is authorized to review the programs and practices of Federal agencies

and report on the degree to which Federal funds are usd for purposes that are inconsistent with the provisions of the Juvenile Justice and Delinquency Prevention Act. The Act, which is administered by this Office, requires that juveniles be separated from adults in correctional institutions and that certain categories of non-offenders (dependent and neglected children and children who have been charged with offenses that would not be criminal if committed by adults) be removed from detention and correctional facilities altogether.

I hope that our activities will assist and complement those of the National Commission. I was interested to learn during your remarks to the IYC Interagency Committee that you were involved in the Teacher Corps Program and share my concern over the problems being experienced within our schools. I have enclosed copies of testimony recently presented to Congress by Congresswoman Shirley Chisholm and myself on this issue which I thought would be of interest to you.

Again, I congratulate you on your appointment. I hope that you will call on me at any time in the future that I may be of assistance to you.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice and
Delinquency Prevention

Enclosures - Judicature, Statement of John M. Rector, School Violence and Vandalism and Testimony By Congresswoman Shirely Chisholm

ATTACHMENT K

FEB 23 1978

Dr. Edith Grotberg
P. O. Box 1182
Washington, D.C, 20201

Dear Edith,

I am pleased to have the opportunity to comment on the United States mission statement regarding the International Year of the Child. In preparing the statement, it is important to recall that the IYC was scheduled to coincide with and commemorate the twentieth anniversary of the Declaration of the Rights of the Child, a landmark declaration of our commitment to the protection of children and the improvement of their status. In accord with the spirit and intent of the declaration, our mission statement should focus specifically on the child. The rights, needs and problems of the child are in many instances related to the family. However, children by virtue of their age and dependent status, have special needs and deserve special and distinct attention. I therefore support the draft mission statement dated January 11, 1978, which focuses on the child while recognizing the role of the family, rearing practices, and environment in the development and well-being of the child.

I look forward to final adoption of the statement and to working with you in planning programs in support of the IYC.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice and
Delinquency Prevention

ATTACHMENT L

DETENTION AND CORRECTIONAL FACILITIES
DEFINITION AND COMPLIANCE

The following definitions relate to the special requirements for participating in funding under the JJDP Act of 1974. It is important to have a working understanding of each definition in order to comprehend the information given concerning Detention and Correctional Facilities.

Juvenile Offender - an individual subject to the exercise of juvenile court jurisdiction for the purposes of adjudication and treatment based on age and offense limitations as defined by State law.

Criminal-type Offender - a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. (In many states, this definition corresponds to the juvenile code definition of a delinquent offender.)

Status Offender - a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. (Some state juvenile codes continue to classify such offenders as delinquent. For this reason, juvenile offenders are categorized as either "criminal-type" or "status" and the term delinquent is not used in the definition.)

Non-offender - a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Accused Juvenile Offender - a juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

Adjudicated Juvenile Offender - a juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

Facility - a place, an institution, a building or part thereof, set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

Facility, Secure - one which is designed and operated so as to ensure that all entrances and exits from such facility are under the

exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

Facility, Non-secure - a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

Community-based - facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

Shelter Facility - any public or private facility, other than a juvenile detention or correctional facility, that may be used in accordance with State law for the purpose of providing either temporary placement for the care of alleged or adjudicated status offenders prior to the issuance of a dispositional order, or for providing longer term care under a juvenile court dispositional order.

Lawful Custody - the exercise of care, supervision, and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

Exclusively - used to describe the population of a facility, the term "exclusively" means that the facility is used for a specifically described category of juvenile to the exclusion of all other types of juveniles.

Criminal Offender - an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

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DETENTION AND CORRECTIONAL FACILITIES DEFINITION AND COMPLIANCE

The LEAA State Planning Agency Grants Guideline, M 4100.1F, January 18, 1977, in addressing the requirements of Section 223(a)(12-14) of the JJDP Act 1974, distinguished shelter facilities from juvenile detention or correctional facilities on the basis of a secure/non-secure dichotomy. There has been confusion and uncertainty on the part of the States with re-

gard to this guideline and many have requested additional OJJDP guidance.

A review of the legislative history of the JJDP Act insight into the congressional concern that status offenders were being treated or placed in detention and correctional facilities with delinquents and criminal offenders. The Juvenile Justice Amendments of 1977 clarify that non-offenders such as dependant and neglected children are also within the scope of the deinstitutionalization requirement and that both status offenders and non-offenders are within the scope of Section 223(a)(13). The JJA of 1977 also contains a new subpart (b) to Section 223(a)(12) that requires a report on the State's progress toward deinstitutionalization and a review of the State's progress in meeting the goal of assuring that status offenders, if placed in facilities, are placed in the least restrictive appropriate alternative, which is in reasonable proximity to the family and home community of the juvenile and that will provide services appropriate to the needs of that juvenile. The comments throughout both the legislative history and the JJDP Act of 1974 make it clear that status offenders are not to be treated or incarcerated like delinquents as is the practice in many States.

The statute and legislative history did not define congressional intent with regard to the terms "juvenile detention or correctional facility" and "shelter facility" as used in Section 223(2)(12). A Council of the State Government study team attempted to relate these terms to existing State definitions and the recommendation was made that OJJDP should use its rule-making authority to promulgate definitions that would distinguish between these types of facilities. The distinctions would be based on population, size, security, ownership and operations, nature of referral, staff requirements, services offered, admission and release policies, funding, length of stay, etc. The study team's recommendations were carefully reviewed by OJJDP and it was determined that the Office should provide criteria that would allow any facility for juveniles to be characterized by some form of objective criteria that would enable both the States and the Federal government to determine if a facility is a juvenile detention, correctional, or a shelter facility where status offenders could be placed if such placement was consistent with State law. These changes were issued in M 4100.1F, Change 1, May 20, 1977, and appear in 52k:

k. Monitoring of Jails, Detention Facilities and Correctional Facilities.

(1) Act Requirement. Section 223(a)(14) requires that the State Plan provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of Section 223(12) and (13) are met, and for annual reporting of the results of such monitoring to the administrator.

(2) For purposes of monitoring, a juvenile detention or correctional facility is:

(a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders; or

(b) Any public or private facility used primarily (more than 50 percent of the facility's population during any consecutive 30-day period) for the lawful custody of accused or adjudicated criminal-type offenders even if the facility is non-secure; or

(c) Any public or private facility that has the bed capacity to house twenty or more accused or adjudicated juvenile offenders or non-offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders or non-offenders, or is community-based; or

(d) Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted criminal offenders.

The discriminating criteria selected are security, population, size, and whether or not the facility is community-based. To determine if a facility is a juvenile detention or correction facility, the four-step criteria test in paragraph 52k(2) of Change 1 must be applied. In order to clarify the components of the definition relating to commingling, size, and location, a list of options about where status offenders may be placed was provided. These options assume that no non-offender or status offender will be commingled with accused or adjudicated criminal offenders.

Available Options

1. Status offenders may be placed in non-secure facilities under twenty beds with criminal-type offenders; however, the percentage of criminal-type offenders may not exceed fifty percent of the population during any consecutive thirty-day period.

2. Status offenders may be placed in non-secure facilities of twenty beds or more if the facility is used exclusively for the care of status offenders.

3. Status offenders may be placed in non-secure facilities of twenty or more beds with criminal-type offender's if the ratio of criminal-type offenders does not exceed fifty percent of the population and the facility is community-based.

Prohibition Against Placing Status Offenders with Criminal Offenders

This component of the definition is in keeping with recent juvenile justice standards, including: The Report of the Advisory Committee to the Administrator

on Standards for the Administration of Juvenile Justice, which was transmitted to the President and Congress in March 1977 (Standard 3.11, limiting jurisdiction over matters relating to juveniles before the Family Court); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 2.2 (a) (IJA/ABA, Draft, May, 1966); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention Standard Introduction, ch. 19, p. 11-12, 22.3 (July 1966).

There is little disagreement that status offenders should not be mixed with criminal offenders, surely, if commingling of status offenders and criminal-type offender's is harmful to the status offender, then placement of status offender's in facilities where criminal offenders are placed should be prohibited. Congress has explicitly prohibited regular contact between either status or criminal type offenders and adult offenders in Section 223(a)(13). To define a shelter facility in such a way as to permit contact between status and criminal offenders would constitute a failure to carry out the mandate of both Section 223(a)(12) and (13).

Prohibition Against Placing Status Offenders in Secure Facilities

This component of the definition is in keeping with the Report of the Advisory Committee (supra) which recommends that status offenders not be placed in secure facilities, training schools, camps, and ranches. Cohen and Rutherford (supra) provide that:

> "A secure facility is one that is used exclusively for juveniles who have been adjudicated as delinquents." (Standard 7.1)

The difficulty with any definition that prohibits placement of status offenders in secure facilities lies in determining what program and architectural features make a facility secure. Discussions between OJJDP staff and knowledgeable people in the field resulted in security being defined in terms of the overall operation of the facility. Where the operation involves exit from the facility only upon approval of staff, use of locked outer doors, manned checkout points, etc., the facility is considered secure. If exit points are open but residents are authoritatively prohibited from leaving at anytime without approval, it would be a secure facility.

This definition was not intended to prohibit the existence within the facility of a small number of rooms for the protection of individual residents from themselves or others, or the adoption of regulations establishing reasonable hours for residents to come and go from the facility. It was recognized that there was a balance needed between allowing residents free access to the community while providing facility administrators with sufficient authority to maintain order, limiting unreasonable actions on the part of residents, and ensuring that children placed in their care do not come and go at all hours of the day and night or absent themselves at will for days

at a time as they see fit.

Experts advising the OJJDP recommend that security rooms may be used only in an emergency situation, and not without court approval. The OJJDP definition does not include this requirement. However, the limited use of security in individual emergency cases would have to be monitored to insure it is not used in excess.

Size

Juvenile justice standards agree that smaller facilities are less institutional in nature and are more conducive to rehabilitation than large conglomerate facilities. The Standards in Administration of Juvenile Justice (LEAA, March 1977) provide that status offenders shall not be placed in larger type facilities such as training schools, camps, and ranches. These same standards permit status offenders to be placed in smaller facilities such as group homes and foster homes.

The Cohen and Rutherford Standards (supra) recommend that no new residential program should exceed twenty beds and no existing program should exceed one hundred beds (Standard 7.2, IJA/ABA, 1976.) However, the difficulty of mandating specific numbers of beds was recognized:

> "Only when one deals with the outer extremes are we on reasonably certain ground that, for example, living units of 50 or more and institutions of 500 and above will more nearly endanger depersonalization, regimentation and reliance on custodial measures." (commentary to Standard 7.2)

The proposed Architectural Standards for Group Homes and Secure Detention and Correction Facilities (IJA/ABA, April 1976) recognized that size was only one of many factors in determining an effective residential program; other factors such as degree of security, community-based locations, degree of normalization, etc., were also important. It must be noted that these standards recommended a limit of twenty beds for secure detention and secure correction facilities with group homes limited to four to twelve beds.

It has been recognized that innovative residential treatment programs may exist or might be developed in excess of twenty beds and that these programs might be structured in such a way as to foster normalization in open, cost-effective settings. It was further recognized that some good programs not meeting the criteria would suffer. Instead of setting an absolute prohibition against placing status offenders in facilities with a specific number of beds, OJJDP established a preference for facilities of less than twenty beds by providing more flexibility for the operation of these facilities. These facilities can be located outside of the immediate community they serve and can commingle status offenders with juvenile delinquents. Pursuant to the OJJDP definition of correction and detention facilities, once

on Standards for the Administration of Juvenile Justice, which was transmitted to the President and Congress in March 1977 (Standard 3.11, limiting jurisdiction over matters relating to juveniles before the Family Court); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 2.2 (a) (IJA/ABA, Draft, May, 1966); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention Standard Introduction, ch. 19, p. 11-12, 22.3 (July 1966).

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a facility exceeds nineteen beds, it must be community-based. This means, under the OJJDP definition of community-based, that the facility must be small, open, involve community participation in operations, and be located near the juvenile's home. If not community-based, such facilities have to be non-secure residential programs solely for status offenders. In arriving at these definitions, OJJDP recognized that factors other than size may make a program desirable.

Commingling

The OJJDP definitions limits commingling of status offenders and criminal-type offenders. The decision to allow the commingling of status offenders and criminal-type offenders in a limited category of facilities with criminally involved youngsters is based on the following rational: OJJDP did not wish to compel communities which have a need for a single alternate type of facility to develop two facilities. This would be difficult for many jurisdictions and would be wasteful of the limited funds available for youth programs. In reaching this decision, OJJDP was aware of the diverse opinions that exist on the issue of commingling. The definition adopted tries to balance the opposing views by limiting commingling to non-correctional type facilities that are smaller than twenty beds or community-based.

The impact of these definitions on States will depend on the present practices these States are using in placing status offenders in facilities whose main purposes are to hold or treat criminal-type offenders. Section 223(a)(12-14) will no doubt also require States to rethink their approaches as to how they will serve the non-criminal incarcerated child. One of the main purposes of the JJDP Act is to support States in their efforts towards such changes. Both formula grant funds and technical assistance has been made available.

The use of out-of-state facilities for status offenders would not be prohibited if those facilities met the requirements of the definition. Any placement out-of-state should be the last alternative and, for most status offenders, it would be an inappropriate response.

Many States are faced with developing a comprehensive monitoring process as required by the guidelines that will cover both private and public facilities that are housing delinquent and status offenders. Concern by the Congress that States be given enough time to meet Section 223(a)(12) is one of the reasons the key deinstitutionalization of status offender's requirement was modified by both the Senate and House bills to extend the two-year period for compliance with the law to three years, with the understanding that an unequivocal commitment to full compliance within a reasonable time would be made by the States (defined as not to exceed two additional years).

APPENDIX C: ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

1. THE PROCESS OF DEINSTITUTIONALIZATION

JUVENILE CORRECTIONAL REFORM IN MASSACHUSETTS [1]

(By Lloyd E. Ohlin, Alden D. Miller, and Robert B. Coates)

INTRODUCTION

In 1970 the Center for Criminal Justice of Harvard Law School began a study following the course of reforms then taking place in Massachusetts youth corrections. The study included both a retrospective component and a proposal to follow the reforms for a number of years into the future. Directed by Lloyd Ohlin, Alden Miller, and Robert Coates, the project has typically operated with a full-time staff of about 12 or 13 persons, with additional full-time staff during some summers, and some part-time staff year round.

The Center undertook to evaluate the reforms in the Massachusetts youth correctional system and to study the process of reform itself in order to shed some light not only on the impact of the new versus the old, but also on the administrator, organizational, and political problems of instituting new programs. The seven-year project has had three major goals: (1) to study the process and progress of reform; (2) to evaluate the various treatment programs for juveniles; and (3) to develop a more effective methodology for evaluating new programs.

The Center for Criminal Justice and the Department of Youth Services agreed at the beginning of the project that the Center would have free, continuing access to all aspects of the department's operations. In return, the Center would provide to the department periodic evaluations and reports of the department's policies and programs. Thus the department has had the advantage of continuing counsel from a large-scale research project geared specifically to its long-term needs, and the project has had full access to its research subject.

The project is now, at the end of 1976, about to begin its seventh and final year. Data collection is nearly finished and more effort is being turned serve as the project's final reports. The present volume is a preliminary assembly of selected reports, providing a sampling of most aspects of the research.

I. RADICAL CORRECTIONAL REFORM: A CASE STUDY OF THE MASSACHUSETTS YOUTH CORRECTIONAL SYSTEM

The most fundamental assumptions in the field of youth corrections are under attack, and since 1969 the Massachusetts Department of Youth Services has been the most viable national symbol of a new philosophy of corrections through its repudiation of the public training school approach and its advocacy of therapeutic communities and alternative community-based services. The radical symbolism of the Massachusetts reform is heightened by the fact that the first public training school for boys in the United States was established at Westboro, Massachusetts, in 1846, and the first public training school for girls at Lancaster, Massachusetts, in 1854. Since then the public training school has become the last resort for dealing with delinquent youth, though a small number may face adult criminal court and confinement in adult prisons.

[1] A preliminary report of the Center for Criminal Justice of the Harvard Law School. Prepared for the National Institute for Juvenile Justice and Delinquency Prevention, LEAA, U.S. Department of Justice, 1976.

Closing the institutions raised the problems of building a new structure of services more closely integrated with community life. This would be the challenge of the third phase of reform. It came to involve the decentralization or regionalization of services into seven regions; the development of new court liaison staff working with juvenile judges and probation personnel to coordinate detenton, diagnostic and referral policies, and individual case decisions; a new network of community services including residential and nonresidential placements for individuals and small groups; some centralized services for the institutional treatment of dangerous and disturbed offenders; ways to monitor the quality of services increasingly purchased from private agencies; and staff development programs to reassign, retrain, or discharge former staff members in ways minimizing personal hardship and injustice.

DEVELOPMENT OF NEW DETENTION, COURT LIAISON, AND REFERRAL PROGRAMS

Before 1972 nearly all youth detained prior to trial were held in high security institutions. DYS regards this as unnecessary for most youth and even destructive for those who are not dangerous.

Alternatives have been developed with the help of private agencies. Foster care has been greatly expanded for detention purpose. Shelter care units have been set up in several regions, each generally housing between 12 and 20 youth. These are group homes with program activities which allow for rapid turnover. Local YMCA's have proved to be the most productive private resource for such facilities. The units are staffed with a combination of YMCA and DYS personnel to involve youth in constructive activities and to discharge DYS's custodial responsibilities to the courts.

DYS created the court liaison role to deal more effectively with needs of youth while they are still under the care of the court. The court liaison officer recommends placement possibilities within the DYS system and sometimes, as well, other alternatives to conventional detention. Thus, if a youth is referred or committed to the Department of Youth Services the time between such action and placement is minimized, and the reception phase in many instances is no longer distinct from detention. In seeking other options to commitment, and to reduce labeling effects, DYS has encouraged the courts to *refer* youth on a voluntary basis prior to or after adjudication instead of formally sentencing or *committing* them to DYS. From a legal standpoint *referred* youth are still within the jurisdiction of the court while *committed* youth are released to the jurisdictional authority of the department. The services available to both groups are much the same. The principal advantage of a referral status is that the youth avoids having a formal commitment on his record. Referrals have increased greatly throughout the system, with, of course, regional variations. It is estimated that between one-fourth and one-third of all youth in both residential and nonresidential programs are now referrals instead of commitments.

The DYS staff regard the detention, court liaison, and referral programs as important components in consolidating regionalization. The regional offices have largely taken over development of these programs while quality control, monitoring, and general administrative matters have remained in the Boston Office. The court liaison and referral programs also appear to have created more constructive working relationships with the courts. DYS is providing services which the courts did not previously have readily available and is able to draw on a statewide referral and quality control system difficult for the courts to develop themselves.

Private contracting agencies, especially the YMCAs, find these new programs an opportunity to expand their own services. A number of judges and probation staff have made effective use of the new referral opportunities and the assistance of the court liaison officers in utilizing these alternatives. In other instances they have been critical of the resistance of the DYS staff to high security facilities for a greater number of youth.

While the range of detention alternatives has been greatly increased, the older large security facilities, such as Roslindale, continue to be used. The inability of DYS to find a substitute for Roslindale or to make it a decent, habitable facility has puzzled visitors supportive of the Massachusetts reform. A detailed history of Miller's efforts to humanize this institution—and their failure—would reveal the whole spectrum of forces (conflicting conceptions of the delinquent and his appropriate treatment, the abuses of authority, untrained staff, overcrowding, civil service constraints, court and police demands for security, community resistance to new shelters or secure facilities, bore-

dom, idleness, fear, and violence) that turns large institutions for juvenile delinquents into prisons. Physically secure units are necessary for certain youth, but such units should probably be small in size, administer a diversified program, and provide responsive care.

As in the past, detention services for girls lag somewhat behind the alternatives available for boys. The court liaison program, while providing benefits to some courts and some regions, is still not operating across the entire state.

The new referral system is not without potentially serious policy problems. It is sound to reduce the harmful results of a youth being committed. However, if youth are now being referred who otherwise would not have been committed to DYS, the risk of labeling youth earlier is also enhanced. There is some evidence that referrals to DYS are increasing without compensating statewide reductions in commitments. Whether the additional youth will unnecessarily acquire invidious labels, or whether their presence will lessen the degree to which the youth who had always been in DYS acquire such labels, is a question demanding urgent concern and investigation. There are many issues to be resolved. If the DYS programs become less punitive, more therapeutic, and more readily available they will be used more often. Yet if they provide a treatment of last resort for the most dangerous and disturbed youth, all of the youth serviced may be perceived in the same way unless clear and possibly harmful distinctions are maintained.

DEVELOPMENT OF NEW RESIDENTIAL AND NONRESIDENTIAL PLACEMENTS

One of the most pressing problems that confronted the Department of Youth Services as the institutions were closing was the development of alternatives to institutional confinement.[2] The Boston Office had begun exploring placement alternatives in 1971, and stepped up its activities with the University of Massachusetts Conference in January 1972. At first this activity focused on the development of group homes, but when it became obvious that many youth might be stranded as the institutions closed, emphasis was shifted to the development of nonresidential alternatives, day or night programs in which youth participate while living at home or in some other setting. Since 1972 developing placements has become almost exclusively the responsibility of the regions.

There are roughly 80 nonresidential programs across the state, in which DYS places youth, about 120 residential programs, and about 200 foster homes. About 700 youth are in placement in residential group homes, and about 250 in foster homes. About 800 youth are in the nonresidential programs such as Neighborhood Youth Corps, a recreation program at Massachusetts Maritime Academy, and programs at community colleges. The two most heavily used programs for committed and referred youth are group homes and nonresidential services, with foster homes being considerably less used, and the use of traditional parole varying greatly from region to region. The group homes represent an alternative of moderate cost, while the nonresidential services are inexpensive (see Table 1.4). If problems of providing prompt payment to vendors are worked out, the use of foster care, even less expensive than nonresidential services, will probably expand.

One of the serious problems plaguing placement in general is the time lag between provision of services and payment for services. It has sometimes become so great that contracting agencies question whether regional directors really have authority to contract for the DYS; as a consequence some smaller agencies are threatened with bankruptcy. The problem of long delayed payments is endemic to all the state services and especially in those departments which make

TABLE 1.4—*Cost of program types per youth per week*

Type of program:	*Cost per youth per week*
Residential:	
Intensive care	$145–$290
Group homes	145–150
Foster care	30–40
Nonresidential	50

[2] For a report on problems in overcoming community resistance to the establishment of community-based residential facilities *see* Robert B. Coates and Alden D. Miller, "Neutralizing Community Resistance to Group Homes," in this volume.

substantial use of private vendors. The legislature has been reluctant to appropriate funds for purchased services especially when the somewhat unpredictable costs require deficiency appropriations. Even where funds are available, payments are delayed by a complicated system for setting rates, approving contracts, or authorizing payments in each case. All of these difficulties were aggravated in the case of DYS. Insufficient funds were available from the state, and the federal grants contained program and accounting requirements which DYS had difficulty meeting in time to establish the needed group homes. The rapid closing of the institutions created an immediate demand for alternatives which the cumbersome funding process could not meet.

No phase of Miller's administration has come under stronger criticism than his decision to initiate new programs before the resources to back them up were in hand.

DEVELOPMENT OF NEW QUALITY CONTROL PROCEDURES

Quality control of detention, residential, and nonresidential placements, and high security programs received little attention in DYS until the development of new programs made the issue inescapable. The basic problem is how to maintain control over the quality of programs contracted to private agencies, since private groups have not been accustomed to account for program quality to a public agency.

Three units have become involved in evaluating ongoing programs. Two units in the Bureau of Aftercare have monitored some of the nonresidential and residential programs. Another evaluation unit more recently organized has been more systematic. Programs are now rated on such dimensions as quality of facilities, administration and staff, controls, program, clinical services, diversion and budget. Information from all three units has been used by the Boston Office and regional staff for recommending program changes, and in some instances program termination.

The Boston Office staff acknowledges that methods of control have not been developed fully, but the fact that some programs have been terminated on the basis of evaluations has encouraged staff in their belief that DYS can collect evaluative data and make decisions on the basis of it. Regional directors, a number of whom were at first skeptical of the evaluation and information system, are now calling for more evaluation to improve their own placemen decisions.

The development of a fully operational quality control unit is the most essential requirement of a system that relies primarily on the purchase of services from private vendors. The latter are free from the rigid constraints of public civil service and line budgets dependent on the political process of legislative approval. However, this freedom does not in itself guarantee quality programs. DYS terminated placement at several group homes. In one case the facility was found to be structurally unsound and the treatment of youth inhumane; i.e., the building had broken windows which were not being replaced and youth wei being fed only once a day to cut costs. In a second instance a project was terminated because the promised services, counseling, education, and work experiences, were not being provided. In yet another case the project was stopped because the program was administered in an overly regimented, institutional manner.

The experience of other states also justifies vigorous and powerful quality control procedures. The professional or sectarian orthodoxies of private agencies may prove as inflexible and ultimately as harmful to youth as the regimen of the traditional training school. Furthermore, their tendency to admit only those youth most amenable and acceptable for treatment leaves the public agency responsible ultimately for the care of the most difficult and most economically and socially disadvantaged youth. Great care must be taken in drawing up contract requirements for the purchase of private services to guarantee access for the quality control unit. DYS seems cognizant of these problems and has demonstrated its ability to evaluate programs and eliminate those that do not perform adequately. However, it has not allocated enough resources to build a quality control system capable of monitoring all programs regularly.

THE PROBLEM OF PERSONNEL DEVELOPMENT

Early statewide attempts at staff retraining programs were not very successful. With regionalization and deinstitutionalization, staff training programs

changed and are now handled regionally. Deinstitutionalization and the new practice of purchasing services have put old staff members in positions where they have had to learn new skills on the job. The Boston Office has attempted to provide displaced staff with opportunities to transfer to different work, including new casework and other alternatives under the regional offices, or to join private nonprofit treatment agencies that contract services to DYS. The problem nonetheless remains serious; half or more of the staff of DYS could be transferred out of the department without impairing its functioning since most of the services provided by staff in the past are now purchased from the private sector. DYS records for 1969 show that 531 employees were assigned to the major institutions that have since been closed or converted partly to private programs. The number currently assigned to these institutions is 120; of these, 61 provide maintenance services and care for 25 youth in two cottages at Lancaster, while 59 simply maintain the facilities of two other institutions. Forty-four of the 59 will be transferred to other departments in state government destined to take over those institutions in the near future. Many of the original institutional staff not thus accounted for are associated with regional offices, which did not exist in 1969, and now employ 269 persons. The central administration in Boston has dropped from 160 to 94 employees.

Many staff members who have involved themselves in the new system have been satisfied with it. Others who have been unable or unwilling to break with past traditions have found the experience distressing. Still, the staff union leadership, with increased understanding of what is being done and why, has not opposed the changes as it did in earlier years.

CONCLUSION

The traditional training school system that existed in Massachusetts prior to the recent reforms is still the dominant pattern for youth corrections throughout the country. In fact, preliminary results of a national survey of juvenile correctional practices reveal that there are as many states increasing the number of delinquent youth confined in institutions as there are showing decreases.[3] For many of these states the Massachusetts experience will provide useful guidance to the problems major reforms must confront.

The Massachusetts reforms have closed the traditional training schools and developed a variety of alternative residential and nonresidential services based in the new state regions. Our research on these reforms, however, is not yet completed There has not yet been sufficient exposure time in the community for those in the new programs to provide a valid, follow-up comparison with those treated in institutions. In addition, the collection of recidivism information has been delayed pending the development of approved regulations for access by research personnel to criminal history information of juvenile and adult offenders. These arrangements have just been completed.

Evidence thus far indicates that youth perceive the new system as more helpful and staff more responsive. There is widespread agreement that it encourages more humane treatment of youth and offers staff more resources for reintegrating youth into their home communities. Whether in the long run these new policies and programs will result in better protection for the community and more effective help for troubled youth is still to be determined.

II. Community-Based Corrections: Concept, Impact

(By Robert B. Coates)

During the past decade, the field of human services, including correctional services, has gradually moved away from institution-based programs to community programs. Some observers would probably describe the trend as a passing fad or a surface phenomenon. The movement is probably not a fad; it seems likely to presist, but it most certainly has benefited from a "bandwagon" effect. Although nearly every state now has superficial showcase programs to publicize its progressive approach to serving human needs, many states are genuinely moving at a fairly rapid pace to reduce the numbers of persons housed in institutions.

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[3] Wolfgang I. Grichting, *Sampling Plans and Results, The University of Michigan National Assessment of Juvenile Corrections Project* (Ann Arbor: University of Michigan, Institution of Continuing Legal Education, School of Social Work, 1973).

Community-based services remains, however, an ill defined and heterogeneous collection of strategies for handling juvenile and adult offenders. For example, a halfway house can mean halfway in or halfway out. In what ways does a halfway house differ from a group home, a shelter care facility, a camp, or a ranch? What dimensions discriminate between community-based and institution-based programs? Is it location, level of control, public versus private administration, or range of services? There is little agreement among those who work in the field about the appropriate answers to these questions, and this probably hinders public acceptance and the effectivenses of community-based policies. It also makes systematic research, planning, and implementation difficult.

This chapter seeks to clarify some of the issues raised by community-based programs. First, a concept of community-based services is introduced to differentiate among correctional programs. Second, the historical origin of community-based corrections is briefly reviewed. Third, research findings are appraised to determine what is known about the impact of community programs; and fourth, potential dangers related to the implementation of community-based systems are explored.

FORMING A CONCEPT OF COMMUNITY-BASED CORRECTIONS

The idea of community is central to the conceptualization of community-based corrections set forth here, but it can be user to mean many things: a small number of people sharing similar ideas; a specific territory in which a number of people reside; a group of similar background. For the arguments presented here, community will mean the smallest local territory that incorporates a network of relationships providing most of the goods and services required by persons living within the boundaries of the territory.[1] These services include schools, employment, food distribution, banks, churches, and sanitation services. This definition of community is helpful to our conceptualization of community-based services in two ways: (1) it is clear that a neighborhood is a subcomponent of community, for neighborhoods do not have networks of relationships to provide a large number of goods and services; and (2) the restriction to the smallest localized territory providing such a network means that we can talk of smaller units than metropolitan areas, or states, or nations.

How should we now conceive of community-based corrections? Specifically, how do we isolate those essential qualities that make some programs more community based than others

The words *community based* focus attention on the nature of the links between programs and the community. Key variables that sharply focus on this notion of linkage and provide a basis for differentiating among programs are the *extent* and *quality* of the relationships among program staff, clients, and the community in which the program is located. (If clients come from outside the program community itself, relationships need to be considered with both the community in which the program is located and the community from which the client comes or to which he/she will return.) The nature of these client and staff relationships with the community provides the underpinning for a continuum of services ranging from the least to the most community based. Before discussing the implications of that continuum, let us further explore variations in these community relationships.

The frequency and duration of community relationships are important in this concept of community-based corrections, but the quality of relationships is especially so. The chain gangs of an earlier era set inmates to work in the community outside the prison walls, but did not yield the kind of relationships with the community that is envisioned here. The relationships of particular interest here are those that support the efforts of offenders to become re-established and functioning in legitimate roles. These include relationships that encourage clients and enable them to appreciate their self-worth, that match community resources to client needs, and that advocate better community resources and freer access to those resources.

From a pragmatic point of view, a program can utilize a wide range of actions to create supportive client relationships with a community. Those actions can be directed toward at least four levels of community intervention. First, actions can be directed at private and public agencies to encourage support for a client and his family. This might entail efforts, for example, to persuade a Neighbor-

[1] Neil J. Smelser, *Sociology* (New York: John Wiley & Sons, 1967), p. 95.

hood Youth Corps or a State Employment Agency to supply jobs, a YMCA or YWCA to provide a place of residence, or a public welfare agency to provide financial assistance to a family. Second, actions can be designed to persuade community institutions such as schools and churches to provide alternative educational programs, lay counseling, emergency shelters, or "hot lines." Third, efforts can be directed at formal and informal voluntary community groups to educate the public about client needs and about ways by which civic groups can provide supportive assistance. And fourth, actions can be directed at local residents to elicit the residents' support for the program, the clients, and a redirection of the community's response to youth and adult offenders.

This concept of the central importance of the frequency, duration, and quality of the relationships to the community as key indicators implies that community-based services can be differentiated along a continuum from the least community based to the most community based. The continuum composed of the variable dimensions of community relationships adds more realism to the concept of community corrections than does constructing a classification with a small number of exclusive categories, which would sacrifice information and be less useful and workable. It is also realistic in recognizing that because of the varying needs of specific offenders and specific communities no system can afford to have all of its programs lodged at either end of the continuum.

The relevant relationships, then, are tangible and subject to measurement. Relationships among program clients, staff, and the community can be counted and assigned priority. For example, relationships may involve community residents participating in "in-house" activities, but a higher priority should be placed on the need for clients to develop relationships that permit exchange within the *larger* community. The quality of relationships can also be measured. They can be evaluated as helpful or harmful. Consider, for example, job training programs: programs that offer only job training could be compared to those programs that offer job placement along with training. Those that offer placement are likely to reflect a greater emphasis on generating supportive links between the client and the community. The continuum could be used specifically to compare the relative merits of different group homes or probation departments. More generally, data might be collected to compare broad strategies of treatment, ranging from maximum security institutions to nonresidential services. A data base could also be developed to allow comparison of systems from state to state. Thus the concept developed here, which focuses on relationships, has considerable import for research, quality control, and systemwide policy making.

The continuum, with its emphasis on community relationships, also helps the practitioner identify those aspects of a program that make it uniquely community based. Knowing the treatment model being used does not necessarily tell us whether it is community based. For example, if we know that program *A* employs guided group interaction, that fact tells us nothing about the program's relationship to the community. In short, the concept of a continuum underscores the idea that even a "happy, caring" group residence is not enough unless it affects relationships with the larger community. Pinpointing community relationships as the key set of variables, whatever the specific treatment model may be, renders most critical the consideration of two staff responsibilities: (1) matching clients with existing community resources, and (2) working with the community to generate resources where they are lacking.

This concept of "community based" differs in some important ways from other commonly encountered conceptions of community-based corrections. Five misconceptions will be outlined in order to clarify the importance of focusing on community relationships as the key set of variables in identifying the degree to which a program is community based.

1. *It is community based because it is so labeled.*—Frequently, when administrators are asked to define a community-based program, they will respond by saying, "Program *A* is a community-based program." Yet, in another system a similar program is not regarded as community based. Simply labeling programs as community based provides no set of criteria that can be generalized from one system to another.

2. *It is community based because others are not.*—Some administrators define community-based programs by describing others that are not community based. Most commonly they will describe an institution as a closed setting that attempts to provide to its clients a complete range of services that community-based pro-

grams ordinarily do not offer. Parenthetically, it should be noted that a total institution shares many of the same characteristics as a community, but it does not, except for staff, allow free passage of residents or outsiders across its boundaries. This manner of conceptualizing is somewhat helpful since it serves to remind people what it is they do not or should not like about the traditional institutional mode of dealing with people. It fails, however, to analyze the specific characteristics of community-based programs and, instead, merely describes what a community-based program is not.

3. *If it is located in a community, then it is community based.*—Location is probably the most frequently used criterion to distinguish between institution-based and community-based programs. This, too, is deficient. Institutions, after all, are located in communities. There are opportunities for developing productive relationships between the residents of institutions and the surrounding communities. The fact that offenders usually return to communities offers an opportunity to develop relationships. Yet institutions have a miserable record of community ties. It is feasible that they could improve to some extent, and certainly some institutions are better at developing those relationships than others.

Placing a halfway house or a group home in the "community" is no guanantee that it will develop any ties with that community. Too many programs are merely islands within the community—*small* institutions, but institutions nonetheless.

Because of this mistaken definition by location, some community-based programs are criticized because they do not treat clients in their home community. Frequently, this criticism implies a confusion between neighborhood and community, but it is also unrealistic to expect a neighborhood or a community to have a complete range of special services for every type of offender. In addition, some youthful, as well as some adult, offenders want to get away from their local communities. The location of the program does not tell very much about the quality of the program, and, indeed, can mislead people into assuming a program is community based.

4. *Programs with minimal control or supervision are community based.*—A common belief in the field is that a community-based program means little supervision and therefore reduced community protection. Certainly some community-based programs do entail little overt supervision, and participation is quite voluntary. But even institutionally based programs can have outreach components that permit relatively extensive, unsupervised client participation in community schools, jobs, and recreational services. On the other hand, some nonresidential services exercise considerable control over clients. For example, intensive tracking programs that provide one counselor or advocate for two clients permit the staff person to be involved very closely in the daily life of the client. Thus, levels of control and security do not discriminate well across the continuum of correctional services. Moreover, if a definition of community-based programs rested on the degree of control, we would probably impede develop ment and experimentation with innovative nonresidential attempts at handling those youth or adults defined as "more difficult to handle."

5. *Programs operated by private agencies rather than by the state are community based.*—This need not be the case. Private agency programs can be just as isolated from community groups and services as state-operated programs.

These several misconceptions about location, level of control, public or private administration, and range of services overlook the importance of examining the programing of community-based services. Looking at the frequency, duration, and quality of the relationships of program staff, clients, and local communit; provides a basis for differentiation. The concept of *relationship* is concrete and measurable. It can be dealt with on a rather general level that permits broad comparison, or it can be measured in a fairly specific and exacting way that permits comparison among individual programs. The utility of this concept does not depend on our ability to neatly categorize programs as group homes, foster care, or nonresidential services, because the label of the program is unimportant. The more a program involves clients in supportive, legitimate community activities the more it is community based.

WHAT HAVE WE LEARNED ABOUT CORRECTIONAL PROGRAMING?

It is useful to evaluate periodically the accumulated experience of dealing with adult and youth offenders and to ask "What works?" Considerable time and money have gone into efforts to answer that question, although some of the

research that fails to use comparison groups, fails to set out clear evaluation criteria, or fails to look at programs in the context of their system environments may provide misleading information. Nonetheless a sizable body of reasonably sound research literature does exist that can be called upon to answer the question.

The answer is disappointing: no single treatment modality by itself significantly reduces the rate of client recidivism. This is true whether one considers individual counseling, guided group interaction, behavior modification, vocational training, education, intensive probation, or field hockey. When we compare the results of experimental groups with results from control or comparison groups, we seldom find successful, durable effects, regardless of the treatment setting—whether a closed institution or an open community setting.

One of the more extensive analyses of correctional research was undertaken by Robert Martinson for the state of New York.[2] His findings were originally suppressed by the state, but are now being made available to the public. Martinson, over a two-year period, carefully scrutinized the evaluation research literature from this country and abroad. For an evaluation study to be included in his final analysis it had to have a clear independent measure of the desired improvement, and the study had to use a control or comparison group. In the end, 231 studies completed between 1945–1967 were analyzed, with the bulk of the programs best described as institution based. They would for the most part make a weak showing on our continuum for low to high community relationships.

Although additional outcome criteria were compared, Martinson's published work to date focuses only on recidivism because it is "the phenomenon which reflects most directly how well our present treatment programs are performing the task of rehabilitation."[3] Programs and policies evaluated by research studies include education and vocational trianing, individual counseling, group counseling, humanizing the institutional environment, medical treatment, effects of sentencing, decarceration, psychotherapy in community settings, probation or parole versus prison-intensive supervision, and community treatment. Martinson dramatically summarized his findings: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism."[4] While the community treatment programs did not yield significant differences in terms of recidivism, they did show that clients did no worse than if they had been incarcerated. Clients did not pose an unacceptable threat to the community. And many of these community programs were less expensive than traditional institutionalizaton.[5]

In 1971 a National Institute of Mental Health survey of community-based correctional programs, less comprehensive than the Martinson study but with more focus on community-based programs, arrived essentially at the same conclusions. It demonstrated that community-based programs can do at least as well as prisons: "a large number of offenders who are candidates for incarceration may instead be retained in the community as safely, as effectvely, and at much less expense."[6] Some of the specific findings cited include: (1) the reduction of probation and parole caseload size is not related to recidivism; and (2) the claims of the California Community Treatment Project (designed to determine effect of differential treatment and classification of offenders) to reduce recidivism are confounded by parole officers' tolerance of behavior by clients in the experimental group while the same kind of behavior led to parole revocation for clients in the control group.[7]

Paul Lerman, in 1968, reviewed several studies of group homes and intensive probation. He, too, concluded that there was no evidence to support the belief

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[2] Robert Martinson, "What Works?—Questions and Answers about Prison Reform," *Public Interest* (Spring 1974), pp. 22–52.

[3] *Ibid.*, p. 24.

[4] *Ibid.*, p. 25.

[5] *Ibid.*, pp. 47–48. Since the writing of his paper the Martinson works have generated considerable debate. For further reference *see* Douglas Lipton, Robert Martinson, and Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York: Praeger, 1975); Sol Chaneles, "A Look at Martinson's Report," *Fortune News*, November 1975; Ted Palmer, "Martinson Revisited," *Journal of Research in Crime and Delinquency*, 12 (July 1975); and Robert Martinson, "California Research at the Crossroads," *Crime and Delinquency*, 22 (April 1976).

[6] National Institute of Mental Health, Center for Studies of Crime and Delinquency, *Community-Based Correctional Programs* (Washington, D.C.: Government Printing Office, 1971), p. 33.

[7] *Ibid.*, pp. 5–9.

that these offenders do worse in the community, but neither was there evidence at that time suggesting that potential failures would be decreased. Lerman points out several difficulties with research procedures which make findings difficult to interpret. Frequently only the number of persons *completing* the program are counted because it makes the program appear more effective. This counting procedure overlooks the possibility that those completing the program are a very select group. Others who started the program but failed should also be counted to provide an accurate picture of how well the program is working with clients. Lerman also claims that control groups and experimental groups reported in research studies are frequently not comparable. For example, by reanalyzing data he shows that the Jesness study of the Fricot Ranch in California, which cited reduced recidivism for experimentals when compared with controls, did not have comparable groups. The control groups consisted of significantly more blacks and youth from poorer homes.[8]

In addition to citing this faulty research procedure, Lerman also suggests that additonal data, such as comparative length of stay, need to be included to provide an adequate comparative assessment of community programs versus institution-based programs. For example, youth entering a private residential center in New York State stayed an average of sixteen months. If they had gone directly to the state institution, he average say would have been nine monhs. This difference could have damaging implications for the cost-effectiveness argument, as well as raising issues of individual rights.[9] In a detailed analysis, recently published, Lerman continues to make these points by reanalyzing data from the California Treatment Project and the California Probation Subsidy Program.[10] He concludes his 1968 review by claiming that a rational case cannot be made based on treatment effectiveness for community corrections. He argues for community corrections solely on humanitarian grounds. If offender recidivism rates are comparable in alternative programs we should select the most benign alternative, such as handling as many as possible in the community, so that offenders spend less time in institutions.[11]

In another NIMH report on current research, prepared by Marguerite Q. Warren at the Center for Training in Differential Treatment, the assessment of current research is similar, but her conclusions emphasize a different point.[12] She stresses the need to adapt a variety of treatment strategies to different types of offenders, although the evidence based on recidivism information is not fully developed. In fact, the recidivism data support Lerman's thesis. For example Warren cites studies to show that reduced probation and parole caseloads have no effect; street work can encourage delinquency rather than discourage it; and Guided Group Interaction makes little difference.[13] She concludes that no treatment model can claim to be effective with all offenders, and she calls for more research efforts to discover what kinds of treatment are beneficial for what kinds of offenders.[14]

We agree with Warren's conclusion. It is imperative, however, that the range of "treatment programs" be expanded to include the possibility that some persons require no special rehabilitative treatment, but simply need to be more effectively linked to appropriate community resources and opportunities. Thus the range should also include the more radical possibility that for some persons the problem is not one of personal defect but rather the inability of communities to make resources available. Reasons for inhibiting access to such opportunities may involve racism, classism, lack of knowledge concerning the needs of the offender, or unwillingness to finance innovative, nonstigmatizing programs such as alternative schools or vocational training with guaranteed job placement.

These surveys of evaluation studies can be criticized justifiably for judging the effectiveness of different treatment modalities almost solely by the criterion of recidivism. Other shorter term program goals are also important, and some

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[8] Paul Lerman "Evaluative Studies of Institutions for Delinquents," reprinted from *Social Work*, 13 (December 1968), in Paul Lerman, ed., *Delinquency and Social Policy* (New York: Praeger, 1970). pp. 317–337.

[9] *Ibid.*, p. 321.

[10] Paul Lerman, *Community Treatment and Social Control: An Analysis of Juvenile Correctional Policy* (Chicago: University of Chicago Press, 1975).

[11] Lerman, "Evaluation Studies," pp. 326–327.

[12] Marguerite Q. Warren, *Correctional Treatment in Community Settings*, National Institute of Mental Health (Washington, D.C.: Government Printing Office, 1972).

[13] *Ibid.*, pp. 18–19, 24–26.

[14] *Ibid.*, pp. 51–52.

programs may be more successful in reaching them. For the purpose of considering policy it is important to document what actually happens in a program—the nature of the social climate of the program environment, and the impact on a client's self-image and educational or vocational skills. Furthermore, responsibility for recidivism is not solely the burden of particular service programs. It must be shared by a number of other service programs, community law enforcement, and institutional support policies as well as the individual offender. The correctional service programs, however, should not be allowed to duck the issue of recidivism entirely. Research, rather than falling back on long-term recidivism rates, should grapple with intervening questions that explain why some clients recidivate and others do not. Important intervening questions include: What is the program staff doing to facilitate successful reintegration? Are they developing community linkages? Are they working to persuade recalcitrant community groups? What groups from the community are supporting the returning clients? Who is hassling the client? Are police bringing the client to court on an old charge before he has a chance to succeed? Answers to these kinds of intermediate question should provide system administrators with better information on which to base policy and devise treatment alternatives.[15]

Taken altogether these reviews of studies on community programs share several elements. They all implicitly conceive of community-based corrections in terms of "location" rather than the quality, frequency, and duration of community relationships. That may provide a partial explanation of why the success rates of community programs did not show a marked improvement over the success rates of institutions. If one compares a small institution, isolated from a community, with a larger institution, also isolated from the community, one cannot expect dramatic differences.

Together, the reviews provide very little support for the notion that community-located programs, or even weakly based community programs couched in any number of treatment philosophies, are superior rehabilitation tools. It is clear, however, that offenders do no worse in these programs and that many, if not most, can therefore be handled in the community without presenting a higher risk to the community. These appraisals and most of the original studies properly conclude that many more offenders should be handled in the community for humanitarian reasons. Not only are community-based programs more humane, but they are less expensive for the taxpayer.

These arguments for community-based corrections emphasize the first three policy assumptions mentioned earlier: (1) the desire to make the correctional process more humane; (2) the belief that the deeper individuals penetrate into the formal criminal justice system the more difficult it is for them to return successfully to the community; and (3) the belief that community corrections are more cost effective. The fourth policy assumption, that community-based corrections increase the likelihood of successful reintegration, is not emphasized, because of the lack of supporting recidivism data.

This overview of research findings does not offer a very glowing assessment of what is being done in community corrections. The data simply indicate that most offenders will do no worse in a community-based program than in an institution.

Perhaps long-run impact requires a larger focus than that generally used in traditional treatment models. For example, individual counseling and group counseling deal either with one person or with a group of individuals to encourage self-understanding and better coping with group relationships. Counseling, skill training, education, recreation, and self-actualization programs still for the most part bring to bear on the individual a rehabilitation approach. Although much lip service is paid to reintegration models, the emphasis is concentrated on rehabilitative treatment of the individual. But "getting one's head together" is meaningless unless an offender is permitted access to useful roles in the community; skill training and education are useless unless meaningful jobs can be found. Reintegration and rehabilitation approaches are not necessarily mutually exclusive. A reintegration model may be built upon a guided group-interaction group home. Its attempt to match community resources with individual needs makes it a community-based strategy. If the resources do not exist or are not made available for some reason then the advocacy model becomes appropriate.

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[15] Robert B. Coates and Alden D. Miller, "Evaluating Large Scale Social Service Systems in Changing Environments," *Journal of Research in Crime and Delinquency* 12 (July 1975), 92–106.

Reintegration models and advocacy models have not been implemented frequently enough (except as a weak adjunct to rehabilitation programs) or for long enough periods of time to permit extensive analysis.

III. Subcultures In Community-Based Programs

(By Craig A. McEwen)

Programs for youth in trouble can be evaluated from either a long- or a short-term perspective. Because the widely accepted long-run goal of correctional programs for youth is the reintegration of their clients in the free community as law-abiding citizens, the recidivism rate of former participants is generally used as an index of the "effectiveness" of a program. Unfortunately, such measures of success with past clients are too remote and unrefined to guide practitioners in making day-to-day decisions about their current program members. Rates of recidivism do not furnish administrators with the information about what happens in the course of a program to prevent or foster violations of the law by former clients. Both practitioners and administrators are likely, therefore, to develop a set of implicit standards of short-run, in-program success or failure to use in making operational decisions.

Unlike recidivism, however, which is a widely accepted long-term measure of effectiveness, the several criteria of short-term success generate less consensus. Most of these criteria reflect in one way or another the achievement of four general and overlapping objectives in youth correctional services: (1) to provide a humane and livable program environment that does not alienate, embitter, or harm youth; (2) to alter in a "constructive" fashion the self-image, values, attitudes, skills, knowledge, or habits of youth (rehabilitation); (3) to establish or re-establish "positive" and supportive relationships between youth and relevant persons in the free community such as parents, teachers, employers, police, and peers (reintegration); and (4) to maintain direct control over the behavior of youth during the period they are under agency jurisdiction.

While each of these goals appears laudatory and essential to any correctional effort, the operation of a program for youth in trouble requires an ongoing series of choices in an awkward world where not all goals can be achieved at the same time. Some short-term goals have to be sacrificed in order to facilitate the accomplishment of others with higher priority. If one defines success only as the full achievement of the panoply of short-term correctional goals, it is easy to point out short-run failures in any correctional program. On the other hand, recognition that, of necessity, all correctional programs must fail to do some things in the short run if they are to succeed in doing others does not preclude criticism of such programs. Some of them may succeed too infrequently, and some failures may be worse than others. Correctional practitioners and administrators face the following formidable tasks: (1) sorting out the "tolerable" short-run failures from the "unacceptable" ones, (2) organizing programs so as to maximize desirable forms of short-term success, (3) both diversifying and balancing the correctional system so that its constituent programs complement one another, and (4) developing a method for matching clients with programs so that the needs of each youth are met by the unique strengths of individual programs.

The data and analysis in this report on the 1973 subculture study are specifically organized so as to address these problems of policy and practice. We shall examine the ways in which the choice of particular methods of organizing programs facilitates the achievement of some short-term goals but reduces the likelihood of attaining others, and, where possible, we will point out some of the characteristics that make different clients more responsive to one kind of program emphasis than to another.

Humane Program Environment as a Goal

Program staff and outside evaluators derive much of their sense of a program environment from the responses of program youth: "If the kids like it, it must not be too bad a place." In this section we draw on this reasoning, although recognizing its limitations. Obviously youth will like programs that are in some sense "bad" for them, or dislike settings that are "good" for them. Nevertheless if we focus for the moment exclusively on the goal of providing a humane pro-

gram environment, we must take youth evaluations quite seriously. Our analysis will begin therefore, with the overall assessments by youth of the quality of life and activity in a program.

SUMMARY OF FACTORS CONTRIBUTING TO A HUMANE ENVIRONMENT

The analysis of the degree to which programs achieve the goal of a "humane environment" (as indexed by the expressed preferences of youth for the program) identifies a number of organizational factors that appear to increase youth satisfaction with their program experience. Before listing those conditions, we should note that the programs we studied and analyzed are probably all at the high end of a scale measuring "humane living environments." In none of the 13 programs we observed was there any evidence of physical brutality by staff; living conditions, though varied, were generally clean and the food was at least adequate and often good; most staff were concerned about youth and worked hard to help them although they chose to do so in differing ways. These conditions must, thus, be assumed in addition to the following:

1. There must be sufficient staff supervision over youth relationships to prevent peer pressures toward physical aggression, running away, and drug and alcohol use. This supervision seems to be accomplished in a number of ways.

(a) By having small programs (about 10 participants) in homelike surroundings.

(b) By organizing large programs (over 20 participants) so that they have a full schedule of supervised and mandatory group activities that may be educational, recreational, or therapeutic in nature.

2. Some of the more disturbing peer pressures may be moderated by having coeducational programs. Masculine and feminine identities can then be affirmed in day-to-day interaction with members of the opposite sex rather than through excessive aggressiveness on the part of the boys or the running away of the girls to be with boys. The same results might be achieved through regular interaction between program members and youth of the other sex living in the open community.

3. Youth participation in some decisions and in the general operation of the program seems to facilitate—though it does not guarantee—youth satisfaction with the program.

A number of conflicts between various organizational techniques and operational goals are evident in the preceding analysis. There is a conflict between maintaining a wide range of organized activities in a program and allowing youth considerable initiative and freedom of choice about participation in program activities. Since highly structured activities seems to be the major means of controlling peer relationships in large programs, there is a conflict in these programs between high staff supervision and control over youth relationships on the one hand and allowing youth considerable freedom of choice in their activities on the other hand. A number of other conflicts will become more evident in the following sections.

REHABILITATION OR TREATMENT AS A SHORT-TERM GOAL

Rehabiltation is conceived of here as a short-term strategy that focuses on changing a youth's attitudes, values, and skills, in a "positive" way. Since it is assessed here as a short-term goal, we must hold in abeyance any judgment about whether "rehabilitation" increases the chances of long-term adjustment y youth to life in the free community. The best indices of rehabilitation would involve a "before and after" measure of change in attitude, skills, self-conception or psychological well-being. The subculture study reported here is cross-sectional rather than longitudinal, and no such measures are available. Nevertheless a number of indirect measures of rehabilitation are available and lead us to an interesting and useful analysis.

SUMMARY OF CONDITIONS FOR ACHIEVING SHORT-TERM REHABILITATION

The analysis of the degree to which the programs we examined in the subculture study achieved the short-term goal of rehabilitation suggests the following conditions for maximizing the achievement of particular kinds of short-term rehabilitation goals.

1. Positive youth orientations toward the staff as a whole are most likely to be achieved when program size is small, staff differentiation is low, and high rates of interaction (as in group meetings) occur between most staff and youth.
2. The likelihood that youth will find staff members to whom they can talk about their personal problems depends upon the frequent exposure of youth to a variety of staff. These conditions were most likely to be met in large residential programs where youth had many staff to choose confidants from and in residential programs using group therapy techniques which allowed youth to get to know all the staff members well.
3. Short-term change of attitudes and values appears to be facilitated by isolation of youth from the community, the use of group therapy techniques. and, in large programs, a heavily structured routine of activities.
4. Short-term efforts by program staff to provide education and training to youth seem to require considerable program size and differentiation among staff members.

A number of conflicts among the short-term goals and between some of those goals and organizational factors also become clearer in this analysis:

1. Education and group treatment orientation seem to be in conflict.
2. Value change is inconsistent with allowing youth considerable freedom of choice and association within and outside programs.

REINTEGRATION AS A SHORT-TERM GOAL

As defined at the beginning of the report, reintegration as a short-term strategy or goal involves the adjustment or formation of relationships between youth in a program and community members. One index of short-term success in reintegration is the proportion of the program population that has some regular contact with members of the community. Obviously community contact is not the same as reintegration, but it is an essential step if reintegration is to occur. Because of the nature of our role as observers within the programs, however, we were not observers of all community contact; in fact, we were most aware of group rather than individual exposure to the community. Nevertheless, by watching the coming and going of staff and youth and listening to them talk of their activity, we learned something about their individual community contacts as well.

SUMMARY OF CONDITIONS FOR ACHIEVING SHORT-TERM REINTEGRATION

A number of factors appear from the analysis to be important for the achievement of the short-term reintegration goal:

1. Program members should be located in programs near their homes if staff are to work effectively with youth relationships with the family, school and home to which a youth is to return. Otherwise staff must accept the feasibility of creating new relationships for a youth in the program's locale.
2. Staff must he willing to tolerate and guide contact between the youth in their program and members of the community.

In addition, a number of contradictions among goals and between goals and organizational decisions become clearer from this analysis:

1. Value change and reintegration appear to be inconsistent goals because the former requires isolation and the latter requires community contact.
2. A highly structured program (a key to providing a "humane" program environment in large programs) seems to make more difficult the individualized, time-consuming effort of staff to work on youth-community relationships.

POLICY IMPLICATIONS OF THE SUBCULTURE STUDY

The preceding analysis makes clear some of the dilemmas faced by correctional administrators and practitioners. In this report we have identified major conflicts between: (1) allowing youth in large programs freedom of movement and choice in activities and effectively controlling relations among them; (2) allowing youth freedom to maintain community contacts and bringing about changes in the values of youth; (3) closely supervising relations among prograr participants and reintegrating individual youth into the community; and (4) isolating youth from community contacts and reintegrating them into the community. Because of these conflicts. it is difficult, perhaps impossible, for any one correctional program to achieve simultaneously and fully the short-term correctional goals of a humane program environment, rehabilitation, and reintegration. The organizational techniques most appropriate for achieving one of these sets

of goals often make it more difficult to achieve the others. In the context of these conflicts and the inevitability of some short-term failures within programs, people who work with youth in trouble must make operational choices about individual programs and the system of programs as a whole.

In the introduction to this report we noted that the data of the subculture study are particularly relevant to four areas of operational decision making. First, correctional workers are faced with the question of whether some kinds of short-term failures are less tolerable than others. For the people working in individual programs these choices are very real because they must decide in what areas to maximize success and in which ones to tolerate "failure." Program personnel are likely, however, to be most committed and effective when they have chosen to emphasize short-term goals and program techniques with which they are comfortable. Yet some may be plagued by a sense of inadequacy because they are not "doing more." While the data reported here cannot make these choices for practitioners, they may help increase their awareness of the necessity of trade-off involved in these decisions about goals and means.

For the administrator concerned with a system of programs, the problem of choice may be less acute. Rather than choosing one particular set of goals and techniques to emphasize, such an administrator may instead try to insure that available programs offer a variety of techniques and emphases. Clearly, some programs may not have suffered successes to outweigh their failures, and decisions must be made to reorganize or eliminate such programs.

Second, both practitioners and administrators may be faced with more detailed, tactical decisions while trying to maximize success in achieving any particular short-term goal. A number of conditions for attaining specific goals have been tentatively identified in this report and summarized at the conclusion of each section. Generally, these conditions make clear that decisions about whether a program will be residential or nonresidential, how many participants it will have, what the ages and sex of those participants will be, how the staff will be organized, and what ideology should guide the staff are important factors in differentiating the degree of program success in achieving the various short-term goals. Unfortunately, because of the small numbers of programs which we have analyzed, it is not possible always to untangle all these variables from one another. Thus, for example, it is not clear that reducing the size of a large, unstructured boys' program with highly differentiated staff would by itself reduce the amount of fighting among residents. Our data do not allow us to conclude precisely which changes will have the greatest impact on the achievement of a particular goal. Nevertheless, the data do identify important sets of variables that might be manipulated to achieve particular results with youth.

A third major task for administrators, as noted above, is to diversify and balance the set of programs providing service within a correctional system. When one looks at the system as a whole rather than concentrating on the individual programs which compose it, resolution of many of the program and policy conflicts becomes possible. While no one program can do everything, an entire system of programs could accomplish a variety of goals at the same time. Youth with multiple needs that no one program can meet may be provided services by moving them through two or more programs either simultaneously or in sequence. For example, a youth in a close and isolated therapeutic program might later be moved into a nonresidential program to ease the transition back to an open community or to a program emphasizing education and training rather than psychological therapy. One danger of a policy of sequencing should be anticipated. It could serve to increase the time during which the correctional system has jurisdiction over youth by subjecting them to a lengthly series of programs. Clearly such an unrestrained sequencing policy could be very expensive in both human and monetary terms.

Fourth, both system administrators and practitioners are faced with deciding which youth should go to which program. In one sense our data have provided little help in identifying what types of youth are most suited to particular kinds of programs. The individual characteristics for which we have measures simply do not predict which youth will respond best to a particular program. This inability to identify predictors variables may be a consequence of the small sample size and absence of longitudinal data in the subculture study.[1] It also appears, however, that so many idiosyncratic features of youth

[1] The cohort study employs both a larger sample and longitudinal data. Some predictors of youth responsiveness to particular kinds of programs may thus emerge from this study.

and programs interact to produce each youth's response that prediction using a standard set of general measures is unlikely to succeed very well. If this is, in fact, the case, the present method of giving youth periods of trial in a program and closely monitoring their adjustment and responsiveness makes more sense than an elaborate system for classification and placement.

The first placement in a program may be guided by a rough identification of the strengths and weaknesses of programs and an analysis of their correspondence to the needs of the individual youth. If the initial placement is not satisfactory, an examination of the situation and characteristics of youth and program which led to the failure could lead to a more knowledgeable second placement. This would also suggest the importance of utilizing detention center personnel to help provide placement advice to the youth since detention provides an initial program experience from which to learn about youth responses. This report may prove helpful in this process by calling attention to some of the features of programs and persons which are important to understand in making placement recommendations.

This report has examined short-term correctional objectives, methods of achieving these goals, and conflicts among them. It has only touched on the question of long-term successes in achieving humane environments, rehabilitation, and reintegration, and the long-run communtiy adjustment of youth will be one of the important problems for subsequent analysis.

IV. Preliminary Thoughts On Generalizing From The Massachusetts Experience

PROJECT STAFF

The possibility that the experience of one state might shed light on the problems encountered elsewhere has been a key motivation behind the Center for Criminal Justice investigation of juvenile corrections in Massachusetts. While the present study cannot fully evaluate the generalizability of its findings to other situations and other states, and the Center plans future research to address such questions, it is important to approach the question now with the data that are available. The results suggest that what has been learned in Massacchusetts probably applies to developments in other states.

We will first describe in summary form some comparisons of the reformed system in Massachusetts with those of other states. We will then consider data drawn largely from the Uniform Crime Reports and the U.S. Census to determine whether Massachusetts is unusual in ways that are relevant to the possibility of reform.

SOME COMPARISONS OF THE REFORMED SYSTEM IN MASSACHUSETTS WITH OTHER STATE SYSTEMS

Table 7.1 shows that as of 1974 Massachusetts had as low a rate of institutionalization of juvenile offenders per 100,000 population as any state in the nation, and had tied with one other state.[1] Among 48 states measured it ranked first in the percentage of juvenile offenders in state programs who were placed in community-based residential programs, and as high as any other state in the percentage of its juvenile corrections budget allocated to community-based residential programs. In addition. LEAA's Juvenile Detention and Correctional Facility Census of 1972–73 reported Massachusetts as having the largest percentage decrease in the number of juveniles in public detention and correctional facilities of any state.[2]

Table 7.2 demonstrates that Massachusetts has been ordinary in the number of its offenders in state institutions, camps, community-based residential programs, and foster care programs per 100,000 population, but ranked fourth out of 48 states in the number of offenders in state-released community-based residential programs per 100,000.

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[1] The comparative data presented in this section have been provided by the National Assessment of Juvenile Corrections from a forthcoming report: *see* Robert D. Vinter, George Downs, and John Hall, "Juvenile Corrections in the States: Residential Programs on Deinstitutionalization, A Preliminary Report" (Ann Arbor, Mich.: National Assessment of Juvenile Corrections, 1976).

[2] U.S. Department of Justice, LEAA, National Criminal Justice Information and Statistics Service. *Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972–1973.*

Table 7.1

Selected Statistics on State-Related Juvenile Corrections, Part A.

	Massachusetts	U.S.
Rate of institutionalization of juvenile offenders per 100,000 total population (1974)	2.1	
Rank	49	
Mean		17.8 (50)
Minimum		2.1
Maximum		41.3
Deinstitutionalization: percentage of all offenders in state juvenile programs who are in community-based residential programs (1974)	86.6%	
Rank	1	
Mean		17.7% (48)
Minimum		0
Maximum		86.6%
Percentage of state juvenile corrections budget spent on community-based residential programs (1974)	69.0%	
Rank		
Mean		9.4% (42)
Minimum		0
Maximum		69.0%
Percentage of offenders in state community-based residential programs who are in state-*funded* programs (1974)	100%	
Rank		
Mean		66.8% (42)
Minimum		0
Maximum		100.0%

Table 7.2

Selected Statistics on State-Related Juvenile Corrections, Part B.

	Massachusetts	U.S.
Number of offenders in state institutions, camps, community-based residential programs, and foster care programs per 100,000 total population (1974)	19.4	
Rank	27	
Mean		32.4 (42)
Minimum		8.3
Maximum		167.3
Number of offenders in state institutions, camps, and community-based residential programs per 100,000 total population (1974)	16.2	
Rank	34	
Mean		22.5 (48)
Minimum		7.9
Maximum		54.8
Number of offenders in state-related community-based residential programs per 100,000 total population (1974)	14.0	
Rank	4	
Mean		4.3 (48)
Minimum		0
Maximum		20.5

Table 7.3 shows that Massachusetts has spent less per capita for its correc
tional programs than most other states, and lies well below the means in expe
itures per offender. Massachusetts spent more than most other states only o
per capita expenditures in state-related community-based residential programs
In sum the reforms have resulted in a clear difference between Massachu
setts and the rest of the country in the emphasis on community-based correc
tions. This difference is not, however, reflected in unusual total expenditures.

Table 7.3

Selected Statistics on State-Related Juvenile Corrections, Part C.

	Massachusetts	U.S.
Per capita expenditures for state institutions, camps, community-based residential programs, and foster care programs (1974)	$.60	
Rank	38	
Mean		$2.09 (38)
Minimum		.60
Maximum		8.17
Per capita expenditures for state institutions, camps, and community-based residential programs (1974)	$.52	
Rank	42	
Mean		$2.16 (42)
Minimum		.52
Maximum		7.40
Expenditures per offender in state institutions, camps, and community-based residential programs (1974)	$3,223.00	
Rank	40	
Mean		$10,503.00 (40)
Minimum		3,223.00
Maximum		39,625.00
Per capita expenditures for state institutions and camps (1974)	$.16	
Rank	47	
Mean		$1.97 (47)
Minimum		.16
Maximum		7.40
Expenditures per offender in state institutions and camps (1974)	$7,436.00	
Rank	37	
Mean		$11,657.00 (47)
Minimum		3,798.00
Maximum		39,625.00
Per capita expenditures for state-related community-based residential programs (1974)	$.36	
Rank	5	
Mean		$.16 (43)
Minimum		0
Maximum		.98
Expenditures per offender in state-related community-based residential programs (1974)	$2,570.00	
Rank	29	
Mean		$ 5,501.00 (35)
Minimum		210.00
Maximum		17,800.00

THE PROBLEMS OF GENERALIZING

"Could these reforms occur elsewhere?" The answer to this requires formidably difficult generalizations that call for more than simple comparisons of Massachusetts and other states. The question requires an assessment of the particular conditions that seem critically necessary for reform to take place, and the prevalence of these conditions. In this report we can only begin the task.

By comparing three types of data from Massachusetts before the closing of its institutions with similar data from other states, we found while that Massachusetts is not exactly average, it is far from unique in its general statistical profile.

Data assembled by Vinter and Sarri's National Assessment of Juvenile Corrections shows that in 1971, when Massachusetts was already beginning to deinstitutionalize, the state was admitting youth to institutions at a considerably higher rate than the minimum found in fifty states, although ranking below the national mean. Massachusetts was about average in its rate detention of juveniles per 100,000 youths.

The Uniform Crime Reports support the conclusion that nothing in the Massachusetts Crime profile uniquely predisposed the state toward reform at the beginning of the decade. Massachusetts had a slightly higher than average total crime rate per 100,000 population, made up of a considerably lower than average violent crime rate and a somewhat higher than average property crime rate. It might be tempting to conclude that the low violent crime rate was a critical factor in allowing Massachusetts to begin reforming but comparison with other selected states casts doubt on this inference. Massachusetts shares its deinstitutionalization emphasis with at least one major state with an unusually high rate of violence.

Finally, census data shows that while Massachusetts is not exactly average, it is far from unique. The implications of the census profile, together with the crime picture and the data on rates of detention and institutionalization are two: 1) what happened in Massachusetts probably could have happened anywhere 2) the critical enabling factors were probably the vagaries of internal politics.

Our preliminary analysis of the political pattern found in the Massachusetts reform suggests that while some of the details of the Massachusetts experience are specific to Massachusetts, the broad outlines of the political process are widely applicable outside. This issue will be explored at greater length in forthcoming books from the research project.

Thus our preliminary analysis of the possibilities of generalizing from the Massachusetts experience shows that the reforms that have taken place in Massachusetts youth corrections are clearly not unreplicable freaks. They were brought about by common political means in a state that displays no statistical uniqueness. It appears that the same reform could happen in other states.

COST AND SERVICE IMPACTS OF DEINSTITUTIONALIZATION OF STATUS OFFENDERS IN TEN STATES:

"RESPONSES TO ANGRY YOUTH"

Arthur D. Little, Inc.
Washington, D.C.
with
Council of State Governments
Lexington, Kentucky
and
Academy for Contemporary Problems
Columbus, Ohio

For:

Office of Juvenile Justice and Delinquency Prevention
Law Enforcement Assistance Administration
Department of Justice
and
Youth Development Bureau
Administration for Children, Youth and Families
Department of Health, Education, and Welfare

October 1977

PREFACE

This report is about public and private responses to a particular kind of youth in trouble, the status offender. Status offenders are minors brought to the attention of courts because they are runaways, truants, or are considered ungovernable or incorrigible. Although these youth were the central concern of our study, we asked individuals in the ten states to compare the needs of status offenders to those of other troubled youth. The perceptions of these individuals are reflected in the title of our report: All troubled youth need similar services, but that some status offenders are so exasperating, so recalcitrant, and so angry that youth service workers often prefer to work with delinquent or dependent clients.

A youth who runs away from home is sufficiently upset or angry to accept the obvious risks of running to staying at home. Even those workers deeply irritated by their experiences with status offenders agree that runaways are usually not seeking adventure but fleeing a distressing situation at home. The child who will not attend school is seldom rebelling for the joy of rebelling. More likely, he is reacting to a school that has not served him well and in which he finds himself branded as incompetent because he cannot keep up with his peers. Finally, the child who is brought before the court accused by his parents of ungovernability, finds himself labelled an "offender" because his experiences at home or school lead him to reject adult authority, perhaps with good reason. Unlike the dependent child or youth who invites sympathy for his obvious need for special help or protection, and the delinquent who generally agrees that he has done something wrong, the status offender frequently finds official attention an additional insult to the perceived injuries of home and school.

All too often in the past, the juvenile justice system has responded with its own kind of anger, in the form of a jail, a detention facility, or a training school. That is decreasingly the case in the states we visited. We expect that a variety of responses will continue over the next several years, since each state and community finds itself in a different position with respect to legislation, services, and public and private attitudes. The clear trend toward dealing with these children and youth in community settings rather than institutions, however, is evidenced everywhere. Responses to these angry youth are increasingly focused on help within small, close to home settings, using a wide array of social services.

PROJECT TEAM

After the name of each team member is listed his or her organizational affiliation and the State(s) in which he or she conducted field work. The primary author of each State case study is indicated by an asterisk (*).

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EXECUTIVE SUMMARY

In order to assess the cost and service impacts of deinstitutionalization of status offenders, the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Office of Youth Development (now the Youth Development Bureau in HEW) sponsored the development of case studies in ten states. Completed between April and August of 1977 by Arthur D. Little, Inc., the case studies cover the following States:

Arkansas	Maryland
California	New York
Connecticut	Oregon
Florida	Utah
Iowa	Wisconsin

These States represent a mix of size, approaches to youth service delivery, geography, and approaches to deinstitutionalization. Conclusions, findings, and recommendations based on the case studies, which have been published separately, follow in this final report.

Current Progress

1. The States examined are at different stages in the process of deinstitutionalization, but all have made clear progress. Progress has been greater on removing status offenders from correctional institutions than on removing them from detention.

2. State strategies have varied, with major clusters of actions aimed at, a) removal or limitation of the court's original jurisdiction over status offenders; b) limitations on possible dispositions for status offenders; and c) development of community-based youth services. Such strategies are not mutually exclusive; some States pursue more than one. Further, the specific focus on each strategy varies among the States.

3. The major unresolved issue is pre-adjudicative detention, not longer-term commitments to State institutions following adjudication. The States studied are simply not sending large numbers of status offenders to correctional institutions.

4. Aside from State institutions, the next-most-important issue is long-term residence in private institutions.

5. The mandate of the Juvenile Justice and Delinquency Prevention Act of 1974 has, in large measure, shaped the dialogue in the States about existing and appropriate treatment of the status offender population. As covered under the issues section of these conclusions, there is something less than philosophical unanimity regarding deinstitutionalization.

6. The available data about dispositions and placements leaves much to be desired in terms of consistency, quality control, comparability (even within the same State), and accessibility. However, it seems to be improving as States take on their system monitoring responsibilities.

Service Needs and Gaps

1. There are virtually no status offender-specific needs. Rather, there are youth needs. (The only significant exception to this is the need for residential alternatives to detention.) The status offender population overlaps with juvenile delinquents, dependent and neglected children, as well as emotionally disturbed children. The label under which an individual child is identified is a result of how he comes to public attention. Service needs are mostly unrelated to that label, and instead are a function of the individual situation. The spectrum of service needs for each of these groups is very similar.

2. Some status offenders may, however, have more difficult problems than any other type of youth. Frequently, they have very poor family support and a history of resistance to repeated intervention from service agencies. Of course, some delinquent youth may have problems just as serious as these -- both in their family environment and in their history of involvement with social service agencies. But in the case of the delinquent, some clearly defined criminal behavior is involved, behavior which may make legal punishment somewhat more understandable to the young person involved. The status offender may perceive his own behavior as entirely rational and non-criminal. This may make court-ordered sanctions difficult to comprehend and may render him more uncooperative than even the serious delinquent offender.

3. Some status offenders are at least as well off left alone, with no public intervention, to mature out of their problems.

4. The most significant service need and the first gap to be identified by States is some alternative to detention. Emergency and "structured" shelter care, foster care, group homes, and runaway houses are currently utilized to meet this need. In order for these alternatives to be acceptable to law enforcement and judicial officials, however, they must offer sufficient assurances of child protection and court appearance, a difficult task in the case of some chronic runaways. Structured shelter care promises to be one approach to provide such assurances in difficult cases.

5. Services needed, but weakly represented in many States, are residential psychiatric care, family counseling, mental health services for adolescents, alternative education programs, job development, and independent living arrangements. Highly structured, intensive day treatment programs are also lackin.. Such programs provide supervision of education, recreation, drug and alcohol counseling as well as individual and family counseling, while the child resides at home.

6. Whatever service needs exist in a given State, they tend to be scarcest in rural areas. Relatively small numbers of potential clients scattered over large geographic areas tend to make service provision difficult and costly. Scarcity of services in rural areas can also contribute to over-utilization of incarceration for juvenile offenders.

7. Basic to the delivery of adequate youth services is alleviating the fragmentation which characterizes delivery systems in every State. Approaches to minimize fragmentation would include:

- improved evaluation and screening resources to ensure adequate diagnosis and placement of young people in already-existing services;
- better coordination among programs to avoid duplication of efforts, to plan for comprehensive services, and to prevent young people from "falling through the cracks"; and
- an improved capacity to collect data and monitor programs so that the States can identify fragmentation, and gaps in services.

Cost Impacts and Funding Implications

1. The cost impacts of deinstitutionalization of status offenders are not predictable according to an analytic model. Whether or not there is a cost increment or savings realized by removing status offenders from detention and correctional facilities depends on (a) the strategy a State adopts; (b) the number of status offenders involved; and (c) the nature and scope of the existing youth service system in the State.

2. Speaking tentatively (because some cost impacts will only be evident over time), there is evidence that there are no significant net incremental costs associated with deinstitutionalization, and some evidence that there are possible cost savings over time.

However, the non-transferability of funds will cause additional costs at some levels, and limit savings. In any event, our analysis indicates that the total net increase would not be prohibitive for any State that wished to move toward deinstitutionalization.

3. The first cost impact felt as a result of deinstitutionalization is likely to be a shift in who bears the costs. This question is critical to the implementation of alternative programs, and provides a major rationale for the use of Federal funds as seed money.

4. The primary sources of Federal funds are Title XX (Social Services) and Title IV-Part A (AFDC-Foster Care) of the Social Security Act; and Juvenile Justice and Crime Control dollars. Funds from HEW's OCD, OE, and NIMH are less significant in serving status offenders. The importance of Federal funding varies from State to State, as a function of State decisions and of the scope of their existing youth service programs.

5. The Federal government should not originate any major new programs aimed at providing services specific to status offenders. Status offenders are a small population, and problems that have arisen in providing services to them are mainly problems that are inherent in the youth service system generally.

Issues

1. The treatment of status offenders is of relatively low public visibility. Further, there is a strong feeling among the law enforcement and judicial publics that secure detention and the structure of institutional placement are appropriate for some youth. Thus, they see retaining such options, for limited use, as desirable.

2. Most of the State officials to whom we talked felt that status offenses should remain under the jurisdiction of the court. Two States - Utah and Florida - have taken legislative action to limit original jurisdiction, and some observers in other States also believe such limitation or removal of jurisdiction to be appropriate.

3. Many officials and service providers see a need for preventive services. This usually means early problem intervention as typified in the non-punitive, helping setting of youth service bureaus, rather than through initial intervention by the court.

4. A number of States disagree with the OJJDP criteria for defining detention and correctional facilities, feeling that size of the institution, the question of commingling of status and criminal-type offenders, allowable detention times, and the applicability of the guidelines to the private sector, are issues less clearcut than the OJJDP criteria would suggest. Essentially, the State officials believe they are better judges of how such criteria should be applied in their States than is OJJDP.

5. Monitoring systems are not yet in place. When they are, they will be more useful for assessing the current situation than progress from the uncertain and inaccurate baselines of two years ago.

Recommendations

1. Neither OJJDP nor HEW need consider any major new programs directed specifically toward status offenders. Services are presently available or are being developed adequate to the demands created for them by deinstitutionalization. New programs targeted on status offenders as a special population would primarily serve to exacerbate the current fragmentation which characterizes youth services systems in all the States.

2. While there are individual instances where additional funding is needed, there is no systematic pattern that suggests major infusions of Federal dollars would fill major service gaps for status offenders. The primary Federal attention to funding should be to assure the continued availability of the Juvenile Justice and Crime Control funds devoted to youth services, whatever (Federal level) organizational changes may occur.

Additionally, continued availability of runaway house funds and a stress on the legitimacy of status offenders as clients for Title XX programs, foster care, and mental health programs, would be useful.

3. OJJDP should consider allowing negotiation regarding the application of its guidelines defining detention and correctional facilities in those unusual instances where States can show substantial conformance, but are still technically at variance. While definitions are clearly necessary, some flexibility would acknowledge the ambiguities and special cases which demonstrably exist in the States. Such openness to flexibility would encourage wider participation and increase the chances of effecting change in a greater number of States. Further, an inflexible approach might only serve to escalate the debate to a level where a definition might be incorporated into legislation, removing the administrative flexibility which OJJDP now enjoys.

I. Introduction

The Juvenile Justice and Delinquency Prevention Act of 1974, as part of its stated purpose of providing resources and leadership in preventing and reducing juvenile delinquency, mandates that States participating in the Act should no longer hold status offenders in detention and correctional facilities. Status offenders, in the language of the Act, are "...juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult..." Under terms of the original Act, States were to comply with this mandate within two years from the submission of their plans for participation. The 1977 Amendments to the Act, following issuance of administrative guidelines and negotiations amoung key members of the Congress, extend the deadline for compliance to three years from submission of a State's original plan. Also, States may continue participation if it is determined that "substantial compliance" has been achieved within the three-year time frame, and there is an "unequivocal commitment to achieving full compliance within a reasonable time." Compliance will be considered substantial if "..75 percentum deinstitutionalization has been achieved," and a reasonable time for full compliance is defined as "...no longer than two years beyond..." the three-year deadline.

As with many legislative objectives, the lessons of implementation began to be learned both by the States and the Federal government, only after attempts at participation had begun. Precise definitions, both of status offenders and of detention and correctional facilities, were needed. Systems for demonstrating compliance had to be designed and implemented. And very quickly, questions of cost and service impact surfaced. If the States were to remove or no longer place a class of children in traditional settings, what was to be done with them? What types of services might those children need and did they already exist? What would those services cost to purchase or develop? It became clear that such questions were central to participation in and compliance with the Act. States were beginning to be concerned about the consequences of deinstitutionalization.

But many States - some participating in the Act as well as some who were not participating - had been moving in the direction of deinstitutionalization for some time. Some had changed State laws to prohibit some forms of incarceration for those types of children, some had removed status offenders from the delinquency system altogether. In order to capture the experiences of those States and to answer the basic question of what happens when attempts are made to deinstitutionalize status offenders, the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Office of Youth Development (now the Youth Development Bureau, HEW) commissioned a study to look at the experiences of ten States. In order to accommodate the constraints of time and to gain the greatest understanding of the process of deinstitutionalization, a case study approach was selected which would rely on the data already existing in each State. While uniformity of approach and data collection would be emphasized in each State, this approach would allow for the

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inevitable differences which would be found in history, organizational context, and strategy of deinstitutionalization.

The ten States selected for study were:

Arkansas	Maryland
California	New York
Connecticut	Oregon
Florida	Utah
Iowa	Wisconsin

While not designed to be a scientifically representative sample of the States, these ten States do offer some geographic balance and represent a mix of the factors which were considered to be relevant to the deinstitutionalization issue:

- one per Federal region;
- mix of urban and rural;
- mix of large and small States, based on geographic size as well as total population;
- centralized and local social service delivery systems;
- unified and fragmented court systems; and
- varying approaches to deintsitutionalization.

The final report, which follows here, includes a brief summary of findings in each State and sections on:

- State of Deinstitutionalization;
- Services Available to Status Offenders;
- Cost Analysis; and
- Issues.

The final section of this report gives conclusions and recommendations.

II. State of Deinstitutionalization

Detailed case studies prepared for each of the ten States describe our interpretations of numerous personal interviews and publications produced by or about each State and its political subdivisions. For more detailed information, the reader should refer to the individual case studies. In order to facilitate a rapid and complete understanding of this final report, however, (our overview report and conclusions) one-page summaries have been attached as a cover piece to each case study. The purpose of this chapter is to describe briefly, in a comparative fashion, what progress and problems we observed in the attempts by these States to deinstitutionalize status offenders.

As a beginning point, it must be said that the Juvenile Justice and Delinquency Prevention Act of 1974 has profoundly affected all of the States visited, whether or not they presently participate under its block grant provisions. Over the past three years, the issues affecting juvenile justice in those States have been framed and measured by the Act, even in States where progress has been relatively slight or where a decision has been made not to participate in the JJDPA program.

Strategies for Change

To be sure, the States studied are all at different stages of development. This is understandable, given the incredible complexity of variables surrounding the issue. While some States are just beginning to move toward some level of deinstitutionalization and alternative service provision, other States have programs predating the Act by a decade.

As will be described later, none of the States visited has complied entirely with the Act's deinstitutionalization provision. In reality, the States have pursued totally different strategies, sometimes consciously, and sometimes only retrospectively observable. Listed in Table I is a reflection of the different approaches employed by the sampled States to either prohibit confinement or to create alternatives. Obviously, any attempt to present these behaviors as deliberately planned strategies is somewhat risky. The conditions of most States' services and their attendant policies have accumulated over decades, with significant, independent contributions from all three branches of State government. Nevertheless, to the extent possible, we have attempted to catalog what we found:

Table I

Strategies Pursued to Promote Deinstitutionalization of Status Offenders, by State

Strategies \ States	Arkansas	California	Connecticut	Florida	Iowa	Maryland	New York	Oregon	Utah	Wisconsin
I. Defining Status Offender Differently										
A. Merge with Dependency				X	X				X	
B. Separate from Delinquency	X	X		X	X	X	X		X	X
C. Remove from Court's Original Jurisdiction									X	
II. Restricting Placements										
D. Prohibit Use of Jails and Lockups	X	X	X	X		X	X			
E. Prohibit Use of Detention Facilities	X	X		X		X				
F. Prohibit Use of Adult Correctional Facilities	X	X	X	X	X	X	X	X	X	X
G. Prohibit Use of Juvenile Correctional Facilities	X	X	X	X		X	X	X		X
H. Provide Financial Disincentives							X			
III. Developing Alternatives										
I. Provide Financial Incentives	X	X	X	X	X	X	X	X	X	X
J. Provide Community-Based Alternatives (residential)	X	X	X	X	X	X	X	X	X	X
K. Provide Community-Based Alternatives (non-residential)	X	X	X	X	X	X	X	X	X	X

Table I reflects, in effect, three basic approaches to the problem. The first is to manipulate the ways in which the States define or classify status offenses (Rows A, B, and C). In so doing, status offenders are usually shunted away from physically restrictive institutions. The second approach is to ban or discourage the use of criminal or juvenile justice facilities for the placement of status offenders (Rows D, E, F, G, and H). This is accomplished through either legislation or financial disincentives. The third method encourages, whether through local subsidies or the expansion of State capacity, the provision of alternatives to status offenders. Row I indicates those States that subsidize local services; Rows J and K reflect those States in which commitments of status offenders to alternative State agencies are possible and where expansion of alternatives to placement in State training schools has occurred.

Legislative Strategies

In terms of State legislative efforts, the State codes reveal considerable activity with regard to the confinement of status offenders. A comparative synopsis of current legislation appears in Table II.

In reviewing State legislation, it became apparent that States, stimulated by the Federal Act, have enacted legislative changes affecting status offenders, but which, nevertheless, are tangential to the question of deinstitutionalization. Because of their implication for understanding current attitudes extant in these States, those legislative changes are summarized in Table III.

As can be seen from the dates listed within Table II and the quantity of legislation represented in Table III, there has been a considerable amount of recent legislative activity. Status offenders have constituted a relatively insignificant problem for States over the years. When compared with the larger issues of energy, crime, welfare, and transportation, it is no wonder that there has been little focus upon this issue. The recent spate of legislation, as a consequence, is even more remarkable. But, at the same time, the legislation reported in Table III should clearly justify our observation that, while most States agree with the general premise, many do not favor complete deinstitutionalization of status offenders.

Table II

Comparative Analysis of Current Legislation
By State, Type of Facility and Date of Amendment
Relating to Confinement of Status Offenders

State	Detention Facilities		Correctional Facilities		Explanatory
	Juvenile	Adult	Juvenile	Adult	Comments
Arkansas	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	
California	Prohibit.* 1977	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	*May be changed by pending legislation.
Connecticut	Permitted	Prohibit.	Permitted	Prohibit.	
Florida	Prohibit.* 1975	Prohibit. 1975	Prohibit.* 1975	Prohibit. 1975	*Except for second-time ungovernables.
Iowa	Permitted	Permitted*	Prohibit. 1975	Prohibit. 1975	*Up to 12 hours without court order.
Maryland	Prohibit. 1974	Prohibit. 1974	Prohibit.* 1974	Prohibit. 1974	*Permits institutionalization in exclusive status offender facilities (non-existent)
New York	Permitted	Prohibit.*	Prohibit. 1976	Prohibit.	*May be permitted with approval of Div. of Youth Services
Oregon	Permitted*	Permitted*	Prohibit. 1975	Prohibit.	*Up to 72 hours
Utah	Permitted	Permitted	Permitted	Prohibit.	
Wisconsin	Permitted	Permitted	Prohibit.	Prohibit.	

Table III

Legislation Affecting Status Offenders but
Not Related Directly to Deinstitutionalization, by State

State	Comment
Arkansas	1977 - created a State Division of Youth Services, as the focal point of statewide juvenile services.
California	1975 - required that children with school-related behavioral problem must first be referred to school districts' school attendance review boards (SARBS) before they can be referred to court. 1977 - authorized informal supervision and diversion at court intake.
Connecticut	1971 - authorized State Department of Children and Youth Services to make direct community placements of court commitments.
Florida	1975 - redefined as dependent children and made them clients of State social services agency.
Iowa	1975 - separated status offenders (CINA's) from delinquent offenders.
Maryland	None
New York	1970 - required counties to provide non-secure detention 1974 - provided subsidy for comprehensive planning and project funding for county delinquency prevention programs.
Oregon	None
Utah	1977 - created original jurisdiction over runaways and ungovernable children in State Division of Family Services, with possibility of court referral if "earnest and persistent" efforts to help have failed.
Wisconsin	None

In addition to existing laws, we also came across proposed legislation which would affect the way in which status offenders are handled. In three States, the proposed legislation appeared close to passage.

- In California, A.B. 958 would again enable local government to securely detain 601's (status offenders), but only with stringent time limits and in quarters segregated from 602's (delinquents). Liability of the State to pay for segregated quarters is, at present, unclear;
- In Iowa, H.F. 248 transfers original jurisdiction over status offenders from the department of social services to juvenile court; and
- In Wisconsin, a pending revision of the Children's Code would specifically allow police to take runaways to a runaway program; would limit detention by making intake criteria more stringent; and would remove the CINS category from the law and replace it with Child in Need of Protection and Services.

Alternative Service Strategies

For the most part, alternatives to institutionalization can roughly be categorized as residential and nonresidential. Not only does such a dichotomy appear to be the most meaningful way of viewing the creation and expansion of alternative services, but - perhaps just as significant - it tends to focus more clearly upon the inappropriateness of previous practices of status offender confinement. It would seem reasonable to postulate that, had such nonresidential services been available in the past, their current impacts upon institutionalized status offender populations would have been felt much earlier. At the same time, it must be noted that the majority of judicial personnel, juvenile services personnel, and private service providers interviewed in the course of the case studies stated that the service needs of status offenders are similar to the service needs of other troubled youth. Status offenders, juvenile delinquents, emotionally disturbed, and dependent and neglected youth, often manifest anti-social behavior, have in common troubled family backgrounds, emotional problems, learning disabilities or difficulties in accommodating the authority of a school. Although troubled children will not necessarily share all of these problems, or find identical problem areas equally severe or disabling, the amount of overlap is sufficient for those working with troubled youth to conclude that status offenders do not require services designed exclusively for them.

One exception to this general observation was consistently cited. The status offender population includes youths who may run from nonsecure community placements or harm themselves while awaiting court appearances. These status offenders are widely perceived by those

responsible for detention decisions to be in danger if placed in community facilities. Therefore, a service need, specific to status offenders, is a community-based alternative to secure detention which can ensure their safety and the court appearance of youths placed there.

Residential Services

The residential stream of services rests upon a basic assumption that many children have been confined in detention and correctional facilities in the past because they needed a place to sleep. Additional assumptions are that many children either have no homes, or at least no homes adequate to their needs at the moment, or that they cannot return home without danger to themselves or others, or that they steadfastly refuse to return home and stay there. Depending upon the needs of the juveniles, the resources of the governmental agencies, and the attitudes of public officials, a wide range of residential options to detention facilities are provided. Here, too, it is possible to dichotomize the services, this time between pre-adjudication and post adjudication.

Crisis care is usually provided through the use of foster homes, group homes, and runaway shelters, generally, but not always, operated by private individuals or agencies under purchase-of-service agreements. In a few States, a relatively recent phenomenon has begun to emerge, known as "structured shelter care". These facilities are intended for accused and adjudicated status offenders with serious behavioral problems who cannot (usually because of statutory or administrative prohibitions) be placed in detention homes or jails. In most cases, the structured shelter care facilities which we encountered were publicly operated. While the political subdivisions responsible for them assert that they are non-secure and otherwise meet the criteria for defining shelter facilities, the very nature of them would suggest that States would do well to monitor them carefully.

Post-adjudicative residential services exist in all the States visited, and are physically similar to the short-term residential services mentioned above, with some notable exceptions. However, the term "shelter care" is almost universally reserved for relatively short-term pre-adjudicative placements. Foster and group homes are most often found. Independent living situations are financially supported in some of the States but, by far, the group home concept is the most prevalent.

Group homes come in a variety of sizes and shapes. Per bed costs run along a spectrum of $5,000 to over $15,000 a year. Differentials in cost appear to be related to several distinct and unrelated factors. In some States, group homes are divided according to the types of services they provide, which translates into the types of children they are able to serve. At the bottom of the cost range (above, of course, volunteer foster homes which are essentially free but relatively scarce) are homes that provide room, board, and respite. Progressively, some offer varying forms of counseling and training. Others offer deeper, therapeutic services or specialized services for physically handicapped or mentally

retarded juveniles. Another factor affecting cost is the general economic climate in each area and the capacity for service delivery. In the urban States with large tax bases, group homes are most abundant and cost more per bed. A final factor might best be described as the price of pluralism. The juvenile courts are only one type of agency purchasing or providing foster care in group homes. Agencies providing services to adults, to developmentally disabled and to welfare children are also in the marketplace. One compounding factor, which bears some of the responsibility for the disparities in per diem, is the fact that these competing agencies can and do pay different amounts for the same services (often in the same homes) because of fiscal limitations, or the lack thereof, imposed by both States and Federal agencies managing major grant-in-aid programs.

Non-residential Services

Nonresidential services can also be dichotomized into two streams, those that focus upon problem or crisis resolution and those that are intended to address more fundamental deficiencies in the capacities of juveniles for normal socialization. Under the first sub-classification, which we will call the crisis intervention stream, the case studies reveal an array of counseling services, provided by both private and public child-care agencies and individual therapists. Crisis intervention programs, at the law enforcement and court intake points of contact, are becoming quite popular for obvious reasons. The theory underpinning such programs is that most status offenders, except for a few groups (most notably school truants), are, by definition, beset by crises, usually brought on by interpersonal family confrontations. Detention facilities have frequently been used in these situations to allow the children to get control of their own feelings or to reunite them with their families or guardians, without the likelihood of personal injury or property damage. If the crises can be handled through counseling, by concentrating on the reasons they occurred rather than by dealing with the children's behavior, the need for confinement would obviously lessen. According to those interviewed, in communities where crisis intervention programs are operating, they contribute heavily to decreasing the reliance on institutions as a means of social control. In conjunction with such programs, and also in communities where they do not exist, we found an expansion of the use of family counseling and both individual and group therapy. Where they are funded through juvenile courts and purchased from the private sector, the amount of money or the number of counseling sessions for any one client is usually restricted by a maximum figure.

The coping stream of services, on the other hand, tends to offer supplemental education and training to juveniles with inadequate skills to cope with the pressures placed upon them. Coping services, as we intend that term to be used, include tutoring, special education, drug treatment programs, alternative schools, vocational education, job development and birth control information programs. The philosophy seems to be that many children become frustrated and defiant as they believe their self-worth to be deprecated by their inabilities to academically achieve, to find employment, or even to "fit in" to the rigorous demands

of society. What is important here is that these programs are almost never set up for status offenders: they are established to service juveniles with specialized needs. At the same time, they serve many status offenders who come into their programs [sometimes involuntarily but more frequently voluntarily] for the services they provide. As a consequence, data about the numbers of status offenders served is virtually unobtainable because it is not kept. The question is simply irrelevant to the service providers.

Impact on Confinement Practices

The frequency of status offender confinements has changed markedly in a short two-year period according to figures made available to us by the States (Table IV, page 12).

These figures must be understood in the context in which they are presented. They are numbers gleaned from State and local reports and, in a few instances, from the educated guesses of officials. No attempt has been made to determine the reliability of the numbers or the counting systems. In addition, many States believe they are in compliance with the Act by placing status offenders in certain facilities which they interpret not to be within the Act's proscriptive intent. While they may be correct, there are discrepancies between the observed condition of these facilities, particularly with respect to size and commingling, that would make their exclusion from LEAA's definition* questionable. Nevertheless, we accepted each State's categorization of its facilities for purposes of statistical comparison, noting in each case study the definitional problems encountered in that State.

It should also be noted that detention and confinement of status offenders appears to be declining in 1977, as compared with 1976, from what fragmentary data we were able to locate. (Table V, page 13).

* LEAA Change, Subject: State Planning Agency Grants, M4100.1F Change 1, May 20, 1977, Par. K(2).

Table IV

Comparative Analysis of the Number of Status Offenders in System by State, for 1974 and 1976*

State	REFERRED TO COURT			DETAINED		COMMITTED	
	1974	1976	% Change	1974	1976	1974	1976
Arkansas	N/A	1,237	N/A	1,665	1,220	297	254
California	107,898 (arrest	86,137 data)	- 20%	51,748	4,700*	1,800	0
Connecticut	2,386	2,233	- 7%	820*	654	30*	0
Florida**	N/A	N/A	N/A	9,839	N/A	292	77
Iowa	1,589	2,142	+ 26%	151	198	87	0
Maryland	6,815	6,133	- 10%	829	320	171	15
New York	4,988	8,013	+ 62%	3,029*	2,472	287*	57
Oregon	17,742	N/A	N/A	5,070	N/A	125	N/A
Utah	8,326	6,660	- 20%	1,746 (based on bed-days)	805	80	44
Wisconsin	N/A	N/A	N/A	7,916	N/A	N/A	N/A

* Where noted, 1975 appears in either "1974" or "1976" column, depending upon availability of data. In each case, however, data displayed are in proper sequential order.

** Estimates derived from fragmentary data refer to State case study for supporting calculations.

Table V

Comparative Analysis of Confinement Frequencies by State, from 1976 to 1977 by Month*

State	DETAINED		COMMITTED	
	1976	1977	1976	1977
California	392	0	0	0
Connecticut	54	39	0	0
Iowa	15	N/A	7	0
New York	206	N/A	57	0
Utah	135	69	4	2

* Average month for 1976 (See Table IV). Available data for any month in 1977.

As a final note, our report on the current status of efforts would not be complete without the observation that every State confines accused or adjudicated status offenders in detention or correctional facilities to some degree. In about half of the States, the practice is sporadic and not very statistically significant. But it will occur, because of the attitudes of a particular judge, or because of the perceived seriousness of a particular case or class of cases. In those States which proscribe such placements, the monitoring mechanisms contemplated by Section 223 (a) (14) of the Act have just not evolved to a point of development that the cognizant agency can ensure that such confinement will not take place. In those States which permit accused or adjudicated status offenders to be placed in detention facilities, the frequencies seem to be declining to the point of what might be described as an "irreducible minimum" population. Unless pending State legislation passes which would ban such practices, it is reasonable to assume that, at least for the present, there are a number of States that philosophically disagree with the "all or nothing" posture taken by Congress in passing Section 223 (a) (12) of the Act. Present guidelines obviously present less of an obstacle to the States, in terms of compliance, but should the 75% compliance and 24-hour exemption provisions be removed from the guidelines at some time in the future, many States would be forced to consider seriously the wisdom of their continued participation in the program.

III. Services Available to Status Offenders

A. Existing Services

Although the States visited in the course of the case studies have responded to the impetus for deinstitutionalization with a variety of legislative and service strategies, State officials and private service workers described the problems and characteristics of status offenders and the types of community services they need with remarkable similarity. Status offenders need a considerable diversity of services which, for the most part, are the same services utilized by other troubled youth -- services which respond to a child having family problems, emotional problems, and problems at school. Despite the fact that service workers often describe the status offender as the most difficult type of child to help with his problems, none of those interviewed suggested that the States ought to develop services designed exclusively for status offenders.

In looking at the types of programs currently being used by status offenders and other children, we found a core of six residential types of services, four of which were common to most of the States:

TABLE VI

Number of States Providing Residential Services

	Structured Shelter Care	Short-term Residential/ Shelter Care	Specialized Residential	Foster Care	Group Homes	Independent Living
No. of States Providing Service	2	9	8	9	9	2

Table VI shows the majority of States studied relying heavily on community-based shelter as an alternative to detention, and providing group home and foster home places for those needing a longer residential placement outside their homes. A majority of States also have some specialized residential beds for emotionally disturbed, mentally retarded, or developmentally disabled children, typically in State or private institutions rather than in community-based facilities. New York and Maryland have developed a limited number of "structured" shelter care facilities - shelter homes for small numbers of youth providing 24-hour intensive supervision for children thought likely to harm themselves or run from less restrictive shelters. In only two of the States can older adolescents use an independent living arrangement, i.e., a minimally supervised placement offering more independence than group homes or foster care, and sometimes including residence in their own apartments.

Among the States which have a core of residential services for troubled youth, however, there are considerable differences in the extent to which the services are developed, the degree to which the services have grown or developed as a result of deinstitutionalization, and the frequency of their use by status offenders. In Maryland, for example, the number of community-based residential placements has grown considerably since the State deinstitutionalized in 1974. Utah, on the other hand, a State which has significantly reduced the numbers of status offenders in secure commitments and detentions, has chosen to expand nonresidential community services rather than remove children as frequently from their homes. Florida has a wide range of residential services available to youths in trouble, but since the State redefined status offenders as dependent children, virtually the only type of placement available to status offenders is foster care. As another example, Arkansas which has few, if any, community-based services, is focusing on developing access to emergency shelter and longer-term residential services throughout the State, as a direct response to the deinstitutionalization issue.

Turning attention to the nonresidential services available in the States, one finds the number of States which utilize a significant number of services to help youths resolve immediate problems is quite limited. Eight of the States have the ability to provide counseling or crisis intervention services, but very few interviewees mentioned the availability of other types of crisis intervention services:

TABLE VII

Number of States Providing Crisis Intervention, Problem Resolution Services

	Crisis Intervention/Counseling	Counseling and Other Services for Family Units	Legal Aid	Mental Health Services on a Day Treatment or Out-patient basis
No. of States	8	4	2	2

The need for some form of counseling or mediation service for youths in trouble at school or at home is an obvious service needed by status offenders and one of the first to be mentioned by interviewees.

Even fewer services were available to children who needed special education, job training or placement, or help with school work.

TABLE VIII

Number of States Providing Prevention/Skill Development Services

	Alternative Schools	Youth Service Centers or Bureaus	Vocational Training	Job Development
No. of States	3	7	2	2

Even in those States reporting the existence of alternative school programs, prevention centers or help for adolescents looking for work, the amount of information available about these programs was limited, in part because such services are generally administered by agencies outside the State youth service system, and also because the programs that do exist are apparently quite limited in their geographic coverage or the number of youths actually enrolled in the programs.

Youth Service Bureaus or Centers are the most common form of prevention now available. These centers frequently offer a collection of services including tutoring, organized recreation, counseling and service referral, education about the effects of drug use, and just a place to go to find other kids. In Wisconsin, an even more intensive version of this type of day-service program has been designed to provide structured activities all day for children who can continue to live with their parents, but who need a more structured environment in which to work than the public school. Day treatment programs are usually described as prevention programs but, in fact, many youths who come to the centers already have problems and are being offered a chance to develop new skills or simply to cope with their existing difficulties.

The numbers of States which provide counseling for the whole family, legal aid, mental health services for adolescents on an outpatient basis, job development, and so forth, may actually be greater than the number shown on Tables VII and VIII. However, if a greater number of States do have capabilities in these areas, the officials interviewed either did not view them as sufficiently developed to be significant in their array of services for youth, or the services were not mentioned because their own professional interests were focused on programs in other areas.

B. Gaps in Services Available to Troubled Youth

In all of the States visited, the people interviewed could catalog an impressive number of services either entirely lacking or weakly developed in their States. In California, New York, Maryland, and Wisconsin, the States with the greatest diversity and best developed of services, youth service workers tended to list more gaps in their

nonresidential services than did the other States. They also raised more fundamental issues about the overall social policies expressed by the structure of their services and felt they needed much more information about "what works for whom", particularly for runaway and incorrigible youth. It is probably true that when a State is in an early stage of developing its community-based services, the greatest amount of attention is focused on getting basic services in place and operating smoothly. Once a core of residential and crisis-intervention services exists, planners and case workers are more likely to identify youth needs that cannot be met in these programs and discover unanticipated problems in administering decentralized systems of youth services.

1. Needs for Additional Residential Services

Despite the fact that most States have concentrated on developing a core of residential services, a majority feel that they need more alternatives or improvements in the quality of their existing services. The need for a detention alternative that is geared to the problems of runaways and self-destructive youth is the one exception to the general rule that status offenders can utilize the services provided for other troubled youth. As was demonstrated in Chapter II, the continuing institutionalization of status offenders occurs primarily in detention, both in States where secure detention is either allowed or prohibited. In States that prohibit the detention of status offenders, the most outstanding weakness in residential alternatives to detention is a community-based alternative which has the confidence of law enforcement officials and judges. As long as State officials believe that secure supervision is essential for runaways or self-destructive youth, or that, in some cases, detention has therapeutic value, status offenders will probably continue to be detained. One experiment in this area is the development of structured shelter care. This approach replaces physical security with intensive supervision. The objective is to retain children in the program and to ensure their appearance in court. If it proves successful in achieving these objectives, structured shelter might be used as one model alternative to detention for difficult youth.

In eight of the States visited, more interviewees described a major need for residential placements offering therapeutic components for disturbed, retarded, or developmentally disabled children than for any other residential or nonresidential service. The programs that exist are limited in number and simply unavailable in most communities.

A clear majority of the States would like to make improvements in the quality of their foster care and group homes. At present, some foster parents and group homes do not know how to cope with difficult and disruptive status offenders. They prefer to accept

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children with fewer problems. Most States describing this problem felt that training for foster parents and group home parents would overcome the problem. In Wisconsin, it was suggested that additional back-up facilities be developed for children who were so disruptive as to require temporary removal from group homes or foster care.

Independent living arrangements would be helpful in providing a setting where children who do not need a highly structured program but who do not want to return to a bad family situation, could develop the independence, competence, and sense of worth necessary to lead adult lives. In one State, independent living arrangements were seen to be an essential and logical progression from a group home placement. The argument is that if the best interests of some children are served by removing them from their families, at least some of these children should not be returned to a disturbing home life once progress has been made in a group home. Almost half the States would like to develop new and additional forms of independent living on both an individual and a group basis.

2. The Need for Problem Resolution Services

Over half the States visited feel that they have a strong need for family counseling. They report that a good deal of lip service is paid the notion of providing services to the family unit rather than placing on the troubled youth the entire burden of adjustment to a situation where normal relations have broken down. In practice, very few resources are actually devoted to counseling or providing other services to families in trouble, particularly at the point of crisis when status offenders normally come to the attention of the authorities.

Mental health services for adolescents offered on an outpatient basis were described as an urgent need in half the States, including those which also felt that additional residential psychiatric facilities are necessary.

Although all the States already have some crisis intervention and counseling capability, youth service workers in four States would like to see additional crisis facilities created in the form of "free clinics" or a joint use of emergency shelter care as a free clinic and hostel where any youth could come on a self-referral basis for a place to stay, and to find someone who will listen.

3. Skill Development

In more than half of the States participating in the case studies, the individuals interviewed stated that the public schools should be doing much more to provide tutoring and special education

for troubled youth who are behind in their studies. They should also provide all students with information about drugs, sex, family life, the demands of raising children, and management of household budgets. Those interviewed felt that children can be developing, throughout their school years, more realistic ideas about adult living and better bases for making decisions. Several commented that this type of education might be effective in preventing some of the family situations that lead to children getting into trouble.

Individuals in six States urged that much more attention be paid to helping adolescents find jobs, not only because troubled youths characteristically have difficulty getting along at school, but also because they believe that the independence and responsibility associated with doing adult work can often be more valuable than counseling in giving adolescents a chance to become competent and proud of themselves.

c. Quantification of Service Needs

The service needs of status offenders are difficult to quantify for several reasons. In many States, status offenders are labeled "delinquents" or "dependent children", making it difficult to know how many status offenders are currently being referred to court and placed in or referred to community services. Many States collect very little information on the numbers of status offenders in private placements or the length of time spent in these programs.

Were such data available for planning purposes, there would still be a problem in quantifying the amount of various services needed in a particular State for a given population of status offenders, since policy choices are crucial in determining the desirable mix of services. For example, a choice to do everything possible to keep families together could result in a major investment in day services, with a correspondingly small investment in residential services such as group homes and foster care. Utah has chosen this pattern of service provision out of a commitment to keep families intact. The same linkage between the use of residential and nonresidential services was found in a 1977 California Youth Authority Task Force Survey of counties, which found an inverse relationship between the crisis resolution capability of a community and the number of nonsecure beds it used for residential placement of status offenders. Although it is clear that a community will place or refer children to the facilities it has available, the observation points up the importance of the choices made for the initial investment in community-based facilities and the difficulty of specifying how many services of a particular type are needed.

As demonstrated earlier in this chapter, most States have initially chosen to develop a core of residential services. In many of these States, however, the particular mixture of services found

is not a result of a conscious policy choice. The individual youth service systems have grown in a fragmented and poorly coordinated fashion and without any overall design.

D. Difficulties in Coordinating Youth Services

The fragmentation of responsibility for troubled youths and families not only makes thorough and consistent information difficult to collect, it can also have serious consequences for the quantity and quality of services available to children in trouble. With formal responsibility for custodial care and other services divided among the police, courts, a host of State, county and local government agencies or institutions, private service providers, and volunteer groups, the job of systematic planning and coordination becomes particularly difficult.

The lack of overall policy direction and failure to coordinate services for youth, which was common in the case-study States, is not a consequence of the deinstitutionalization issue. But, the process of providing community-based services for greater numbers of troubled youth has thrown into relief the contrast between providing social services to children in institutions, and providing the same services in community settings. When a group of children is institutionalized, the task of assembling an educational program, medical services, counseling, and structured recreation is not overwhelming. If the same children are taken out of institutions and sent back to their communities for services, actually getting the same range of services to them is immediately complicated. In urban areas, a full range of services may be readily available, but if there is no central physical setting to "dispense" all services, they may not reach the children who need them most. The organizing, coordinating, and actual delivery of services by the responsible State or local agency necessitates involving many more independent agencies. In rural areas, highly specialized services such as mental health diagnosis and crisis counseling may not be available at all.

In the States visited during the course of the case studies, we found attempts to deal with these problems at two levels. In some instances, States had created special committees or task forces bringing together personnel from various agencies to develop policy or procedures in specific problems areas such as standardized licensing and fee schedules for care purchased from the private sector. At the lower levels of the State bureaucracy, some frustrated case workers have not waited for direction from the top, but have tried to coordinate the service system through interagency intake or diagnostic teams. Private service workers have also organized to act as central clearinghouses for information on referrals and placements. Informal coordinating efforts appear to be most successful outside major urban areas where caseworkers know each other well, and information can be exchanged with ease. Where attempts have been made to standardize procedures at the State level or to encourage

interagency cooperation at a local level, the coordinating mechanisms were new, and youth service workers continued to complain of serious problems in providing community-based services to troubled youths.

The consequences of a fragmented system for children who need community services are several. At the intake level, where decisions are made to refer a child to court or informally to recommend certain services, the police or case workers may not be aware of the full range of services available in the community. If knowledge about community resources is incomplete, a child can find himself referred to an agency which is not well-equipped to help him with his problems, or in court more frequently than is necessary.

For one type of status offender, the problem is particularly serious. Despite the frequent contention that status offenders have problematic characteristics in common with other troubled youth, many officials and youth service workers find in their experience that a sub-group of "hard-core" status offenders have problems more severe than most other troubled youth. They find this type of offender to be the youth most in need of community services and also the most difficult to serve.

It can be difficult to provide services to these youth for two reasons: first, he is likely to be defiant to all forms of authority. He may also resist the idea that he is an "offender", who has done something so wrong that he deserves punishment or treatment. Individuals interviewed contrasted this attitude with that of delinquents who are more likely to recognize the authority of the juvenile justice system and the legitimacy of punishment for their criminal-type behavior.

Second, some public and private agencies strenuously resist providing services to troubled youth who are more defiant, uncooperative, and troublesome than their traditional youth clients who tend to be more pliant or at least familiar. Taking on a new group of clients who are difficult and out of the ordinary can require a redefinition of the agency role and can place added demands on its budget. Thus, the fact that a community has a broad array of youth services does not mean that it is necessarily easy for a status offender to gain access to them. In a service system divided into specialized categorical services, few settings appear suitable for the multi-problem child. Interviewees report that this youth is sometimes institutionalized in private care, or can "fall through the cracks" of the system and not receive any services at all, although his diverse and serious problems are particularly deserving of attention.

Another possible consequence of fragmentation may be a tendency to overdevelop residential placement services to the exclusion of day services, because it is easier to bring services to a group of children residing in one spot than to organize a series of individual treatment programs for youths remaining with their families, and

because funding seems to be more readily available. One could argue that group homes in particular are the community-based equivalent of State institutions insofar as they both provide bureaucratic convenience by offering several services under one roof. Although no one argues that group homes are the same as training schools, it is also true that officials in at least one State are concerned that community-based residential services are modeled on institutions and ask whether greater emphasis on day services would not make more sense for many status offenders. Day services are cheaper than residential placements, and, more important, they are less restrictive and keep families intact. No doubt some number of troubled youth need a residential placement outside their own homes, but it is possible that group home and other residential placements are not always made because removal from the family is in the best interest of the child. In some cases, it may be the simplest and most bureaucratically convenient way to provide a service.

IV. Cost Analysis

A. Issues and Limitations

One of the central concerns of this study has been to determine what the costs of deinstitutionalization of status offenders have been in those States which have had experience in the area. States beginning the task of deinstitutionalization are concerned about the financial consequences of such a decision. Local and State governments, feeling the pressures of inflation and increasing demands for service, see the resource question as critical. From the point of view of the Federal agencies involved, OJJDP and HEW, who are responsible for providing funds, guidance, and leadership, the cost question is also important.

Questions of cost within the complex system of public service delivery are difficult. The questions of fixed vs. variable costs; to whom costs or savings will accrue; whether the costs are current or future; one time or continuing; and how they are computed must all be considered. After having completed case studies in ten States, and examining the cost issue in each instance, the following factors appear to be critical in determining just what costs have been associated with deinstitutionalization of status offenders:

- the numbers of status offenders who were or would be placed in detention or correctional facilities prior to a deinstitutionalization effort;
- the prior and current costs of maintaining those children in institutional settings and what happens to the resources formerly devoted to maintaining those children;
- the proportion of those status offenders who actually receive services as alternatives to institutionalization;
- the unit costs of those alternative services;
- the reaction of alternative service delivery systems in terms of generating additional services or absorbing these juveniles without increasing their capacity;
- who pays (which level and agency of government or the private sector) for institutionalization vs. alternative services; and
- the nature of the costs associated both with institutional placement and with alternative services--fixed vs. variable, current vs. future, start-up vs. operating.

These factors associated with determining costs create enough complexity in and of themselves to make cost calculations difficult.

In addition to these factors, however, are several other conditions which must be accommodated.

There are many other changes going on in the States--inflation, policy changes, reorganization, new Federal programs, statutory changes affecting definitions of status offenders, changes in age of majority, jurisdiction over status offenders, etc. Such coincident changes may well mask changes related to the deinstitutionalization irsue. Deinstitutionalization may be so much a part of such related changes that it cannot be regarded as a discrete process with measurable costs.

Underlying all of these issues, moveover, is the quality of information about status offenders, services and costs thereof. The data systems in the States we studied are, without exception, inadequate to the task of defining precisely what the cost impacts of deinstitutionalization have been. Even in the best instances where sophisticated automatic data systems exist, they may provide information only on a part of the picture (e.g., information on public facilities but no information on private facilities). In the very worst instances, there is data lacking even on the numbers of status offenders moving through the system.

Experience in the ten States studied strongly supports the conclusion that the costs of deinstitutionalization are not predictable in any abstract way. They cannot be calculated simply on the numbers of children involved. They depend upon the approach taken in deinstitutionalizing, on conscious choices made by public agencies involved and on what the juvenile justice and service system look like in a given State.

B. Cost Impacts--The Results of Ten Case Studies

If one considers deinstitutionalization the process of shifting youngsters from more expensive, to less expensive services, the expected outcome would be cost savings. In some States, we have indeed seen evidence of some cost savings. However, the outcomes vary from State to State.

1. Non-instutitional Services are Less Expensive

With few exceptions, the per unit (per child/per day or month) cost of providing non-institutional services to youth is less than the per unit cost of maintaining children in secure detention and correctional facilities.

- In some States, the cost information is identified only within the budgets of several agencies and deinstitutionalization appears to have had little net impact on expenditures--there have been no marked increases or decreases in outlays (e.g., Florida, Wisconsin, Oregon).

- In other States, because cost savings have been realized and the system is relatively easy to analyze, it is possible to see savings (e.g., Connecticut, Maryland, New York).

- In at least one State, the information is so inadequate and the experience so limited that it is impossible to say one way or the other what the impacts have been (e.g., Arkansas).

- Finally, there are incremental costs being incurred (or dollars legislatively committed) in some States to achieve deinstitutionalization (e.g., California, Iowa, Utah). Even here, perhaps, the most interesting observation is that in no instance did their perception of cost deter these ten States from moving toward the major change in social policy. Further, our analysis of costs actually being experienced suggests them to be less than those anticipated.

2. Costs vs. Budgets

This suggests that the genesis of an increase in outlays is not in deinstitutionalization, but rather in the inability of the system to transfer resources, to reduce capacity, etc. Further, increasing demands for services of those delinquents coming into the institutions would have to be met in the future with expanded capacity or additional facilities. Thus, increased expenditures in one section may be balanced by a slowing of budget increases elsewhere. Where States are concerned about the cost implications of deinstitutionalization, they might well focus on ways to actualize the savings implied in transferring youth from more expensive institutional settings to less expensive community ones.

3. Summaries of Costs in Ten States

Some States have conducted analyses of what the impacts of deinstitutionalization would be. California, Oregon, and Utah have done such analyses and, in each case, have estimated that deinstitutionalization will result in significant net incremental costs. Assumptions underlying these analyses omit the possibility of cost savings resulting from deinstitutionalization. Further, the studies assume that the entire population of deinstitutionalized or non-institutionalized status offenders will require alternative (usually residential) services. In each case, these are projected future costs. When examining what have been the costs of deinstitutionalization in those States which have already implemented such a policy, it was difficult to document that substantial incremental

costs actually accrued as a direct result of the deinstitutionalization of status offenders.

Following are brief summaries of the perceptions of State and local officials in each State regarding the cost implications of deinstitutionalization along with our own assessment of costs. As mentioned elsewhere in this report, problems of data within each State and comparability among the States suggest that these summaries be read with caution. They are presented here to highlight the cost question from State to State, but are best understood in light of the descriptions and context found in the full case studies.

ARKANSAS

A. Perceptions of State Officials

Arkansas has created a new Division of Youth Services to assume the primary responsibility for coordinating, sponsoring, and providing youth services. One of its functions is to act as a liaison among local communities, State agencies, and the Federal government to obtain and channel Federal financial assistance for youth services. They currently depend heavily on Title XX, Social Services funds, a Statewide DSO project grant from OJJDP, and block grant crime control and juvenile justice funds. State funds support the cost of the training schools, and provide the necessary match for Federal grants.

The State's primary strategy is to develop comprehensive community-based services and to fund their operations with Title XX funds. As one-time Federal grants disappear, staff cutbacks appear likely. No one has predicted a reduction of training school space or a transfer of funds from that budget. Current estimates of the operating cost of services to be developed for deinstitutionalized status offenders are $4 million annually, to come from Title XX and a continuation of the approximately $7 million for the training schools.

B. Commentary

Since much of the Federal money currently being used is for start-up purposes, it can lapse without service shut-down. Some State and local assumption of costs will presumably be necessary where court services workers have been funded and where DYS staff has been paid for with Federal funds.

CALIFORNIA

A. Perceptions of State Officials

Two studies have been undertaken during the past year, one by the California Youth Authority (CYA) and one by the County Supervisors Association of California. The first calculated that the cost of removing status offenders from Juvenile Halls (as required by A.B. 3121), and placing them in appropriate residential alternative settings would be $6,000,000 per year. The second study estimated a $12,000,000 impact for the same set of conditions.

B. Commentary

Our review of potential costs concluded that a target population of 750 detainees and 1800 juveniles requiring correctional treatment would cost $35,128,800, which is $7,614,000 less than comparable bed space in detention and correctional facilities. The projection of net savings assumes that the same number of juveniles will need services in alternative placements, that all of them can be transferred from detention/correctional facilities simultaneously and that there can be a direct, immediate transfer of funds from county institutional to community service budgets. Compared with other States studied it is fair to say that, until this year, California made an inordinate use of detention and local correctional facilities for status offenders.

CONNECTICUT

A. Perceptions of State Officials

Connecticut has been pursuing a deinstitutionalization policy for several years, with only 12% of court referrals being status offenders, with close-down since 1972 of one training school, and with detention of status offenders at only 820 in 1975. Thus the costs of moving these numbers of children out of such placements is not seen as major, although the receipt of $1.4 million in the form of a special emphasis grant from OJJDP to the State was welcome to ease the way. A number of judges and court officials see the research focus of the DSO project as unfortunate and would prefer to see those funds go to develop services.

B. Commentary

Current detention figures are low enough that reserving one bed in each of ten group homes as an alternative to detention would provide sufficient bed space for status offenders, at a cost of approximately $50,000 based on an estimated average three-day stay in detention. State policy, however, does not presently encourage use of group home beds in this way, although the cost estimates would likely remain valid in other settings.

Costs of continuing the programs specific to the extremely troublesome (e.g., chronic runaway) status offender will be higher on a per diem basis. Such programs, whether on a long-term treatment basis or on the maximum intervention model (intensive diagnosis and evaluation followed by a supervised treatment plan) may be difficult to retain when the grant lapses.

FLORIDA

A. Perceptions of State Officials

State officials believe themselves to be in virtual compliance with deinstitutionalization requirements as a result of having removed their CINS from the juvenile justice system and placing them into the child welfare system. They did not perceive significant increase in outlays as a result of this decision.

B. Commentary

Apparently, many status offenders simply have dropped out of the system at the State level, since they were redefined as dependent children. The delinquency system has not experienced budget cuts or transfers of their funds to the welfare system. It seems rather that resources devoted to status offenders in institutions have been redirected to a larger delinquent population. Since, according to State figures, child welfare services tend to be much less costly than services to delinquents, it can be asserted that cost reductions have been experienced and that the delinquency system has had more resources with which to service its own client group. The scope of that savings is unknown, however. At the time of the change, the Social Services agency estimated that some $6 million annually was devoted to serving status offenders in residential settings. How much of that potential cost saving has been offset by costs now incurred in the welfare system is unknown, as there is no adequate data available on how many former CINS are now receiving services under child welfare.

IOWA

A. Perceptions of State Officials

State officials do not view the cost of deinstitutionalizing status offenders to be in any way restrictive upon the State's options. Their experiences indicate that private service providers can manage independently of start-up grants after about two years. In addition, the State Department of Social Services directs a good deal of its Title XX funds into status offender services.

B. Commentary

Our examination of status offender and non-offender cohorts within the larger detention and correctional facility populations indicates that the current costs incurred for those groups is roughly $739,716. Foster care, which is fairly expensive in Iowa (thus accounting for the ability of the private sector to be self-sufficient), runs as much as $45 to $50 per day. If the 70 status offenders in training schools in FY 1975, and the 198 accused status offenders in detention in FY 1976, all received 30 days of foster care, even at $45 per day, the total cost of alternative services would be $361,800, or $377,916 less than the costs in detention and correctional facilities.

MARYLAND

A. Perceptions of State Officials

Maryland has done no analysis of the cost impact of their 1974 change which prohibited placement of CINS in detention or correctional facilities. They believe that the cost of deinstitutionalization has been minimal. One State training school formerly used primarily by CINS has been closed, making it possible for the Juvenile Services Administration to realize a direct cost savings. Although the exact number of CINS placed in alternative community programs during 1974 and 1975 is not known, the costs of community programs most often used by CINS tend to be lower than the costs of institutional placements.

B. Commentary

Before Maryland changed its Juvenile Causes Act, it detained or committed a greater number of CINS in State institutions which remain in operation than it did in the one institution which closed down. The cost of providing alternative placements for some of these youths was not offset by any institutional savings. The exact costs incurred can only be estimated since the number of CINS who found alternative placements is not known. If added costs were involved they were probably not major. Before deinstitutionalization, Maryland had developed a network of community-based facilities. Maryland still faces added costs in ending some continuing detention of status offenders in State institutions, and in ending the large number of out-of-State placements in private institutions.

NEW YORK

A. Perceptions of State Officials

The Director of the New York State Division for Youth asserts that deinstitutionalization will be less costly in the long run than maintenance of PINS in institutional settings. This is based primarily on lower costs for alternative services and on a strategy of closing institutional capacity.

B. Commentary

Any costs associated with removal of PINS from training schools in New York have already been incurred since no PINS remain in those facilities. The primary identifiable funds used to effect the change came from a $1.7 million grant from the SPA to develop alternatives to such placements. Maintenance of the system should be possible within existing State resources since the alternative placements are less expensive, and the State has a history of closing down institutional capacity.

As to detention costs to be incurred or saved as PINS are less frequently held in secure detention, the situation is still speculative. The detention policy and practices study done by DFY outlines a possible strategy which would dramatically reduce the number of secure beds needed. Further, DFY has informed the counties it will no longer share costs for secure detention of PINS, which may produce local policy changes. Futher, the DFY detention plan calls for closing some secure detention within a year and for securing from each county a detention plan as a management and fiscal control. No State law prohibits keeping PINS in secure detention, and only experience will show the effectiveness of these administrative measures.

Our analysis of cost impact suggests a minimum savings of $2,700 per person-year of placement as an alternative to the training schools, and a potential savings of $3.5 million with a shift in detention policy to non-secure beds.

OREGON

A. Perceptions of State Officials

The Legislature of Oregon is quite concerned about the potential cost impact of participation in the Juvenile Justice Act. The State Planning Agency in preparing a cost analysis for the Legislature's consideration, estimated that it would cost in the neighborhood of $1.25 million per year to support alternatives to detention. (Status offenders can no longer be placed in the State's training schools.) However, the State Legislature's own research service, in assessing a 1975 change in State law removing CINS from training schools, prohibiting placement of CINS in training schools in the future and limiting the length of stay of status offenders in detention, did not note increased costs associated with implementation of the statute.

B. Commentary

Assumptions underlying the State's estimate of cost impacts include providing alternative residential placements to all status offenders who otherwise might be detained, and do not account for any cost savings as a result of avoiding detention in jails or juvenile detention facilities. Assuming some mix of less expensive services and

some portion of the population at interest not requiring service, the costs of providing alternative services to the currently detained population of status offenders might well be less than the estimated cost of maintaining those youth in detention. If we take the figure of 5,070 status offenders detained in 1975--as the special study done by the Oregon SPA reveals--we might estimate that the cost of those detentions (5,070 x 3.25 days per detention x $35.75 per day) would be approximately $589,071. If only some portion of those savings might be actualized, the costs of providing alternative services might well be offset.

UTAH

A. Perceptions of State Officials

A study conducted by the SPA about a year and a half ago estimated that the cost of deinstitutionalization would run anywhere from $172,938 to $1,074,576, with a likely cost being somewhere between $429,912 and $442,502: the actual figure would depend upon what mix of residential alternatives was actually used.

B. Commentary

The above average cost estimate does not, in our opinion, fully reflect the cost of deinstitutionalization. Our estimates run over the maximum figure quoted. Based upon the selection of service options, we estimate that current non-residential services, if properly expanded, would cost about $550,000. Foster care costs, added together with the staff costs of the State's protective services and mental health services, and the SPA projects funded for deinstitutionalization, add up to about $1,625,000. Much of this cost, however, might just as easily be viewed as the result of a number of agencies redefining their target populations, as opposed to the costs of deinstitutionalization.

WISCONSIN

A. Perceptions of State Officials

The State Budget Office estimated in its 1977 policy papers that the closing of one of its State institutions, at least partially as a result of no longer placing CINS in that institution, has saved the State in the neighborhood of $240,000 per month (or $2.9 million per year). In providing a subsidy to counties for the provision of shelter care as an alternative to detention, the State has requested an appropriation of $774,000 for the first year of operation. Overall, the State feels that this will adequately meet the need for shelter care in the State and will be matched at least dollar for dollar by the counties. Beyond these assessments, the State has done no formal analysis of the costs of deinstitutionalization.

B. Commentary

In Wisconsin the costs of non-institutional services--alternatives to detention and alternatives to long-term correctional placements--are typically less costly per child, per day than are institutional placements. However, since data on the numbers of youngsters previously in the State institutions on CINS charges are not available, aggregate estimates of alternative care have not been made. With respect to detention, the State still permits secure placement of CINS in jails and in juvenile detention facilities. Therefore, cost analysis is not pertinent except in the form of a projection.

4. Comparative Costs of Alternative Services

The following Table IX arrays and contrasts typical costs of maintaining a juvenile in a detention or correctional facility with the costs of providing alternative services to the number of status offenders actually admitted to detention and correctional facilities in 1974 in each State. It is clearly not meant to be an accurate picture of the total costs or savings of deinstitutionalization in the States studied. Given the limitations of data discussed above, that precise a comparison of costs and savings is not possible. However, the table highlights several points.

- Costs of alternatives to detention and correctional facilities are virtually always less per person/per day than are the costs of placement in detention and correctional facilities.
- With the exception of New York, the range of detention and correctional costs among States is rather small. Detention costs range from $22.70 to $41.67 per person per day. Correctional costs range from $34.35 to $63.43 per person per day.
- Costs of alternatives to detention and correctional facilities vary widely. Some day services not reflected on the chart may average only a few dollars per person per day. The most typical residential placements which are highlighted on the chart range from $6.64 per person per day for foster care in one State to $45 per person per day in Iowa for residential care.

A word of caution is appropriate about the precision of the figures presented here. The numbers of status offenders in some cases represent the best estimates available, and may not reflect precisely the same time period in each case. They are used largely to give the reader an idea of the order of magnitude of the population at interest in each State--those status offenders actually in institutional settings in 1974. Costs, too, are less precise than might be hoped. Obviously, different cost accounting systems from State to State make comparisons questionable on a strict basis. Costs for alternative services are largely based on purchase of services contracts, however, so some comparisons seem useful. Average length of stay is based upon figures provided by the States, where those were available, or calculated from data on admissions, average population, etc. Where not available, we assumed an average of three days in detention and its alternatives, and six months or 180 days in correctional facilities and their alternatives.

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Table IX

Comparative Cost Estimates for Institutionalized Settings and Most Frequently Used Residential Alternatives for Status Offenders

		(DETENTION/CORRECTIONAL SETTINGS)				(ALTERNATIVE RESIDENTIAL SETTINGS)		
		A. Institutionalized Status Offenders 1974 (see Table IV)	B. Average Length of Stay (Days)[1]	C. Average Daily Cost of Detention or Correction	D. Total Cost of 50 Confinement (in Thousands)	E. Average Length of Stay in Most Frequent Alternative[1]	F. Average Daily Cost of Most Frequent Alternative	G. Total Cost of Most Frequent Alternative (in Thousands) (Assuming all 50's served)
Arkansas:	Detention	1,665	3	N/A	N/A	3	$ 5	$ 25
	Correction	297	180	$26.44	$ 1,413	180	$30	$ 1,604
California:	Detention	51,748	3	$41.67	$ 6,469	3	$38.27	$ 5,941
	Correction	1,800	162	$48.60	$14,172	162	$38.27	$11,160
Connecticut:	Detention	820	3	N/A	N/A	N/A	$16.67	N/A
	Correction	30	180	$54.79	$ 296	180	$26.33	$ 142
Florida:	Detention	9,839	10.4	$32.39	$ 3,314	11.5	$ 6.68	$ 756
	Correction	292	180	$34.35	$ 1,805	180	$ 5.64	$ 296
Iowa:	Detention	151	24	N/A	N/A	N/A	N/A	N/A
	Correction	87	180	$41.55	$ 651	180	$45	$ 705
Maryland:	Detention	829	15	$35.00	435	10	$10	$ 83
	Correction	171	210	$35.00	$ 1,257	180	$23	$ 708
New York:	Detention	3,029	3	$115.00	$ 1,045	3	$60	$ 545
	Correction	287	180	$ 71.27	$ 3,682	180	$40.45	$2,090
Oregon:	Detention	5,070	3.25	$ 35.75	$ 589	3	$ 8.15	$ 124
	Correction	125	180	$ 42.87	$ 965	180	$18.13	$ 408
Utah:	Detention	1,746	3	$ 22.70	$ 119	3	$ 6.50	$ 34
	Correction	80	243	$ 46.66	$ 907	243	$16.27	$ 316
Wisconsin:	Detention	7,916	3	$ 40.00	$ 950	3	$30	$ 712
	Correction	N/A	180	$ 63.43	N/A	180	$28.13	N/A

[1] Standard lengths of stay have been assumed in absence of State data: 3 days for detention and alternatives, 180 days for corrections and alternatives.

5. Political Choices and Institutional Boundaries

As mentioned before, the context in which deinstitutionalization is attempted will have profund impact on whether costs, savings, or no change will be the outcome. Among the factors which tend to cancel the potential savings of serving youngsters in alternative (and, for the most part, less expensive) services are:

- The failure to realize potential cost savings associated with removing status offenders from costly institutional settings.
  - -- some costs of institutional settings are obviously fixed rather than variable and the impact of reducing population may be minimal on those costs (e.g. heating, lighting, etc.). Even where costs are variable (social workers, teachers, support staff, cottage workers), savings will only be realized when populations go down sufficiently to cancel caseloads or classes, or to shut down living units.
  - -- immediate use of those institutional resources for other clients. Even though other clients (e.g., delinquents) are placed in institutional slots vacated by status offenders, the costs are now associated with a different population. From a pragmatic standpoint, the dollars needed to run the institution are still required and additional dollars (perhaps) are needed to buy alternative services for the status offenders.
- The fact that cost savings may accrue at one level and new service demands may appear at another level. If a State agency is indeed able to close an institution and develop more community-based alternatives, the net effect for the State may be a savings. If, at the same time, status offenders begin showing up on the rolls of the county social service agency, that is, indeed, a cost for the county. Of course, there are mechanisms for shifting resources to equalize the impact--a State-to-county subsidy for shelter care is one example.
- There is a tendency in public organizations to exhibit steadily increasing budgets, no matter what happens externally to their own organizations. The forces of inflation, increasing populations, organizational growth, and the fact that existing resources generate demand seem to underly this tendency.

6. Expectations and Reality

There are many reasons, then, why, despite a logical expectation that one might find cost savings associated with deinstitutionalization translating into budget decreases, these savings may not so translate. Increasing budgets or, at best, "break even" situations, are more likely. What is perhaps most startling is that, despite the fact that cost savings have infrequently been transferable for other uses (e.g., reductions in institutional budgets, institution closings, etc.), equally infrequently have we found evidence of dramatic increases in outlays specifically earmarked for deinstitutionalized status offenders. There seem to be several reasons for this:

- When institutionalization ceases to be available for status offenders, they tend to appear less frequently in the court system at all and, frequently, they simply go home.

- While status offenders in some States used to be a significant proportion of the population in detention, available data on length of stay suggests that they typically do not stay more than a few days (average length of stay in the ten States varied from 14 - 12 days) and very often are released to their own homes. Reducing or eliminating this practice does not generate extensive demand for long-term residential services, as many of these children seem able to go home sooner than they would have in the past.

- Most States are moving toward community-based care for children as a desirable alternative to the institutional model of care. In many cases, the development of alternative services pre-dates the Federal legislation, and, while it may have grown out of the same consciousness which underlies that Federal law, it is clearly not a direct result of it. The fact that status offenders are among the young people moving into these services does not allow one to point to those services as a cost impact of deinstitutionalizing status offenders. Some part of that cost may be a related impact, but often the data are so poor as to make it impossible even to estimate some portion of those costs as attributable to the status offender population.

- The services into which status offenders might be diverted as an alternative to deinstitutionalization are relatively many--mental health, vocational education, alternative schools, crisis counseling, youth service bureaus, drop-in centers, charitable, recreational and athletic programs, etc. Hence, the impact

of status offenders moving into those services is quite diffuse. Those systems appear to be absorbing this type of child to some degree without unduly taxing their resources and without even identifying them as status offenders.

7. Conditions of Savings

In those instances where cost savings have been visible, largely New York and Maryland, several conditions seem to have facilitated those savings:

- The shut-down of institutional capacity. In such instances, the cost savings are clear-cut and measurable. Closing institutions or portions of them as an accompaniment to deinstitutionalization makes cost savings quite tangible and has freed resources for other uses. In the short run, tracing budgetary transfers from the institutional unit to the community services unit is fairly easy. Over budgetary cycles, however, that will tend to become murky, particularly if the Legislatures attempt to recoup the savings derived from the shut-downs, in the face of escalating costs in other institutions remaining open.

- Delivery systems which incorporate both institutional care and alternative services. If the agency responsible for institutional care also provides non-institutional services, it is administratively feasible to capture cost savings and transfer them to finance alternatives. On the other hand, where alternative programs are funded at the local level, while institutional care is financed at the State level, actualized cost savings from institutions may be transferred to alternative care using some special mechanism such as a State subsidy program.

- The observed tendency of some children to drop out of the system when institutionalization is no longer an option. It may well be that some portion of the institutionalized population really do not require alternative services. It appears that eliminating the institutional placement option tends to discourage the system from capturing some group of young people. Since this tends to reduce the absolute size of the population demanding services, the need for expenditures goes down accordingly.

- For the most part, non-institutional services cost less per child per day than do institutional placements. While there may be exceptions at the extreme--where children might require inpatient psychiatric care or residential placements in specialized facilities for the disturbed or retarded, these instances appear to be a relatively small portion of the population. Most other placements--group homes, foster care, day services of many types, shelter, etc., tend to be less expensive than secure juvenile detention or training school-type facilities.

8. Cost Impacts of the OJJDP Definitions

For purposes of our case studies, we have examined the experience of removing status offenders from what the States consider to be detention and correctional facilities, and of placing at least some of them in what they consider to be alternative types of services. Virtually all of the States began this process in ignorance of OJJDP's guidelines which define what, for purposes of compliance with the Act, will be considered detention and correctional facilities. Clearly, the strict application of those guidelines will redefine what some States view as "alternatives" as "correctional" facilities. Applying those definitions will have profound cost implications for the States. Understanding the full ramifications for the States would require:

- knowing precisely which of the States' potential services for deinstitutionalized status offenders qualify as detention/correctional facilities under OJJDP guidelines;
- determining how many status offenders are in those facilities;
- determining which of the States' other potential services are not such proscribed facilities and which might accept status offenders;
- determining what new programs need to be created and what the costs of those new programs might be.

9. Length of Stay

The length of stay in a program, whether it be residential or nonresidential, is one element in determining the cost of serving an individual client. Even though it may be more costly to maintain a juvenile in a detention facility than in

a group home, on a daily basis, the length of stay in each setting will determine their overall comparative costs. Where the stay is the same in each setting, detention will usually be more expensive. However, if young people typically stay longer in alternative programs, the total cost per client may be higher in those programs. Anecdotal information gathered in the course of our case studies suggests that stays in shelter care, for instance, may be longer than stays in secure detention. Opinion among some of those working in the field is that desirable and successful alternative services may tend to drive up the average length of stay. Unfortunately, there is only fragmentary information on length of stay in alternative programs, and only slightly better information on length of stay for status offenders in detention and correctional facilities. In almost all cases, data regarding length of stay is for the entire institutional population rather than for status offenders as a discrete group. In constructing illustrations of comparative costs of services (shown on Table IV), we have used whatever data we were able to collect on average length of stay. Where this information is missing, however, we have assumed stays in detention or correctional facilities to be comparable to stays in the most frequently used alternatives to those settings.

10. Monitoring Systems

While all of the ten States we studied have made some progress toward deinstitutionalization of status offenders, they typically have not constructed monitoring systems to keep track of their own progress. In order to comply with the mandates of the Federal Act, such monitoring systems will have to be built from scratch or will have to expand upon existing systems which currently serve other management and reporting needs. Nowhere did we find evidence that the States have estimated the costs of that effort, either start-up costs or operating costs. However, New York's experience may give us some feel for potential costs of monitoring. There, we found that the State was utilizing LEAA grant funds to support administrative efforts to design, establish, and coordinate such a mechanism. For FY 1977, a $50,000 grant to the State Division of Corrections and a $50,000 grant to the State Division for Youth were supporting efforts at monitoring compliance. In addition, a staff person within DCJS (the State Planning Agency) was being supported through grant funds specifically for the purpose of coordinating and providing technical assistance to monitoring efforts in the State.

C. Funding Implications

Another concern of our study was whether deinstitutionalization might create new and different demands for services which are typically Federally funded, and, if so, how Federal agencies might best respond.

State and local officials only partly understand the Federal funding process. Sophistication about how States access those funds and for what services or clients is usually limited to a few people in the State agency most immediately impacted by specific funds. Additionally, lack of data is also an issue, in that State tracking systems typically do not give much information about client populations or funding sources related to particular client groups or even to particular programs.

1. Currently Used Sources of Funding

There are two uses of Federal funds which appeared most relevant to the deinstitutionalization of status offenders. First, some funds are deliberately being used as part of a strategy to effect deinstitutionalization. Second, other funds provide services to non-institutionalized status offenders through their continuing support of general social services systems--mental health, child welfare, education. These appear to be absorbing status offenders who might otherwise be held in detention or correctional facilities.

- Strategic funds. In most of the ten States, attempts at deinstitutionalization have been aided by specific project grants directed at providing status offender-specific services, at coordinating deinstitutionalization efforts, at youth advocacy efforts including deinstitutionalization, and at developing monitoring systems. Sources of these funds include Crime Control funds, both discretionary and block; Juvenile Justice funds (including Special Emphasis Grants for deinstitutionalization which we found in two of these ten States); and Office of Youth Development funds, particularly for the support of runaway houses and counseling services.

- Continuing service support funds. These are funds which typically support general social services, sometimes including youth services, and which almost certainly are reaching some population of status offenders. Unfortunately, data systems concerning these services do not generally identify sub-groups of the populations which they serve. These systems are clearly seen as resources for alternative services by those concerned

with deinstitutionalization. The services themselves may simply be absorbing some number of status offenders in their client population, without any definition or recognition of them as status offenders. Without any strategy toward deinstitutionalization, these services would still exist. They represent a different type of funding resource than do the strategic funds identified above.

Title XX of the Social Security Act is perhaps the most significant funding source of this type. The funds flow to the State social services agency and from there to specific programs which provide children's and youth services. In many States, Title XX is the major support for the States' network of foster homes, regardless of the reasons for which juveniles are placed in them. We did not find precise data on what range of services those funds were purchasing for how many status offender clients--as mentioned above. We did find Title XX providing substantial support to agencies which would most probably be servicing status offenders--sometimes in excess of 50% of the entire agency budget, (e.g., Oregon). In other cases, Title XX funds were being passed through to county social service agencies, and represented more than half of their individual budgets (e.g., Wisconsin).

Another significant source of funding in this category was Title IV, Part A of the Social Security Act. Under this Title, funds are provided to help needy families with dependent children who must be cared for in foster care or institutions because of some crisis situation. This is also a formula grant program with Federal share based on a State's average monthly payment to eligible children in foster care. Again, tracking status offenders within this population is not possible given existing data. It does appear to offer a significant support for court-related children placed in out-of-home care. In some States, we were told that income eligibility was investigated for every child in care, suggesting that Federal subsidy for this type of care is a significant item in the maintenance of court-related children.

- Ancillary services systems. In addition to funds which were being used strategically to further deinstitutionalization and generally for major social services funding, other service systems which receive significant federal funds were also encountered in our case studies. Mental health, retardation and developmental disabilities, as well as education, are pertinent here. These are services which receive substantial amounts of Federal

dollars through a variety of funding sources. In most States, we found individual instances of programs which were focusing upon the needs of children having problems in schools, or disturbed children classified as status offenders by courts. The information which we have is fragmentary and largely anecdotal. It is best reflected in the individual case studies of each State. Clearly, courts refer children for psychiatric services, and some children are placed in in-patient mental health services. Also, there are some alternative educational programs which are focusing specifically on truants or children troubled in school. Such programs do not typically deal solely with children as status offenders. Thus, it is not possible to measure precisely the overall funds involved--either their source or scope, much less the share devoted to status offenders. Based upon interviews and the perceptions of State and local officials, however, it appears that these services and Federal funds to support them are absorbing some number of non-institutionalized status offenders without even recognizing them as such. A general need for more mental health services or alternative education programs may be perceived, but that need is not perceived as a result of an increasing number of status offenders as clients. Since there has not been a noticeable influx of clients (coincidental with de-institutionalization) into other systems, it is also possible that some status offenders may simply drop from any public intervention system.

1. Federal Funds and State Strategies

To a significant extent, the role of Federal funding in deinstitutionalization of status offenders depends upon strategy choices made by States and localities. For instance, in New York alternatives to secure detention are being funded through LEAA grants and local match. It is anticipated that they will then be picked up by a combination of local and State monies. In Wisconsin, the State has appropriated funds for shelter care as an alternative to detention which will be used to reimburse localities for half their costs, provided no other State or Federal funds are involved. This strategy follows on the development of those shelter care programs through funds from the Wisconsin SPA. In Arkansas, development of youth programs, while relying on Title XX funds, is also planned around the acquisition of significant Federal crime control monies. In Oregon, it is anticipated that services to status offenders will be financed through the State agency for children's services which receives most Federal funding through Title XX and AFDC-FC. In California, State law requires that any services which the State mandates of localities, it must fund.

If alternative services are to be mandated by State law, presumably the State will signal the need for significant involvement of its own in financing that requirement. In sum, it appears that States are tapping into Federal sources of funds in a variety of ways depending upon their own strategies and needs.

3. Conclusion

With respect to implications for Federal funding, we conclude the following from our case studies:

- alternative services for status offenders exist in a variety of systems already operating in the States;
- the States appear to be using continuing funding under the Social Security Act--particularly Title XX and Title IV Part A to support operating expenses of services to children, some of whom are deinstitutionalized status offenders;
- States are using more specialized categorical grants to fund strategic programs to help effect the process of deinstitutionalization. Where experience is mature enough, it suggests that these programs are being picked up with local and State funds, (i.e., these Federal funds are acting as seed money for local initiative).
- most of those systems are receiving some Federal support which the States access through strategies that vary from State to State;
- because the service systems are relatively many and relatively large in contrast to the potential population of deinstitutionalized status offenders, massive gaps in service requiring major Federal funding initiatives do not appear;
- numbers of status offenders as potential clients appear to go down anyway, suggesting a decreasing client population rather than a constant or increasing demand.

The conclusions suggest an alert, but relatively passive Federal stance in terms of new programs or new funds for status offenders. Appropriate Federal actions include:

- monitoring the progress of deinstitutionalization to identify any changes in these trends which would warrant a change in Federal posture;

- monitoring significant Federal programs--Title XX and IV-A--to flag any Federal or State regulations or policies which will inhibit status offender access to services;
- confirming status offenders as a legitimate client group for these programs.

V. Issues

During the field work for the ten case studies, a number of issues surfaced which were of concern to key public officials in the juvenile justice system in these States. Some of these were relatively minor or related only to an individual State's political disputes or interagency or intra-agency disagreements. However, others arose wherever we went and provide an understanding of the problems which still must be addressed if we are to adequately serve status offenders in non-institutional settings.

In this section, we present a brief discussion of the arguments, both pro and con, surrounding these major issues, and our analysis of the importance and likely impact of the issue.

A. Public and Official Attitudes

The term "status offender", to the general public, requires explanation; the issue of what to do with status offenders has very low visibility. Contrary to concerns with crime, drug abuse, high taxes, or other outrages against the public morality, juvenile offenders who have not committed crimes are not often in the public spotlight. Although the idea of not incarcerating a child who has committed no wrong is initially and instantly attractive, the move to deinstitutionalize is usually advocated by a relatively small number of vocal proponents.

However, the public is also made up of parents, teachers, policemen, judges, and neighbors who are concerned about children who are unruly, who run away, who do not attend school, who dress and talk and behave in a manner which incurs adult disapproval. Children who are rebellious, who talk back, who won't obey a parent, who stay out late, who are sexually promiscuous, or who dislike school, are considered problems. When parents or teachers or neighbors cannot deal with the problems themselves, they turn, in many cases, to the police and the courts. A belief that the court can straighten the child out, that the training school will help him, or that a few days in jail will teach him a lesson, seems to be widespread. While most children who do not commit crimes do not require such solutions, some do, goes the argument. And when a child who is troublesome confronts and repeatedly rejects adults' authority and rules, something must be done.

Therefore, without needing to make the issue more explicit, parents, school administrators, police officials, and judges all tend to perceive general public support for the right to detain children (for their own good) and to place them in juvenile detention and correctional institutions when they are perceived to exhibit behavioral difficulties. Most will agree that such youth should not be mixed with hard-core criminal youth; but help should be provided, even (perhaps especially) if they don't want it.

These same "publics" agree that, in principle, a child who has committed a single, non-criminal act should not be incarcerated, but repeated offenses may require different action.

Further, even where treatment or help is undeniably required, the detention center or the training school may be seen as the logical source of help for a number of reasons. First, there may be very little in the way of youth services in the community. Second, the State or county may only be able to pay upon court order and the parents may be unable or unwilling to pay. Third, the child may not want help and coercion may be necessary to make sure he will accept it. Fourth, leaving him in community-based services may require family cooperation, support or discipline, none of which may be present. Fifth, a variety of local resources may have been tried to no avail, and commitment is seen as a last resort. Sixth, it may be perceived that the behavior is so self-destructive or dangerous to the community that incarceration, at least briefly, is necessary, as with a chronic runaway or violent or promiscuous youth.

More specifically, the juvenile judges tend to feel a responsibility to provide help, and to utilize a secure placement, if that is necessary. In some cases, the parents are so ineffective, the family so helpless, that some alternative residence is required to allow a set of problems to be addressed. The balance of judicial experience with such cases in the past may dictate a cooling-off period in detention, or the structure of a training school. In still other cases, the judge is faced with a runaway from another State and will hold him until his parents or responsible parties can pick him up.

Thus, the judges tend to feel that, while deinstitutionalization for most status offenders is fine, institutional placement should be retained as an option. Some children, such as are mentioned above, require temporary detention. The judicial attitude is particularly important for a number of reasons.

- Judges will likely both influence and reflect the attitudes of the establishment in their communities.
- Judges will influence proposed State legislation, as well as the degree to which standards and procedures for juvenile intake and detention are accepted.
- Since many status offenders have also been involved in criminal-type behavior for which they might be adjudicated, judges may well opt for the more serious petition if it offers them broader dispositional options - including institutions. Hence, restrictions upon dispositions permitted for status offenses may not prevent judges from incarcerating youth they feel need such treatment. The resulting criminal stigma may become, during a child's lifetime, more damaging than would the institutional confinement alone.

- Finally, the judges deal with cases individually and must act; they have not the luxury of making policy for others to implement; their views are founded on both their senser of experience and responsibility.

Most judges would be happy to cease detaining any and all status offenders if alternatives can be provided which fill the bill, including a program that would keep the runaway from running. But many see the deinstitutionalization issue as one joined by "do-gooders" who will soon move on to another, newer issue, leaving the courts to carry one, perhaps with fewer options than before.

With respect to schools, attitudes seem to be in a state of flux. On the one hand, some school systems have made significant efforts toward developing alternative schools and special programs, on ensuring the rights of students to be heard, and on cooperating with social service agencies. Others seem to focus mainly on serving their students who keep up, not those who fall behind or need special help. The truant may also be a discipline problem, a below-average student, and have a difficult family situation. School personnel don't know what to do, so they do little or nothing. The option of having truants sent to a training school may not be their choice (and relatively few youths are sent to institutions primarily for truancy), but neither do many schools accept them as their responsibility.

B. Status Offense Jurisdiction

Another issue generating considerable debate is whether status offenses should be removed from the jurisdiction of the juvenile court. Indeed two of the case study States -- Florida and Utah -- have taken steps in that direction. Florida redefined its CINS as dependent children and simultaneously reorganized the State youth services structure. In the process, the court lost a caseload, at intake, of about 18,000 cases. Florida retained, for a child who is adjudicated "ungovernable" a second time, the option to treat him as a delinquent. Iowa has similar legislation pending and likely to pass.

Utah removed original and exclusive jurisdiction of the Juvenile Court for ungovernables and runaways, giving it instead to the Division of Family Services. Again, however, if DFS cannot, after "earnest and persistent" efforts, effect appropriate progress, such children may re-enter the court's jurisdiction.

In essence the case for removal of jurisdiction is that juveniles exhibiting such behavior do not belong in the juvenile justice system but rather in the social services or child welfare system. A number of standards and advocacy groups have recommended elimination of status offense jurisdiction. The Standards and Goals Task Force for Juvenile Justice and Delinquency Prevention was a notable

exception, rejecting an either/or choice between accepting current practice or eliminating jurisdiction. Our purpose here is not to review in any detail the arguments pro and con, but to report that the issue is not at all dead in the States visited.

Beyond Florida and Utah, interviewees in most States were willing to assert the more extreme sides of the issue. Not surprisingly, juvenile court judges felt strongly that jurisdiction should be retained. Other officials argued that, ultimately, court jurisdiction should be eliminated, although that view tended to be strongest among outside advocacy groups and other observers of the system. The most prevalent view of judges, service providers and youth service funding or planning bodies was that the system needed attention to cure abuses, but that removal of jurisdiction was too severe a step. Sound youth services systems, balanced and mature probation and intake workers, family service and crisis intervention networks, experienced juvenile judges, adequate procedural safeguards and limitations on dispositions would go a long way toward defusing the jurisdiction issue.

Some judges are undoubtedly zealous advocates of the parens patriae philosophy, intervening in some situations where leaving well enough alone may be preferable. Some critics are undoubtedly so blind to the possibility of situations where a child needs help or so skeptical of present systems to provide it, that they seize any word, any opinion, any action as evidence of malicious intent or incompetence. Most participants in the system are more reasonable and calm, accepting the inevitability of occasional mistakes, uneven progress, and preferring to further modify existing systems and programs, rather than betting on grand and sweeping reforms.

Ultimately, each State's political system will decide whether to thrash through the jurisdictional issue. Such a process will be painful and confusing, raising questions about the usefulness and validity of such concepts as "pre-delinquency", "prevention", "treatment", "transitional deviance", "labeling", as well as the proper roles of the court and other youth service systems. Based on our observations in these States, that issue does not seem to be likely to yield major legislative change soon. Its import is that removal of jurisdiction is only one way to deinstitutionalize, and States like Florida and Utah have had only very early and somewhat uncertain results with attempts to do so.

While Utah has removed most status offenders from training schools, the impact on detention is still unclear. In Florida, the apparent disappearance of some 18,000 cases from the court has yet to be followed by apparent significant increases in the child welfare system. In neither State is the extent of the relabeling (from status offender to delinquent), to retain jurisdiction, clear. Preliminary observation suggests that some youth will simply drop from any intervention system.

C. Fragmentation of Roles and Functions

The States we visited varied greatly in the ways that they were organized to respond to troubled youth. In at least two States, Connecticut and Utah, the juvenile court was actually a State agency. In the others, the court was part of local government, sometimes essentially independent and other times, part of a more unified Statewide court system. Some States made extensive use of juvenile referees; others relied only on full-time juvenile court judges. Similarly, the agencies with responsibility for youth services varied in size, organization, and variety of functions. Some youth-serving agencies at the State level provided relatively comprehensive services and dealt with youth in a variety of settings, including a substantial number of State-owned and operated residential settings. Others relied more heavily on contracted or purchase-of-service residential settings. In still others, primary service delivery was at the local level, with the State role being one of monitoring and perhaps of subsidizing program development.

Far more important than the mode of organization chosen was the fragmentation of responsibility at both the State and the local levels as well as between those two levels. A multitude of agencies at the State level are likely to be concerned with the status offender, including a youth services agency, a court, a State probation department, a youth corrections agency, departments of social services, education, labor or employment, mental health, drug and alcohol abuse, or perhaps a department of mental retardation, and the State Planning Agency. Similarly, at the local level, a multitude of agencies are responsible, including the counterparts of most of those above, but more specifically including the police, the court, the court workers or probation staff, a youth services bureau, youth-serving agencies (whether a comprehensive services brokering agency or individual group homes and foster care supervision agencies), the schools, and the traditional youth service agencies such as the YMCA, the YWCA, the Boy and Girl Scouts, etc. It is the exception rather than the rule that these agencies plan together to define their respective functions on their own and for each other's capabilities. It is also uncommon that they should coordinate in any systematic fashion around handling individual cases in the community. The pattern is that coordination takes place on an ad hoc, individual basis at the instigation of frustrated case workers in one or another of these agencies. An occasional modification to this rule sees the existence of some coordinating mechanisms of ongoing committees that create policies for youth service delivery. Examples would include youth review boards, interagency diagnostic committees, diagnostic review boards, and youth service committees convened by mayors, school administrators, youth service bureaus or by juvenile court judges.

Despite these attempts at coordination, the system remains fragmented, with each component of the system regarding its set of services as its primary responsibility and no one taking significant

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responsibility for coordinating a unified community response. The problems with this approach are evident and the service consequences are discussed previously. The community, unless it plans together, does not know what its comprehensive capabilities are. Gaps in services are rarely evident to single observers. Individual service providers attempt to deal with children whom they are ill-equipped to serve, as well as the ones with whom they know how to deal. Referrals are often made without follow-up or supervision. The children with whom it is most difficult to deal tend to be shunted around from one possible resource to another. The capabilities that are developed are those for which the financial support is easiest to obtain. Some resources may get overdeveloped, such as foster care beds or emergency shelter beds. Others are scarcely developed or accessed at all, such as day treatment services. Group homes or mini-institutions may be favored because, with a single locus, it is easier to deliver services to clusters of children rather than having to provide a wide variety of outreach services.

Two approaches taken in some of the States we have visited hold promise. These are the development of youth services master plans, and the fostering of collaborative community planning. While neither is particularly innovative as a concept, the fact that the concepts are being acted upon is encouraging. More often than not, since coordination is hard work requiring continuing attention, it tends to remain a concept receiving far more lip service than action. Coordination, joint planning, joint service delivery definition, filling gaps in services so that they can be comprehensive, and even joint case management in difficult situations, are all time consuming. Yet without them, the fragmentation that occurs means that some children who need help never get it, others get ineffective help, and others are "helped" who shouldn't be in the system at all. In addition, the system tends to define itself in terms of the needs of the staff rather than the needs of the clients.

The master planning process has the advantage of being able to lay out priorities and direction for State agencies as well as for localities. It may choose to redefine existing roles, or to define new ones. The participants may decide to identify a set of core services intended to be present in all communities in the State. They may further sort out when a client is more appropriate for one service system than another, as well as suggest or create coordinative mechanisms that respond to current problems. The process of developing a master plan will frequently include the examination of the adequacy and allocation of resources, both financial and manpower, for State and local agencies. We have observed several instances of something like a master planning process in these ten States. While far from perfect, such efforts do have the virtue of spelling out objectives and setting priorities so that the public, the service agencies, State and local actors, and legislators can respond. Further, if the goal is not just a plan, but an ongoing process of implementation, the plan can serve as a useful road map providing guidance as to overall policy direction as well as the quantity and quality of

services desired.

The process of collaborative community planning is in some ways parallel to a master planning process, but at the community level. It can be developed within the context of a master plan, or it may be done as a substitute for that process. It is unlikely that it will happen spontaneously, and therefore requires the active and probably persistent support of some set of actors. Sometimes it can develop as a result of focus on a particular issue, such as child abuse or services for status offenders who can no longer be institutionalized. Sometimes the most likely initiators of the process are the heads of the local youth service bureaus. Once again, the idea is to define the services needed in the community, to identify the clients who come to these services (and perhaps those who do not but should), and to identify the capabilities of each of the actors in the community. This initial step allows identification of which clients are more appropriate for which agency, what gaps in services need to be dealt with, and will probably highlight particular future coordinative requirements. Such a collaborative community effort would presumably continue periodic coordination and joint planning, as well as devote some time to difficult case review.

The significance of fragmentation to the deinstitutionalization effort is that it is an obstacle to providing appropriate services in the community to troubled youth. Once the status offender can no longer be dealt with in a setting that allows detention or placement in an institution, the responsibility will increasingly fall to community agencies. Further, some of the traditional "case finders", such as the police and the pupil personnel staff in the schools, and frustrated and baffled parents, will become less likely to bring these children to the court, the traditional entry point for services. Some children will no doubt drop out of any system and simply grow out of their troublesomeness. Others will need services, and the attempt to provide a cohesive and integrated service delivery network will be essential to adequately serve this population.

D. Prevention versus Intervention

The initial question of what to do with status offenders who can no longer be detained or placed in institutions is an intervention question. That is, it is necessary to provide some range of services to allow removal of a particular population from inappropriate settings. Further, those same services and perhaps others will be necessary to allow treatment of status offenders as an alternative to placing them in institutions or in secure detention. A significant number of such services are residential in character, with treatment, counseling, job training, tutoring or diagnosis done in that residential setting. A number of others, however, are provided in a day services setting while the child remains in his own home.

It is initially with these day services that the overlap between an intervention and a prevention function occurs. Such services as youth service bureaus, crisis intervention centers, hotlines, storefront counseling operations, job preparation or training projects, alternative schools, mental health centers, runaway houses, and family counseling services, all define their role at least in part as prevention. In terms of assessing the degree to which such preventive services are part of the price tag for deinstitutionalization, one encounters substantial analytic difficulty. Most such services are not necessary to removing children from detention and correctional institutions. Many, however, may be appropriate for assuring that such placement does not occur in the future. Thus, such preventive services become important elements in a community response to the status offender population.

Their preventive role, however, is typically one not of primary prevention, which probably remains the role of the traditional institutions, such as the family, the school, and a community environment that allows gradual assignment and acceptance of responsibility as maturing takes place. Rather, such agencies as those above are probably early intervention models, and hence, secondary prevention activities. Their task is to provide a non-punitive and helping setting in which problems can be tagged early and appropriate responses developed. They are neither a substitute for traditional responses nor a substitute for alternative residential placement.

This middle ground is none too well defined, and consists partly of being there to be asked for help, partly of advocacy, partly of issue resolution, partly of crisis response. A large number of State and local interviews, however, indicated that some such preventive role was among their highest priority gaps in services. Still others who are in the service brokering and program development business saw prevention as their eventual role.

E. Difficulties with Definitions

The Juvenile Justice and Delinquency Prevention Act of 1974, with its mandate for deinstitutionalization of status offenders started, in many States, a new dialogue about the appropriate treatment of this population. The OJJDP definitions of juvenile detention and correctional facilities, however, brought this dialogue to a specific focus that was absent until that time. The definitions rest on four criteria by which institutions would be judged to be detention or correctional institutions. According to guidelines issued in May of 1977, a juvenile detention or correctional facility is:

1. any secure public or private facility used for the lawful custody of juveniles who are accused or adjudicated juvenile offenders; or

2. any public or private facility used primarily (more than 50 percent of the facility's population) for the lawful

custody of juveniles who are accused of or adjudicated for committing criminal-type offenses even if the facility is non-secure; or

3. any public or private facility that has the bed capacity to house twenty or more accused or adjudicated juvenile offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders, or is community-based; or

4. any public or private facility which is used for the lawful placement of accused or convicted criminal offenders.*

By and large, neither the secure facilities criterion nor the criterion dealing with housing status offenders with adult offenders is a problem. A number of States are having various difficulties with the commingling and size criteria.

The commingling criterion defines a facility as a detention or correctional institution if the preponderance of the population (50% or more) is of criminal-type offenders for a 30-day, consecutive period or longer. Some States have various types of residential facilities in which the population is predominantly criminal-type juvenile offenders. Virtually without exception, State and local officials to whom we talked suggested the inadequacy, inaccuracy, and accidental quality of the "status offender" versus the "delinquent" label. They expressed the view that it is the needs of the child which are important, not his legal label. Those we interviewed felt that the commingling criterion assumes a clear distinction between status offenders and criminal-type offenders, a distinction more semantic than real. And even where the two types of children are intrinsically distinct, the process by which they receive those legal labels is hardly standardized from one jurisdiction or court to another. Such States are likely to find it difficult to respond in any logical fashion to the application of such a commingling criterion to their networks of group homes, for example. Their alternatives seem to be to assign youths to group homes by label, so that a particular set of group homes becomes predominantly status offender group homes, and the others primarily delinquent group homes. Yet, they see this as attaching stigmatizing labels even more firmly than currently done. Another alternative would be to establish two entirely separate networks of group homes which simply drives home the labeling phenomenon further. Finally, if, as many assert, the status offender is a particularly troubled and troublesome child, this would result in a service delivery system that dealt primarily with the most difficult clients. Not only will this create some resistance on the part of service providers, but it removes whatever

*LEAA Change, Subject, State Planning Agency Grants, M4100.1F Change 1, May 20, 1977, Par. K(2).

leavening and normalizing peer influence there may be from a portion of the population that is less troubled and less troublesome, despite their delinquency labels.

The second area of difficulty is the size of the institution. The limit established by OJJDP on commingled populations is 20 beds, unless the institution is community-based. This affects some public institutions, illogically, in the view of the State officials involved. But its much more prevalent impact is on private child-caring institutions which may include among their population court-referred status offenders. Many of these institutions are large; many are in non-community settings. The idea that deinstitutionalization would apply to placement in private institutions came as a genuine surprise to some States. A number of States rely heavily on such private facilities for a significant part of their residential services. They object to the criterion on several grounds, including the fact that such institutions are not basically correctional institutions but child-caring institutions, that they provide a valuable resource which may disappear if the State is forced to take status offenders out, or alternatively, that the institutions must cease taking criminal-type offenders to be in compliance. Since there frequently has been considerable effort exerted to convince such institutions to take delinquents in the first place, this is viewed by some as a setback.

The common theme of these and other objections to the LEAA definitions is that they fly in the face of carefully considered and defined State programs. The largest difficulty is probably those criteria as they affect private institutions. While the primary problem there is that they tend to be above the maximum size allowed, (and the population is not solely a status offense or non-offense population, nor are they community-based), there are also instances in which private institutions may be secure. It seems to some that OJJDP has gone too far in defining detention and correctional facilities, substituting its judgement for what is more properly a State prerogative. The objecting States assert that they, within their own State, are probably better able to determine whether a network of group homes, or a set of private facilities, are institutional in nature than is OJJDP.

F. Monitoring

Finally, in each of the States we visited, the question of an adequate system for monitoring appropriate placements for status offenders (and other youth, for that matter) has yet to be resolved. That is, each of the States has produced a report (as of the end of 1976) assessing the degree to which status offenders have been moved out of detention and correctional facilities, and the degree to which separation of adult and juvenile offenders has been achieved. Such reports were most frequently the result of either a one-time survey of the jails and detention and correctional institutions in the

State, or some pre-existing reporting system or systems.

The difficulty with a one-time survey is two-fold. First, such a survey must rely on the records or the memory of the staff of the institution being surveyed. If those sources are not accurate, then neither is the survey. The second difficulty is that if inappropriate admissions are discovered, it is very likely they will be discovered only well after the fact. Presumably, the purpose of a monitoring system is not simply to report a degree of compliance, but to provide a useful means by which State authorities can effectively implement a policy of deinstitutionalization of status offenders and separation of adult and juvenile populations. Even if the purpose of monitoring is less ambitious, for example, to report accurately on conditions for the time period being monitored, a one-time survey would seem to be less than adequate.

Difficulties with obtaining and interpreting data about treatment of status offenders in each of the States we visited suggests that existing systems, having not been designed for that purpose, are seldom very useful with respect to the information they yield on status offenders. The label is a somewhat elusive one, particularly at the time of detention. If a child is brought into court and to a detention center, with charges that include running away, ungovernability and stealing a car, he might be treated as either a status offender or a criminal-type offender. The decision at that point is probably that of the intake officer, although in some States a judge may be consulted at that point. A further decision may be made about whether detention is necessary as well as about whether a petition will be filed and, if so, what offense it will allege. Once again, a probation official, perhaps a prosecutor, and perhaps an attorney representing the child will participate in whether the alleged label is that of status or criminal-type offender. It may not be the same as the label applied at the time of initial detention. Finally, if the petition is heard, once again, the judicial decision will determine what facts have been established and hence, which is the appropriate label. Once again the label may or may not be the same as that applied at the initial detention decision. This is not to suggest that a consistent reporting pattern could not be defined; it could. However, as things now stand, there are multiple participants in this set of decisions, and they vary from State to State, among counties and other jurisdictions within States, and perhaps from one official to another within the same jurisdiction.

These difficulties make one-time surveys and most existing reporting systems inadequate to the monitoring task. One option is to develop a specific monitoring procedure, with its own set of forms, for these purposes. Such a direction is being taken by OJJDP in its monitoring instructions and guidance to the States. Each State, however, will need to decide how to implement those procedures and utilize those forms within the State. It may be appropriate to train the staff of the institutions to be monitored so that there

is a common and consistent understanding of terms and procedures to be used in reporting. It may be that the State will choose to train its own staff, or regional or county staff, to monitor through special visits to the institutions. Alternatively, it may be that staff stationed at the detention center level can monitor and provide assistance on regular admissions reporting.

Creating and implementing an adequate monitoring system will neither be quick nor inexpensive. Initially, judgements will be needed concerning the adequacy of existing information. If the ten States we visited are an adequate sample, present data systems simply will not serve. Therefore, the States will have to determine how to modify existing systems or create new systems to accomplish the necessary results. Each step will take time: conducting analysis and making decisions; defining new procedures, new forms, and an effective way of communicating with the staff that must provide information; putting the system in place; providing quality control, de-bugging it, and aggregating the information. Our estimate is that this process will take a minimum of six months, and perhaps as much as a year.

It is clearly possible, although time-consuming and somewhat expensive, to install an adequate monitoring system. As accurate data is available, it will be possible to monitor the effectiveness with which a deinstitutionalization and separation policy is being carried out. Even with a functioning monitoring system, however, measuring progress from some baseline is more difficult, since the data available for that baseline period is almost certainly inadequate. Thus, measuring substantial compliance (75% reduction from some baseline) will continue to be more intuitive and judgemental than mathematical.

VI. Conclusions

Based on this research in ten States and the foregoing comparative analysis, we have drawn a number of conclusions with regard to:

- current progress toward deinstitutionalization;
- service needs and gaps;
- cost impacts and funding implications; and
- current critical issues.

We state these conclusions below, and follow them with our recommendations for Federal action.

Current Progress

1. The States examined are at different stages in the process of deinstitutionalization, but all have made clear progress. Progress has been greater on removing status offenders from correctional institutions than on removing them from detention.

2. State strategies have varied, with major clusters of actions aimed at, a) removal or limitation of the court's original jurisdiction over status offenders; b) limitations on possible dispositions for status offenders; and c) development of community-based youth services. Such strategies are not mutually exclusive; some States pursue more than one. Further, the specific focus on each strategy varies among the States.

3. The major unresolved issue is pre-adjudicative detention, not longer-term commitments to State institutions following adjudication. The States studied are simply not sending large numbers of status offenders to correctional institutions.

4. Aside from State institutions, the next-most-important issue is long-term residence in private institutions.

5. The mandate of the Juvenile Justice and Delinquency Prevention Act of 1974 has, in large measure, shaped the dialogue in the States about existing and appropriate treatment of the status offender population. As covered under the issues section of these conclusions, there is something less than philosophical unanimity regarding deinstitutionalization.

6. The available data about dispositions and placements leaves much to be desired in terms of consistency, quality control, comparability (even within the same State), and accessibility. However, it seems to be improving as States take on their system monitoring responsibilities.

Service Needs and Gaps

1. There are virtually no status offender-specific needs. Rather, there are youth needs. (The only significant exception to this is the need for residential alternatives to detention.) The status offender population overlaps with juvenile delinquents, dependent and neglected children, as well as emotionally disturbed children. The label under which an individual child is identified is a result of how he comes to public attention. Service needs are mostly unrelated to that label, and instead are a function of the individual situation. The spectrum of service needs for each of these groups is very similar.

2. Some status offenders may, however, have more difficult problems than any other type of youth. Frequently, they have very poor family support and a history of resistance to repeated intervention from service agencies. Of course, some delinquent youth may have problems just as serious as these -- both in their family environment and in their history of involvement with social service agencies. But in the case of the delinquent, some clearly defined criminal behavior is involved, behavior which may make legal punishment somewhat more understandable to the young person involved. The status offender may perceive his own behavior as entirely rational and non-criminal. This may make court-ordered sanctions difficult to comprehend and may render him more uncooperative than even the serious delinquent offender.

3. Some status offenders are at least as well off left alone, with no public intervention, to mature out of their problems.

4. The most significant service need and the first gap to be identified by States is some alternative to detention. Emergency and "structured" shelter care, foster care, group homes, and runaway houses are currently utilized to meet this need. In order for these alternatives to be acceptable to law enforcement and judicial officials, however, they must offer sufficient assurances of child protection and court appearance, a difficult task in the case of some chronic runaways. Structured shelter care promises to be one approach to provide such assurances in difficult cases.

5. Services needed, but weakly represented in many States, are residential psychiatric care, family counseling, mental health services for adolescents, alternative education programs, job development, and independent living arrangements. Highly structured, intensive day treatment programs are also lacking. Such programs provide supervision of education, recreation, drug and alcohol counseling as well as individual and family counseling, while the child resides at home.

6. Whatever service needs exist in a given State, they tend to be scarcest in rural areas. Relatively small numbers of potential clients scattered over large geographic areas tend to make service provision difficult and costly. Scarcity of services in rural areas can also contribute to over-utilization of incarceration for juvenile offenders.

7. Basic to the delivery of adequate youth services is alleviating the fragmentation which characterizes delivery systems in every State. Approaches to minimize fragmentation would include:

- improved evaluation and screening resources to ensure adequate diagnosis and placement of young people in already-existing services;
- better coordination among programs to avoid duplication of efforts, to plan for comprehensive services, and to prevent young people from "falling through the cracks"; and
- an improved capacity to collect data and monitor programs so that the States can identify fragmentation, and gaps in services.

Cost Impacts and Funding Implications

1. The cost impacts of deinstitutionalization of status offenders are not predictable according to an analytic model. Whether or not there is a cost increment or savings realized by removing status offenders from detention and correctional facilities depends on (a) the strategy a State adopts; (b) the number of status offenders involved; and (c) the nature and scope of the existing youth service system in the State.

2. Speaking tentatively (because some cost impacts will only be evident over time), there is evidence that there are no significant net incremental costs associated with deinstitutionalization, and some evidence that there are possible cost savings over time.

However, the non-transferability of funds will cause additional costs at some levels, and limit savings. In any event, our analysis indicates that the total net increase would not be prohibitive for any State that wished to move toward deinstitutionalization.

3. The first cost impact felt as a result of deinstitutionalization is likely to be a shift in who bears the costs. This question is critical to the implementation of alternative programs, and provides a major rationale for the use of Federal funds as seed money.

4. The primary sources of Federal funds are Title XX (Social Services) and Title IV-Part A (AFDC-Foster Care) of the Social Security Act; and Juvenile Justice and Crime Control dollars. Funds from HEW's OCD, OE, and NIMH are less significant in serving status offenders. The importance of Federal funding varies from State to State, as a function of State decisions and of the scope of their existing youth service programs.

5. The Federal government should not originate any major new programs aimed at providing services specific to status offenders. Status offenders are a small population, and problems that have arisen in providing services to them are mainly problems that are inherent in the youth service system generally.

Issues

1. The treatment of status offenders is of relatively low public visibility. Further, there is a strong feeling among the law enforcement and judicial publics that secure detention and the structure of institutional placement are appropriate for some youth. Thus, they see retaining such options, for limited use, as desirable.

2. Most of the State officials to whom we talked felt that status offenses should remain under the jurisdiction of the court. Two States - Utah and Florida - have taken legislative action to limit original jurisdiction, and some observers in other States also believe such limitation or removal of jurisdiction to be appropriate.

3. Many officials and service providers see a need for preventive services. This usually means early problem intervention as typified in the non-punitive, helping setting of youth service bureaus, rather than through initial intervention by the court.

4. A number of States disagree with the OJJDP criteria for defining detention and correctional facilities, feeling that size of the institution, the question of commingling of status and criminal-type offenders, allowable detention times, and the applicability of the guidelines to the private sector, are issues less clearcut than the OJJDP criteria would suggest. Essentially, the State officials believe they are better judges of how such criteria should be applied in their States than is OJJDP.

5. Monitoring systems are not yet in place. When they are, they will be more useful for assessing the current situation than progress from the uncertain and inaccurate baselines of two years ago.

Recommendations

1. Neither OJJDP nor HEW need consider any major new programs directed specifically toward status offenders. Services are presently available or are being developed adequate to the demands created for them by deinstitutionalization. New programs targeted on status offenders as a special population would primarily serve to exacerbate the current fragmentation which characterizes youth services systems in all the States.

2. While there are individual instances where additional funding is needed, there is no systematic pattern that suggests major infusions of Federal dollars would fill major service gaps for status offenders. The primary Federal attention to funding should be to assure the continued availability of the Juvenile Justice and Crime Control funds devoted to youth services, whatever (Federal level) organizational changes may occur.

Additionally, continued availability of runaway house funds and a stress on the legitimacy of status offenders as clients for Title XX programs, foster care, and mental health programs, would be useful.

3. OJJDP should consider allowing negotiation regarding the application of its guidelines defining detention and correctional facilities in those unusual instances where States can show substantial conformance, but are still technically at variance. While definitions are clearly necessary, some flexibility would acknowledge the ambiguities and special cases which demonstrably exist in the States. Such openness to flexibility would encourage wider participation and increase the chances of effecting change in a greater number of States. Further, an inflexible approach might only serve to escalate the debate to a level where a definition might be incorporated into legislation, removing the administrative flexibility which OJJDP now enjoys.

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[From the Westchester Community Service Council, Inc., 1976]

Strategies for Gaining Community Acceptance of Residential Alternatives

(By Patricia Stickney)

There are a number of strategies for working effectively with the community in the planning and development of community-based residential facilities, and for assuring their integration into the community.[1]

Integration of a community residence into a neighborhood has the primary purpose to increase the access of people being served to a broad spectrum of community opportunities which can facilitate their optimum development. In many instances, the community residence can be a more humane and more effective alternative than large, segregated social environments.

An interrelated purpose of integration is to increase the public's feeling of social responsibility for these handicapped individuals, by diminishing the neighbors' feeling of distance and estrangement from the people being served in community residences. This is based on the assumption that a community has responsibility for its own members, and efforts should be made to strengthen the community's ability to accept and serve its citizens with social, mental and physical handicaps.

For community residences to be established and successfully integrated into their neighborhoods, a number of strategies will have to be employed in working effectively with the community. The purpose of this paper is to outline some of these approaches and strategies, including the following: selection and assessment of a community, low profile and community planning approaches, community incentives, community education, and strategies for resolution of conflict.

Selection and Assessment of Community

Understanding the community and the particular neighborhood for the proposed residence is the prerequisite for the successful planning needed to develop an accepted community residence. Each proposed site and community will have to be evaluated as to its needs and resources, before appropriate strategies for working with the community can be determined.

Select a neighborhood and a facility, which is appropriate to its planned use and the surrounding community. A site should be chosen which will meet the needs of the people being served and which will enable their full development and integration into the community. This would mean a setting which is in close proximity to adequate community resources and which permits social interaction with the neighbors and other community persons. Transportation should be available for residents as well as visitors and staff.[2,3]

Select a family home, apartment, or a residence that has the same character, size and appearance as its neighbors. For example, select a floor or ... wing in an apartment house, one part of a two family house, or a house with grounds that is in similar size and character as others in the residential community. The appearance of the physical structuer and its environs should not be set apart from its neighbors, unless by upgrading and careful maintenance the home becomes outstanding as the best maintained in the area.

Capitalize on existing community support by selecting a site in the neighborhood where the sponsoring group is already providing a service and accepted. A family counseling center expanded its services in various outreach programs, such as, a "crash pad" for troubled youth, an alternative school and then a group home for children and youth. Each new service was added out of demonstrated need of the neighborhood, and with the full support and participation of the neighbors in its development. The community was involved in determining need, setting goals, choosing a site, and having some input

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[1] For a discussion of issues most sensitive to community resistance and strategies for neutralizing resistance, see Coates, Robert B., and Miller, Alden D., "Neutralization of Community Resistance to Group Homes" in Yitzhak, Bakal, ed *Closing Correctional Institutions* (Lexington, Massachusetts, D.C. Heath & Co. 1973) pp. 67–84.

[2] For detailed guidelines in establishing a normalizing housing situation for persons who might otherwise be institutionalized, *see Erie County Residential Guidelines* December 1, 1975 Erie County Department of Mental Health, Erie County Office Building, Franklin Street, Buffalo, New York 14202.

[3] For choosing a site and other valuable information on establishing a group home see Goodfellow, Robert, *Group Homes One Alternative* Human Policy Press, P. O. 127, University Station, Syracuse, New York 13210.

the program development. The program's acceptance by the community was assured. Another similar situation is a rehabilitation agency that decided to develop a halfway house for its clients. Groups of clients, former drug addicts, were trained in the building trades as they renovated an abandoned building for use as a halfway house. These young adults learned a trade, and the community gained a model residential facility, which so many from the neighborhood could point to with pride. Also, this renovation spurred other urban renewal efforts in the area. A factor in the program's acceptance was that the rehabilitation program of the sponsoring agency, which preceded the halfway house, was a community service, firmly rooted in this neighborhood. There was no opposition to be overcome.

Make sure the site is not situated too close to similar programs, such as group homes, halfway houses, family care homes, nursing homes, hostels, adult proprietary homes, agency operated boarding homes and other residential facilities. Through various governmental regulatory bodies, such as health and mental health departments, board of social welfare and institutions, youth and correction departments, and the Veterans Administration, information on the location of other congregate care facilities should be secured, to avoid over-saturation of community residences in any one area. This will help maintain and protect the character and quality of the residential community for the benefit of all. Encourage the enactment of legislation and the development of coordination mechanisms which will establish and operate density and dispersion controls to prevent overconcentration of community residences in a given geographic area.

Care should be given to avoid giving reasons for legitimate complaints about the suitability of the building or its location. The planning group should research all applicable regulations, ordinances, zoning laws, licenses, public health and physical plant requirements for the particular community. As part of the planning group, it is helpful to have someone with a real estate background who can find homes more quickly, has full information on zoning, can estimate cost of needed structural changes, and can more effectively negotiate options and other lease or sale transactions. Assign one staff member to coordinate all contacts with regulatory and standard setting offices, departments and agencies, in order to reduce the time and facilitate the inspection process. Delays in opening a residence and in actually delivering services are costly and can often provide unexpected opportunities for organized resistance.

If building or renovating a residential facility, involve local firms and suppliers. In this way a hostel secured trade and labor union support, which was well utilized later when the residence came before local planning and zoning boards.

When choosing a home, give consideration to the reputation of the person from whom the home would be rented. Experience has shown that the better the prospective landlord's reputation, the better chance of success. An example in a suburban community was when the large home on top of the hill was rented for a group home for children from a very influential community leader. Not only was there no opposition, but this landlord established for the children all sorts of linkages in the community. The community apparently felt that someone whose family had lived in the community for several generations would not do anything to create problems for the rest of the community. On the other hand, a family care home in another town ran into all sorts of difficulties with the neighbors and municipal officials, because the family care operator rented the house from someone who had previously operated it poorly as an adult proprietary home. The landlord and his former program had a bad reputation, and the effects spilled over to the new program.

Before deciding on the appropriate approach for entering the community, a thorough assessment of the community is required. A community residence must match and be complementary to the social fabric of the particular site area. To learn the social fabric, information should be gathered on the community and the particular neighborhood of the proposed residence (for example: ethnic-socio-economic make-up and other demographic data; the existing residential and rehabilitative services; the way it organizes itself to serve the interests of its citizens; the power structure, including the elected and informal leaders, and how the local power is exercised). Also, the sponsoring group should objectively evaluate its own image in the neighborhood and in the community to be served.

Planners should early identify possible sources of community support, such as particular persons from the local mental health council, health and welfare

agencies, influential neighbors, self-help groups, political and civic organizations, parents, church groups and interfaith councils, concerned citizens, owner of the prospective facility, and others who may have a positive interest in the program. Planners have found it helpful also to assess possible areas of opposition, to know the nature, extent and tactics of any concerted neighborhood action in possible site areas, to collect histories of the struggles and problems of other community residences in the area, and to know the community's view of the social, physical and mental handicaps of the residents in the proposed facility. Analyze any problem areas that have to be handled if the community residence is to be in this neighborhood, and is to remain an accepted facility.

It is important, too, to identify the well-known neighborhood persons (e.g., head of local homeowners or block association, leaders in neighborhood improvement groups, religious leaders, influential local business persons) and to learn where the locus of power is among the elected leaders and informal leaders of the community.

It is helpful for planners to talk with a few consumers, concerned citizens, religious and other influential leaders in the immediate neighborhood to explain the program and to solicit their thinking and reaction to the proposed residence. In this way, planners can begin to determine what the threshold of community acceptance will be, how many and which persons should be apprised of the program initially, and which of the alternative approaches for entering the community would be most appropirate for this site.

Knowing the political processes of the state and local community is the key to organizing the resources. Learn in detail the various steps in the approval process for each regulatory body, with which the residence planner will have to be in contact. For example, research the nature and scheduling of the decision-making processes and the key persons involved in the local community planning board.

Knowing the sub-systems of the community and how they function will aid in the planning and timing of the next steps in this community organization effort. With the assessment of the community, formal and informal systems, community residence planners are better prepared to determine which of the alternative modes of approach to the community is the best suited for the particular site. The particular way of establishing the program and the initial approach with the community evolve out of the community assessment process.

There is no pat formula for initial relations with the community. If residents are going to have little or no contact with their community, if there is going to be little or no dollar cost to the community, and if the residence can maintain its anonymity for a period of time, there may be little need for an early active campaign for public support and approval. However, if the residents seek social, recreational, educational, work and other opportunities in the community, and if there are direct or indirect costs to the taxpayers, the goal should be toward a more active, early involvement of the community.

LOW PROFILE APPROACH

In some instances, it is possible for the community residence to locate in the community anonymously, the same as any family without further identification. In the community that is characterized as heterogeneous in race and age, as being highly mobile, a low profile approach might be effective. If the area is a highly urbanized, transitional neighborhood with little experience in organizing to present a collective response to an issue and with a mix of stores, boarding houses, apartments, private homes, the "mind-your-own-business" attitude of the neighborhood would help the residence in maintaining its anonymity. A residence in such a neighborhood with a great diversity would not be viewed as a threat to existing social arrangements as there already exists an acceptance of divergent lifestyles. The advantage of maintaining a low profile, where possible, is that the residence will be judged on its integration into the community and how well it is run rather than on the basis of fearful anticipation prior to its establishment.

PLANNING WITH THE COMMUNITY APPROACH

If the prospective site, however, is in a neighborhood where its citizens could easily organize to make a collective response, or is in a small town or in a well-established, socially cohesive residential community, then the

would have to be a good deal of community work prior to establishing a residence: Many communities have a capacity to organize quickly around an issue, event or personality even though there may seemingly be no formal local organizational structure. Oftentimes, a block association, a tenants group or a neighborhood association remains dormant until spurred into activity. Therefore, in many communites, planners will want to involve from the beginning others in the residence's development.

In some communities, an approach would be to contact a significant few public officials, religious leaders and professionals without announcing the program to the wider community. It is assumed that these procedures are effective in localities where municipal officials and other community leaders exercise a great deal of influence and their constituents usually endorse their views.

However, in many communities it would be more effective to use the combined approach, that is, to communicate with both the significant few and with the immediate neighbors. The combined approach may be preferable when a community is comprised of politically sophisticated individuals who recognize the value of collective power and do not accept passively the decisions of community leaders. It is suggested that an agency first contact those people who live in the community who are most likely to support its program because of their demonstrated interests in human services. Some possibilities include: the local civic associations, business groups, church groups, and individual citizens who have expressed a concern and interest in the enhancement of services to one or more vulnerable populations, such as the mentally retarded or juvenile delinquents. Form linkages with local mental health councils and social welfare and health planning boards. Whenever possible, it has been found helpful to have these early contacts made by planners and advocates who themselves reside in the area or have a demonstrated commitment to the particular neighborhood of the proposed residence. In preparing a community to accept a residence, personal visits have more success than large meetings.

After the local health and welfare community and these sympathetic citizen groups and leaders are included in the initial planning and education effort, their assistance should be secured for the enlistment of support (or at least the avoidance of opposition) of others, such as: local government representatives, religious leaders, businessmen, chief of police, the officers of local homeowners associations, chamber of commerce, neighborhood improvement groups, civic clubs and other groups of influence in the community.

After studying the area, the needs of the community and the interest of the neighborhood, the planners will have to decide on which of the alternative approaches to the community is most appropriate for their residential program. Research has shown that the community education and awareness approach is more effective than the low profile approach, and has greater chance of success.[4] Although it is more time-consuming to prepare the community and build gradually the community support, there is greater opportunity for the residence to be established and to be maintained harmoniously in the community.

EARLY CONSIDERATIONS

Even with a thorough assessment of the community and a thoughtful determination on the best approach of entering the community, there can be other intervening factors and forces that will cause community unrest about a proposed residence. The following suggestions are offered to help planning groups to orient the community positively toward residences, or at least to neutralize community resistance to residences.

NEIGHBORHOOD CITIZENS ADVISORY BOARD

Place program advisory responsibilities in the hands of a neighborhood based citizens' board. This advisory board can be used to interpret the residence's program objectives to the neighborhood and to translate the community's interests and concerns into positive programs for the residence. The board can serve as a forum for discussion, criticism, and improvement of the program and its operation. Local community planning boards, catchment area mental health

[4] Piasecki, Joseph R., "Community Response to Residential Services for the Psycho-Socially Disabled Preliminary Results of a National Survey (Philadelphia Horizon House Institute, 1975. [mimeo])

councils, and local welfare councils play important roles in community education and interpretation, but they do not have the same capacity of being a bridge between a community and a residence as does a special neighborhood advisory board. Involve influential neighbors, representatives of consumer groups as well as key persons from the wider community of provider agencies and civic groups on the advisory board for the purpose of developing a "community of interest" around the residence, from the birth of the idea to its full integration into the community. Particularly for state agencies trying to develop community-based residential and rehabilitative programs, the neighborhood advisory board allows for citizen participation and provides the needed local power base upon which to draw for support. The advisory board can serve as the necessary community link for a viable accepted program in the neighborhood.

The citizens' advisory board has the additional important function of providing the expertise needed in establishing and maintaining an accepted residence. Planners should gather on the board various persons, such as a lawyer, accountant, psychologist, businessman, physician, real estate broker, and social worker, whose knowledge and experience can contribute to the development and smooth operation of the residence.

INCENTIVES TO THE COMMUNITY

Offering incentives to the community is another means of facilitating a residence's acceptance. These inducements have the dual purpose of easing the initial entry and of promoting long-term integration into the community. Among the suggested incentives are:

Locate the residence where the community feels the program need exists and provide a service to the community.

Give priority in the residence to local people. This stems from a community's natural desire to serve its own. Also, experience has shown that there is great tolerance among people with similar backgrounds and experiences.

Select as staff for the residential program one or more qualified individuals who have lived in the area, and are accepted members of the community. Also select staff whose beliefs and backgrounds are congruent with their new neighbors as well as with the program's objectives.

GENERAL CONSIDERATIONS

These initial approaches of facilitating acceptance need to be followed by such considerations as:

Upgrade and maintain the facility and its grounds. The neighbors will judge the community residence by its outward appearance, and, therefore, particular attention should be given to avoid any legitimate complaints about the physical structure and its maintenance.

Avoid putting a sign or label on the residence, so that the facility will loo the same as its neighbors. Also, in describing the residential program, realize that the use of such abstract concepts as "hostel," "halfway house," or "non-secure detention facility," may have negative connotations for some people, and may raise unexpectedly the anxieties among the neighbors. Therefore, use the more neutral term "community residence".

Provide needed non-residential services to the community (e.g., supervised recreation, after-school program), and share with neighbors the use of residence's facilities (e.g., use of recreation room for block association meetings, use of garden for neighborhood party). For example, a hostel encouraged th use of its lounge and dining facilities as a day center for elderly neighbors, while the residents were in day programs outside the home. A group home for adolescent youths has organized and supervises neighborhood basketball teams, which are now playing in year-round tournaments throughout the community.

Fill the residence gradually, and introduce residents one by one to local services. This gives residents and staff a better opportunity to know one another and their new community. Also the neighborhood does not feel overwhelmed by having to relate to a sudden influx of new neighbors. For many newly established residences, financial constraints may preclude the use of th option. However, when possible, the gradual interaction from living side-by-side in the neighborhood tends to reassure neighbors that may have been prejudiced against the prospective resident.

Always try to keep the public informed of the planning group's purposes and program, and do not surprise the neighbors. The unexpected generates anxieties and fears, that may not easily be overcome.

INTEGRATION IN THE COMMUNITY

Direct experience with the individual residents seems to help foster acceptance in most instances.

Some suggested possibilities, which should be planned with the recommended neighborhood advisory board, are:

Encourage one-to-one sponsorship of a resident by a community volunteer. Volunteers provide an ongoing community contact and serve as an informal communications network with the larger community. Volunteers tell others of their work with the residents, a sound public education technique.

Establish a program for the residents themselves to serve as volunteers in the community, particularly in those activities which will improve and maintain the desirable residential character of the neighborhood. In this way, the neighbors' concern for property values can be addressed, and additional opportunities can be created for the residents to talk about themselves and their program, if asked.

Encourage neighbors' support, not only as volunteers in some aspect of the program, but as donors of items for the home and its residents. In this way people in the community have a feeling of investment in the community residence.

Develop opportunities for residents to take such paid jobs as babysitting, lawn cutting, and snow shoveling, when appropriate. This can be accomplished either on an individual or group basis. Using this technique, a residential program assisted a block association in reclaiming and renovating a deteriorated apartment house. The residential program now rents apartments in the building for its members. The apartment owner and superintendent play an active role in the program, which, in turn, convinced some of the local politicians about the soundness of the program when formal community approvals were subsequently needed.

Create opportunities for the individual residents to meet on social occasions with their new neighbors. For example, a local association for retarded children formed a choral group for their clients, and had them perform in the community on a number of social occasions before the opening of its first group home in the area.

Encourage and arrange the participation of residents in regular functions in the community in order to meet their neighbors, rather than only asking others to visit the residence. Efforts should be made to include residents to the extent possible in the mainstream of local recreational, cultural, social, religious and educational programs of the community, when appropriate and available, rather than resorting only to segregated programs for persons with special needs.

Contract with local tradesmen for necessary services and supplies on a regular basis, and thus secure the interest and support of local businesses.

Start a food cooperative, or participate with an existing neighborhood food cooperative. Better yet, initiate a community garden, and invite the neighbors to participate. Activities such as these emphasize the common interests and needs of persons living in the neighborhood.

Provide adequate supervision of residents, and make sure it is visible to the rest of the community. The public fears that persons with mental disabilities are unpredictable, and when unsupervised, may act out against themselves or others. Providing adequate supervision will help allay this fear.

COMMUNITY EDUCATION

In order to create optimal conditions for the residence, there is need to inform the public in general and the local power groups in particular (business and professional leaders, opinion makers, municipal officials and service groups) about the population to be served and the special approach of the residential program for the particular population. This should be done systematically at every opportunity available (e.g., neighbor to neighbor casual meetings, speaking engagements, informal conferences, public hearings, showings of films followed by panel discussions, etc.). Ignorance and fear at all levels of the

community will need to be overcome, and this will take a continuing dialogue at meeting after meeting, day after day.

Specifically, among the community education strategies are the following:

Make personal visits to the neighbors in their own homes, or in cases of local shop owners, in their stores. Encourage an open discussion of the program and the people served, so that their fears and anxieties might be addressed.

Meet individually with religious, civic and political leaders to explain in detail the objectives, program, who the residents are, and possible risk areas, thereby answering any questions about the planning group's competency to run programs.

Build alliances with other individuals and groups to support the purposes and programs of community residences in general and help to resolve any issues which might arise. Success depends often on positive past experiences of existing programs. Therefore, community residences and their sponsoring groups should build good public relations, both for their own sake and for the programs to follow.

Contact influential persons in the neighborhood, and with their help interpret the program. A parent advocate can be a powerful ally in this interpretation.

Seek advice and consultation of the residents themselves, so that their maximum input can be utilized in collaboration with others in any action on behalf of the residence. When appropriate, have the residents tell their own stories of living in a home after their experiences in segregated living in institutions. Also, involve the program staff and residents in local community meetings (e.g., block or neighborhood association meetings and events, community planning board sessions) before and questions may arise regarding the residence.

Be prepared to explain the program clearly, including the program's objectives, screening and selection criteria, degree and type of supervision, and procedures to be followed in a critical situation. A developmental center used a one page fact sheet to answer typical questions as well as to answer those questions "nice people" find difficult to ask. (See fact sheets, pages 34–35.)

Be able to demonstrate the planning group's expertise with this type of program. In some instances, this may take the form of encouraging visits to other residential programs, sponsored by the planning group. Show how a similar type program is well run, not just tell them. Although there appears to be no formal studies to evaluate this issue, experience has shown that local provider agencies with quality programs and extensive back-ups services are received more readily by communities.

STRATEGIES FOR RESOLUTION OF CONFLICT

Even with a thorough assessment of the community and a thoughtful determination and use of appropriate strategies at every stage of the residence's development, other intervening factors can cause community resistance to a residence. Keep a constant finger on the pulse of the community in order to remain an accepted facility. Never assume good community relations, for conflict can come at any time—even after the residence is established. Also, opposition to a residence can take many forms, and with certain neighbors may not be easily overcome.

Among the considerations for handling stressful situations are:

Respond on a one-to-one personal basis immediately and sensitively to any kind of criticism or feeling that the community might have regarding the residents, the physical facility, or its environs. One-to-One contact with people in resolving issues is preferable, for sometimes in group meetings the concerns and emotions of a few can sway and reinforce the views of many.

Try to neutralize resistance by being open and honest, and by giving a considerate response. Provide adequate information at all stages of the residence's development and operation, and be responsive to the community's need and right to know.

Prepared mimeographed and printed materials, to hand out at local meetings, and give the telephone number of someone to call at anytime with questions.

Try to minimize the public's fears and do not make unrealistic promises. Incidents might happen, so make provisions for procedures to be following in emergencies. Let the community know about the availability of back-up services and facilities in the community.

Try to avoid direct confrontation by negotiating and suggesting trade-offs with the community. Use small meetings and educational campaigns to focus and resolve conflict. All-out conflict will usually work against the interests of the sponsoring group and the people to be served in the residence. Therefore, in negotiating, make available face-saving devices, such as tabling some aspect of the program until the planners can conduct a public information effort.

Allow the community to have input in decision-making and permit citizen participation in planning. Opposition can grow through lack of understanding and involvement in the concerns of the residential program. Neighbors may have the feeling that something is being done to them without their consent and without any opportunity to redress if problems come up. The suggested neighborhood advisory board for the residence is a way of translating community concerns into constructive changes for the residence and its surrounding neighborhood.

Identify the real issues in any conflict situation and encourage a frank discussion of them by all concerned. Know the other side, its power and its interests, and be clear on the difference between the program's interest and those of the other side. Document both the basis of opposition and the community acceptance preparations. Be prepared to take a positive but a firm stance, and continue to build a coalition of support.

When all other negotiations and educational efforts do not succeed, as a last resort, consider various legal options, including going to court. Avoid litigation if possible, as it is costly in time, money and energy and may perpetuate a hostile atmosphere. But if this is the only recourse, know the facts and the legal precedents, and have your support mobilized when you being.

By planning well and anticipating the consequences, the residence sponsor may be able to avoid many conflict situations. Be satisfied with neutrality of the neighbors, full understanding and support may come later.

CONCLUSION

In summary, there is no expedient solution to resolving all the community relation issues of community-based residential facilities. Employ a number of strategies to neutralize resistance to residences, and educate the community to take care of its own citizens within its own community, whenever beneficial to the individual. Build on the interest and seek the support of others to press for the development of quality community care facilities and to translate this concern into integrated strategies to all such programs.

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2. TYPES OF ALTERNATIVES TO SECURE CORRECTIONAL INSTITUTIONS AND DETENTION FACILITIES

JUVENILE CORRECTIONS IN THE STATES RESIDENTIAL PROGRAMS AND DEINSTITUTIONALIZATION[1]

(By Robert D. Vinter, George Downs, and John Hall)

STATE-RELATED RESIDENTIAL CORRECTIONS

Institutions, camps, and ranches

In the mid-sixties contradictory predictions were frequently heard in the corrections field about the future of institutions for juvenile delinquents. Some observers predicted that within the next decade these facilities would expand and would contain at least 100,000 young offenders at any given time. Others forecast that within the same period institutions or "training schools" would gradually disappear from the scene as states moved to community-based alternatives. Neither prediction has proven correct.

The number of offenders in state camps and ranches has been relatively stable at slightly more than 2,500 over the past five years, while the number in state institutions has declined from a high of about 41,000 to about 25,500 over the same period. During 1974 there were signs that the institutional

[1] A Preliminary Report prepared by the National Assessment of Juvenile Corrections, Institute of Continuing Legal Education, School of Social Work, The University of Michigan, Second Impression 1976.

population had leveled off, but such facilities definitely continued to be the overwhelmingly dominant choice for incarcerating juvenile offenders in the care and custody of the states. In 1974 the states assigned five times as many youth to institutions as to community-based programs and four times as many as were placed in foster homes.

While the juvenile justice community is fully aware that institutions continue to handle most adjudicated offenders not placed on probation, it is less aware of the extraordinary variation that exists in the rates of institutionalization across the states. *After controlling for differences in state populations, we found that some states assigned about twenty times more youth to institutions than others.* To comprehend the magnitude of this variation it is useful to imagine how many offenders would be confined in institutions if all states followed the lead of the state with either the highest or the lowest rate. Following the lead of the state with the highest rate would result in 83,922 youth being institutionalized, a considerable contrast with the 4,267 who would be assigned if all followed the lead of the state with the lowest rate. The first figure is almost three times the national average daily institutional population in 1974; the second is one-sixth of that total. This amount of variation is astonishing, especially in view of the finding that the rates bear no significant relationship with crime rates and the like.

The absorption of juvenile correctional funds by institutions, camps, and ranches is particularly dramatic. The states spent $300 million for the operation of these facilities during fiscal 1974—ten times the amount spent on community-based programs and over thirty times the amount spent on foster care. The average offender-year cost of these services was $11,657, with three states spending less than $5,000 and four spending over $19,000.

Community-based programs

While it is apparent that the total number of group homes, halfway houses, etc., has greatly increased since the late sixties, community-based residential facilities are not—in the overwhelming majority of states—handling juvenile offenders on a scale consistent with either the recommendations of several national commissions and advisory bodies or the opinions of state correctional executives themselves. Our survey identified an aggregate average daily population of 5,663 in state-related community-based residential programs during 1974. This is about one-fifth the number of youth assigned to institutions, as we have already noted.

The average daily populations assigned to community programs ranged from 0 in six states and 3 in one state, to a high of 800. The average across the states was 110, compared with 560 for institutions, camps, and ranches. If we repeat the exercise of extrapolating hypothetical national average daily population figures for community-based facilities on the basis of states' highest and lowest rates, the two figures we arrive at are 41,656 and 0. Once again a remarkable variation.

The forty-three reporting states together spent slightly less than $30 million to operate their community programs during fiscal 1974 This sum is about one-tenth that spent on institutions, camps, and ranches, and clearly shows that these facilities are not receiving significant proportions of state juvenile corrections budgets. One state spent almost $5 million, but the overall average was $596,000, and half the states spent less than $300,000. Consistent with a basic argument of those who advocate wider use of this alternative, the offender-year cost averages less than half of that for institutions—approximately $5,500. This comparison probably reflects the magnitude of real cost differences between the two types of residential programs, but we must realize that closed institutions typically provide some services, such as education, that the other programs usually do not.

Modes of community-based residential corrections

The report emphasized the distinctions between the two major means by which states have undertaken community-based correctional services: one involving direct administration and operation of facilities; the other involving purchase-of-service funding for facilities operated under other administrative auspices. Considerable evidence was presented to establish that use of state-funded services far outdistanced use of state-run community facilities. This evidence can be quickly summarized. Most states using community corrections depended entirely or mainly on state-funded arrangements, and the grea

majority of offenders assigned to these programs were in state-funded rather than state-run facilities—72% across all reporting states. Further, the highest per capita rate of assignments for the former was three and one-half times larger than the rate for state-run programs (19.5 compared to 5.4). This accounts for the preeminent role that state funding plays in deinstitutionalization: the highest level attained by any state (87%) was exclusively through state-funded services, and states employing this approach averaged a deinstitutionalization level almost three times higher than those relying on state-run services. Nine of the ten most deinstitutionalized states depended largely or exclusively on state-funded community-based programs.

The offender-year cost advantages generally associated with state-funded compared to state-run community programs contributed to our view that state funding offers the most promising approach to deinstitutionalization. While we have already examined the economies to be gained from shifting to community modes, the matter of costs deserves further attention and also needs to be placed in a perspective that addresses other features of these two funding patterns.

Some of the cost contrast may derive from differentials in personnel salaries: it is possible that staff employed under state civil service systems average higher salaries than those in programs under nonstate auspices. But other factors may also generate cost differences. Information gained from many sources leads us to believe that it is probably more difficult to maintain populations at full capacity—or at the break-even level—in facilities that depend exclusively on a single state agency for assignment of offenders. The community facility offering services for purchase is typically able to draw youth from several assignment sources, thus facilitating a break-even or optimal population level. Given their size, even small fluctuations in daily populations have greater fiscal import for community-based facilities than for large institutions.

Cost differentials may also derive from the allocation of start-up and program phase-in expenditures. Start-up costs—those required for building construction, acquisition or renovation, purchase of basic equipment, etc.—are largely capital expenditures and were excluded from our purview. Program phase-in costs are those required for initial planning, staffing, training, development of cooperative arrangements with local schools and other agencies, and gradual buildup of the residential population to full capacity. Both start-up and phase-in costs are currently important because so many correctional programs are of fairly recent origin, and some proportion of their higher initial costs were still being averaged into the 1974 operating expenditures reported to us. Full cost accounting might well show that both types of costs are about the same for community-based facilities regardless of administrative auspices. The state agency, however, can arbitrarily control per diem charge levels for services to youth assigned by it, thus sometimes forcing the nonstate program to apportion special initial costs against other sources. The state agency may obscure, but cannot deflect, full actual costs for its directly operated programs.

For both types of programs, state agency staff must select and assign delinquent youth and must at least minimally monitor their individual situations, so these costs should be very similar. Otherwise, however, our impressionistic evidence suggests that state-funded programs make fewer demands on the state agency central office and probably require fewer supervisory personnel. Central office tasks associated with funding programs under other auspices are those of recruiting or selecting purchase-of-service facility resources, negotiating contracts and managing their accounts, and monitoring contract performance; these are less demanding than the tasks characteristic of directly operating programs, such as selecting sites and constructing or renovating buildings, training and supervising operational staff, and monitoring ongoing services. If we are correct, state-run programs require more numerous and more-experienced or better-trained personnel in the middle-management ranks, thereby contributing further to offender-year average costs.

Even if we could demonstrate the validity of these views, the question of the *quality* of both types of services would still remain. Presumably in community corrections as elsewhere, one does not get more than one pays for—but neither does one always get all that one pays for. This commonplace truth has been a main argument for advocating community alternatives: despite their markedly higher offender-year costs, institutional services cannot be

demonstrated to be of better quality than community-based services. And we have no evidence from this survey, from NAJC's on-site studies of all types of correctional programs, from the research of others, or from the reports of state agency administrators indicating any general quality differences between state-run and state-funded community services.

Our extended attention to the fiscal merits of state-funded community-based corrections is not intended to overlook other important reasons for their development and use. Additional benefits appear to be gained by the state agency from its linking with the resources and assistance of local government and private-sector agencies. At the very least, once such a collaboration is undertaken, these other agencies have an increased stake in state juvenile corrections policy and can provide active support in the movement away from over-reliance on central institutions. These agencies thus become, at least potentially, special-interest advocates of community corrections and deinstitutionalization.

Concrete benefits beyond resource supplementation can also be realized from such cooperation, for example, more economic dispersion of localized facilities and buffering for the state agency. The state agency is relieved of much of the task of reconnoitering across numerous communities, and identifying within each desirable facilities and program resources acceptable to the community and the particular neighborhood. We have noted the special "sunk costs" when the state agency proceeds on its own to invest considerable staff effort far from its central offices in locating, acquiring, and launching a community facility. And it must thereafter cope alone with the frequent stressful exigencies and neighborhood opposition that accompany community programming in almost all the human services. Nevertheless, the capabilities must be developed, the resources allocated, and the risks endured across the *entire* state if the essential objectives of deinstitutionalization are to be realized: numerous smaller, scattered facilities that can handle young offenders closer to home.

These greater investments and continuing risks are reduced when the state agency collaborates on a case-by-case purchased-service basis with a separate operating agency that—even if not indigenous to the community or the neighborhood—must develop and handle these local relations for its own survival. Under these funding arrangements the state agency is buffered from critical pressures to a degree markedly different than when it directly administers th operating facility.

It must also be noted that when a state undertakes a policy of deinstitutionalization it encounters special problems in redeploying its career personnel to handle these tasks away from the central office and from the central institutions. Existing staff are often ill-suited to perform these tasks because they call for different competencies than do institutional duties, as well as different orientations and commitments, and also because they customarily require relocation of home residences. Our interviews with state administrators developing state-run community programs clearly revealed their difficulties: selecting and preparing existing agency personnel to undertake their new responsibilities, and continuing to carry less-qualified or less-willing staff on their rosters until normal attrition would bring institutional payrolls in line with lower offender populations—meanwhile recruiting, training, supervising, and backstopping new staff to launch community-based programs.

Although we believe there is compelling evidence that deinstitutionalization is unlikely to be attained at significant levels primarily through development of state-run community facilities, none of our analysis argues for exclusive reliance on state funding of these programs. Instead our findings and the experiences of several states lead us to suggest special roles that a limited number of state-run programs might perform within a policy of deinstitutionalization largely implemented through state funding. (1) Except perhaps in the cost area, a few state-run programs can serve to set standards or as models for state-funded facilities. (2) They can be used as staff training centers and for demonstration or innovation of special program methods less likely introduced by state-funded programs. (3) They can offer specialized services, otherwise impractical or unfeasible, for certain kinds of delinquent youth. (4) They can be developed in selected communities or geographic areas where it appears impossible to stimulate acceptable state-funded services. Finally, (5) state-run programs can be maintained at a modest level to serve as a protection against the potential risk of nonstate agencies developing a monopoly powerful enough to counterbalance the state role in policy, standards, and the like.

Deinstitutionalization

Advocates of community-based corrections, including the President's Commission on Law Enforcement and Administration of Justice, have focused on its use as a major alternative to, and substitute for, institutional incarceration. To explore the *relative* emphasis states place on these two types of programs, we found it useful to calculate the percentage of the total average daily population in state-related residential programs that were assigned to community-based facilities. We termed this figure the "deinstitutionalization rate" because it provided a comparable measure of states' priorities. Because it was based on a ratio, this measure possessed the advantage of being sensitive to a low rate of institutionalization as well as a high level of community program development.

Deinstitutionalization rates for the forty-eight reporting states indicated that only four states assigned as many youth to community as to institutional settings, that thirty-six states had rates of less than 25%, and that the average national rate was only 17.7%. Despite substantial deinstitutionalization achieved by states as varied as Massachusetts, South Dakota, Oregon, Maryland, and Utah, the majority have not embraced such a policy.

During the survey we unexpectedly discovered that numerous states were also placing adjudicated delinquents in foster home care at levels that often matched or exceeded their use of community-based facilities. Inclusion of foster care in our measures increased the number of states with a deinstitutionalization rate 50% or higher from four to ten, with four states instead of one attaining a rate of 70% or above. Other states joined the list of those assigning significant percentages of their young offenders to correctional services other than institutions: Alaska, Idaho, Kansas, West Virginia, and Wyoming. And, since offender-year costs for foster home placements averaged less than $2,500, this was clearly the least expensive state residential service for juvenile offenders.

We are reluctant to identify foster care as a part of states' deliberate deinstitutionalization policies for several reasons. Use of foster homes for delinquents generally sprang from traditional social welfare provisions—not the juvenile justice sector. These services are typically administered and funded through state departments of social services, and juvenile corrections agencies seldom have direct information about these practices or exercise any monitoring responsibilities. Further, levels of foster home placements appear relatively stable and have not increased while states have been expanding their community-based services.

The wide variation in the characteristics of states that have deinstitutionalized to a significant extent is indicative of *lack of any evidence* that rates of deinstitutionalization are severely limited by basic socioeconomic conditions or other insurmountable circumstances. The redirection of correctional priorities that deinstitutionalization represents is not related to factors demonstrated to have powerful influence on program development in other areas of public policy: per capita income, state revenues, industrialization, or urbanization. Because the states with well-developed systems of community-based programs are far from being uniformly wealthy or urbanized, we are skeptical of arguments that a particular state is incapable of developing such services due to lack of funds or supportive economic conditions.

Nor have we discovered any evidence that deinstitutionalization is limited by a states' crime rate or by the types of juvenile offenders committed to its care and custody. We have already cited the absence of any association between states' crime statistics and rates of deinstitutionalization, and NAJC's national study of operating correctional programs will show that community corrections is currently serving youth adjudicated for serious as well as status offenses. Further, we found little evidence that state agencies were systematically channeling different types of delinquents into the several kinds of correctional programs they administered or funded. Although youth who had committed especially violent crimes were typically—but not always—sent to institutions, some states used community services as "halfway out" assignments for all types of offenders being released from institutions. While we are not arguing that *every* young offender should be placed in a community-based program, we do contend that with the possible exception of California,[2] no state has such a

[2] There is reason to believe that the California Youth Authority, with its extensive system of "probation" subsidies to local governments, handles a greater proportion of serious offenders than do most state agencies.

preponderance of serious offenders that it cannot achieve substantial deinstitutionalization. Most state agency administrators share this view: 78% agreed that "most adjudicated delinquents don't belong in an institution at all," and 54% agreed that "community-based programs are intrinsically better than even the most effective institutions."

Costs of residential corrections

Many findings demonstrate that the great differentials in states' levels of development, rates of use, and expenditures for the major types of residential corrections are not clearly connected with levels of states' resources and considerations of cost savings or economizing. State per capital income or revenue level is an unreliable predictor of expenditures for different program types. And increased expenditures did not have the same consequences across program types. The survey findings indicated that state's higher per capita expenditures tended to be reflected in greater spending *per youth* in institutions, but were more closely tied to the handling of *more youth* in community services.

Because only a few states had implemented deinstitutionalization policies to an appreciable extent, the full cost-saving potential of community-based programs was not generally realized across the nation. We presented evidence documenting the economies achieved by some states, but we also found that cost differentials between the two modes could not account for current levels of deinstitutionalization. Nor did states' wealth, or lack of it, appear to stimulate use of community facilities, since there was no connection between per capita income and either community program development or deinstitutionalization. Many deinstitutionalized states did not reduce their use of institutions commensurate with their development of community facilities. They did achieve substantial savings over the costs they would have accrued without any community services, but continuing reliance on expensive institutions cancelled out most of the significant economies that could otherwise have been attained. (Use of relatively more costly state-*run* community-based programs also increased expenditures in some of these states.) Clearly the economies of community services are largely forfeited when they supplement rather than substitute for institutional corrections.

We estimated the economies that could have been realized if states had implemented deinstitutionalization at the level of 50% by 1974—as four had actually done—but without altering their current rates of assignment to the combined services. This projection yielded a net aggregate saving of about $50,520,000 for the 41 states that had not attained the 50% level (and about which we had comparable data), with an average savings of $1,232,000. The argument that community-based programs are substantially less costly has been decisively confirmed, yet this experience does not appear to have affected major policy changes among most states.

Community corrections and system expansion

A number of interested observers have expressed concern that the development of community programs will tend to supplement rather than replace institutions, thus producing an increase in the total number of youth in controlled residential settings. If we merely compare the total one-day populations in state institutions, camps, and ranches in 1969 with the *combined* average populations in both state-related institutions and community-based programs in 1974, such a concern would appear to be unfounded. The figures are 43,447 for 1969 and 33,664 for 1974—a decrease of almost 10,000 youth. However, such figures can be deceptive. The earlier population total probably included a higher proportion of CHINS/PINS cases who are less likely to be incarcerated with adjudicated delinquents in numerous states, although they may still be under the care and custody of the state. This is not to say, of course, that the practice of institutionalizing such youth has been eliminated, only that it is somewhat less common. More significantly, we have seen that many states have barely initiated community programming, so these aggregate figures provide a fragile basis on which to judge whether community programs—where they are being used—are supplementing or supplanting institutionalization.

To address this question properly it would be necessary to have longitudinal data on the numbers of youth assigned to both types of facilities, as well as on the numbers of youth now being handled separately from delinquents or transferred out of the system entirely. Unfortunately these kinds of data are unavailable in their entirety. However, in our survey it was possible to come

at the issue by investigating how the use of community-based programs is related to the use of institutions in each state. Do states with more offenders in community-based facilities than the national average (controlling for state population size) have that many fewer in their institutions? Or do the states with higher-than-average rates for community programs have institutionalization rates not sufficiently below the average to offset the greater number of offenders in their community facilities? The first question focuses on community programs as substitutes for institutions; the second focuses on them as supplements to institutionalization. Such information addresses the concern of those who fear that development of community corrections will merely expand the system through the "side door."

Overall there is *no* correlation between states' per capita average daily populations in institutions and those in community-based programs. This lack of relationship indicates that the increased use of community services is *not* accompanied by lower-than-average use of institutions. Naturally there are several exceptions, but generally as the number of offenders in community-based facilities increases, the *total* number in all programs also increases.

A state can arrive at a high level of deinstitutionalization either by adding to the number of offenders in community settings, or by reducing its institutional population. Our findings suggest that deinstitutionalization is more often achieved through the first approach. The truth of this supposition is demonstated by the experience of the ten most deinstitutionalized states. It was shown that although their average rate of institutionalization was somewhat less than the fifty-state average (13.3 compared to 17.8), their assignment of offenders to community-based programs was sufficiently high to result in a higher-than-average *combined* rate of assignment to both types of facilities (25.6 compared to 22.5). Thus the concerns of those who fear that development of community corrections can lead to expansion of the system appears to be justified on several grounds.

Furthermore, if the average length of stay is shorter for youth in community programs than for those in institutions, as indicated by LEAA/Census reports and other studies, then both the average daily and one-day-only population figures underestimate the unduplicated total numbers of delinquents to a greater extent in the former than in the latter facilities. This pattern, too, could contribute to system expansion.

Examination of foster home placements across the states provided unexpected evidence suggesting that purchase-of-service arrangements can inadvertently facilitate enlargement of residential services for delinquents while aiding in deinstitutionalization. Thus, despite the typical administrative separation between foster care and other state correctional programs, a strong connection existed between the level of these placements and the use of community-based facilities in 1974. Even more impressive was the finding that there is almost a one-to-one association between the states' proportionate uses of foster care, on the one hand, and their *total* services for delinquents, on the other hand. These findings led us to argue that foster care practices tended to reflect a supplementation of other correctional programs rather than a substitution for institutionalization.

Implications for policy and program development

We began this report with observations on the general lack of reliable, comprehensive and comparable information about juvenile justice and corrections practices across the nation, and cited the handicaps this intelligence deficit posed for policymaking and program development and administration. In the body of the report we have presented varieties of information and analyses about state residential corrections for juveniles during 1974, only small parts of which have been previously obtained and reported. We asserted that the absence of such basic information in this field has meant that policy options could not be clearly identified in the practices and experiences of other states, while the costs and consequences of choosing one or another direction of program development have been equally obscured.

The study findings should have value in permitting states to locate themselves in relation to others they use for comparison purposes, and in offering new insights into their own practices. And the cost information we have presented should have utility for states in projecting expenditures likely to be incurred with alternative directions and levels of correctional services. Pointing to such utilities, however, posits a direct connection between information

and policymaking, and assumes the exercise of rationality in policymaking for this area of governmental activity. If such assumptions are valid, our finding of no insurmountable barriers to states' adoption of deinstitutionalization policies should be salutary. It argues that when and if states wish to pursue this direction of juvenile corrections reform they are able to do so without possessing special resources but with confidence that important cost savings are possible.

However, some of the survey's other key findings must greatly temper our notions about the actual bases underlying juvenile corrections policies in many states. The wide disparities we noted in all major areas of residential programming are perplexing, and especially the double-digit differences in states' per capita rates of assignment to institutions and the various types of community services. Although these differences mirror broad variations in still other juvenile justice policies and practices, we are particularly concerned that they cannot be adequately accounted for in terms of states' basic characteristics or even their differing crime rates.

Nothing we learned in this study challenges the criticisms leveled against traditional institutions for the handling of juvenile offenders or the argument that community-based corrections are more economical and probably at least as effective. At the same time we are surprised that the economies of community corrections have apparently provided so little stimulus to states in implementing deinstitutionalization policies. And we are troubled with the evidence that community modes of corrections can so readily result in expansion of the system rather than serving primarily as substitutes for institutions.

The radical differences in rates of correctional programming, the lack of strong associations with basic state characteristics, the ambiguity of emphasis on cost economies in policymaking, and recent reports from some states of renewed pressures toward institutionalizing delinquents—taken together these pose questions about whether there are any "natural" or serious barriers to a dramatic expansion of the nation's juvenile corrections systems, and to their handling ever-increasing numbers of youth. Such issues provide important guides as we continue the analysis of the information we obtained through this survey across the states. In other publications we will attempt, in particular, to ascertain the roles played by other parts of state government, and by special interest groups, in formulating progressive juvenile corrections policies and program priorities. And we will give attention to characteristics of state juvenile corrections agencies, as well as of their executives, that may be associated with innovation in this general area.

Finally, we wish to emphasize that much greater understanding of the sources of juvenile justice policymaking could be attained if the kind of information we have presented here were routinely available. As we have noted, only small portions of the basic data have been periodically collected. It is impossible to trace the course of developments and to examine the main directions of program development across the nation without more adequate and systematic longitudinal data. As with certain other phases of NAJC research, this survey was intended to be prototypical in exploring the feasibility and utility of regularized collection and analysis of these kinds of information. If the results we have presented in this report are positively judged, replication and continuation of this work becomes an obvious responsibility of the new Institute of Juvenile Justice in the Law Enforcement Assistance Administration.

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Treating Delinquents in Traditional Agencies

(By Ronald A. Feldman, John S. Wodarski, Norman Flax, and Mortimer Goodman)

A model for treating delinquents is proposed in which traditional community agencies would integrate small numbers of delinquents into groups of prosocial children. This innovation would reduce the adverse effects of labeling and peer-group composition, among others, without interfering significantly with the agencies' operations.

This article reexamines the efficacy of traditional helping institutions. Particular emphasis is placed on one major social problem—juvenile delinquency. The discussion is not meant to serve as an apology for traditional social work agencies. On the contrary, its main focus will be on a redefinition of their services. Moreover, no claim is made that the rationales set forth apply to areas other than juvenile delinquency.

Among the general postulates to be set forth are the following: (1) Few institutional structures, other than traditional ones, are available and effective for rehabilitation efforts directed toward children with behavioral problems. (2) Virtually all major theories of delinquency can be reinterpreted to support the use of traditional resources. (3) The effective use of traditional resources depends on a major redefinition of where treatment takes place, but only minor alterations in organizational operations.

In this article the term "traditional social work institutions" will be used to refer to community-oriented agencies, such as Ys, Jewish community centers, and settlement houses, that do not view their primary function as rehabilitation or treatment. Such institutions primarily provide recreation, educational, cultural, or leisure-time services to prosocial clientele—those persons who rarely, if ever, engage in illegal or deviant behavior. Although many such agencies serve middle-class populations, the socioeconomic status of the agency's clientele cannot be considered a determinant of whether the agency is traditional or nontraditional. If any attribute can be considered significant, it is the clientele's prosocial behavior, regardless of socioeconomic status. This may be contrasted with the situation in correctional institutions in which almost the entire client population has been incarcerated for antisocial behavior of one type or another.

The most basic criterion for the definition of traditional institutions, then, is the services they provide. These services are predominantly, if not totally, geared toward recreational, educational, cultural, or leisure-time objectives. Such agencies have two key advantages seldom found in juvenile correctional institutions: location in the open community and a plentiful supply of prosocial peers.

CLOSED INSTITUTIONS

Until the 1950s most efforts to rehabilitate juvenile delinquents took place in closed correctional institutions. During the past two decades, however, there has been a marked tendency toward providing treatment programs in institutions that increasingly approach the freedom and appearance of the open community. The ultimate step in this progression has been an emphasis on treatment programs conducted entirely in the open community. Unfortunately, the available data concerning rehabilitation programs for delinquents, regardless of their social contexts, have shown mixed results at best.[1]

Perhaps the lowest success rates have been found in rehabilitation programs in closed correctional institutions. The reasons set forth for such failures have been numerous. Often such institutions develop multiple goals that contribute to intraorganizational conflicts between custodial and therapeutic objectives and practices. Even in institutions where treatment goals are dominant, the interaction of various professional disciplines sometimes leads to staff conflict and/or inconsistent treatment.[2] In either case such conflicts tend to diminish and/or neutralize gains.

Overpopulation is another problem that has plagued rehabilitation efforts in correctional institutions. For example, in eleven states with programs housing 9,165 children, the average daily inmate population was 10 percent or more above the respective systems' capacities.[3] Overpopulation leads not only to fragmenta-

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[1] *See,* for example, Lamar Empey, *Studies in Delinquency: Alternatives to Incarceration,* Publication No. 9001 (Washington, D.C.: Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education & Welfare, 1967); and Paul Lerman, "Evaluation Studies of Institutions for Delinquents: Implications for Research and Social Policy," *Social Work,* Vol. 13, No. 3 (July 1968), pp. 55–64.

[2] *See,* for example, David Street, Robert D. Vinter, and Charles B. Perrow, *Organization for Treatment: A Comparative Study of Institutions for Delinquents* (New York: Free Press 1966); and Mayer N. Zald, "Power Balance and Staff Conflict in Correctional Institutions," *Administrative Science Quarterly,* Vol. 6, No. 1 (January 1962), pp. 22–49.

[3] National Council on Crime and Delinquency, *Task Force Report: Corrections,* prepared for the Task Force on Corrections, President's Commission on Law Enforcement and the Administration of Justice (Washington, D.C.: U.S. Government Printing Office, 1967), Appendix A.

tion of rehabiltation endeavors, but to problems of organizational control that often are resolved at the expense of treatment goals. Many observers have reported, for instance, that custodial staffs frequently bargain with inmate leaders to retain control of the total inmate population. In essence, the staffs delegate power to highly antisocial inmates to protect their own occupational positions, thus legitimating and reinforcing deviance in the inmates.[4]

Overcrowding also may lead to the aggregation of a select inmate population consisting of the most incorrigible delinquents, thus making it even more difficult to bring about therapeutic change. Furthermore, first offenders may be refused admission and/or treatment because of overcrowding, which contributes to the maintenance of deviant behavioral patterns that may be more difficult to treat at later stages of a delinquent's career.

Conditions such as these are closely related to what may be the most pervasive and debilitating factor associated with the high failure rate in correctional institutions, namely, the deviant peer composition of the treatment environment. Whether treatment is at the individual or group level, the majority of role models in the inmate's social environment are antisocial. The inmate's peers exhibit serious antisocial behavior, reinforce and reciprocate such behavior, and, to some extent, demonstrate an inability to function within acceptable limits in the open community. Such factors necessarily deter efforts to rehabilitate inmates and prepare them for effective prosocial functioning in the open community. Moreover, they may foster more frequent and/or serious deviant behavior patterns among inmates who might have been relatively prosocial before they were incarcerated.

Despite the many factors militating against effective treatment, some correctional institutions have experienced limited success in rehabilitating antisocial inmates. Nevertheless, because the correctional institution and open community are so dissimilar, prosocial behavior in the former setting may not be transferable or sustainable in the latter. And, of course, behavioral change in the correctional institution is of little consequence unless it can be transferred to and stabilized in the larger society. The marked differences between inpatient and outpatient environments and the differing skills necessary for successful functioning in each emphasize the low transferability of behavioral changes learned in the correctional environment.

Thus an overwhelming number of factors militates against effective rehabilitation in correctional institutons. These factors include multiple and conflicting organizational goals, overcrowding, deviant peer-group composition (with concomitant peer-group reward and punishment systems), low transferability of changed behavior to the open community, labeling of former inmates, and high cost.

OPEN COMMUNITY

To avoid many of the problems associated with residential treatment, a variety of rehabilitation programs have been developed in the open community. These include the assignment of detached workers to juvenile gangs, outpatient treatment programs based on techniques such as guided group interaction, and comprehensive programs that offer a variety of services to delinquent children, including casework, group work, and guidance counseling. Although some of these programs have experienced limited success, a general overview indicates that the results have been mixed at best.[5]

Treatment in the open community has certain advantages over residential treatment: costs are lower, overpopulation becomes a somewhat irrelevant issue, the strains between custodial and treatment goals are diminished, and problems concerning the transferability of behavioral changes are negligible. Two of the remaining factors associated with residential programs, then, are of paramount importance: labeling and deviant peer groups.

Although community treatment programs may entail less stigmatization than residential programs, it is clear that considerable stigma attends treatment in

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[4] Edward Rolde, John Mack, Donald Scherl, and Lee Macht, "The Maximum Security Institution as a Treatment Facility for Juveniles," in James E. Teele, ed., *Juvenile Delinquency: A Reader* (Itasca, Ill.: Peacock Publishers, 1970), pp. 437–444; and C. R. Tittle, "Inmat Organization: Sex Differentiation and the Influence of Criminal Subcultures," *American Sociological Review*, Vol. 34, No. 4 (August 1969), pp. 492–505.

[5] *See* Marguerite Q. Warren, "Correctional Treatment in Community Settings: A Report of Current Research," Paper presented at the Sixth International Congress on Criminology, Madrid, Spain, September 1970.

either milieu. Just as mere processing by the police may label a juvenile adversely, a child may be stigmatized through association with relatively innocuous rehabilitation agents, such as the juvenile court or a special public school class.[6] To minimize the labeling associated with rehabilitation, it is necessary to place such programs in institutions that are not viewed primarily as treatment agencies and, consequently, where stigmatization is not transmitted from institution to child.

It is important to note, however, that stigmatization does not occur solely because of one's association with the treatment agency. A child may also be stigmatized because he is being treated with peers who are labeled delinquent or antisocial. Were rehabilitation efforts to take place among peers who were not so labeled, the consequent stigmatization would be proportionately less. In one sense, then, the deviant peer composition of the treatment group presents an obstacle to rehabilitation regardless of the peers' direct influence on one another.

Peer-group composition poses even more serious difficulties for rehabilitation than does labeling. To the authors' knowledge, virtually every community program that utilizes group treatment has dealt with antisocial or delinquent children along with and in the context of other antisocial or delinquent children. This is the basic factor common to both residential and community treatment programs and, it is posited, the basic deficiency of both.

If treatment groups are composed solely of antisocial children, the group continues to present the basic conditions militating against sustained behavioral change, including deviant role models and deviant systems of reward and punishment. Indeed, the first members of such groups to move toward prosocial behavior may place themselves in considerable jeopardy. Consequently, the peer composition of virtually all treatment groups, including those in the open community, retards rehabilitation efforts among antisocial youths. This leads to the following conclusions: (1) To increase the potential for rehabilitation, the antisocial composition of treatment groups must be minimized. (2) It follows that the most effective rehabilitation is likely to occur in groups in which all but the child to be rehabilitated are prosocial.

These conclusions suggest the efficacy of placing rehabilitaton programs in traditional social work agencies, which would be a marked departure from the usual objectives of such institutions. It is suggested that such changes would minimize the stigmatization associated with treatment, would vitiate many of the difficulties associated with deviant peer-group composition, and would enhance the ease with which changes learned in treatment could be transferred to and sustained in the community.

Further analysis of these proposals should focus on at least two additional considerations: (1) the systematic examination of theoretical rationales for such changes, especially with reference to contemporary theories of juvenile delinquency,[7] and (2) the assessment of operational implications for traditional agencies.

OPERATING IMPLICATIONS

The foregoing analysis points to a unique, but circumspect, redefinition of service objectives for traditional social work agencies. In the context of their present services such agencies might try to integrate limited numbers of children with behavioral problems into ongoing recreational, educational, cultural, or leisure-time groups. To (1) enhance the therapeutic potential of agency groups, (2) reduce possible dysfunctional consequences for regular group members, (3) decrease the visibility of the deviant children, (4) minimize the possibility that

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[6] *See*, for example, Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, Vol. 70, No. 2 (September 1964), pp. 206–214; Aaron V. Cicourel, *The Social Organization of Juvenile Justice* (New York: John Wiley & Sons, 1967); Anthony M. Platt, *The Child Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1969); Carl Werthman, "The Function of Social Definitions in the Development of Delinquent Careers," in President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime* (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 155–170; and W. E. Schafer, "Deviance in the Public School: An Interactional View," in Edwin J. Thomas, ed., *Behavioral Science for Social Workers* (New York Free Press, 1967), pp. 51–58.

[7] For such an examination *see* Ronald A. Feldman, John Wodarski, Norman Flax, and Mortimer Goodman, "Delinquency Theories, Group Composition, Treatment Locus, and a Service-Research Model for 'Traditional' Agencies." Unpublished manuscript, St. Louis, Mo., 1971.

the agency will be defined as a treatment institution, and (5) maintain continued support from those who use the agency's regular services, no more than one or two such children should be enrolled in each group. Agency staff members should receive sufficient supplementary in-service training to enhance their ability to assess the children's behavioral problems, plan rehabilitation goals, and implement interventions. Moreover, to minimize the possibility of undue stigmatization, it would be desirable for these children to join groups at the same time as the other members.

Every effort should be made to operate the agency in the usual manner. In fact, to do otherwise might jeopardize the particular strengths of such agencies as places for rehabilitation programs. Membership procedures, privileges, and obligations; staff supervisory practices; program planning; and so forth should be altered minimally, if at all. Thus although the posited alterations call for the partial redefinition of agency services, their operational implications may be negligible.

What about possible increases in staff workload or the potential negative consequences for the agency's regular clientele, who might conceivably become antisocial or delinquent or develop behavioral disorders themselves? Considerable data challenge the validity of such concerns. Much empirical research indicates, for example, that a minority of one is likely to conform to behavioral norms expressed by the majority.[8] Similarly, demographic studies of juvenile delinquency report that boys from blue-collar backgrounds in predominantly white-collar areas with a low rate of delinquency have almost no chance of being classified as a juvenile delinquent.[9] Thus if only one or two delinquent children are incorporated into the group, the possibilities for deviant behavior appear to be minimal.

Moreover, supervision and assistance from agency staff, even those who have received little training, should assure stable behaviors within usual limits for the population under consideration. In fact, an impressive body of research indicates that subprofessionals with a minimum of supplementary training can be effective.[10]

A growing body of literature also reveals that traditional social work agencies are expanding their services to certain "high-risk" clients, such as educable mental retardates, with few of the possible dysfunctions suggested previously. Even though such clients frequently exhibit severe behavioral disturbances, it has proved possible to integrate them into regular agency groups with a minimum of staff overload, no significant negative outcomes for regular agency members, and considerable benefits to the clients.[11]

In addition, the authors' experiences during the pretest year of a four-year service-research program strongly support these formulations. As one component of a larger study, fourteen antisocial children were each integrated into one of fourteen groups composed of prosocial children. Review of preliminary data indicates no appreciable staff overload as a result of this innovation. In fact, skills derived from a brief in-service training program were transferred effectively to

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[8] *See,* for example, Solomon Asch, *Social Psychology* (Englewood Cliffs, N.J.: Prentice-Hall, 1952); Carl W. Backman, Paul F. Secord, and Jerry R. Peirce, "Resistance to Change in the Self-Concept as a Function of Consensus Among Significant Others," in Backman and Secord, eds., *Problems in Social Psychology* (New York: McGraw-Hill Book Co., 1966), pp. 462–467; and Ronald A. Feldman, "Determinants and Objectives of Social Group Work Intervention," *Social Work Practice, 1967* (New York: Columbia University Press, 1967), pp. 34–57.

[9] *See,* for example, A. J. Reiss, Jr., and A. L. Rhodes, "The Distribution of Juvenile Delinquency in the Social Class Structure," *American Sociological Review,* Vol. 26, No. 5 (October 1961), pp. 720–732.

[10] *See* Charles Grosser, William E. Henry, and James G. Kelly, eds., *Nonprofessionals in the Human Services* (San Francisco: Jossey-Bass, 1969); E. G. Poser, "The Effects of Therapists' Training on Group Therapeutic Outcome," *Journal of Consulting Psychology,* Vol. 30, No. 4 (August 1966), pp. 283–289; and H. R. Sigurdson, "Expanding the Role of the Nonprofessional," *Crime and Delinquency,* Vol. 15, No. 3 (July 1969), pp. 420–429.

[11] Celia S. Deschin and Marygold V. Nash, *Children Together: The Effect of Integrated Group Experiences on Orthopedically Handicapped Children* (New York: Services for the Handicapped, 1971); Norman Flax and E. N. Peters, "Retarded Children at Camp with Normal Children," *Children,* Vol. 16, No. 6 (November-December, 1969), pp. 232–237; Muriel W. Pumphrey, Mortimer Goodman, and Flax, "Integrating Individuals with Impaired Adaptive Behavior in a Group Work Agency," *Social Work Practice, 1969* (New York: Columbia University Press, 1969), pp. 146–160; and William Schwartz, "Neighborhood Centers and Group Work," in Henry S. Maas, ed., *Research in the Social Sciences: A Five-Year Review* (New York: National Association of Social Workers, 1971), pp. 130–191.

other agency programs. Moreover, the children's prosocial behaviors apparently increased substantially, whereas there were no significant negative consequences for the regular group members.[12] Indeed, it is plusible that further analysis of data will reveal significant advantages for the regular members. Follow-up data, comparative data from prosocial and antisocial control groups, and data concerning the effects of several types of treatment modalities also will be examined to afford more rigorous assessment of the basic hypotheses stated in this article. Regardless of the anticipated and/or actual empirical findings, however, the considerations set forth here might serve as key issues for discussion among social workers who treat delinquent or deviant populations and, moreover, for those attempting to provide effective services within the open community.

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[From Psychology Today, June 1973]

ACHIEVEMENT PLACE—BEHAVIOR SHAPING WORKS FOR DELINQUENTS

(By Elery L. Phillips, Elaine A. Phillips, Dean L. Fixsen, and Montrose M. Wolf)

Six years ago concerned citizens in Lawrence, Kansas, set up Achievement Place, a community-based, family-style treatment home for delinquent youths. The goal was to teach the youth the basic skills—social, academic, self-help and prevocational—that would help keep them out of trouble with their families, their teachers and the law.

With the approval of the Board of Directors of Achievement Place and the assistance of a research grant from the NIMH Center for Studies of Crime and Delinquency, we began conducting research to develop a model treatment program. We encountered many problems, but after three years of trial and error and careful evaluation we had developed what we considered to be a successful home. We had worked out a behavioral treatment program that produced significant changes in the skills of the six to eight boys who lived in the home with two professional teaching-parents. We were convinced, on the basis of several controlled studies, that we had found a usable model for almost any mmunity, one that would help make potential criminals into productive citizens.

We ran into trouble, however, in our first attempt to replicate the model in another community. The program was based on a token-economy system of reinforcement. In this system, the boys receive points each time they complete a task and, at a later time, can exchange the points for desirable objects or for privileges. The token economy had been our chief object of study in the early years, but we came to realize that it was not the heart of the program.

The heart of the program was the teaching, social-interaction component. It unfortunately true that a token system by itself doesn't teach the most important social skills. Teaching involves an active give-and-take process—instruction, demonstration, practice, feedback. This process was the secret behind he success of the first Achievement Place. However, it was only through our riginal failure to replicate the model that we discovered its importance.

Achievement Place is part of a growing trend to find alternatives to the nhumane and debilitating conditions of traditional institutional treatment programs for children. Institutional life has little relation to the outside world; t usually confines the children's contacts to members of their own sex, teaches m dependency on a hospital-like routine, gives them few work skills they an use outside the institution, and teaches them to live on a "welfare system" rather than to be as responsible as possible for their own needs.

But modern behavior theory, on which we have based our program, suggests behavior-deficiency model: if children have behavior problems it is because hey lack essential skills; they have inadequate histories of reinforcement and nstruction rather than an illness caused by some hypothetical psychopathology. he goal of behavior treatment programs like Achievement Place is to establish, through instruction, the important behavioral competencies that the child not learned. If these programs are successful, then the parents may be able

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[12] *See* Ronald A. Feldman et al., "Group Integration and Behavioral Change: Prosocial and Anti-Social Children at Summer Camps," Paper presented at the National nference on Social Welfare, Chicago, Illinois, May 31, 1972.

to learn to *maintain* the appropriate behavior even though they were not able to *establish* it originally.

We developed Achievement Place to serve as a model for such community-based programs. The youths who come to the home usually are sent by a judge after getting in trouble with the law. They are from 12 to 16 years old, in junior high school, and about three to four years behind academically.

When a boy enters Achievement Place, we introduce him to the other youths and give him a tour of the home, which is located in a quiet residential section of Lawrence. Then we introduce him to the point system (token economy), which we devised to help motivate the youths to learn new, more appropriate behavior. Each youth uses a point card to record his behavior and the number of points he earns and loses.

TEACHERS PROVIDE SYSTEMATIC FEEDBACK FOR EACH YOUTH BY FILLING OUT A REPORT CARD EACH DAY

Points for privileges

At first the new youth exchanges his points for privileges each day; later, after he learns the connection between earning points and earning privileges, he goes on a weekly exchange basis. As soon as possible, we phase out the point system and he goes on a merit system in which no points are given or taken away and all privileges are free. The merit system is the last step each boy must progress through before returning to his own home. When a youth does return home he is on a homeward-bound system. If the youth begins to have problems with his parents or teachers, the teaching-parents can intensify their follow-up with the youth and his family or, for more severe problems, they can ask the youth to come back into the program for a few days or weeks to work out the problem.

Privileges come in seven varieties: 1) basics, including use of the telephone, tools, radio, record player, and recreation room; 2) snacks after school and before bedtime; 3) television time; 4) home time, which permits the youths to go home on weekends or to go downtown; 5) allowances of from one to three dollars a week; 6) bonds, which the youths can accumulate to buy clothes or other items they need; and 7) special privileges, which include any other privileges the youths may want. The first four privileges are naturally available in the home and add nothing to the cost of the program.

Since Achievement Place is a community-based facility, the boys continue to attend the same schools in which they had problems before entering the home. This arrangement permits the teaching-parents to work closely with the school teachers and administrators to solve the boys' school problems. Teachers provide systematic feedback for each youth by filling out a report card each day. The teacher can quickly answer a series of questions about the youth's behavior (Did he follow the teacher's rules today? Did he make good use of his class time? Did he complete his assignment at an acceptable level of accuracy?) by checking "yes" or "no" on his card. The youth then earns or loses points at Achievement Place depending on the teacher's judgment about his performance.

Family conference

During or just after dinner the teaching-parents and the youths hold a family conference, which is part of the home's semi-self-government system. The teaching-parents and the youths discuss the day's events, evaluate the manager's performance—one of the boys who is elected to the job—establish, modify rules, and decide on consequences for any rule violations that were reported to the teaching-parents. Self-government behaviors are taught specifically to the youths, and they are encouraged to participate in discussions about any aspect of the program.

After the family conference, the boys and the teaching-parents usually engage in family activities such as watching TV, listening to records, or discussing the events of the day. Before going to bed at about 10:30, the boys figure up their point cards for the day.

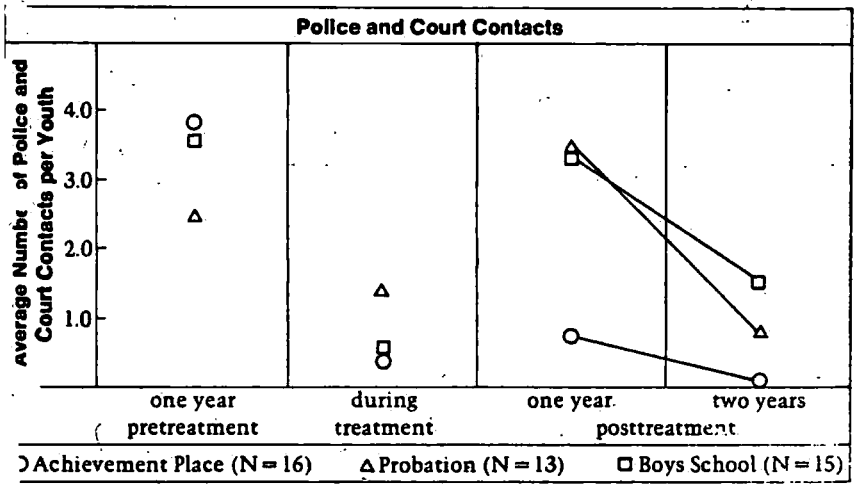
Although we have evaluated many of the specific procedures developed by our teaching-parents to teach appropriate behaviors, it was not until recently that we began to evaluate the overall effectiveness of Achievement Place. Our data include measures of police and court contacts, recidivism, and grades and attendance at school. We have taken these measures for 16 youths who were committed to Achievement Place, 15 youths who were committed to the Kansas Boys School (an institution for some 250 delinquents), and 13 youths who were

placed on formal probation. All 44 youths had been released from treatment for at least a year at the time we collected the data, all had been adjudicated originally by the Douglas County Juvenile Court in Lawrence, and all were potential candidates for Achievement Place when they were adjudicated. We should point out that these youths were not randomly assigned to each of three groups, so these data are only preliminary results. However, we have begun randomly selecting youths for Achievement Place to provide an experimentally valid evaluation of the long-term effects of the program.

Police and court contacts

The Achievement Place and the Boys School youths were similar in their contacts with the law before and during treatment, but they were quite different after treatment. The Boys School youths returned to a fairly high number of police and court contacts, while the Achievement Place youths had few contacts. The boys on probation had fewer police or court contacts than the Achievement Place youths before treatment, but after treatment they had more.

It is interesting to note that one argument against community-based group omes is that they expose the community to the continuing law violations of the delinquent youths placed there. However, we found that during treatment the youths placed in the institution 30 miles from Lawrence had as many contacts with the police and court in Lawrence as did the Achievement Place youths. Apparently, Achievement Place offered as much "protection" to the community as the institution did.



ostrclease Institutionalization

wo years after treatment, 53 percent of the Boys School youths and 54 percent t the probation youths had committed a delinquent act that resulted in their eing readjudicated by the court and placed in a state institution. But only 19 ercent of the Achievement Place youths were institutionalized either during or fter treatment.

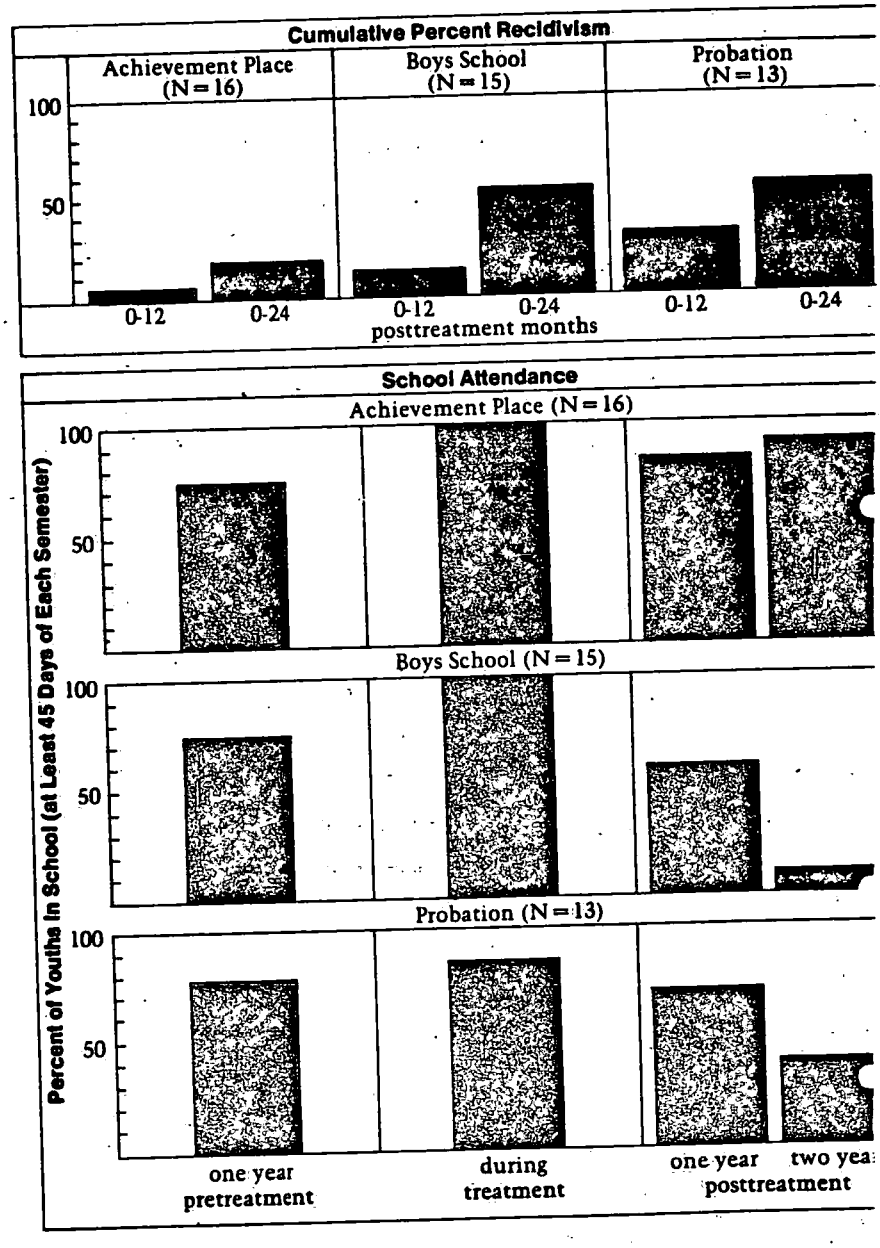
THE BOYS ARE PASSING THEIR CLASSES AND PROGRESSING TOWARD GRADUATION REQUIREMENTS FOR JUNIOR HIGH AND HIGH SCHOOL

outs

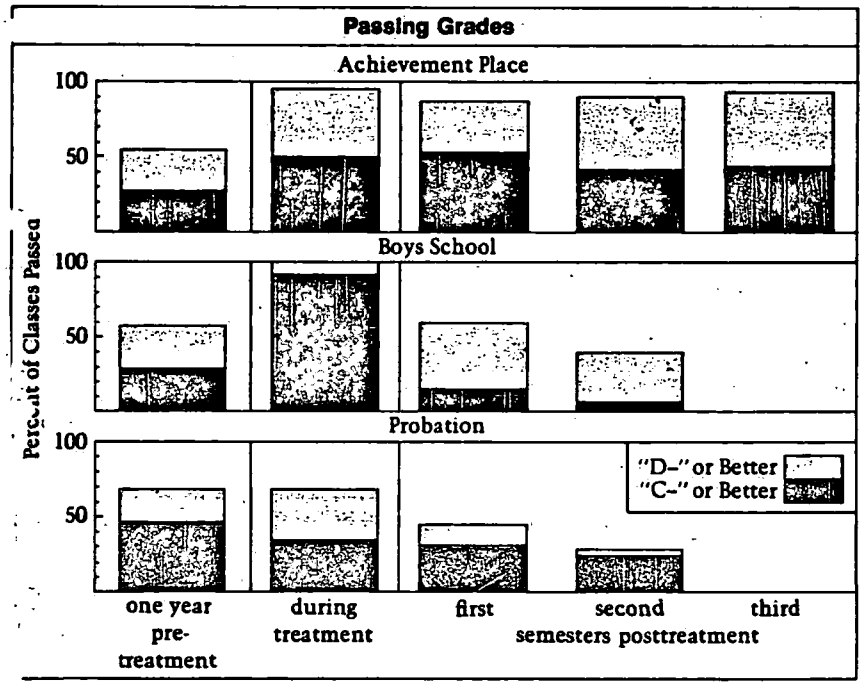
By the third semester after treatment, 90 percent of the Achievement Place uths were attending public school, while only nine percent of the Boys School uths and 37 percent of the probation youths were still in school. This measure cluded only those youths who had not been institutionalized after treatment.

School grades

Among the youths who attended school after treatment, about 40 percent to 50 percent of the Boys School and probation youths earned grades of D minus or better while about 90 percent of the Achievement Place youths were passing their classes with a D minus or better. The overall grade point average after treatment for Boys School youths was about a D minus; the average for probation youths was about a D plus, and the average for Achievement Place youths was about a C minus.



Although a C-minus average probably is not high enough to arouse the admiration of most middle-class parents, it does show that the boys are passing their classes and progressing toward graduation requirements for junior high and high school. All in all, these police, court and school data indicate that the Achievement Place youths are doing much better than their peers who were sent to Boys School or placed on probation. The cost per bed to purchase, renovate and furnish Achievement Place was about one fourth the cost of building an institution in our state. And operating costs per youth at Achievement Place are less than half the operating costs for the Boys School in Kansas. To build an institution for 250 youths and to operate it for a year would cost $8 million, while start-up and one-year's operating costs for Achievement-Place-type homes for 250 youths would be about $2.5 million.



Comparative Costs	
Achievement Place	Institution
Capital Investment per Youth	
$5,000 to $8,000	$20,000 to $30,000
Yearly Operating Cost per Youth	
$4,000 to $5,000	$6,000 to $12,000

WE FOUND THAT MANY INTERACTIONS AT THE SECOND HOME WERE QUITE STERN, THE KIND OF INTERACTING THAT GOES ON EVERY DAY IN SOME FAMILIES

When we began training a new set of teaching parents to set up a second home in a new community, we were not sure what to teach them other than the token-economy technology. We had the couple observe the social interactions at Achievement Place, but we did not give them specific instructions since we were not certain ourselves which interactions were important. We discovered the critical aspects of the program only after the couple set up a home, when we were able to compare the successful and unsuccessful teaching styles.

Technically, the new home was the same in nearly every way as the older one, and the token-economy system was adequately administered. But the home just did not click. This failure forced us to reexamine our model and to study carefully over the next year the differences between the teaching styles of the successful and the unsuccessful teaching-parents.

We found that many interactions at the second home were quite stern, th kind of interacting that goes on everyday in some families. For example, the teaching-parent would tell a boy, "OK, you clean that table." The boy would begin cleaning it and before long would say, "OK, I'm through now." The teaching-parent would look at it, find a few spots, and say, "That's not very good. You'd better do that again."

When we examined this type of interaction, we realized that the task was not assigned in a positive way, and when the boy said he was finished he was given no encouragement at all, even though he had done at least part of the task Then too, the teaching-parent failed to point out the youth's specific failures the spots he had missed, for instance. And when the boy finally completed th task satisfactorily, he got his points but no praise at all.

At Achievement Place, by contrast, the teaching-parents begin giving explici instructions to a boy as soon as he arrives. At first, the instructions are simpl and easy to follow: "Johnny, would you come here, please? I want you to com into the office and look at something with me," or, "Would you come to the bac door? I want to show you how to lock it in case you need to," or, "Would you g with Jimmy and sweep the patio?" Gradually the teaching-parents extend th length of time it takes to carry out an instruction, assigning more and mo arduous tasks. They give hundreds of low-level instructions, with increasin probes into more difficult ones.

The patio looks great

At the same time, they hand out social as well as token reinforcements. ' sure appreciate your bringing me that," they say, or, "The patio looks grea guys, give yourselves 3,000 points each!"

After a youth has been in the program a few days, they begin introduci negative feedback: "Gee, you didn't do that task when you were supposed That's going to cost you 200 points. Now remember, I am going to fine you c casionally. That doesn't mean I am mad at you and you shouldn't be mad at m After all, these are only points and you can earn them back."

Then they gradually increase the number of times the youth gets negati feedback and fines. But at the same time they instruct him in how to react criticism: "That was nice. You looked me in the eye. You didn't mumble an thing under your breath when I gave you the fine and you said that you wou take it off your card and we would discuss it at the family conference toni That is perfect. That is exactly the way to do it."

In brief, there were three essential differences between the successful and u successful teaching-parents. One was in the social-teaching component—the w they gave instructions and feedback. Successful teaching-parents teach in a n confronting, straightforward, enthusiastic way that gives a positive atmosph to the whole house.

The second difference was in the social-skill-training component—the teachi of social skills that make the youths more reinforcing and less aversive in int personal relationships. The third was the self-government component—teach the youths how to negotiate and criticize constructively and always inclu the youths in any decisions about the program.

ONE OF THE MOST DIFFICULT THINGS FOR ALL OF US TO LEARN IS HOW TO ACCEPT CRITICISM AND NEGATIVE FEEDBACK

It seems clear to us now that when token systems have failed in institutio or home settings—and certainly in the first replication of Achievement Plac

one reason was because the social-teaching component was missing. When a child does something wrong, he should not be subjected to offensive criticism. Every mistake he makes represents an opportunity to teach him exactly what to do. Given specific instructions, most children, even potential criminals, will learn how to negotiate, how to take criticism, how to respond to negative feedback in ways that are likely to be successful from their own standpoints.

In the self-government component, the teaching-parents instruct the youths in self-government. The teaching-parents are careful to include the youths in all decisions that involve them. Changes in the rules or in the token economy or a potentially large fine for some youth are always brought up in the family conference. The teaching-parents always give a reason, prompt a discussion by the youths about the fairness of the change or fine, have the youths vote on the issue and compromise until a consensus is reached. Since the youths share in the decisionmaking process, they consider the program their own.

Clinicians can be right

Earlier token-economy experiments did not explore the social-teaching, social-skill training, and self-government components, mainly for technical reasons. Many clinical colleagues have told us all along that the "relationship" is an essential component of any therapy. We are now convinced that they are right. However, we are finding that the "relationship" can be broken into measurable and teachable behavioral terms. As a result, we have been able to show new teaching-parents—about a dozen couples so far—how to interact effectively.

We have found that another important component of our program's success is the establishment of communication between the teaching-parents and their home's board of directors, and with other community agencies, as well as with the boys. It was only after our first new couple ran into trouble that we realized the importance of teaching community-interaction skills. The couple, faced with multiple problems at home, had failed to keep communication going with the agencies they were serving. This situation showed up clearly when we made our first evaluation of the home. The data showed that court, social-welfare and school officials were not satisfied with the couple's performance.

The teaching-parents came back into our program for retraining, and with what we had learned from our mutual failure we were able to work out ways of teaching community-interaction skills. We have incorporated these techniques, along with the techniques of running a token system and interacting with the boys, into a handbook, and couples in training to become teaching-parents now learn all of these skills.

Unfortunately, most social programs are set up without the preliminary trial-and-error experimentation that was a vital part of the development of the Achievement Place model. An agency puts an untested idea into operation, sometimes on a very large scale, and when it fails in some way the whole program is discredited. Donald Campbell, a social psychologist at Northwestern University, has suggested a far better way to do things. He advocates an "experimenting society" in which new social programs would be considered experiental, with a built-in trial-and-error and evaluation period preceding the adoption of any particular model. The importance of replication and dissemination prototypic programs is also being acknowledged by some Federal agencies. For example, Saleem Shah, Chief of the Center for Studies of Crime and Delinquency in NIMH, recently pointed out the importance of replication to the development of disseminable treatment programs [see "The Sell Game: New Thinking Research Use," *Behavior Today*, Volume 3, Number 4].

The trial-and-error period, of course, can be a trying time for everyone concerned. But the final outcome can prove rewarding. Our first couple, with whom we had made so many mistakes, have since learned all the things we neglected to teach them originally and are now running one of the most successful replications of Achievement Place.

[From Corrections Magazine, November/December, 1975]

THE COMMUNITY ADVANCEMENT PROGRAM 79031

SUPERVISING DELINQUENTS IN THEIR OWN HOMES

Joey is twelve years old. He is a thin, frail-looking youngster, well under five feet tall. He is very shy and doesn't talk much.

Joey lives in the Great Brook Valley public housing project, a sprawling collection of one-story cinder block buildings in the north end of Worchester, Massachusetts. He has twenty-one brothers and sisters, though only six of them are still in the project. Joey's mother is a nervous, emaciated woman not much bigger than he is. She is a conscientious mother, rising early every day to wash, clean, and cook. But she has often found it difficult to control her children, most of whom are now in foster homes.

When he was ten, Joey, more for entertainment than personal gain, bega stealing cars. He and his friends from the project reportedly stole twenty to twenty-five cars in the course of two years, specializing in Lincoln Continentals. Once they tried to steal an airplane.

Joey was caught several times and placed on probation, but it did no good, and an exasperated judge finally committed him to the state Department of Youth Services (DYS). Five years ago, commitment would have meant a stay at the state training school at Oakdale, or perhaps the Lyman School for Boys. Bu those institutions are closed now, and DYS has had to find more innovative way of dealing with delinquents like Joey. The guiding principle has been to do ever thing possible to keep them in their own homes, especially those as young a Joey.

Last summer Joey was placed in the care of the Community Advancement Pro gram (CAP), Massachusetts' largest and, some say, most effective non-residentia treatment and supervision program. As a result, Joey never had to leave home He has been in no serious trouble since CAP took over his case.

CAP was started four years ago by two young brothers—Bill and Scott Wolfe They used a few thousand dollars of borrowed money. Now CAP receives over $ million annually from various government agencies, and handles between fo and five hundred delinquent youths a year from about eighty-five Massachusett towns and cities.

CAP's president, twenty-three-year-old Bill Wolfe, says that his organization success is the best proof that seriously delinquent youth can be dealt with mo cheaply, more humanely, and more effectively in their own homes than they ev could in the state training schools. Largely because of CAP's example, DYS no handles in non-residential programs more than half of the youth committed its care.

The idea behind CAP is not a new one. It was first implemented in Massach setts in 1841 by a social reformer named John Augustus. He called it probatio His idea was to provide intensive, one-on-one, daily supervision for delinque youngsters instead of sending them to jails and prisons. It is almost a clic among probation workers that Augustus' idea never worked because it was nev really tried. Probation case loads have always been too large, staff too few, a money too short for the kind of intensive supervision he advocated.

CAP takes youngsters who have failed in the modern version of probation a attempts to apply Augustus' original concept. They are placed in the care counselors with case loads of no more than five, and sometimes as few as t The counselors' most important responsibility is to know where the youths a and what they are doing twenty-four hours a day, seven days a week. They m see each of their charges four or more times a week. They are responsible keeping them employed or in school, for their recreation, for vocational and e cational counseling, for seeing that they get proper medical and dental care. a youth gets in new trouble with the law, the counselors intervene on his beh with the police and courts. If he has problems at school, the counselor tries work it out with the teacher. He is expected to make frequent visits to the you home and talk about his progress with his parents. He often ends up being co selor not only to the child, but also to his parents, brothers, sisters, and frien

CAP's treatment program has three components: "tracking," regular or "c reach" supervision, and foster care. Joey, because he had to be watched almost the time to keep him out of trouble, was assigned to tracking.

"Tracking was instituted because DYS said the price of residential care too high," says Bill Wolfe. "They said they would rather keep a [seriously linquent] kid in a non-residential setting, at his own home, if we could guaran that we would know what the kid was doing. So I wrote up a proposal for t ing. And that's what we do. We track kids. We shadow kids. We're on t backs, we're in their hair. We know where they are and what they're doing the time. A counselor never has more than two or three tracking kids."

CAP's contract with DYS guarantees that each tracking youth will have at least five hours of supervision a day, seven days a week, and that his counselor or other staff members will be on call twenty-four hours a day for crisis intervention. For this service, DYS pays CAP $97 a week per child—about half what it would cost to hold him in a group home, or in one of the old institutions.

Youngsters in the regular program get a minimum of fifteen hours a week supervision, at a cost to DYS of $63 a week.

On any given day there are about 200 delinquent youths under CAP's supervision in six different programs: 75 in the tracking program, 75 in the regular program, and about 50 in foster care. Foster care is an entirely separate program, though some of the youngsters in foster homes are also on the case loads of CAP counselors. DYS pays CAP $40 a week for each child it places in foster homes.

Youngsters in the tracking and regular programs stay in CAP for six months—the time period stipulated by CAP's contract with DYS. CAP workers frequently complain that this is not enough time to straighten out the tangled lives of some of the youngsters, and that the period of supervision should be at CAP's discretion. The time cutoff, however, is consistent with DYS's philosophy of short-term care, and is necessary to open up "slots" for new commitments.

CAP counselors carry both regular and tracking kids in their case loads. Youngsters in the regular program who become difficult to manage can be moved into the tracking program—with DYS approval—and those in tracking can be moved down into the regular program.

Youths in both programs are encouraged, but not required, to spend some of their free time in CAP's storefront drop-in centers, which are the base of operations for each of the six CAP programs around the state. The storefronts, located in Worcester, Fitchburg, Lowell, Lawrence, Somerville, and Holyoke, serve as social centers for both CAP youngsters and for their friends. "There's no way to run a storefront for DYS kids unless you've got other kids in there," Wolfe says. "We don't want to segregate DYS kids from everybody else." CAP workers have had to clamp down, however, on some outsiders who were suspected of bringing drugs into the centers. The storefronts—equipped with pool, table tennis, and small libraries—are used as offices and meeting rooms for staff members, for recreation, and for informal "rap sessions" between youth and staff.

Joey's counselor is Peter Hulett, a twenty-five-year old former stereo salesman who was born and raised in Worcester, a declining industrial city of about 200,000. When Hulett went to work for CAP in July and Joey was placed in his case load, his most important immediate goal was to keep Joey away from some of his friends who were incorrigible car thieves.

Stealing cars is the principal recreation for most of Worcester's delinquent youth, Hulett says. They will steal anything on wheels. (Massachusetts, according to state officials, has the highest rate of car theft in the nation.) Hulett's routine last summer was to pick Joey up at the project each morning and either drop him at the Worcester storefront or take the boy with him on his visits to the other four youths in his case load.

Hulett says his relationship with Joey is "a big brother thing, a trust thing." Joey's parents have had difficulty controlling him, Hulett says, and have now given much responsibility for imposing controls to Hulett. The counselor says, "I don't have much over him except the $5 allowance," which all CAP youth receive every week for cooperating with their counselors. He must therefore rely on a sort of natural rapport with the boy.

In September, when Joey—a chronic truant—returned to school, Hulett dropped him off in the morning and picked him up at night for the first few weeks. After negotiating with the school administration, he got him placed in a special education class. As of October, he was doing well in school, Hulett reports, and had not been in any kind of trouble for over six months. Whether Hulett's supervision and counseling will have any lasting impact will not be known until December, when Joey will have been in CAP six months, and must be discharged.

In addition to its treatment programs, CAP also operates an employment program in Lawrence, two businesses run by youths—a pizza parlor and an ice cream parlor—and an "intake" center in Worcester for Region II, which covers Worcester and about sixty towns surrounding it.

The intake program is CAP's newest. Started in June, it handled about 165 youngsters in the month of July, and Wolfe projects that over 1,700 youngsters will go through the center every year.

When a youngster is arrested anywhere in Region II, Wolfe explains, the arresting officers transport him to CAP's intake office, adjacent to the Worcester storefront. The comfortably furnished, but locked office is staffed twenty-four hours a day by CAP workers who screen each arrested youth to determine the appropriate kind of detention. "If he's committed a serious crime or has a long history," Wolfe says, "he will go to the [Worcester] detention center, a highly secure facility which serves all of central Massachusetts. If he needs a secure setting, but not the detention center," Wolfe continues, "he can go to the Y[MCA] shelter care," where the entire fifth floor has been leased by DYS for detention purposes. If his crime is not serious, or he is simply a runaway, he can be temporarily placed in a foster home, or simply sent home, under the supervision of CAP caseworkers, until he goes to court.

In addition to these activities, CAP will soon start the nation's first "supported work" program for juveniles. The program is part of a national supported-work project funded jointly by various federal agencies and the Ford Foundation. Its purpose is to provide jobs and teach good work habits to thousands of people now considered "unemployable," including alcoholics, drug addicts, welfare cases, and ex-offenders.

As its part of the program, CAP has founded a non-profit recycling corporation, which will employ twelve teenagers in the collection, crushing, and sale of waste glass. Wolfe has already signed contracts with seventeen Boston-area colleges, twenty shopping centers, and numerous plate glass manufacturers and retailers to collect their discarded glass containers and other glass waste.

The Community Advancement Program was a product of the administration of former DYS Commissioner Jerome Miller. It was also almost a victim of the fiscal problems that plagued Miller.

It began in the summer of 1970. Bill Wolfe and his brother Scott (who is no longer associated with CAP) had been working as volunteers in institutions and Miller suggested they start a summer program for youths at the Roslindale detention and reception center in Boston. Bill was an eighteen-year-old sophomore at Clark University at the time, and Scott a nineteen-year-old junior at Harvard.

Fifteen delinquents from Cambridge and Somerville were sent home from Roslindale to participate in the program. They traveled every day to the Phillips Brooks House in Harvard Square, the community service center for Harvard, where work-study students from Harvard and Radcliffe provided them with tutoring and recreation. The youths were paid a dollar a day for attending the program. When the summer ended, only one had gotten into new trouble with the law.

The Wolfe brothers paid for the program out of their own pockets, spending $15,000 they had saved up for school. Miller had promised to reimburse them in September, but wasn't able to until much later. Nonetheless, he persuaded the Wolfes to continue running programs—Miller was a very persuasive man, says Bill Wolfe—after school began in September.

Again they used their own money (their father, who owns a chain of men's clothing stores in Providence, Rhode Island, advanced them the money for school) to set up storefront centers in the Roxbury, South Boston, and Dorchester sections of Boston. They incorporated the program as CAP, though neither of them was old enough to sign the incorporation papers.

The South Boston and Dorchester operations later split off from the main organization after an internal feud, and are still in operation as a separate corporation called CAP Special Education Projects.

In January, 1971, Miller told the brothers of his plans to close the remaining training schools and asked them to expand their operation—though he still had not reimbursed them for any of their costs. Again they trusted him, and set up a new storefront in Worcester, which was soon handling sixty-five youngsters from the training schools.

The Wolfe brothers received no money for their programs from the Department of Youth Services until January 17, 1972. DYS. to this day, says Bill Wolfe, owes the program more than $100,000 for expenses dating back to 1970.

CAP's original, verbal contract with Miller called for the program to receive $25 per week per youth. This turned out to be an unrealistically low figure. Even at today's much higher rates the program is able to survive only by paying its eighty-five staff members around the state very low salaries. Counselors start at $115 to $140 a week, and can go as high as $235. They are required to work

fifty to fifty-five hour week, and many, Wolfe says, work as many as seventy-five—for no extra pay. Nonetheless, Wolfe says he has never had any trouble finding college-educated staff, though most of them are young and have had little experience in handling delinquent kids before they joined CAP.

The inexperienced staff, and the low pay, has caused CAP some problems. The DYS Evaluation Team, which periodically examines the operation of all private programs that contract with the department, severely criticized CAP's Lawrence program last year. The evaluators contended that the staff, who were grumbling about the low pay, were providing ineffective and lackadaisical supervision, and that there was poor communication between the mainly white staff and the mainly black and Puerto Rican youngsters. They cited a high rearrest rate among the youth as the main consequence of these problems.

Evaluations of three other CAP programs, however, were highly complimentary, praising staff members' enthusiasm for their work and the cohesiveness of their treatment and supervision. The evaluators said that police and other community agencies had a high degree of confidence in the programs' ability to keep the youths out of trouble.

Bill Wolfe cited another study as proof of his contention that his program, and non-residential services generally, are the best alternative to training schools. The latest report of an ongoing seven-year study of DYS by the Harvard Center for Criminal Justice, Wolfe says, shows that the only region in the state where recidivism has dropped significantly since the institutions were closed is Region II—the Worcester region—where CAP has its largest program.

NEW YORK STATE EXECUTIVE DEPARTMENT
DIVISION FOR YOUTH
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PETER B. EDELMAN
DIRECTOR

December 22, 1977

Honorable John C. Culver
United States Senate
Rm. 344 Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Culver:

In response to your request for more information concerning the Independent Living Project of the New York State Division for Youth, I am happy to provide you with the following information.

In July of 1976, the New York State Division for Youth began the Independent Living Project, an experimental project designed to add to its system of community-based alternatives to incarceration. The LEAA-funded program started with 90 delinquent or pre-delinquent juveniles and a new idea: independent living combined with supervision and support services.

The Independent Living Project fills a service delivery gap for certain youngsters between the ages of 15 and 20. The following criteria are utilized to determine eligibility for the program:

1. A desire to enter the program and a willingness to structure their personal life and relationships to maintain non-delinquent behavior and achieve self-sufficiency.

2. Ability to care for personal hygiene.

3. Ability to maintain self-discipline in such matters as punctuality in meeting obligations and accomplishing basic tasks.

4. Evidence of reasonable potential of functioning independently in the community within six months of entering the program.

Juveniles referred to the program are from varying backgrounds and differ in age and status. However, the program has proved particularly successful with the following categories of juveniles:

1. Juveniles who can not be placed in foster care or a residential program because of age or some other reason but who have managed successfully in a group home setting.

2. Juveniles who have fared poorly in a foster or group home setting but who have not engaged in further delinquent conduct.

3. Juveniles who the court has recommended be placed in a program with minimal supervision because of their maturity.

The Independent Living Project provides its youths with a $350.00 monthly subsidy intended to cover expenses they incur as they learn to live on their own. Due to the minimal cost of its residential component, the per capita cost of the Independent Living Project with all support services is still almost half of New York's least expensive residential programs except for foster care.

Receipt of a subsidy is conditioned upon the acceptance of certain requirements and the achievement of certain goals. Together caseworkers and the juvenile draw up a written contract upon the juvenile's entry into the program. The contract includes a monthly budget delineating how the money is to be spent and how additional sources of income, if any, are to be applied. It also includes a service plan which states the behavioral, educational and vocational goals by which the juvenile's performance in the program is measured. Behavioral goals might include restrictions upon contact with certain friends or adhering to a self-imposed curfew. The individual educational goal set for each youth might be achieved through remedial help while attending a traditional high school, attendance at an alternative Division for Youth high school, or high school equivalency preparation. Vocational goals reflect the expectation that all program participants develop or maintain occupational skills and the personal discipline required for productive employment. In cases where full or part-time employment conflicts with educational goals or additional responsibilities, non-profit human service work may be expected.

Within these basic outlines, the program strategy is flexible. Indeed, the option which the program allows for fitting services to the particular needs of the youngsters is one of its major advantages. A youngster can avail himself of various day programs which have been developed by the Division for Youth to address the special needs of different youths.

The program matches freedom with responsibility. Accountability is built in through weekly meetings of the caseworker at which the youth turns over to the caseworker his or her receipts for money spent during the previous week and receives his or her weekly subsidy. A monthly visit by the caseworker to the youngster's place of residence and educational or vocational site is required. The subsidy may be withdrawn in part or in whole if the youth is not meeting the stated goals. Comprehensive evaluation occurs every three months when the contract must be renewed. Six months is considered to be the average appropriate length of an independent living project.

Adolescents admitted to the Independent Living Project are confronted directly with the issue of independence, self-sufficiency and appropriate behavior. Although full evaluation is not yet completed, the success of the program is indicated by a very low recidivism rate of program participants. Those youth who have been terminated from the program are not necessarily viewed as program failures because the experience of Independent Living Project may help a troubled youth realize his or her own limitations and lead to a successful adaptation to a more structured living situation.

At present 90 adolescents are participating in the program. At least 100 more adolescents could be appropriately served at this point if the program were to expand.

The Division for Youth considers the Independent Living Program an important component in New York's youth service system.

Sincerely,

Peter B. Edelman
Director

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EVAL

Y.O.U. Inc. - Intensive Probation Program

A Two-Year Report 1971-1973

I. Introduction

A. Setting

Youth Opportunities Upheld, Inc. (Y.O.U.) Intensive Probation Program, Worcester, Mass., was initiated in June, 1971 to serve as a community-based alternative to institutionalization for youth who are in difficulty with the Juvenile Justice System. The program is supported by the Massachusetts Committee on Law Enforcement and Administration of Criminal Justice as an action grant under Title I, Part C, of the Omnibus Crime Control and Safe Streets Act of 1968.

B. Project Goals

The program was addressed to two over-arching sets of objectives: (1) to rehabilitate and redirect a group of juvenile offenders, and thus to gain improved knowledge of delinquency prevention and (2) to activate community involvement in the delinquency problem. More specifically, these goals can be stated:

1. The program helps youngsters coming before the Worcester Juvenile Court, ranging in age from 13-16, while they remain in their homes where the basic problem exists. With rehabilitation, redirection and prevention objectives in mind, the program views the child within the context of his whole world -- his family, his peer group, his schooling, and his relationships in the community. The ultimate effect of this direct service is to reduce crime by reducing recidivism among demonstrated recidivists.

2. The program in cooperation with several universities and colleges, provides supervised field practice and research opportunities for graduate and undergraduate students in guidance and psychology, social rehabilitation, and social work, thereby creating a panel of trained professionals to work with juvenile delinquents.

3. The program, in cooperation with its Board of Directors, acts as an advocate on behalf of youth to develop a greater community awareness of the problems facing youth and serves to stimulate a meaningful response to their varied needs.

C. Project Population

The Y.O.U. youth were sent to participate in the program as a condition of their obligation to the court. Boys and girls were to be included, ranging in age from 13 to 17, functioning at a normal level of intelligence, and free of physically addicting drugs. Generally, the project participants were repeaters, but the court could assign offenders at its discretion. In no way could it be said that the Y.O.U. youth were self-selected participants, motivated by a desire to see the Y.O.U. project succeed.

D. Program Rationale and Program Components

The basic program design reflects a holistic view of man. Too often, intervention strategies establish and identify a juvenile offender by segmenting him into biological, psychological, and sociological components in order to test causal relationships. The Y.O.U. approach holds that it is unrewarding to segment the youthful offender. Rehabilitation and prevention efforts have traditionally been directed to single, isolated aspects of the problem such as individual conflicts, peer relationships, family interactions, and socio-economic stress

while ignoring the fact that it is the interaction of these dimensions that produce the complex problem of delinquent behavior as a form of coping.

Isolating conceptually particular components of delinquency phenomena may be useful for empirical study, but in dealing with day-to-day rehabilitative service, a comprehensive holistic process is the most promising for achieving desired changes in behavior.

Participants in the program are obligated by the court, as condition of probation, to attend the program for a minimum of a twelve-week period on a daily basis after school, Monday through Friday, an additional twelve-week period on a weekly basis, and a final twelve-week period during which there is a termination interview and evaluation.

During the program's first year of operation, eight major experiences were provided for each youth commited to the program. These included: weekly counseling; family therapy sessions and parent groups every other week; individaul medical and dental examinations; bi-weekly (Monday and Wednesday) group raps for the youths; bi-weekly (Tuesday and Thursday) education-vocation assistance; and a weekly (Friday) recreation program. These components will be briefly described.

1. Counseling

Each youngster in the program was seen on a weekly basis for individual counseling. The counseling process utilized in the program was in the classical tradition, that is, it relied quite heavily on the development of a trusting, helpful relationship as the major means towards attaining insight. The standard techniques, namely, ventilation, support, insight, and confrontation were employed. However, special effort was made to assist the young offender to recognize reality, to

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accept its limitations, and to feel that he had the power to exercise free choice in the situations which shape one's life. Then, each youngster was made aware of his options and was helped to feel that he could make free choices among alternatives so long as he was ready and able to accept the consequences of his choice. These alternatives ranged from the possible ways of handling personal feelings, to feeling free to make changes in one's environment (through foster homes or residential placement if warranted).

2. Medical Exams

Each youngster was examined by his/her family doctor or by a physician who volunteered his services. The purpose of this physical was to diagnose and treat existing abnormalities of a medical or dental nature which may be hampering the individual's ability to cope with his life situation.

3. Group Rap

For one hour on Mondays and Wednesdays -- the youngsters were divided into small, co-educational groups, in recognition of the significance of peer relationships at this particular stage in the developmental process. The purpose of these small groups was to enhance the youngster's self-image and self-confidence in coping with a social situation. Through the group process, attitudes about themselves, their families, their neighborhoods, their schools, the police, and their community would be positively affected. In accordance with the stated goals, the "group rap sessions" included both a personal growth emphasis as well as specified content matter.

Hence, the group leaders assigned to the individual groups attempted to create a milieu in which group discussion included the free flow of expression of feelings focused around "here and now" content issues such as school problems, peer relationships, drugs, and parental conflicts.

4. Educational/Vocational Program

On Tuesdays and Thursdays, the participants took part in an educational/vocational program which emphasized maximum participation by the youngsters themselves in the learning process. In essence, this aspect of the program helps the youngsters to know his/her abilities, talents, skills, and interests by giving him/her the opportunity to be successful, to develop self-confidence and understanding of himself or herself, and to give him/her information about educational and vocational opportunities. This was accomplished by direct contact and involvement with Worcester (Mass.) business, industries, schools and colleges. Tutoring was also provided to help

the student improve his/her skills and abilities in any scholastic area in which he/she expressed a need.

Despite the fact that opportunities for major improvements in academic and basic skills are built into this program, the primary educational/vocational emphasis reflected an attempt to effect change in the student's understanding, attitudes, values, and information, rather than in specific academic achievement. The basic premise was that no one but the young person himself/herself can provide sufficient motivation for him/her to learn, or to give him/her the confidence needed to plan his future. Therefore, the learning experiences were designed as a series of situations in which the youngster could begin to find himself/herself and to gain a self-appreciation and higher self-esteem.

5. Physical Education Program

On Fridays, a physical education program was scheduled. Consistent with the milieu therapy orientation at Y.O.U., Inc. the primary goals are to help the young person to learn to "play by the rules"; to make changes in attitudes towards authority; and to develop a more positive self-image and new confidences in his ability to accomplish tasks. The secondary goals are to help youth to develop skill in a variety of athletic activities; to utilize creatively, recreational time; and to develop and maintain healthy bodies.

6. Family Therapy

Since the program was designed to include not only the young norm violator but also his/her family, each worker assigned to an individual youth met on a regular basis with the client and his/her immediate family. Here again, the direction taken is quasi-therapeutic. The worker sometimes took the role of therapist, and at other times the role of advocate. As therapist, the worker met with the family at least every other week; the hypothesis was that by meeting with the whole family, the family learns to cope more adequately with the day-to-day problems with which they are faced; they learn to work together and pull together in times of crisis; they learn to give support to each other based on a sound, realistic understanding of one another's needs and feelings. The worker helped clarify problems in communication and interaction within the family. As advocate, he or she helped the family maneuver their way through the many complicated social systems which they are required to negotiate on a daily basis (for example, the school system, the judicial system, the welfare system). This advocacy role helped families gain a sense of power and gain facility in making realistic choices among the available alternatives.

7. Parent Group Meetings

Parent groups were held every other week. Parents were strongly encouraged (but not legally required) to attend these sessions where they were given the opportunity to discuss their concerns and interests in a non-threatening atmosphere and with a group of their peers. The group had changing membership as well as a varied leadership which reduced the possibilities of continuity from session to session, but emphasized the here-and-now aspect of the experience.

8. Behavior Modification

On the basis of findings in the first year's evaluation, a program of positive reinforcement techniques and a token system were introduced and tested during the 1972 Summer Session with the particular aim of reaching those youth whom the previous year's program appeared not to have affected very much. The group causing the most concern in this respect could be described as "passive-antisocial". The passive antisocial is that youngster who demonstrates relatively little affect. Behaviorally, he or she is withdrawn and does not actively become involved in the therapeutic process. It was thought that positive reinforcement techniques would induce a sense of responsibility for self-activating changes in behavior.

The rationale for this approach stems from juvenile research studies that suggest that youthful offenders are often caught in what has been called the "learned helplessness syndrome". A lifetime of inconsistent rewards and punishments teach these children that nothing they do or say has any effect on whether they receive praise or punishment. The same act that elicits punishment on one occasion may elicit passive acceptance or be ignored on another occasion. Eventually, incentive to take risks that might merit praise fades away, together with the growing loss of the feeling of control and purpose. Impulsive, acting-out behavior is a frequent manifestation of attempts to ward off the anxiety and diminish the discomfort resulting from the mounting sense of helplessness and loss of control.

In order to redevelop incentive for constructive behavior, a behavior shaping system using only positive reinforcement was designed and implemented.

Tokens were earned for (1) controlled behavior, i.e., being in the appropriate place and not being disruptive and (2) growth changes, i.e., active participation in a scheduled activity. Tokens are considered concrete indicators of reinforcement, considered as Y.O.U. money that can be exchanged for food in a Y.O.U. store.

Points were accumulated also in relation to the number of tokens earned each day. The purchasing

power of points is considered to be more valuable since they can be exchanged for a variety of goods, e.g. records, movie tickets, clothes, sporting goods, etc. Points are connected to long term goals, whereas tokens function as more immediate reinforcers.

The ultimate aim of a behavior modification program is to move the individual from low-level reinforcers to higher-level ones that involve social rewards such as peer group respect, acceptance by others, etc. In this program it is the social interaction between the youth and the authority figure administering the positive reinforcement that is seen to be the most powerful determinator of change.

II. Evaluation Design

A. General Guidelines

The broad aims of the evaluation program are to (1) provide accountability data to the Worcester community and the federal supporting agencies on the effects of the Intensive Probation Program and (2) to add to the general understanding of effective treatment modalities for delinquent youth.

It must be emphasized that the rigorous controls necessary for solid theoretical advances regarding delinquency were not possible in the present evaluation. Indeed, the evaluation could be described as searching out regularities and relationships in the data gathered as evidenced by trends as well as more empirically conclusive findings.

The objectives of the evaluation are: (1) to study the relative effects of the Intensive Probation Program on selected variables as compared to two other probation programs conducted by the Court, (a) the Regular (individual) probation, and (b) the Group probation; and (2) to search out leads as to the types of youthful offender who appear to benefit the most and least from the Intensive Probation Program.

The major intended outcomes are to secure information that will permit better program decision-making:

1. By improving the effectiveness of the Intensive Probation Program through more appropriate matching of probationers to the program, and
2. By identifying those probation youth who would profit from other treatment alternatives.

B. Evaluation Schema

The general schema of evaluation for both the 1971-1972 and 1972-1973 programs is represented in Figure 1.

Y.O.U. Groups	Y.O.U. Program	Outcomes
		Pre-Post Selected Measures
Comparison Groups	Regular (Individual) Probation	Interviews
		Recidivism
	Group Probation	

Figure 1
General Evaluation Schema

The Y.O.U. groups were divided into three sub-groups for the purpose of the evaluation study, the first year 1971-72, summer, 1972, and the second year 1972-73. The Comparison groups were also studied as three separate groups, the first year, 1971-72 (regular probation) and two groups functioning in 1972-73, again the regular probation and another involved in group treatment. Group treatment at the Juvenile Court began as a direct result of the efforts of three probation officers who were applying group modality techniques.

The major evaluation comparisons to be reported will be based on the Y.O.U. youth participating in the Summer, 1972 and 1972-73 program and the regular probation group for 1972-73. There were so few significant differences noted either among the three Y.O.U. groups and among the three probation groups and between paired Y.O.U. and probation groups for either year that it seemed justified to draw conclusions from the second year data primarily. It should be mentioned also that only in the second year was it possible to obtain group pre-post measures on both comparison groups.

Differences noted between Y.O.U. and Probation youth for 1971-72 and for 1972-73 will be reported since it was not possible to select well-controlled matched groups on all salient variables. It must be remembered that because the court assigned juvenile offenders to all groups, rigorous sampling techniques yielding matched comparison groups could not be applied.

C. The Evaluation Study Groups

The breakdown in numbers for the various groups is reported in Table 1.

Table 1
The N's of the Evaluation Groups

Y.O.U.		Comparison	
First Year 1971-72	62	First Year 1971-72 Regular Probation	41
Summer 1972	21		
Second Year 1972-73	49	Second Year 1972-73 "Group Probation"	18
		Regular Probation	33
	132		92

1. 1971-72 Groups
In matching Y.O.U. to the Probation group, it was discovered that while the groups were carefully controlled on certain essential criteria of age, sex, and mean number of offenses, the tendency of the Y.O.U. youth toward offenses against self and other persons and the factor of court disposition clearly implied that the Y.O.U. group included more serious and difficult delinquents. A significantly higher percentage of Y.O.U. youth was placed on probation and D.Y.S. commitment (suspended sentence) at point of entry into the program, thus indicating a group at greater risk.

Furthermore, the Y.O.U. group presented a more negative profile on family, socio-economic, and residence factors. In particular, Y.O.U. youth came from more troubled families, disrupted homes, female-based households, larger families, and were tilted to the lower socio-economic levels. Residency of the Y.O.U. group was more heavily confined to the Model Cities area, a large public housing project, and neighborhoods undergoing ethnic, economic, and social dislocations. The school profile similarly reflected an unhappy and more problematic picture, although the school difficulties characterize both the Y.O.U. and the Regular probation groups.

2. Combined Groups (1971-72 and 1972-73
The 1972-73 Y.O.U. groups and the comparison groups (Regular Probation and Group Probation) did not differ substantially on salient variables of background and demographic factors.

However, when both years' Y.O.U. groups are combined and compared against the total comparison groups of the two years, a number of significant differences occur. There are:

a) Age. The Y.O.U. group is younger, about 14-1/2 on the average, with the comparison groups averaging out at somewhat over 15 years.

b) Type of Offence. The first offense for a Y.O.U. youth is more likely to be a runaway or stubborn child charge with breaking and entering or larceny a more typical charge for the Regular Probation group. By the third offense an increase in truanting and sex offenses shows up among Y.O.U. members with the Regular Probationers confirming a pattern of one and a half times the number of offenses against property as compared to other offenses. Even with respect to offenses categorized as against self, the probation group is more apt to disturb the peace rather than engage in other more personally oriented delinquent acts such as runaway, stubborn child, drugs, etc. These findings suggest the

delinquent act of the Y.O.U. youth may be related to a somewhat different set of factors from those responsible for the delinquent behavior of the probation group.

c) Most Recent Disposition on entry into program. Y.O.U. youth reflect a significantly higher percentage of probation dispositions, with the comparison groups showing a higher percentage of continuance dispositions.

d) Number of Marriages since the birth of youth and Number of Parents in the Home. Y.O.U. youth tend to have more re-marriage in their families and to live with a natural mother alone or with mother and another person, not the natural father.

e) Residence. Based on census tract data Y.O.U. youth appear to come from somewhat more hard-pressed pockets of the city, a large public housing project, Model Cities area, and a neighborhood that is undergoing ethnic, economic and social dislocations. The comparison group is much more widely spread throughout the 31 census tracts.

On other variables such as In and Out of School, there was no significant difference between the two groups with a 35% out of school rate reported for both groups.

While number of siblings did not differentiate the two groups, there was a tendency for the Y.O.U. families to be somewhat larger (Y.O.U., 4.28 vs. Probation, 3.76). No difference in boy-girl composition were noted with more than twice the number of boys over girls represented in each group. Nor did number of offenses up to entry into the program distinguish the two groups, both averaging between two and three offenses. A low socio-economic status characterizes both the Y.O.U. and comparison families with the majority falling in the two lowest classes on the Hollingshead Two-Factor Index of Social Position --Occupation and Education.

To sum up,[1] the overall comparison of the two year combined

[1] Tables I-XVI Appendix A report the full array of demographic background data on the combined groups (1971-72 and 1972-73)

groups closely resembles last year's picture, contrasting the 1971-72 Y.O.U. and Probation youth. While both groups exhibit typical characteristics of the large industrial city youthful offender, it is the Y.O.U. youth that reflect more troubled background and circumstantial factors. He tends to be younger with between four to five siblings, living within the limited resources of a family that often is cared for by a mother alone or by a remarried mother, and residing in a depressed area of the city. The difficulties engendered by the press of these circumstances are manifested in behavior that generates conflict with society and eventual contacts with the court. The types of offenses committed appear primarily to be escape either from life stresses by running away, drug use, truanting, drinking, or protest against others through assault on their property or persons. It is possible that both escape and protest are linked to basic feelings of powerlessness. By the time the Y.O.U. offender is entered in the program he has already had a court involvement sufficiently serious in nature to have warranted a disposition of probation rather than continuance.

The evaluation design attempts to tap two major sources of data that would illuminate some connections between interventions and effects: (1) tests, ratings and court records, and (2) interviews of the Y.O.U. participants. Clearly, the number of input program variables is beyond the limits of the present evaluation to isolate specific effects. Outcomes are viewed in terms of broad effects as they are reflected in the two major comparison groups.

III. Evaluation Results

The results of evaluation will be presented in two major sections: A. Measured Effects and Ratings and B. The Interview Study.

Part A will report on a number of major relationships studied in the data gathered through a variety of assessment procedures. These are:

1. Comparison of group results on the Jesness Inventory and Semantic Differential: Y.O.U. combined vs. Probation groups combined two years.
2. Comparison of Y.O.U. vs. Probation recidivism.
3. Relation of behavior modification results to recidivism.
4. Y.O.U. staff ratings of progress noted.
5. Relation of typology to selected measured outcomes.

Part B, the interview study, is based on an extensive in-depth person-to-person interview, explored Y.O.U. youth with respect to their perceptions of the program activities, the counselors, expectations met and unmet, and their view of their parent's perception of the program, and their experiences with school.

1. Measured Effects

1. Tested Effects: Results of the Jesness and Semantic Differential measures are found in Appendix A.

Turning now to the test results, a brief review of the first year evaluation will be presented to be followed by the 1972-73 data picture.

The first year Y.O.U. youth on the Jesness showed a profile on the Social Maladjustment, Value Orientation, and Immaturity Scales similar to that of 15-year-old incarcerated delinquents reported in the Jesness manual. Y.O.U. participants, however,

appeared to be more alienated, less withdrawn, less anxious socially, and tending less toward denial and repression than the reported delinquent group.

The A-Social Index which is most closely related to, and most predictive of, delinquent behavior indicated that the YOU delinquent is comparable to the minor offenders. The YOU profile depicted youth having trouble meeting the demands of living in socially approved ways that in themselves may not be consistent with the themes of their own cultural life. Although feelings of distrust and estrangement in relationships with others seemed strong, there was still an openness of response and sensitivity to experience and people implied in the somewhat lower scores on withdrawal, social anxiety, repression, and denial.

One speculation that was proposed to account for those findings was that the greater similarity of YOU youth to the minor offenders rather than to incarcerated delinquents on the Asocial Index, even though there is almost identical standing on the Social Maladjustment scale of YOU members with committed delinquents was attributable to the fact that YOU youth were given a community-based alternative and had not yet experienced the dehumanizing process of institutionalization.

Directional trends appearing in the Jesness pre-post shift score and related to a four category personality typology (neurotic, anti-social passive, anti-social active, and psychotic), and to recidivism indicated that the YOU program was more successful with the internally conflicted youthful offender than with the anti-social delinquent or the socialized norm-violator.

Considering next the second year evaluation results, it is noted that only the Jesness Scale and the Semantic Differential measure were used to appraise change in attitude and perceptions.

The Rotter measure of external/internal control presented so much reading difficulty that it was not considered valid for the participating groups. These data present the analysis of variance results performed on the pre-to-post difference scores obtained on the two major evaluation study groups[2] consisting of the 1972-73 participants. Few differences were noted between the groups in terms of the amount of change realized on either of the two measures. Three out of 11 differences were significant on the Jesness: Value Orientation, Autism, and Denial. Two of these registered a shift in the positive direction for the Comparison groups (Value Orientation and Autism) and one positive change for the YOU group (Denial). On the Semantic Differential three differences were significant. Two of these favored the Comparison Groups (Boys who don't get into trouble and Adults) and one difference reflected positive change for the YOU group (Boys who get into trouble). Clearly, the Jesness and Semantic Differential fail to yield a differential picture between the YOU and probation youth. The trends noted in the first year results suggesting that negative feelings might be more freely expressed in the more secure milieu of the YOU program were not further confirmed. On a comparative basis, neither group revealed significant changes on the Jesness or Semantic Differential measures leading to plausible interpretations of program effects.

2. Recidivism

YOU, Inc.'s recidivism data for the total two year groups (1971-73) indicate that 61% of these adolescents did not recidivise after the program intervention, 37% did recidivise, and

[2]Tables XVII-XIX Appendix A

20% were committed to the Department of Youth Services. The significant finding among these statistics is that 80% of the troubled youth serviced by the program were treated while the youth lived at home and remained in his neighborhood, in his school, and in the community at large without further threat to society.[3]

Recidivism data were brought up to date on the 1971-72 YOU and Regular Probation groups, covering the period 1971 through the summer of 1973. In the first year evaluation the comparative recidivism figures were not meaningful since it was not possible to obtain matches to the YOU youth from the active Regular Probation pool throughout the entire year. The YOU statistics, therefore, reflected more opportunity to recidivise because of the longer period of time they were under direct study. The up-dated 1971-72 groups did not show statistically significant differences between the YOU and Regular Probation offenders.[4]

In contrast, the number of offenses committed by recidivists in the two groups do reveal an interesting difference. A higher percentage of regular Probation Offenders commit two or more offenses (62%) as compared to their counterparts in YOU (50%). Whether the YOU program has had a forestalling effect on the growth of offense behavior is a point that would be worth pursuing in later follow-up studies.[5]

The commitment statistic is another suggestive finding. Twenty percent of the 1972-73 YOU youth were committed to the Department of Youth Services while no Regular Probation offenders were committed. This 20% represents 12 youth out of a total of

[3]Table XX Appendix A
[4]Table XXI Appendix A
[5]Table XXII and Table XXIII Appendix A

61 serviced by the program in 1972-73. Upon closer examination, we find that these offenders account for a substantial number of new complaints before the Worcester Juvenile Court. The vast majority of these complaints resulted from crimes not against self, such as truancy, runaway, or stubborn child, but rather crimes against property and people, such as breaking and entering, assault, and stolen cars.[6]

It seems clear that a small yet significant group of adolescents do not benefit from the spectrum of community-based alternatives, and impose a serious threat to themselves and the community. Rather than seeing these adolescents hurt themselves or others, or be bound over to the adult criminal justice system, the community might well consider the development of a more structured, secure setting for this small number of youthful offenders.

3. Behavior Modification: Relationship with Recidivism

During the second year of the YOU program a behavior modification system was introduced, based on a program of positive reinforcement techniques and a token system. As an exploratory step in evaluating the effects of this type of program intervention, the relationship between the number of points earned by the recidivism and the non-recidivising YOU participants for that period was studied.[7]

As can be noted, a trend is clearly evident that points to the positive relationship between points earned and the rate of non-recidivism. Non-recidivists (80%) earned between 81-100% of possible points compared to 20% of the recidivists. For 61-80% of possible points earned, the figures were 67% for non-recidivists as against 33% for recidivists. A similar proportional split between the two groups can be seen in the lower ranges of

[6] Table XXIV Appendix A
[7] Table XXV Appendix A

percentage of points earned as well as in the overall comparisons between the 12 week treatment period and after the 12 week treatment period.

Without claiming too much for the effect of behavior modification in the absence of standard control groups, nevertheless the positive effects of behavior modification can be said to be strongly suggested in these data.

4. Staff Ratings of Progress

Staff ratings of progress were examined by obtaining individual staff ratings on two groups of YOU participants: the 1971-72 and the 1972-73 groups.[8] Staff members are designated by number, #1 and #2 being the full-time senior staff and #4 and #5 being part-time staff personnel. Staff member #3 who was also part-time did not participate in the ratings.

Simply looking at the mean ratings can be misleading since obviously means without a measure of spread cannot tell an adequate story. With the exception of Rater #5, the mean ratings of the other three staff describe a little bit better than a no change status. However, inspecting the range of ratings sheds more light on the perceptions of staff regarding progress. Considering Raters #1 and #2, a somewhat more definitive picture emerges. Let the following distribution suffice as an example.

[8] Table XXVI Appendix A

1972-73

Rater #1		Rater #2	
Rating	Frequency	Rating	Frequency
1-negative	2	1-negative	0
2	3	2	0
3	1	3	3
4-no change	12	4-no change	17
5	16	5	16
6	2	6	1
7-positive	0	7-positive	0

For Rater #1, six youth were seen as making negative changes with three the comparable number for Rater #2. Eighteen and seventeen respectively for the two raters are the numbers representing positive change. The no change reports out at twelve for Rater #1 and seventeen for Rater #2. Clearly there are YOU youth moving in positive and negative directions as well as maintaining a holding pattern with the majority of changers tending toward positive direction.

It will be remembered that the YOU program from the first year evaluation was noted as having different impact on different kinds of offenders. An attempt was made at that time to relate these differential effects to a typology of delinquency. Relationships between typology and staff ratings as well as other variables will be dealt with in a later section.

One additional relationship with staff ratings was explored that involved correlating individual staff ratings with pre-post change scores on the Jesness.[9] No statistically significant

[9]Table XXVII Appendix A

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correlations were yielded in this analysis. Moreover, no noteworthy trends were in evidence. Of the eight correlations, four were positive and four were negative although it is interesting to note that three of the four positive correlations appeared in the 1972-73 program. The most that can be said with regard to the Jesness-Staff rating relationship is that the issue of what constitutes a valid criterion measure is still unsettled.

5. Relation of Typology to Selected Variables

The YOU program is designed to provide a multi-faceted array of services and interventions. The experience of the first year showed that certain groups of youngsters seemed to be able to use YOU resources much more effectively than others. The antisocial passive personality describing the youngster who is withdrawn, verbalizes infrequently, remained uninvolved in the therapeutic process was difficult to reach. Docile and compliant, they appear to be expressing feelings through passive resistance. The "type" of youngster that seemed to respond most positively to the program was the one described as neurotic, implying that the delinquent behavior is basically rooted in an internalized mode of conflict resolution. Moreover, some motivation for growth and change was usually evident.

One major area of interest in the present evaluation was to follow up on the suggestions noted in the previous year's findings with respect to typology and program effects. The first task was to determine whether there was adequate reliability in the classification of the YOU youth in terms of the four typologies hypothesized to be operative: neurotic, anti-social active, anti-social passive, and psychotic (pathological).

The four "types" conceptualized for the present report are described below.

Neurotic: Youngster demonstrates appropriate affect. Anxiety and guilt are manifested as symptoms of their internalized conflicts. Behaviorally, the youngster actively seeks approval from both peers and staff. Usually, he/she is motivated for growth and resolution of conflict.

Anti-Social Passive: Youngster demonstrates little, if any, appropriate affect. Behaviorally, the youngster is withdrawn, verbalizes infrequently and does not actively involve himself/herself in therapeutic process. Docile and compliant with staff and a follower with peers, he/she expresses feelings through passive resistance.

Anti-Social Active: Youngster demonstrates little, if any, appropriate affect. Behaviorally, youngster is aggressive, verbal, and actively engages both staff and peers. Typically the adolescent is the "con artist". When he/she fails to manipulate his/her environment to reach his/her ends, he/she becomes verbally and physically assaultive.

Pre & Psychotic: Youngster has a tenuous hold on reality. Typically is impulse ridden and freely expresses feelings inappropriately. Behaviorally he/she is overdependent upon staff approval. He/she is seen by peers as "different" and usually is an isolate from the group. The youngster frequently becomes the "scapegoat" of his peers.

From the results of inter-rater reliability,[10] it can be seen that the two raters, who were full-time and senior, varied in their degree of agreement over the four categories. Their highest percentage of agreement was in describing a youth as neurotic (60%) or psychotic (66%); the lowest percentage of agreement was in identifying the anti-social passive youth (44%). The overall disagreements appear to be concentrated in distinguishing between neurotics and the two anti-social groups, and in differentiating the two anti-social groups themselves.

Looking at all five staff members, there is even more disagreement, ranging from 6.3% of agreement in 1972-73 to 38.5% in the summer 72 program. The full-time, intensive nature of the summer program perhaps made it possible for all the staff to get to know the young people better. Of course, seeking rater reliability among 5 raters is a stringent test of the typology.

Although the percentage of agreement was not as high as was deemed desirable, it was thought worthwhile to pursue some of the relevent relationships of major variables to typology as a source of interesting leads on determining program effects.

A three way relationship was studied: The shift in the positive or negative direction on the Jesness A-Social Index that purports to measure the extent to which a tendency to non-conformity with prevailing social norms is exhibited; the classification as a non-recidivist, recidivist, or recidivist-committed; and the typology of neurotic, Anti-Soical Passive, Anti-Social Active, or Psychotic.

[10] Tables XXVIII, XXIX, XXX Appendix A

Presented below is the computation of the number in this three-way classification for two groups of YOU youth (A) before the introduction of Behavior Modification and (B) after Behavior Modification.

	Non-Recidivists		Recidivists		Recidivists/Committed		
Directional Change Jesness	+	-	+	-	+	-	
Neurotic	6	3	4	2	0	0	15
Passive	2	7	6	2	0	6	23
Active	1	0	2	1	2	1	7
Psychotic	0	0	0	0	1	0	1
	9	10	12	5	3	7	

The results of the first year appear to be confirmed. The 1972-73 analysis shows that Anti-Social Actives and Passives show a higher percentage of overall recidivism than the Neurotics (14 out of 23 Anti-Social Passives, 6 out of 7 Anti-Social Actives, and 6 out of 15 Neurotics). The committment data is even more striking in that 6 out of the 10 DYS commitments were classified as Passive-Aggressive.

Looking at shifts on the Jesness it can be seen that the Passives tend to move in negative directions more often than the other types.

It would seem then that the anti-social passive offender is the most difficult to reach and to assist through the range of services offered by the YOU program. It is possible that these youngsters represent a complex mix of learned maladaptive

behaviors of flight. This syndrome of behavior seems to elude direct intervention strategies, especially in an open community-based setting where escape is more possible.

B. How the Delinquents Viewed the Program

To ascertain the impact of the intensive probation program the delinquents themselves were interviewed pre and post treatment together with their counterparts in the regular probation program and with a small probation sample receiving special group treatment. Due to the staggered entree into the program and the irregular exit, the number of respondents varies. The number of delinquents found in each of these categories follows:

Y.O.U. (1972-73)	40
Regular Probation	33
Group (special) Probation	18

The interview guide was a revised and refined form of the original instrument employed in the first-year Y.O.U. evaluation (see Appendix B). It covered such areas as the delinquent's perception of why he was in court and his expectations in the Y.O.U. program. The interview probed the delinquent's evaluation of the effectiveness of the program, what he liked and what helped him the most. At the same time he was asked to rate his counselor and to indicate his parents reactions to the program. In view of the importance of school in the present and future life of the delinquent a series of questions concerning his perceptions and feelings around school and school personnel were employed.

In the study and analysis of the responses, attention was directed to any shifts visible in the pre and post interviewing within the three groups and also to any visible differences between the three treatment groups that were interviewed. Because of the small sample and limited responses, only the raw data are presented and trends are indicated without attempting

to apply statistical tests of significance. In reviewing the interview data three questions will be raised:

1. How much pre-post change is visible among the delinquents in each of the three groups: Y.O.U., Regular Probation, and Special Probation Group?
2. What differences are visible between the Y.O.U. treated delinquents and those in the Regular Probation and Special Probation Group Programs?
3. How do these findings compare with the results in the first-year evaluation?

Before answering this set of questions for the second year of the Y.O.U. intervention, it would be helpful for orientation to review the findings of the first year:[1]

> Via an extended personal interview, the consumers --- the delinquents themselves --- were tapped as a basic cource of data concerning the effectiveness of their Y.O.U. experiences. Most of the delinquents treated in the program perceive their experiences in positive and constructive terms. They report their participation in a wide variety of activities with rap sessions and sports heading the list. Sports and recreation activities are liked best. Although rap is considered to be hard to take, many youngsters report it to be one of the more helpful experiences. In general, the delinquents seem to appreciate the difference between activities which are pleasant, which they like best, and those which are helpful and have a therapeutic effect. In their contacts with a staff, they report close and positive and productive relationships with very few exceptions. However they tend to view their peer-delinquents in the program as not helpful. The staff has had close contact with the parents via family therapy and counseling at the Y.O.U. center and through home visitations. These contacts are viewed as helpful and rewarding by two-thirds of the youngsters in the program. From the reactions of most clients both the rap sessions and the family therapy, counseling, and home visitations emerge as highly beneficial to the client and his parents.

[1] The You Place: Did Y.O.U. Help You? Boisvert, Maurice et al. First year report of the intensive probation program of the Worcester Juvenile Court, 1972.

Let us now inspect the consumer responses to a similar inquiry with the three groups. It will be noted that the second year results parrallel the findings summarized above.

Perceptions of court

On entry into the Y.O.U. program 16 youngsters stated[2] that they were taken to court "for help" or "to be straightened out". After treatment eleven youngsters gave these responses. "For punishment" is a reason given by only two youngsters at the beginning of the program; at the end of the program three additional responses are added to this category. Initially, three cases indicated they did not know why they were in court; no one in the group indicated ignorance after treatment. The shift toward perception of the court-treatment as punishment is somewhat in contrast within the two probation control groups who consider it less so.

The regular control group start off with nine youngsters perceiving the court treatment via probation in punitive terms but seven of these shift to a more positive stance and view the court as a source of help after close contact via probation. The specially treated probation group in both interviews remain substantially the same--perceiving the court as a source of help and a place of rehabilitation.

Expectations of the assigned delinquents

All the youngsters were asked[3] what they had expected to find or get from the Y.O.U. program. Significantly, nine youngsters responded "nothing" and five stated that they had "no idea" what to expect. In contrast, frequent responses were on the more

[2] See Appendix B Table I
[3] See Appendix B. Table II

positive side including such items as "help", "to change", "to stay out of trouble". Generally, there is an even split among positive and negative anticipations on the part of those delinquents who had been assigned to the Y.O.U. operation.

What made you get into trouble?

When asked[4] to explain how they got into trouble, all three groups offered a wide variety of reasons, ranging from "friends", "kicks", "money", "boredom", "home". The Y.O.U. delinquents initially stress money whereas the regular court controls tend to blame their friends. The range of responses show the similar spread and only minor shifts in response within groups and between groups. In spite of the negative attitudes and experiences shared by almost all delinquents in school, only one youngster blamed the schools for his court-related problems.

Going straight

The delinquents were asked[5] to predict the likelihood of future misbehavior, particularly as related to "staying out of trouble". Three fourths of the delinquents state that they believe they will be able to stay out of trouble before and after treatment. A fourth of the youngsters in the Y.O.U. group show a dubious "can't tell" or "maybe" response. A similar trend is visible in the regular controls with a sharp increase of the "not sure" category after treatment in the special probation group.

Rating of Y.O.U. counselors

Each participant in the Y.O.U. program was asked to rate[6]

[4] See Appendix B Table III
[5] See Appendix B Table IV
[6] See Appendix B Table V

his counselor on a seven point scale (1 being the poorest rating to 7 the highest). Table V reports the average ratings of 16 of the participants in the Summer sessions and 27 of the participants in the year-round activities.

The young clients show a very high level of esteem for their counselors. Most of the ratings fall at the 5 and 6 levels. The delinquents see their counselors as honest, open and direct; they report their counselors as sincere listeners, as caring, and as understanding persons. The two lowest average ratings concerned the emphasis on "helping me in decision-making" and "helping me look at my behavior" but even here the ratings were well above the four level on the seven-point scale. There is a strong and consistently high positive level of relationship between client and Y.O.U. counselor reported throughout the evaluation based on the perceptions of the consumers enrolled in both summer and year-round programs.

Ratings and preferences of program activities

All the delinquents were asked[7] to indicate what activities they "liked" and which activities "helped them the most".

Table VI indicates the group concensus as to what specific activities were enjoyed the most and the group rating of what "helped" the most. The total group indicated they liked "being with other kids", they liked the recreation and sports program, the field trips and the arts and crafts segments.

Rated lower by the total group were the counseling sessions, meetings with the family, tutoring and rap sessions.

[7] See Appendix B Table VI

When the activities most liked were compared with the activities which were considered most helpful, an important reversal process takes place. Activities including the individual counseling sessions, the tutoring, the sessions with the family and the rap sessions are up-graded as being more helpful--in spite of the fact that they fall low on what is liked best. The delinquents, as in the first-year study, appreciate the therapeutic values of certain activities albeit they admit to finding these activities somewhat painful.

As a further analysis, correlations were run between the preference for the activity and the degree to which it was adjudged to be helpful by each respondent. Again, the data (Table VII) testifies[8] to the delinquents' perceptions that meeting with the family, "rap", and tutoring helped them the most. But more important (except for "trips" with the summer group) all components of the Y.O.U. program emerge as positively correlated to a marked degree with the concept of "being helped".

What the parents say

The youngsters were queried[9] as to what their parents said about the program and whether they perceived the program as a "good one to be in". Twenty-five youngsters (60%) responded in positive terms. Six youngsters indicated that they "didn't know" and four indicated that they "didn't talk about it".

How the program helped the parents

To explore the effects of family contacts, the delinquents were further asked[10] just how the program was helpful to their

[8] See Appendix B Table VII
[9] See Appendix B Table VIII
[10] See Appendix B Table IX

parents. Thirty youngsters reported that the program helped their parents and fifteen stated that the program proved not helpful. Three said "they didn't know". An analysis of the responses in Table IX indicates that five clients thought the program helped their parents directly by "making mother more independent", by "helping parents understand me", and "by relaxing" the parent. Nineteen respondents thought it helped parents indirectly by changes that they themselves underwent, i.e., "I've changed", "I go to school now", "kept me out of trouble". Four delinquents mentioned specific aspects of the program such as family sessions, counselor, parent group, as "helps".

In view of the difficult homes from which most of the delinquents came and returned, the responses suggested that the parent component of the Y.O.U. program was having a marked effect on almost two-thirds of the families in spite of the unpromising nature of the home backgrounds.

Attitudes toward school

As may be expected, all three groups initially report[11] a strong dislike for school. (Table X) Only a small minority reported they "like it" or "it's all right". Post-treatment shows some slight improvements in attitude. Y.O.U. delinquents begin to look upon school in a more favorable light as does the regular court control group. The special court controls remain about the same. As other school data will reaffirm, schooling remains one of the major points of stress and discomfort for most youngsters who come in contact with the courts.

[11] See Appendix B Table X

Like most about school

All groups report[12] a wide range of "likes" in school: friends, a class, art, woodworking. Most youngsters report something they like about school even though it may not prove academic. The school and the outside agencies do have a small step on which to build. However, a small nucleus of students in all three groups queried report grimly that they like nothing in school. Pre and post interviews showed little effect or shifts in these negative attitudes toward school.

Like least about the school

The interviewers explored[13] what the delinquents "liked the least" about school. All three groups indicated that what went on "in the classes" is what they liked the least. This response raises serious questions concerning the nature of the objectives, materials, and methods used in guiding the learning activities in school. The compulsory nature of schooling comes out in the "having to go" complaint for a small number. The results for all three treated groups follow a similar pattern.

Changing the school

In view of the negative school attitudes and experiences reported by the delinquents, all three were asked[14] (Table XIII) how school could be different so that it might be more interesting. In the pre-treatment interviews, most youngsters replied that "nothing" could be done. After treatment a number of interesting shifts were visible. Y.O.U. treated delinquents suggested

12 See Appendix B Table XI
13 See Appendix B Table XII
14 See Appendix B Table XIII

"more and different subjects" would help; the regular court contrasts suggested "more freedom and less strict rules". The wide scatter of responses and the post-treatment shifts suggest that many of the delinquents who do not savor school, on reflection and over time, can come up with a variety of suggestions that might make school more palatable. The Y.O.U. experience indicates that youngsters - many of whom are in trouble in school and community - can be tapped for suggested solutions to their personal-social problems.

How school people feel about you

All delinquents were queried[15] concerning their perceptions of the school's attitudes toward them. The largest number credited the school as showing a generally good or OK attitude. Only a few youngsters complained that "they don't care" or that "they don't know me". In view of the delinquent's hard school reality, it is surprising to note how many youngsters' perceptions remain on the positive or neutral side as they view school personnel; at the same time these responses reflect on the school agency as a positive place for at least half the delinquents.

Whom you talk to in school

Guidance counselors and school principals are mentioned[16] as the most frequent contacts in school by all groups. Other specialized personnel like attendance officers, psychologists are mentioned infrequently by all three groups. More significantly, a hard core emerge through the three samples in which the

[15] See Appendix B Table XIV
[16] See Appendix B Table XV

response "nobody" is heard loud and clear. A slight diminishing of this response is noted in the probation controls in contrast to a slight increase post treatment in the Y.O.U. group.

Who helped you in school

In continuing to search out school helpers or advocates, a large majority of all delinquents in the three groups state[17] bluntly that "no one helped". Here again the guidance counselor and the principals show up but with low frequency as "helpers" in all three groups. No significant trends or shifts are visible in the three sets of data between the pre and post interviews.

Staying in school

For most delinquents[18] schools appear to be places of confinement envenomed with all kinds of subject matter. Of the delinquents interviewed in the Y.O.U. and contrasting court samples, half indicated that they intended to stay in school. Of special interest is an ambivalent group who are undecided. The potential effect of staff on the undecided group can be considerable within the Court program. There is very little trend data that would imply that the program tends to keep the delinquent within the school programs.

Vocational aspirations - ideal and real

Youngsters were asked what they would like to become - "if you could be anything you wanted". The level of aspiration "in the best of all possible worlds" for all group remains substantially realistic.[19] Most youngsters indicate jobs and occupations that

17 See Appendix B Table XVI
18 See Appendix B Table XVII
19 See Appendix B Table XVIII

fall in the manual-skilled area or the semi-skilled field. A small group reach for a life in the arts or sports. Very few aspire to the professions. The repetoire of responses shows few flights of fantasy. Most youngsters seem to have their aspiration embedded in their reality and do not reach for the stars.

When the vocational question is raised in terms of the "real future" expectations,[20] youngsters retain about the same expectations with skilled and semi-skilled being the most frequently reported job fields. When looking at the real world, many youngsters answer honestly "I don't know" or "anything". A few aim at the sports-arts field, one or two consider their future likely to be in the professional or semi-professional fields, but these are rare.

Basically, all three groups of youngsters show limited goals. Their levels of aspiration - real and ideal - tend to coincide and the ceiling is generally at the skilled, semi-skilled level.

Passing your time

When asked "How do you spend your time?", the most popular answer[21] in all three groups questioned was "hanging around". When asked the same question, post-treatment, this answer diminishes considerably for all groups, particularly within the controls. The court groups show marked shifts toward hobbies, sports and toward work. The post-treatment Y.O.U. group shows more youngsters indicating that they spend their time "at home", reflecting the heavy emphasis on family therapy and treatment pursued in the Intensive Probation program. Surprisingly few

[20] See Appendix B Table XIX
[21] See Appendix B Table XX

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delinquents in the three groups indicate that they spend time "dating" or with "boy or girl friends".

Rating of the Y.O.U. program as a whole

Youngsters in both the summer program and the regular year-round program were asked[22] to rate the overall program on a seven point scale. Except for one respondent, the ratings for the summer program ranged in the top three levels (5-7). The regular program was also skewed toward the high positive side averaging close to a 6. However, the range of ratings was greater for the year-round program. It is significant that more than half the youngsters in both programs rated them in superlative terms.

[22] See Appendix B Table XXI

V. SOME CONCLUSIONS ON COMMUNITY-BASED CARE

What do the research, observation and interview data tell us? Perhaps the most significant finding is that community-based day care services can provide a meaningful viable alternative to institutionalization for many youthful offenders. YOU, Inc.'s Intensive Juvenile Probation Program with its comprehensive package of personal and social services to the adolescent and his family is not a cure-all yet appears to be meeting the needs of a variety of troubled youth, including the "tough" offender.

The data reveal that the YOU, Inc. Program is working with offenders who present a very negative profile and promise. In particular, YOU, Inc. youth come from very troubled families, disrupted homes, female-based households, larger families, and were tilted to the lower social levels. Residency of the YOU group was more heavily confined to the Model Cities area, a large public housing project, and neighborhoods undergoing ethnic, economic, and social dislocations. Significantly, a high percentage of YOU youth had been placed on probation and committed to the Department of Youth Services (suspended sentence) at point of entry into the program, thus suggesting a group at greater risk.

Despite the severe problems these youngsters present, the recidivism data clearly indicate a forestalling effect and a reduction in further illegal activities. Sixty-one

percent of the adolescents treated in the Intensive Probation Program appear to hold their own in the community, thirty-nine percent return to the court, and twenty percent are re-committed to the Department of Youth Services. Significantly, instead of being sent "out of sight and out of mind" eighty percent of the youth serviced by the program were effectively treated while the youngster lived at home and remained in his neighborhood, in his school, and in the community at large learning to cope within his native habitat without any further threat to society.

In an effort to assess the individual and differential impact of the program, a functional typology was developed. The results indicate a high degree of success with the neurotically conflicted and more severely disturbed youngsters participating in the program. As other research has indicated with similar programs, Intensive Probation found the anti-social passive and anti-social aggressive child to be more difficult to re-socialize. However, the program was much more successful with active aggressive offenders as opposed to passive aggressive. Our data suggest that the anti-social passive offender is the most difficult to reach and assist through the range of services offered by YOU, Inc.'s program. It is possible that these youngsters represent a complex mix of learned mal-adaptive behaviors of flight. This syndrome of behavior seems to elude direct intervention strategies especially in an open community-based setting where escape is more possible. Special efforts are currently being designed to reach this type of offender.

The consumers themselves tended to view the program in very positive and constructive terms. In a somewhat

surprising finding, adolescent participants differentiated between those things that were fun (i.e., recreation, field tirps, arts and crafts, etc.) and those things which were helpful and/or therapeutic (i.e., group rap, family therapy, and individual therapy). It would seem, therefore, that intensive therapeutic services are more helpful to the serious offender than recreational programs, yet past experience has indicated that one service isolated from the other tends to be non-productive. Therefore, recreational programs by themselves provide both relief and fun but seldome serve to re-direct the youthful offender. Therapeutic services by themselves are helpful but do not provide the vehicle to successfully engage the youthful offender in treatment when he/she is frequently unmotivated or pressed for change.

YOU, Inc.'s Intensive Juvenile Probation Progarm has met with a fair share of success in reducing recidivism among repeated offenders by keeping them close to home and school. It appears that the holistic conceptual base of the program meets the needs of a cross-section of many troubled youth. Further efforts, however, have to be made in helping the passive aggressive adolescent offender. The data also reaffirms clearly that the program is only a partial solution within the system of personal and social services to the identified youthful offender.

It should be emphasized that the data seem to indicate the need for intensive, secure treatment facilities for a small yet significant number of adolescents who elude and escape the impact of community-based programs. Their repeated anti-social behaviors are frequently not only

destructive to themselves but also to others.

In summary: it would appear that diversionary community-based alternatives at various points within the criminal justice system can frequently sustain a good percentage of troubled youth in their home, school and community, at the same time keeping the number of youths requiring institutionalization and security to the smallest denominator.

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National Evaluation Program Phase I Summary Report—Secure Detention of Juveniles and Alternatives to its Use[1]

(By Thomas M. Young and Donnell M. Pappenfort)

INTRODUCTION

This is an executive summary of the findings and conclusions of a national study of the use of secure detention for juveniles and of alternatives to its use. The study was funded by the U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, under Phase I of its National Evaluation Program. The research was carried out during fiscal year 1976.

The purpose of the study was to provide information on the use of alternatives to secure detention which could assist those individuals and organizations seeking to implement certain provisions of the 1974 Juvenile Justice and Delinquency Prevention Act (Public Law 93-415). That Act sets forth as two of its major goals a reduction in the use of secure detention (incarceration) and the provision of alternatives to detention for youths involved in the juvenile justice process (cf. Sec. 102(b) and Sec. 223(a), 10H). It further requires—for states seeking funds authorized by the Act—the elimination (within two years following submission of a state plan) of the use of detention for juveniles charged with offenses that would not be criminal if committed by an adult (Sec. 223(a), 12). Because of these provisions the study reported on here proceeded on the assumption that one must understand the use of secure detention in a jurisdiction in order to comprehend the use of alternatives. This, in turn, requires knowledge about the juvenile justice processes that are the context for both the use of secure detention and of alternatives. These assumptions led to an analysis of the significant aspects of the nation's experience with detention and alternatives to date which, when joined with the provisions of the Act, can help shape realistic plans and strategies for implementation and evaluation of federal policy in this area in the future.

The main components of the study involved (1) a review of literature published since 1967 on the use of secure detention and of alternatives, (2) the preparation of an Issues Paper which summarized the literature reviewed and set forth the salient issues to be studied in our field research, (3) the compilation of a list of existing alternative programs in the United States, (4) selection of and visit to fourteen juvenile court jurisdictions with alternative programs, (5) preparation of individual reports describing each jurisdiction including a detailed description of its alternative program and (6) submission of a final report based upon both the literature review and the field research.

This summary reports the results of the study in the following manner. First, we present the issues for study based on the literature review and the framework we chose to organize the information obtained from the literature review and the site visits. Second, we summarize that information with a focus on how youths are selected (or not) for admission to secure detention or placement in an alternative program. Third, we describe how jurisdictions were selected for site visits, the taxonomy or classificatory schema we used to group alternative programs for analysis and comparison and what the programs were like. Fourth, we discuss all fourteen alternative programs in terms of their keeping youths trouble free and available to court and in terms of other goals which varied among the programs visited. Finally, we present our conclusions and recommendations to juvenile courts considering the introduction of an alternative program.

THE ISSUES FOR STUDY AND A FRAMEWORK FOR ASSESSMENT

Our review of the literature on the use of secure detention for juveniles confirmed that the main issue now is what it always has been: secure detention is misused for large numbers of youths awaiting hearing before the nation's juvenile courts. This statement is supported by recent reports sent to us from twenty-two states and the District of Columbia, many of which contained statistics on youths detained by age, race/ethnicity, sex, type of offense and

[1] Prepared by the National Institute of Law Enforcement and Criminal Justice Law Enforcement Assistance Administration United States Department of Justice, August 1977.

average length of stay. Similar reports from a few states in addition to those we received material from are summarized in the reports of other studies (Sarri, December, 1974; Ferster, *et al.*, 1969). The types of misuse of secure detention revealed in this literature are:

(1) County jails are still used for temporary detention of juveniles, particularly in less populous states. Even in some more heavily populated jurisdictions, however, jails are used for some juveniles despite the existence and availability of a juvenile detention facility. In many states seeking to reduce the use of jails for the detention of juveniles, the dominant alternative is seen as the construction of a detention facility.

(2) Use of secure detention for dependent and neglected children appears to be on the decline as more jurisdictions develop either shelter-care facilities or short-term foster home programs. Some jurisdictions, however, are known to misclassify dependent and neglected children as youths in need of supervision who then are placed in secure detention. The extent of the latter practice is unknown.

(3) Many jurisdictions still exceed the NCCD recommended maximum detention rate of 10 percent of all juveniles apprehended; the proportion of juveniles detained less than 48 hours continues to hover around 50 percent. These patterns are frequently cited as evidence of the inappropriate use of detention.

(4) Many jurisdictions are unable to mobilize the resources necessary to attend to children with special (neurological and psychiatric) needs. These children are then often detained, sometimes for excess lengths of time.

(5) Status offenders tend to be detained at a higher rate than youths apprehended for adult-type criminal offenses and also tend to be held longer.

(6) Youths of racial and ethnic minorities tend to be detained at higher rates and for longer periods than others; females are detained at a higher rate and longer than males.

(7) Extra-legal factors are more strongly associated with the decision to detain (versus release) than legal factors (those specified by juvenile codes). Time of apprehension (evenings and weekends), proximity of a detention facility and degree of administrative control over intake procedures have all been found to be associated with the decision to detain in addition to those factors contained in items five and six above.

The actual extent to which these patterns of misuse exist either within or between sites is unknown. Many states—and jurisdictions within states—still do not collect statistics at regular intervals on the use of secure detention.

The reasons given in the literature for why such misuses occur are several. We have listed them in summary form as follows:

(1) Detention facilities receive a flood of inappropriate referrals from police, parents and other adults.

(2) Some courts have no detention criteria at all, merely accepting the cases referred by police.

(3) Other courts have verbal standards but leave intake decisions to employees who may introduce additional criteria, which may not be the same from employee to employee.

(4) Detention officials in many areas yield to the demands of police, parents and social agencies for detention, even if criteria are violated.

(5) Even when court officials screen referrals conscientiously, youths referred for status offense behavior are often detained securely and retained for extended periods because appropriate services and alternative placements in the community are not available. There are court officials who prefer doing nothing rather than detaining status offenders but they appear to be in the minority.

(6) Decisions are too infrequently monitored, so judges and court personnel often do not know what is going on.

(7) Detention practice has low visibility, except during moments of publicized scandals. In general, there is little evidence of public interest in detention, except for the efforts of a few *ad hoc* organizations concerned with services to children and youth.

The literature on alternatives to the use of secure detention for juveniles is sparse. Very little has been published about such programs. Most of the program evaluations are not readily available: typically they are in-house manuscripts obtained by request from the jurisdictions in which the programs are located.

Our review of this literature was encouraging at first. It appeared that some jurisdictions had established one or more of the following types of alternatives to the use of secure detention.

(1) Improved intake procedures—including the use of written criteria governing the decision to detain or not, official recording of the reason(s) for the decision actually made, a daily or weekly administrative review of all decisions and early detention hearings for all youth securely detained. (Whitlatch, 1973; Kehoe and Mead, 1975; Hunstad, 1975.)

The alternative in question is the youth's own home. It is not a pure type. It is, more properly, the *result* of improved intake procedures and not a programmtic substitute for placement in secure detention. It does, however, address many of the reasons given for the misuse of secure detention. We include it here even though we did not visit any jurisdiction for the sole purpose of studying this type.

(2) Non-residential alternatives—programs organized around use of the youth's own home as a place of residence while awaiting court hearing. (Buchwalter, 1974; Cannon, 1975; Drummond, 1975; General Research Corportion, 1975; Keve and Zantek, 1972.)

These programs follow the "home detention" format first begun in St. Louis, Missouri. Youths are returned to their parents' recognizance to await their court hearings and are assigned to the caseload of a youth worker who is usually supervised by a member of the probation department.

(3) Residential alternatives—programs organized around use of a substitute residence for the youth (other than secure detention) while awaiting court hearings. (Cronin and Abram, 1975; Kaersvang, 1972; Long and Tumelson, 1975.)

These programs usually rely on either foster homes or one or more group homes in lieu of placement in secure detention. In some jurisdictions the group home format has been named "Attention Home" to differentiate it and what it offers from detention. Other than having the group format in common, however, these programs differ considerably from one another.

Although our review of the available literature on alternatives to detention was encouraging, as we have said, a closer reading suggested that establishing an alternative program could have unintended consequences. One was that the alternative might be used for youths who would simply have been sent home to await hearings, if the alternative program had not been available. (Keve and Zantek, 1972; Drummond, 1975.) Another was that youths placed in some alternative programs appeared to wait longer for adjudication than those placed in secure detention (Cannon, 1975; Cronin and Abram, 1975). It seemed possible that alternative programs could be used in lieu of child welfare or other services (not otherwise available) rather than in lieu of detention. This could subtract from their primary goal—that of providing an alternative for youths who would otherwise be placed in secure detention.

These considerations led us to adopt a process-flow model for assessment. That is, we chose to think of a jurisdiction with an alterntive program as a series of decision points through which a flow of cases passed. Entrance to, exit from and continuation in the juvenile justice process could be understood in terms of a sequence of decision making—as could admission to secure detention. placement in an alternative and release to parents' recognizance pending court hearing.

Our research approach to individual jurisdiction was to diagram the structure of the decision points in use, determine the options available at each such point, investigate the criteria applied in selecting among the options and where possible determine the number and characteristics (including offenses and past record) of youths routed in various directions. In this way we attempted to understand why certain juveniles and not others ended up in secure detention, alternative programs, waiting at home without supervision or dismissed from court jurisdiction.

The model of a structure of decision points has had more general importance to our efforts than its detailed use during site visits. A view of the juvenile justice system from the perspective of the model has guided the entire effort to summarize existing research and other literature and integrate it with information obtained during site visits. It also influences the structure of this summary.

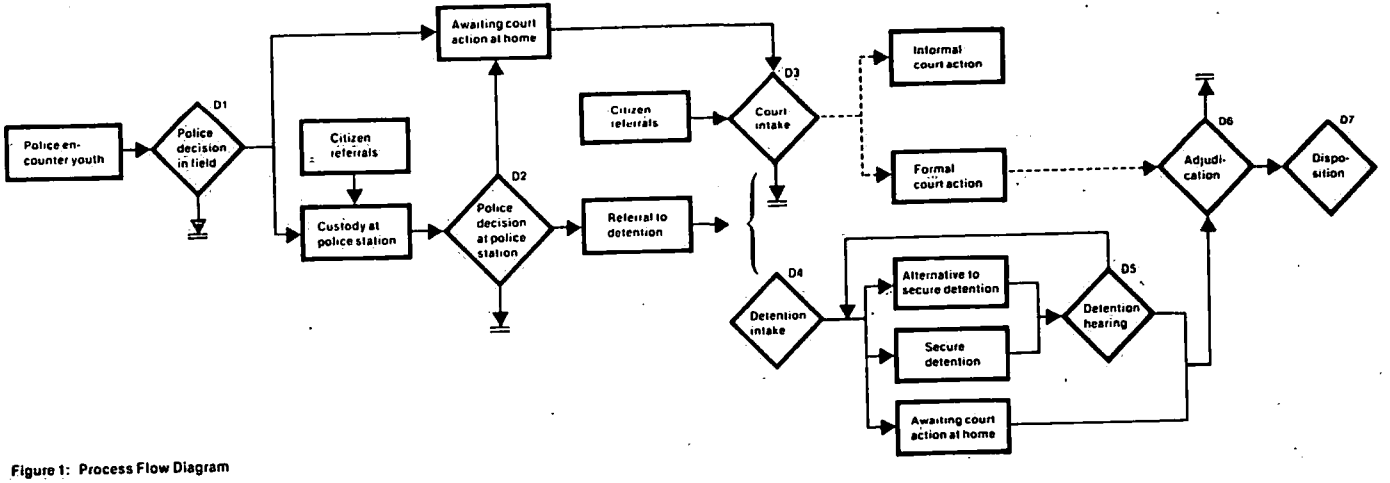

Figure 1: Process Flow Diagram

For the reasons just mentioned we present here a generalized Process Flow Diagram showing seven decision points. (See Figure 1.) Decision points are symbolized by diamond-shaped outlines numbered D1 through D7 that determine movement within the flow. They are presented here without reference to the options that may be used, the criteria employed and the selectivity that may result from their application, because those characteristics vary by jurisdiction. Still, the diagram does clarify the structure of decisionmaking as juveniles enter (or avoid) the flow of cases, usually at the point of an encounter with a policeman during which a decision is made (D1), some to be taken to a police station for a second decision (D2) which can point the youths toward decisions concerning court intake (D3) and detention intake (D4). (Also not on Figure 1 the competing entry point through citizen referral to court intake.) It is usually during the interrelated processes of court intake and detention intake that decisions are made to place juveniles in secure detention: decisions to use an alternative program instead may be made either at that same juncture or at a later detention hearing (D5). We will not focus on the adjudicatory hearing (D6) in full detail, but we have a special interest in what happens to juveniles beginning with decision points D3 and D4 ending with decision point D6. What happens to juveniles at disposition (D7), if they get that far, is not unrelated to what occurred earlier. We are dealing here with a structure of contingencies creating flows of cases in various directions toward different probabilities of later decisions. We will not be able to assign numbers to all the possibilities but we believe sufficient data are available to anticipate what a systematic quantitative research effort might find.

VARIATIONS IN DECISION MAKING AT THE COMPLAINT AND INTAKE PHASES

The complaint phase of the juvenile justice process refers to those decisions made by police and others that lead to a referral to juvenile court (sometimes including detention) or to some other option instead. The intake phase includes both detention intake and court intake and refers to those decisions made by detention and court officials as to whether to detain or not (and how) and whether to proceed formally, informally or not at all.

Most cases of juvenile misconduct are brought to the attention of the police by private citizens. Only a very small number of juvenile law violations are observed directly by police on patrol (Pepinsky, 1972). Thus, what a police officer decides to do upon receiving a complaint constitutes the first critical decision of the complaint phase. These decisions involve the exercise of considerable discretion and are generally not bound by the statutory constraints applied to the handling of adult offenders (K. Davis, 1975; S. Davis, 1971; Ferster and Courtless, 1969).

Police officers in general have at least eight alternative courses of action when dealing with a youth: (1) release; (2) release with a "field interrogation" or an official report describing the encounter; (3) an official "reprimand" with release to parent or guardian; (4) referral, sometimes considered diversion, to other agencies; (5) release following voluntary settlement of property damage; (6) "voluntary" police supervision; (7) summons to court and (8) referral to court for the possibility of detention (Ferster and Courtless, 1969). In practice, a single police department may use many fewer options, but the possible combinations are numerous and may vary considerably among several police departments all relating to a single juvenile court jurisdiction. he presence of juvenile officers in a given jurisdiction does not appear to change the range of options in any appreciable manner.

The broad discretion involved in police decision making can combine with different sets of available options to produce varying rates of referral to the nation's juvenile courts.

In the juvenile court jurisdictions that we visited and which related to two or more police departments we often were told that there was considerable variation in the proportion of police-juvenile encounters that resulted in referral to court. Although this was not the central focus of our site visits, one risdiction was able to provide us with referral statistics by police department jurisdiction. Referrals varied from 13.2 per one thousand youth 18 years of age and under to 168.2. Variation in the rate of referral between cities exists also and is reported in the literature (Ferster and Courtless, 1969).

In addition to the effect of police decision making on numbers, there may be an effect on the characteristics of youths referred to court. The results of police decision making for certain groups of interest (minorities, females, status offenders) have not been fully documented in the literature. A notable exception can be found in Thornberry's analysis of the Philadelphia birth cohort data (Thornberry, 1973; Wolfgang, *et al.*, 1972). The data revealed that police decisions augmented the probability that black males would be referred to court (even when controlling for seriousness of offense and prior record). Similar biases may occur for females and status offenders. Although this was asserted by some officials interviewed during our site visits, we found no empirical evidence reported in the literature.

Our point is that police decisions at the complaint phase perform a "gate keeping" (Sundeen, 1974) function for the juvenile justice process. Collectively, these decisions determine the numbers and perhaps the characteristics of youths who may later be admitted to secure detention or an alternative program.

Not all children reach a juvenile court via police actions. Adults, such as parents or guardians, employees of boards of education, representatives of public and private agencies and ordinary citizens may complain to court personnel about certain children and youths. Court procedures in handling such complaints apparently vary widely. Unfortunately, the literature on how such complaints are processed is very inadequate. We are aware of jurisdictions that require all complaints be made through police officers. We know of others that simply accept most such complaints routinely, without much investigation.

The main study available on this issue was carried out in 1972 in New York and Rockland counties in the state of New York and was restricted to "persons in need of supervision" (PINS). (Andrews and Cohn, 1974.) In those jurisdictions parents or parental surrogates had brought 59 percent of the PINS petitions. In several of the jurisdictions we visited intake personnel told us that youths brought by their parents for status offense behavior were difficult cases to decide. The youth whose parents will not accept his return home, we were told repeatedly, is a youth who usually will not return home. The dilemma seen by intake personnel is the choice between use of secure detention for such cases or some other alternative, if one is available. This brings us to the intake phase of the process.

The decisions we have just described and the differing patterns of case flow they imply do not occur in isolation. They interact with another set of decisions at the point of court and detention intake. Court intake processes involve decisions as to whether there is probable cause to believe a youth has committed a statutorily illegal act and, if so, whether the court should assume jurisdiction formally or process the case informally. (We will return to the latter distinction.) During the process of court intake a complaint is heard and a petition may be drawn and later affirmed or denied, perhaps at an intake hearing.

Detention intake involves decisions about whether the youth is to be held pending a court hearing and, if so, where and with whom. A detention intake hearing may or may not be held. The detention and court intake processes may be so merged that they can hardly be seen, in practice, as separate.

It is at intake that the court through its own resources can take an organized view of the cases presented for decisions. Those cases may reflect the chaos of perhaps numerous police departments presenting for court consideration far too many youths that good practice indicates should have been handled without referral. If so, the court can organize procedures to apply clear, writt rules to decisions. In this way the court can stand as an absolute barrier against improper referrals. On the other hand, the court itself can augment the chaos.

Our initial comment regarding the literature on the intake phase of the juvenile justice process must be that it is rather interesting but mortally deficient. The basic descriptive studies of the decision making processes have not been done. One notable exception is Helen Sumner's study of initial detention decisions in selected California counties. She reported that the decision to detain was more strongly associated with non-legal factors than legal f tors. (Sumner, 1971.) Some sources urge juvenile courts to make regular use of written criteria for both court and detention intake decisions and to operate court intake on a 24-hour basis. (Saleebey, 1975; John Howard Association, 1973.) The American Bar Association notes that "more than half of all juvenile cases presently referred to court are being handled non-judicially" and

estimates that "improved intake services could substantially reduce the number of cases referred for adjudication." (American Bar Association, 1974: 93.)

Our visits to 14 jurisdictions provide limited information about the organizational context of the decision to detain juveniles prior to adjudication. The findings cannot be generalized widely, but they do illustrate differences in practices referred to in some literature.

In four jurisdictions admission to detention was automatic. In other words, a request for detention resulted in admission to detention. Thus, the intake decision may be interpreted as either having been delegated, at least initially, to the referring agency or as having been postponed for later determination. In the ten other jurisdictions court (or detention) personnel made the initial intake decision. In five of these, four options were available: (a) Release to parents and from the court's jurisdiction entirely, (b) release to parents with youth placed on informal probation, (c) release to parents with adjudicatory hearing to follow (i.e., petition filed) and (d) admission to secure detention with adjudicatory hearing to follow.

The reader should note that at this point the court intake decision has been joined with the detention intake decision. Option (b) is a decision to proceed informally. Options (c) and (d) rest on acceptance of the case for formal processing.

Three of the remaining five jurisdictions did not have informal probation as an option but did have (in addition to the other three listed above) the option of placing the youth in a program used as an alternative to secure detention. The options at detention intake in the two other jurisdictions consisted only of release from jurisdiction, release to parents with adjudicatory hearing to follow or admission to secure detention pending a detention/arraignment hearing.

Another view of the information just presented is to note that at the point of initial contact with the court or secure detention facility, seven of the fourteen jurisdictions did not provide the possibility of placing juveniles in a program designed as an alternative to secure detention. This may seem puzzling since each jurisdiction was selected for a visit *because* it used such alternative programs. It is explained by the fact that seven jurisdictions select youths for alternative programs from those already placed in secure detention.

For present purposes, the points to be noted are: the intake phase is analogous to the complaint phase in combing broad discretion with a variety of options; the interaction of the two phases results in several paths of exit from or continuation in the process. We do not suggest that this is inherently bad—or good—practice. We can state, however, that no jurisdiction we visited maintained an information system that regularly produced data on the numbers and selected characteristics of youths taking various paths. For example, we notified each jurisdiction of our desire to gather data on the age, sex, race/ethnicity, offense, prior record and termination status for small samples (30) of youths awaiting court hearings in secure detention, in an alternative program or at home with their parents. (See options following D4 on Process Flow Diagram.) In some jurisdictions this information was simply not available in one location. In others our staff had to retrieve it from file card systems and case records—a time consuming process. Court administrators should receive this type of information on a regular basis. Without it, one can only guess at the effects of instituting new programs like alternatives to detention.

To some degree, similar observations can be made about detention hearings. See D5 of Process Flow Diagram.) Twelve of the jurisdictions we visited held detention hearings presided over by either a judge or a court referee. In most of the jurisdictions the hearings produced decisions that often resulted in the removal of significant numbers of youths from secure detention. In some jurisdictions, however, the detention hearing served mainly as a confirmation of the initial detention decision with relatively few reversals. In eleven jurisdictions the detention hearing decision could result in a youth being placed in an alternative program as well. Regularly tabulated statistics describing the results of this point in the process were the exception rather an the rule.

We have repeatedly stressed that the structure of decision making in the complaint and intake phases of the juvenile justice process influences both the numbers and characteristics of youths who are placed in secure detention, an alternative program or simply returned home to await court action. We have implied that the process can affect how secure detention and alternative programs are used—a central focus of our study. We have noted that these

decision making processes are complex and that the quantitative studies needed to comprehend them are few. One legitimate question is whether a more thorough undertanding of the processes is really necessary. At this point we can only respond with the findings of a recent study in Massachusetts. (Coats, Miller and Ohlin, 1975.) The findings in this study are that "Forty-seven percent of the youths detained in custodial settings were (subsequently) placed in secure programs compared to 18 percent of the youths detained in treatment facilities and nine percent detained in shelter care units." This might not be particularly surprising except for the fact that the study data also indicated: (1) that age (younger youths) and proximity of a detention facility were the variables most strongly related to the decision to detain (versus release) in the first place; and (2) that decisions to detain in custodial, treatment or shelter care were most strongly related to the availability of alternatives to secure detention and to the youths' runaway histories.

This is a large and complex study. It is still in process and involves a relatively unique environment—the Massachusetts Department of Youth Services—in only one state. Although it is quite carefully done, generalization of the findings to other settings may not be warranted. Nevertheless, it does provide us with some good data on a phenomenon that many people concerned with the application of juvenile justice worry about. It raises the spectre of a "system" so inconsistent that it differentially handles a group of youths for the most part more similar than not. Moreover, the initial differences in where a youth is detained generate more serious dispositions later on at the hands of the same system.

SITE SELECTION AND VISIT METHODOLOGY

In the autumn of 1975, we initiated a search for formally designated programs used as alternatives to secure detention for youths awaiting adjudication and from which most, if not all, youths return to court for adjudicatory hearings. With the generous help of staff of State Planning Agencies of the Law Enforcement Assistance Administration in all fifty states and using a computer printout of brief descriptions of projects funded through LEAA grants(both block and non-block), we assembled a list of about 200 programs. Fourteen programs were to be selected for visits.

The selection of sites was purposeful and not random. We wanted to visit programs from which we could learn something. We tried to include programs in large, middlesize and small cities; programs designated for status offenders or alleged delinquents or both; residential and non-residential programs. We also tried to achieve some geographic spread across the country.

The fourteen programs visited in January and February, 1976, and reported on here are listed below alphabetically by city.

Discovery House, Inc., Anaconda, Montana.
Community Detention, Baltimore, Maryland.
Holmes-Hargadine Attention Home, Boulder, Colorado.
Attention Home, Helena, Montana.
Transient Youth Center, Jacksonville, Florida.
Proctor Program, New Bedford, Massachusetts.
Outreach Detention Program, Newport News, Virginia.
Non-Secure Detention Program, Panama City, Florida.
Amicus House, Pittsburgh, Pennsylvania.
Home Detention, St. Joseph/Benton Harbor, Michigan.
Home Detention Program, St. Louis, Missouri.
Community Release Program, San Jose, California.
Center for the Study of Institutional Alternatives, Springfield, Massachusetts.
Home Detention Program, Washington, D.C.

Readers should note that there is no basis for considering these fourteen programs as representative of all alternative programs now operating in the United States. The list does include seven programs based upon the Home Detention model which has been adopted by jurisdictions in several areas of the country. It also includes three Attention Homes which have been adopted by jurisdictions in a few western and mountain states. But the programs listed were selected more for anticipated learning value than for representativeness. While they may not be representative of all such programs, we found visiting them an informative experience and we think almost any juvenile court jurisdiction will find the descriptions here useful in planning an alternative to secure detention.

Site visits were conducted over a two- or three-day period during which court and other officials were interviewed and statistical data were assembled. After our reports were written informants in each jurisdiction were given an opportunity to read them and comment on the accuracy of our assertions of fact. They were indeed helpful. The conclusions and judgments given here, of course, are our own.

Eight of the alternative programs are administered by public agencies and six by private organizations. Seven of them were non-residential in the sense that the juveniles remained in their own houses (in some a few were placed in surrogate homes). Five of the residential programs used group homes; the other two placed the youths in foster homes.

The programs are described in the following order. An initial section considers seven public, non-residential programs based on the Home Detention model as originally conceived for and carried out in St. Louis, Missouri. They are sufficiently similar to discuss as a group. The second section takes up, one at a time, three Attention Homes, including the original one in Boulder, Colorado, and two others modeled after it. Each of the three had its own features, so they are described separately. The third section presents information on two programs for runaways. One of them is in a state with a climate to which juveniles run. The other is in an area where runaways are mainly local. The fourth section contains descriptions of two foster home programs under private auspices. The first is for girls only. The second receives almost all cases awaiting adjudication in the region it serves.

HOME DETENTION PROGRAMS

The seven Home Detention Programs are similar in format and can be thought of as a family of programs. All of them are administered by juvenile court probation departments. For the most part their staffs were made up of paraprofessional personnel variously referred to as outreach workers, community youth leaders or community release counselors. Usually a youth worker supervised five youths at any one time. In all programs youth workers were expected to keep the juveniles assigned to them trouble free and available to court. They achieved the essential surveillance through a *minimum* of one in-person contact with each youth per day and through daily telephone or personal contacts with the youths' school teachers, employers and parents. Youth workers worked out of their automobiles and homes rather than offices. Paperwork was kept to the minimum of travel vouchers and daily handwritten logs. In some programs the youth workers collaborated so that one could take over responsibility for the other when necessary. All programs authorized the workers to send a youth directly to secure detention when he or she did not fulfill program requirements—for example, daily contact with worker or school or job attendance. Typically, youths selected for the programs would have the rules of program participation explained to them in their parents' presence. These rules generally included attending school; observance of a specified curfew; notification of parents or worker as to whereabouts at all times when not at home, school or job; no use of drugs and avoidance of companions or places that might lead to trouble. Most of the programs allowed for the setting of additional rules arising out of discussions between the youth, the parents and the worker. Frequently, all of the rules would be written into a contract which all three parties would sign.

One key operating assumption of all of these programs is that the kind of supervision just described will generally keep juveniles trouble free and available to the court. Six of the seven programs rest on a second operating assumption as well. This assumption is that youths and their families need counseling or concrete services or both and that the worker can increase the probability that a juvenile will be successful in the program by making available the services of the court. The degree of emphasis on counseling and services varied. In some programs workers provide or refer to services only when requested. In others, the workers always try to achieve a type of "big brother" counseling relationship, sometimes combined with advocacy for the youths at school and counseling or referral of the youths' parents. In three programs workers organize weekly recreational or cultural activities for all juveniles on their caseloads.

Four of the programs in this category were said to have been started to relieve the overcrowding of a secure detention facility. Two began with explicit concern about the possibly harmful effects of secure detention. One be-

gan as an experiment to test the value of the program as an alternative to secure detention for status offenders; however, intake was not restricted to status offenders.

Youths served

Only two of the seven programs had been designed for alleged delinquents only. The others accepted both alleged delinquents and status offenders. No program was used exclusively for the status offender. All but two were relatively small in absolute number of juveniles served—between 200 and 300 per year. The other two had accepted just over 1,000 youths each during the last fiscal year.

Of the non-status offenses, burglary is the delinquency alleged most often in each of the programs for which information was available. In general, the alleged delinquencies of program participants do not differ markedly from those encountered on the rosters of secure detention, with the exceptions of homicide, aggravated assault and rape which are few in number and rarely released. The delinquency charges that predominate in numbers are in the middle range of seriousness.

Rates of success or failure

All of the programs in this group themselves classify youths as program failures when they either run away and so do not appear for adjudication or when they are arrested for a new offense while participating in the programs. We have obtained data on youths by type of termination for six of the seven programs visited. It is presented along with other pertinent information about each program in Table 1. The tabular presentation risks implying a comparison between programs that is not truly possible. The data presented have not been gathered as part of a comprehensive evaluation research design. Other variables of importance, such as selectivity in referral to court, social characteristics of juveniles and their families, type of offense and length of prior record have not been controlled. The tabular presentation, however, does have the advantage of facilitating a discussion of success and failure for the programs in this category and it is for this purpose that we present it here.

If one combines what each of the programs views as program failures, it may be seen in Table 1, column (3), that the range of such failures is from 2.4 percent to 12.8 percent of all terminated juveniles. The combined failure rate for four programs falls between 2.4 percent and 7.5 percent, while the rate for one other is 10.1, a percentage that may not include runaways.

Reciprocally, column (6) presents the percentages of juveniles who had been kept trouble free and available to the courts—that is, had not been accused of committing a new offense and had not fled jurisdiction. The smallest percentage was 87.2 for program B. The largest was 97.5, at program C.

In the remaining programs, the percentages were 95.7, 94.8, 89.8 and 92.5. It is tempting to declare these "percentages of success." But are they?

TABLE 1.—PERCENTAGES OF YOUTHS, BY TYPE OF TERMINATION FROM 6 HOME DETENTION PROGRAMS

	Percent						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Program	New offenses	Running away	Runaways plus new offenses	Returned to secure detention	Completed without incident	Trouble-free and available to court	Total [1] (3) and (6)
A: N=200; delinquents only	4.5	3.0	7.5	12.0	80.5	92.5	100.0
B: N=274; delinquents and status offenders	4.4	8.4	12.8	16.4	70.8	87.2	100.0
C: N=246; delinquents and status offenders	2.4	0	2.4	8.1	89.4	94.5	99.9
D: N=252; delinquents and status offenders	5.2	0	5.2	21.0	73.8	94.8	100.0
E: N=206; delinquents and status offenders	2.4	1.9	4.3	24.8	70.9	95.7	100.0
F: N=276; delinquents only	(2)	(2)	[3] 10.1	13.3	76.4	89.8	99.9

[1] Totals may not add to 100.0 because of rounding.
[2] Information obtained from interview and may not include runaways

Another view of the data at hand may be seen in a comparison of columns (1) and (2), where for five programs statistics are given separately for new offenses and running away. The data are not very enlightening, except to note that alleged new offenses exceeded running away in every instance except one (program B). We have no information that explains why no youths ran away from programs C and D.

A complication is the use of secure detention for certain program participants. We have already reported that all of these programs authorized their youth workers, for cause, to return juveniles to secure detention. In all programs they did so, as may be seen in column (4) of Table 1. Further, the percentages so returned in every instance exceeded the percentage of juveniles in the same program who had committed a new offense or who had run away while being supervised.

Is use of secure detention to be considered a program failure in this context? The youths for whom it was used did appear in court. If they are to be considered something less than successful in the programs then the statistics in column (5)—percentages of youths completing the programs without incident—should be considered. The smallest was 70.8 percent; the largest was 89.4 percent. Still, it seems a bit unfair to consider use of a preventative procedure planned from the start as a program weakness: the youths did go to court.

Conclusions

The Home Detention Programs appear to work well for the middle range of serious delinquents who are often detained securely. Status offenders, however, are often difficult to deal with in this type of program unless substitute living arrangements are made available for juveniles who have run away repeatedly or who have been presented to the court as incorrigible (or uncontrollable) by their parents or departments of child welfare. Both categories of youths are seen as by-products of a breakdown in general family stabilty and specifically in parental functioning. An already fractured home situation is, after all, a difficult base upon which to predicate "home detention." This has led programs of this kind to add substitute care components such as foster homes, group homes, a non-secure shelter or even specialized facilities such as a "youth in crisis" group home for out-of-state runaways.

The problems that certain Home Detention Programs have experienced such as excessive proportions of youths running away or committing new offenses while awaiting court hearing appear to be related not to deficiencies in the design of the programs *per se* but, rather, to ther misuse or maladministration by judges and court officials. It must be remembered that all of these home detention programs are operated by juvenile court probation departments. Excessive delays in adjudication, caused either by crowded court dockets or by deliberate use of home detention to "test out" how youths might behave on probation, is associated with augmented rates of failure.

ATTENTION HOMES

The Attention Home concept originated in Boulder, Colorado.

"The term attention as distinct from detention, signifies an environment which accentuates the positive aspects of community interaction with young offenders. The homes are structured enough for necessary control of juveniles, but far less restrictive and less punishing than jail. In fact, the atmosphere is made as homelike as possible—to give youngsters exactly what the term describes—attention." (Kaersvang, 1972:3.)

This quotation reflects the philosophy guiding the operation not only of the home we visited in Boulder but of the Attention Homes visited in Helena and Anaconda, Montana, as well. We had expected to treat the three homes as a family of programs. However, each had adapted itself to unique circumstances in such a way that generalizations tended to obscure important differences. The Attention Home in Boulder is closely attached to court process and functions almost exclusively as an alternative to secure detention. Other Attention Homes have been developed in that jurisdiction to assist with probation and other post dispositional problems.

The Attention Home in Helena is multi-function. It serves a mixture of court cases and other kinds of agency referrals as well. It in fact functions

as a resource for other agencies as well as a resource for juveniles in pre-adjudicatory status.

The Attention Home in Anaconda, as in Boulder, is tied closely to court process. However, it places a great emphasis on treatment through purchase of services and has taken on an important diversionary function. For these and other reasons the programs have been described separately. We will return to their similarities and differences later in a brief summary.

Boulder, Colo.

The Holmes-Hargadine Attention Home, the first of its kind, opened in Boulder in 1966 as an alternative to jail. In 1975, approximately 150 youths were admitted, two-thirds of them boys. About three-fourths were alleged delinquents; the rest were referred for status offenses. Most youths charged with more serious offenses are not referred to the home but, rather, are transferred to a regional detention center opened since the Attention Home was established.

The intake unit of the Boulder Juvenile Court refers youths to the home. The houseparents make the admission decisions, but they seldom reject referrals. They try to create as homelike an atmosphere as they can, spending time and talking with each of the youths. Some youths continue to attend their schools, but most work in a county sponsored program which pays two dollars an hour. In the afternoons, evenings and weekends volunteers (students from a nearby university) organize activities both in the home and elsewhere.

Systematic statistics were not available, but we estimate, based on what we were told, that the rate of those who ran away and those returned to secure detention was 2.6 percent each (there were no new offenses), producing a success rate of 94.8 or up to 97.4 percent depending upon how one believes returns to secure detention should be interpreted. There is no unusual aspect to the operation of the Attention Home with which rates of success can be linked, unless it is a felt "quality" that is difficult to define. It is not a fancy program, but it is a program to which the judge, the probation department and the houseparents are deeply committed.

Helena, Mont.

The residential program of the Helena Attention Home is much like the one in Boulder. It differs, however, in the type of youths for whom it is and in the kinds of agencies using it.

The home was a response to the needs of four youth-serving agencies in the city: the Probation Department of the Juvenile Court; the State Department of Institutions, Aftercare Division (responsible for youths discharged from mental hospitals and for youths released on parole from juvenile correctional institutions); the State Department of Social and Rehabilitation Services (welfare) and the Casey Family Foundation (a private social work agency providing specialized foster care homes and an independent living program for youths referred from the three other agencies, as well as other sources). All of these agencies had identified in their caseloads troubled youths who either were running away from or were unwelcome in their own homes or foster homes. Frequently they ended up in Helena's county jail, as do many other youths.

Thus, juveniles awaiting adjudicatory hearings at the home are a minority of the residents, but it is the only non-secure program for them in the jurisdiction.

It is difficult to say what measures of success or failure should be applied to this program. Only rarely do youths run away from it, we were told. Even when they do, they usually return on their own within twenty-four hours. And only twice in 1975 did a youth have to be transferred from the home to jail.

Anaconda, Mont.

The Attention Home in Anaconda is also an alternative to jail. Most referrals to Discovery House, as it is called, are from the court probation department. Youths excluded from referral are those charged with serious offenses against persons or those who have failed previously at the home due to aggressive behavior. Two-thirds of the admissions (47 in all) in 1975 were alleged status offenders.

Discovery House receives juveniles who differ greatly in the problems they present. At one extreme are youths who stay for short periods, an average of 3.3 days and no more than two weeks. At the other are a small number of youths with complicated personal problems for which it is difficult to find solutions. These adolescents may remain in residence for long periods—two to five months.

Because of the seriousness of the problems of certain youths and because of the commitment of the director of Discovery House to provide treatment, when needed, the program invests heavily in professional services. They are purchased with contractual monies; there are no professional personnel on the program's staff.

The court, in view of the treatment services provided by Discovery House, quashes the petitions on about three-quarters of the youths while they are in the program. Thus, many of the juveniles referred to the program as an alternative to jail end by being diverted from court jurisdiction.

Only rarely are youths asked to leave Discovery House or returned to jail. Those who run away from the program generally return on their own. The home's policy is to take them back.

Conclusions

The Attention Home format, based on the limited data available, appears to be successful for populations of alleged delinquents and status offenders as well. Status offenders, we were told at all fourteen sites, are difficult to manage in both secure detention and in alternative programs. Either their own behavior or their home environments (or both) frequently defeat individual techniques or program approaches that work reasonably well with many alleged delinquents.

The Attention Home also is adaptable to the varying needs of small communities. (We have no information about their use in large cities.) Its potential for mixed use may make them the practical choice for small jurisdictions where a variety of alternative programs is not feasible.

PROGRAMS FOR RUNAWAYS

We selected for visits two programs designed for runaways, a category of status offenders considered very troublesome to deal with. One program mainly handled juveniles running away locally. The other had been started to return out-of-state runaways to their homes.

Pittsburgh, Pa.

Amicus House had been in operation since 1970. Only recently has it begun to accept referrals from the Allegheny County Juvenile Court. From the beginning the program provided a residence for runaway youths, using individual counseling, group treatment and family casework in an attempt to reconcile youths with their parents. The target population has always been runaways from the local area, and it is this group of youths that is now sent to Amicus House following detention hearings.

The program's operating assumptions are that the runaway youths referred to them are experiencing fairly serious emotional or family problems. Intensive treatment interventions of a problem-solving nature are required for the youth and the parents if the family situation is to be stabilized. The agency does not try to provide long-term treatment. Its goal is to make a successful referral if such help is needed. Its staff includes the program's director, an administration assistant, ten counselors, a cook and two program coordinators who also supervise the counselors. Counselors are responsible for maintaining the house in addition to working with the juveniles and their parents.

A youth is restricted to the house without telephone privileges for 48 hours after arrival. He is told that he is there to think: to identify and begin working on whatever problems led to his running away. The juvenile's personal participation in the process is what is emphasized, the counselors being available to help him. If after 48 hours he is working to define his problem, a counselor may contact his parents and set an evening appointment for a family session. These may last two and one-half hours and are repeated regularly while the youth is in the program. Daily group meetings of all

youths in residence are held after dinner in the evenings with guided group interaction techniques used to encourage and support problem-solving efforts. Programming that might distract juveniles from their problem is avoided.

If, as sometimes happens, a youth's parents refuse to cooperate, Amicus House petitions the court for custody of the youth and authorization to provide counseling. The petitions almost always are granted. Most parents then decide to cooperate, but if they do not Amicus House approaches the court to petition that the youth be declared "deprived" and thus eligible for foster placement. The practice of bringing petitions to court on behalf of youths whose parents are reluctant or unwilling to participate in the program is an important one to note. Too often juvenile courts have allowed themselves to become disciplinary agents for angry parents rather than using court authority to change the behavior of parents.

For youths referred from court, the average length of stay is two to three weeks, varying with how rapidly the court docket is moving. Most of the youths terminate from the program by returning home; program officials reported that 8 percent of the youths admitted since July, 1975, ran away from the program, but the statistics were not specific to court referrals only. On occasion disruptive youths are asked to leave—but this is rare. The staff's principle response to disruptive behavior is to encourage ventilation of feelings.

Jacksonville, Fla.

The Transient Youth Center was designed for out-of-state runaway youths. The Child Services Division of Jacksonville's Human Resources Department operates the Center which has residential capacity for 12 youths (both boys and girls) and accepted 560 youths in its first ten months of operation.

Local law enforcement agencies and court intake officials agreed to bring runaways directly from the police station or court intake to the center, thus avoiding secure detention altogether.

The principal objective for out-of-state juveniles is to return them to their families. The operating assumption is that provision of food, shelter and positive human contact of a crisis intervention kind will help youths decide to contact their parents and return home. To carry out this program, counselors are available 24 hours a day. A youth arriving at the center is fed, assigned a bed and given an opportunity to talk with a counselor. Daily staffings assess the youth's willingness to work out the details of contacting his parents and returning home. For most out-of-state youths this process takes one to three days. The center's close working relationship with Traveler's Aid appears to be a major factor in expediting return.

Although the Transient Youth Center was designed for juveniles running away to Florida, 40 percent of its clientele is now from Jacksonville and other parts of Florida. The local youths have presented needs and problems different from youths from other states. They need concrete services and an opportunity to talk, but often they present serious personal and family problems as well. The staff attempts to engage such youths and their families with the local social agencies for longer-term services. On the average, Florida youths stay at the Transient Youth Center a few days longer than do those from out-of-state.

Conclusions

For jurisdictions considering what to do about runaways, we think there is much to be learned from both programs. The striking facts are that few of the runaways admitted to Amicus House (7.8 percent) and to the Transient Youth Center (4.1 percent) run from them. These are remarkable accomplishments, given the reputed difficulties of controlling runaways.

PRIVATE RESIDENTIAL FOSTER HOME PROGRAMS

The two private, residential foster home programs have little in common except that both are located geographically in the state of Massachusetts. This may not be a coincidence.

In Massachusetts, the Department of Youth Services (DYS) is the agency responsible for juvenile corrections. In that state this responsibility includes the operation and provision of pre-trial detention facilities and services for juveniles. During the early 1970s both the structure and organization of DYS was altered dramatically under the administration of its Commissioner Dr. Jerome G. Miller. He closed most of the state's juvenile training schools

and encouraged community based programs to take their places. He organizationally divided DYS into seven semi-autonomous administrative regions and encouraged each region to develop non-secure community-based alternatives to incarceration for youths in their care. This, of course, included alternatives to detention for juvenile awaiting court.

New Bedford, Mass.

The New Bedford Child and Family Service, a private social work agency, erates the Proctor Program under contract with DYS Region 7. Region 7 has no secure detention for girls. Girls remanded by courts to DYS Region 7 for detention are placed in either the Proctor Program or in shelters, group homes or other foster homes.

The New Bedford Child and Family Service (NBCFS) Proctor Program assigns girls received from DYS to a "proctor" who provides 24-hour care and supervision for the girl and works with the NBCFS professional staff to develop a treatment plan for rehabilitation. Twelve proctors are paid about $9,600 each per year for 32 child-care weeks. Each makes her own home or ı_artment available to one girl at a time. The proctors are single women between the ages of 20 and 30 who live alone and are willing to devote all their time to the girls assigned to them.

The idea for this program grew out of NBCFS's previous experience with female juvenile offenders and their families. The agency had observed that foster home care and other substitute care arrangements often seemed to make troublesome girls' behaviors worse but that a positive one-to-one relationship with a female caseworker seemed to cause improvement. The Proctor Program began with the operating assumption that many adolescent girls rerred to court lacked a positive relationship while growing up and that the one-to-one Proctor format would provide such a relationship. This, in turn, would lead to short-term behavioral stability assuring appearance in court and the beginning of the rehabilitative work viewed as necessary for growth and development in the longer run. The immediate objective is to see that the girl appears in court at the appointed time. The long-term goal is to help the girl begin a course of rehabilitation by providing a type of care that will eventually improve her relationship with her parents. To accomplish these goals, the counseling and other resources of NBCFS are brought to bear in addition to the personal help of the proctor.

One hundred and sixteen girls were placed with proctors during 1975. About three-fourths were status offenders, petitioned for incorrigibility or running away. About 10 percent ran away while in the program.

The Proctor Program cannot be compared with any of the other programs visited. It is a specialized program for a particular (and particularly difficult) population of youths who often are referred to juvenile court when all other resources have failed. In many other jurisdictions they are admitted to secure le' ntion even though intake and court officials know that the court's resources are not adequate to deal with the range of complex problems they present. The Proctor Program maintains close working relationships with both he Bristol County Juvenile Court in New Bedford and the regional office of)YS. It may be that the Proctor Program is one of the kinds of alternative rograms needed to provide effective care for youths who are most inappropriately placed in secure detention.

pringfield, Mass.

The Center for the Study of Institutional Alternatives (CSIA) is located in pringfield, Massachusetts, and serves the four western counties that make up egion 1 of the State Department of Youth Services (DYS). It is a private, on-profit corporation that operates two alternative programs under contract ith Region 1. Each program accepts both boys and girls and together they rovide 95 percent of all detention services in the region. DYS operates a ne-bed regional secure detention facility in Westfield, Massachusetts.

The Intensive Detention Program (IDP) was designed for juveniles charged ith more serious offenses or who, regardless of charge, are more difficult to a' ge behaviorally. It consists of a Receiving Unit Home (four beds), two roup Home units (five beds each) and two foster homes (two beds each). hus, space is available for a maximum of 18 juveniles at any one time. The ors and windows of the Receiving Home Unit can be locked with keys, but at is the maximum degree of mechanical security possible in this network.

The Detained Youths Advocate Program (DYAP) consists of seventeen two-bed foster homes and was designed for youths charged with less serious offenses or who, regardless of charge, are behaviorally less difficult to manage. The combined capacity of these programs at any one time is 52 youths, although it could expand by recruiting additional DYAP foster homes.

The operating assumptions of the CSIA programs are that decent, humane care provided by people who can develop relationships with youths awaiting court action will keep most such youths free of trouble and assure their appearances in court at the appointed times. The IDP is staffed with a director, a receiving home unit supervisor and an assistant, two full-time and two part-time counselors and three office personnel who often double as resource personnel. Group and foster home parents are carefully screened and selected. As the main program thrust is relationship building, program staff and houseparents work closely together in attempting to match each youth with an adult (staff or houseparent) that the youth can relate to and trust. This person, who tries to help the youth understand the legal process ahead of him is prepared to be an advocate on the youth's behalf when he or she appears in court. Counselors frequently involve the youths' families, schools and other concerned persons in planning for the future.

The DYAP is less labor intensive and relies for the most part on the program director and the foster parents, who are frequently young couples, some with children of their own. The operating assumptions and program activities are the same as those of the IDP.

The two CSIA programs combined accepted 650 youths during fiscal year 1975. Two-thirds were males and all were petitioned either as alleged delinquents or Children in Need of Services (CHINS). During the first six months of that year, 475 youths were placed in the CSIA programs, of whom six (1.3 percent) committed new offenses while in the program and 32 (6.8 percent) ran away, for a combined failure rate of 8 percent. The rest appeared in court as scheduled. Our own randomly selected sample of all youths terminating from a CSIA program between July 1 and December 31, 1975, showed that the average length of stay for youths in both programs was 20 days.

In relative terms, the CSIA network of group and foster homes is the most extensive we encountered. During the last six months of 1975 the nine-bed detention facility in Westfield had been occupied mostly by older boys being bound over for trial as adults. Thus, only a few beds were available to the Region for secure detention of youths awaiting hearings in juvenile court. We know of no other part of the United States in which is located a city the size of Springfield where so few youths are detained securely prior to adjudication.

PROGRAM COMPARISONS

Fair evaluation of an alternative program requires information on outcomes which can be related to program goals. Comparative evaluation of two or more such programs requires the existence of comparable program goals as well as comparable outcome measures. The goals of the fourteen programs described above vary considerably as we have noted at several points. Several programs held in common two primary goals: keeping their youths trouble free and available to the court. Secondary goals ranged from providing short term counseling and referral services to youths and their families to providing rehabilitative services over a longer period. Other programs named rehabilitative services as their primary goals. Sometimes keeping youths trouble free and available to the court were named as secondary goals but not always. Thus, we do not have comparable goals for all programs. Nor do we have statiscal information on the effectiveness of counseling, referral and rehabilitative efforts; they are seldom available.

For most of the programs, however, we do have information on the percentages of youths running away or allegedly committing a new offense while in the alternative program awaiting adjudication. Negative information of these kinds cannot do justice to program efforts and have in themselves problems of comparability. Nevertheless, they do provide us with an opportunity to compare programs collectively in a limited way and to illustrate what can be accomplished.

Across the 12 programs for which information was available the percentage of participants running away or allegedly committing new offenses while awaiting adjudication ranged from 2.4 percent to 12.8 percent (see Table

It is of interest that both of the programs reporting these percentages had the same format: they were Home Detention Programs. In other words, similar programs can produce different results when carried out by different organizations in different jurisdictions, possibly working with different kinds of juveniles.

The reader probably will focus first on the two extreme figures—among the Home Detention Programs—Program B and Program F.

Program B was begun in order to reduce overcrowding in secure detention and in the hope of avoiding the cost of constructing an additional wing to the secure facility. Judges and intake personnel began to misuse the new program by placing status offenders and allegedly delinquent youths—who would not otherwise have been placed in secure detention—in it. The percentages of youths who ran away or were alleged to have committed new offenses while in the program rose with this originally unintended development. We cannot demonstrate that the misuse *caused* the increase in failure rates but we suspect it may have been a contributing factor. The secure detention facility in this jurisdiction remains at or above capacity. Officials there did not hesitate to attribute this consequence to the misuse of the alternative program.

TABLE 2.—PERCENTAGES OF YOUTHS WHO RAN AWAY OR ALLEGEDLY COMMITTED NEW OFFENSES FOR 14 ALTERNATIVE PROGRAMS

Type of program	Percent		
	Interim offenses	Running away	Total
Home detention programs:			
Program A	4.5	3.0	7.5
Program B	4.4	8.4	12.8
Program C	2.4	0	2.4
Program D	5.2	0	5.2
Program E	2.4	1.9	4.3
Program F	[1][2] 10.1	([12])	[1][2] 10.1
Program G	5.5	0.0	5.5
Detention homes:			
Anaconda	NA	NA	NA
Boulder	[1] 2.6	[1] 2.6	[1] 5.2
Helena	NA	NA	NA
Programs for runaways:			
Jacksonville	([3])	4.1	4.1
Pittsburgh	[1] [4] 0	[4] 7.8	[1] [4] 7.8
Private residential foster homes:			
New Bedford	0	10.0	10.0
Springfield	1.2	6.8	8.0

[1] Information based on interview only.
[2] Runaways may not be included.
[3] Not applicable.
[4] Includes youths not within court jurisdiction.

NA = Information not available.

Program F reported a combined "failure rate" of 10.1 percent. In that jurisdiction judges were using the alternative program as a means of testing the ability of allegedly delinquent youths to remain in the community under detention-like supervision. Placement in the program occurs prior to adjudication. This misuse of the program as a preadjudicatory testing ground apparently contributed to delays in the program; the average length of stay was days. Whether it also contributed to the higher than average failure rate is known. It is clear, however, that such extended lengths of stay are both necessary and unfair.

In general the program failure percentages for Home Detention Programs tend to be interim new offenses rather than runaways. In only one instance (Program B) does the percentage running away exceed that for alleged new offenses. Furthermore, two jurisdictions reported no runaways during their reporting year. Of course, jurisdictions differ in the ways runaways are classified. Some do not count instances where the youths who ran away returned voluntarily or through the efforts of staff prior to adjudication; others do. When so, the low percentages of running from these programs may be of interest.

The percentages for the publicly and privately operated residential grou home programs for runaways reflect their purposes. What they have been abl to accomplish, with local and interstate runaways, should be of considerabl importance to the many jurisdictions that have found such youths especiall difficult to contain suitably.

The Attention Homes in Boulder, Anaconda and Helena serve diverse group of juveniles with considerable success.

The two private residential foster home programs are both located in th State of Massachusetts and were developed partly in response to the progre sive act of that state in closing its juvenile correctional institutions. The Ne Bedford program for girls experienced no allegations of new offenses durin the reporting year, although 10 percent ran away. The program serves man girls referred for running away or incorrigibility, although it serves allege delinquents as well. The Springfield statistics may be of the greatest in portance of any in Table 2. Almost no juveniles are securely detained in th jurisdiction, so juveniles who are difficult to supervise as well as easier c are referred to the program. The 8.0 percent total for "failure" is quite a achievement, especially as it includes few alleged new offenses. In fact, e cluding programs only for runaways, the 1.2 percent of interim offenses is t smallest of any program.

When these statistics are viewed collectively for the 12 programs that pr vided them, we can see that the interim offense rates ranged from 1.2 perce to 10.1 percent of all youths placed in the programs during one year. Similarl the runaway rates ranged from 0.0 percent to 10.0 percent and the combin totals from 2.4 percent to 12.8 percent. The small spread on these meas when combined with our knowledge of how different the programs are—bo in terms of what they do and the types of youths they receive—seems to su port at least two conclusions. One is that programs used as alternatives secure detention can be used for many youths who would otherwise be plac in secure detention and with a relatively small risk of failure. A second that the *type* of program used does not appear as critical as *how* it is used the jurisdiction. These conclusions are based on data from only 12 progra and so must be considered tenative. They do, nevertheless, provide some couragement for jurisdictions that are dissatisfied with the traditional u secure detention.

Program costs

Costs of the alternative programs are in Table 3, together with the co of secure detention in the same jurisdictions.

We have hesitated even to approach this topic. The usual computation these costs is to divide some definition of expenditures by the number of d of child care provided, thus producing a cost per youth per day. Administ tive expenses, when the program is operated by a social agency carryin additional functions, are not always allocated to program costs in the sa way; nor are expenses of renting or purchasing office and juvenile residen facilities.

Furthermore, the juxtaposition of the two sets of figures risks the impl tion that a saving is taking place. That may not be true. Certain costs operating and maintaining a secure facility are incurred even if fewer yo are detailed there, and the cost per youth per day may rise as more yo are removed to an alternative program. An important exception may be jurisdiction where an alternative had been established *in lieu* of enlarg existing secure facility or building a new one. Such savings are not expres in budgets and are not often enough taken into account.

The costs of alternative programs, expressed in youth-care days, are infl by underuse of many of them. Unlike many secure facilities, most of alternative programs we visited had never operated at maximum capa Actual operating capacity for these programs generally fell between 40 an percent of maximum, and costs per youth per day vary with this fluctuatio

Certain of the programs are used for large numbers of juveniles. Others for very small numbers. Thus, a small program that appears expensive case basis may represent a very small part of the expenditure of its juri tion for holding youths for adjudication.

Finally, certain programs are in geographical areas where personnel other costs are greater, relative to other areas.

TABLE 3.—COSTS PER YOUTH PER DAY OF 14 ALTERNATIVE PROGRAMS AND OF SECURE DETENTION FACILITIES IN THE SAME JURISDICTIONS

Jurisdiction	Cost	
	Alternative program	Secure detention
Home detention programs:		
Program A	[1] $6.03	[1] $36.25
Program B	[1] 11.42	[1] 29.60
Program C	[1] [2] 24.22	[1] 35.69
Program D	[3] 4.85	[3] 17.54
Program E	10.34	27.00
Program F	(4)	(4)
Program G	(4)	(4)
Attention homes:		
Anaconda	15.00	(5)
Boulder	13.67	22.83
Helena	22.00	(5)
Programs for runaways:		
Jacksonville	18.00	18.00
Pittsburgh	85.00	35.00
Private residential foster homes:		
New Bedford	63.87	(5)
Springfield:		
Intensive detention program	32.28	(4)
Detained youths advocate program	14.30	(4)

[1] Expressed in 1974 or 1975 dollars.
[2] Includes costs of a contract for program evaluation of about $3 per youth per day.
[3] Expressed in 1972 dollars.
[4] Not available.
[5] No secure detention facility.

Having said all that, the costs per day per youth displayed in Table 3 should be thought of only as indicating something about the range of expenses that might be incurred—little else.

CONCLUSIONS ABOUT ALTERNATIVE PROGRAMS

In concluding this document we set forth certain generalizations about programs currently in use as alternatives to secure detention for youths awaiting adjudication in juvenile courts. The reader should remember that we visited only 14 such programs and that selection of programs in different jurisdictions might have resulted in other generalizations. Still, we will summarize conclusions that we believe to be of immediate importance to individuals and organizations that may be considering the development of alternatives in their jurisdictions.

1. The various program formats—residential and non-residential—appear to be about equal in their ability to keep those youths for whom the programs were designed trouble free and available to court. That is not to say that any group of juveniles may be placed successfully in any type of program. It refers, instead, to the fact that in most programs only a small proportion of juveniles had committed new offenses or run away while awaiting adjudication.

2. Similar program formats can produce different rates of failure—measured in terms of youths running away or committing new offenses. The higher rates of failure appear to be due to factors outside the control of the programs' employees—e.g., excessive lengths of stay due to slow processing of court cases or judicial misuse of the programs for pre-adjudicatory testing of youths' behavior under supervision.

3. Any program format can be adapted to some degree to program goals in addition to those of keeping youths trouble free and available to the court—for example, the goals of providing treatment or concrete services. Residential programs seem the most adaptable in that they are able to serve youths whose parents will not receive them or those who will not return home—often the same juveniles.

4. Residential programs—group homes and foster homes—are being used successfully both for alleged delinquents and status offenders.

5. Home Detention Programs are successful with delinquents and with some status offenders. However, a residential component is required for certain juveniles whose problems or conflicts are with their own families. Substitute

care in foster homes and group homes and supervision within a Home Detention format have been combined successfull.

6. The Attention Home format seems very adaptable to the needs of less populated jurisdictions, where separate programs for several special groups may not be feasible. The Attention Home format has been used for youth populations made up of (a) alleged delinquents only, (b) alleged delinquents and status offenders and (c) alleged delinquents, status offenders and juveniles with other kinds of problems as well.

7. Thoughtfully conceived non-secure residential programs can retain, t[em]porarily, youths who have run away from their homes. Longer term help i[s] believed to be essential for some runaways, so programs used as alternative to detention for these youths require the cooperation of other social agencie[s] to which such juveniles can be referred.

8. Certain courts are unnecessarily timid in defining the kinds of youth[s] (i.e., severity of alleged offense, past record) they are willing to refer t[o] alternative programs. Even when alternative programs are available, man[y] youths are being held in secure detention (or jail) who could be kept troubl[e] free and available to court in alternative programs, judging by the experie[nce] of jurisdictions that have tried.

9. Secure holding arrangements are essential for a small proportion [of] alleged delinquents who constitute a danger to others.

10. The costs per day per youth of alternative programs can be very mi[s]leading. A larger cost can result from more services and resources being mad[e] available to program participants. It also can result from geographical var[i]ation in costs of personnel and services, differences in what administrative an[d] office or residence expenses are included and underutilization of the progra[m].

11. A range of types of alternative programs should probably be made a[v]able in jurisdictions other than the smallest ones. No one format is suited [to] every youth, and a variety of options among which to choose probably w[ill] increase rates of success in each.

12. Appropriate use of both secure detention and of alternative progra[ms] can be jeopardized by poor administrative practices. Intake decisions shou[ld] be guided by clear, written criteria. Judges and court personnel should mo[ni]tor the intake decisions frequently to be certain they conform to criteria.

13. Since overuse of secure detention continues in many parts of the count[ry] the main alternative to secure detention should not be another progra[m]. A large proportion of youths should simply be released to their parents or oth[er] responsible adults to await court action.

PREREQUISITES FOR SUCCESSFUL PROGRAMING

In presenting the descriptions of the alternative programs we tried to su[m]marize descriptive findings as succinctly as possible, emphasizing those fac[ts] of programs that might interest those who may be considering use of alter[na]tive programs in their own jurisdictions. We mentioned only briefly som[e] the problems we saw in the way programs were used in certain jurisdictio[ns]. The problems to which we referred are not unique to one jurisdiction and would be misleading to discuss them as if they were. We nevertheless n[eed] to discuss them here in a general way, because the recommendations we m[ake] here will be understood only if the problems are acknowledged.

During each site visit we asked about the reasons for the use of sec[ure] detention and specific alternative programs in the jurisdiction. We han[ded] informants a list of reasons we had found in the literature and asked: Wh[ich] reasons apply here? The responses are combined in Table 4.

The reasons given for use of secure detention were predictable. It [is] being used in all jurisdictions (a) to assure appearance for court adjudicati[on] (b) to prevent youths from committing a delinquent act while waiting for [an] adjudicatory hearing; (c) to prevent youths from engaging in incorrig[ible] behavior while awaiting an adjudicatory hearing; (d) to protect youths aga[inst] themselves—that is, keep youths from injuring or harming themselves; (e) to protect their families—in the community. Lesser numbers repo[rted] that juveniles in their jurisdictions were being securely detained to pro[vide] them with a place to stay while awaiting an adjudicatory hearing, b[ut] there was no other alternative.

The directors of alternative programs gave answers that parallel the [ones] just listed. Their programs were being used for those reasons, too.

Use of secure detention and alternative programs differed in important ways, however. Secure detention was used in only one jurisdiction to reduce the likelihood that youths would commit a delinquent act in the long run—that is, after release by the court or other juvenile authorities. In no jurisdiction was it reported that secure detention was used to reduce the likelihood of youths engaging in incorrigible behavior in the long run. Yet in all jurisdictions except one, alternative programs were used for these reasons.

In only two jurisdictions was secure detention being used to make sure that youths were available for interviewing, observation or testing needed by the court or court employees. In three it was being used to give some youths a mild but noticeable "jolt" so that he or she would recognize the seriousness of the behavior. Two jurisdictions reported that among the reasons for placing youths in secure detention was to begin rehabilitative treatment. Again, in all jurisdictions but one the alternative program was being used to make sure that youths were available for interviewing, observation or testing. In all but two it was being used to give youths a mild "jolt." The alternative program in every jurisdiction but one also was being used to begin rehabilitation.

TABLE 4.—USES MADE OF SECURE DETENTION AND OF ALTERNATIVE PROGRAMS, AS REPORTED BY OFFICIALS IN THE JURISDICTIONS

Reasons for use	Secure detention (N=3)	Alternative program (N=11)
1. Protect the youth against himself or herself—that is, keep the youth from injuring or harming himself	8	6
2. Provide the youth with a place to stay while awaiting adjudicatory hearing, because there is no other alternative except detention	6	10
3. Prevent the youth from committing a delinquent act while awaiting the adjudicatory hearing	8	10
4. Prevent the youth from engaging in incorrigible behavior while awaiting adjudicatory hearing	8	10
5. Reduce the likelihood that the youth will commit a delinquent act in the long(er) run—that is, after release by the court or other juvenile authorities	1	10
6. Reduce the likelihood that the youth will engage in incorrigible behavior in the long(er) run—that is, after release by the court or other juvenile authorities	0	10
7. Assure appearance for court adjudication	8	10
8. Make sure that the youth is available for interviewing, observation or testing needed by the court or court employees	2	10
9. Begin rehabilitative treatment	2	10
10. Give the youth a mild but noticeable "jolt" so that he/she will recognize the seriousness of the behavior	3	9
11. Protect the youth from others—perhaps other youths or adults, and even his/her family—in the community	8	8

Thus in eleven of the jurisdictions visited alternative programs listed among eir functions administrative convenience, immediate punishment, long-run terrence and rehabilitation. The reader will recognize these "reasons" as e ones that have historically caused so much misuse of secure detention roughout the United States.

Interviews provided additional information on uses of alternative programs. uths in certain programs would simply have been sent home to await a' ngs, if the alternative program had not been available. Juveniles in alter-tive programs tend to wait longer for adjudication (in one city a program s scornfully referred to as an "alternative to disposition"). But most of , in addition to holding juveniles who might commit new offenses or run ay, alternative programs were being used as a treatment resource for ıths who were unlikely to do either. In jurisdiction after jurisdiction we re told that the program was being used to provide needed treatment vices, because such services were not otherwise available.

ıs a result the symptoms of overreach through alternative programs may ıı earing in certain jurisdictions. Juveniles can be accepted into the juvenile tice process who would not have been previously, just because new pro-ms are available. This appears in some instances to be accompanied by nsfer of one of the abuses of secure detention to the newer alternative grams. Historically, secure detention has been utilized for the control of

juveniles in need of child welfare services that have not been available. As alternative programs increasingly become resources for juvenile courts to use there is real danger that (1) the programs will be turned away from their main task of protecting communities and juveniles in the period prior to adjudication and that (2) an increasing number of youths who need social services will be labelled alleged delinquents or status offenders in order to receive them.

For the above reasons we offer five recommendations to juvenile courts that may be considering the introduction of alternative programs of whatever kind.

(1) Criteria for selecting juveniles for secure detention, for alternative programs and for release on the recognizance of a parent or guardian while awaiting court adjudication should be in writing.

Comments: The emphasis here is that consistency in decision making requires clearly written criteria by which all intake and referral decision makers may be guided. We do not specify what the criteria should be, but we have included in the bibliography references to the criteria published by the National Council on Crime and Delinquency and the report prepared by Daniel J. Freed, Timothy P. Terrell and J. Lawrence Schultz for the American Bar Association's Juvenile Justice Standards Project. Here we wish to bring a less well known statement to the attention of the readers.

A recent study in California asked its statewide advisory committee to formulate criteria that would be clear and unambiguous for use in that state. Members of the advisory committee included a commander from a police department juvenile division, a deputy chief of another police department, four juvenile court judges, four chief probation officers, two juvenile court referees and a detention center superintendent. Their criteria are the clearest we have seen and they are applicable to any jurisdiction in other states. For these reasons we present here the three criteria relevant to this discussion.

(a) To guarantee minor's appearance: No minor shall be detained to ensure his court appearance unless he has previously failed to appear, and there is no parent, guardian or responsible adult willing and able to assume responsibility for the minor's presence.

(b) For protection of others: Pretrial detention of minors whose detention is a matter of immediate and urgent necessity for the protection of the person or property of another shall be limited to those charged with an offense which could be a felony if committed by an adult and the circumstances surrounding the offense charged involved physical harm or substantial threat of physical harm to another.

Exactly half of the committee formulating these criteria felt that an additional category of youths should be eligible for pretrial detention on the basis of "dangerousness," reflecting the widespread disagreement about what is dangerous. These committee members favored adoption of the following criteria which would be added to (b) above: ". . . and to those charged with substantial damage to, or theft of, property when the minor's juvenile court record reveals a pattern of behavior that had resulted in frequent or substantial damage or loss of, property and where previous control measures had failed." (Saleeby 1975: 59–63.)

It is possible that the mere presence of written criteria so clearly expressed would provide intake officials with some support in refusing to detain youths appropriately brought before them.

(2) The decision as to whether youths are to be placed in secure detention or an alternative program should be guided, so far as possible, by written agreements between the responsible administrative officials. These agreements should specify the criteria governing selection of youths for the programs.

Comments: Some readers will find the manner in which this recommendation is worded obscure. The wording has been carefully chosen so as to be applicable to the use of secure detention under various organizational arrangements and to the use of alternative programs under a variety of organizational arrangements. For example, directors of secure detention facilities sometimes do not have the authority to refuse admission even when the facility is overcrowded and underbudgeted. Written agreements concerning numbers and criteria would provide such a director with leverage to protect the well-being of youths held in his care and also serve as a check against inappropriate referrals. Similarly, alternative programs that may be administered by private organizations need to know with reasonable predictability the numbers and kinds of youths they

serve. Also, the availability of public monies for alternative programs may tempt certain agencies to utilize traditional service technologies and "skim" referrals most suited to them. Written agreements should keep alternative programs available to the juveniles who need them.

(3) The decision to use alternative programs should be made at initial intake where the options of refusing to accept the referral, release on the recognizance of a parent or guardian to await adjudication and use of secure detention are also available. It should not be necessary for a youth to be detained securely initially before referral to an alternative program is made.

Comments: We have found that in some jurisdictions alternative programs are not considered as resources until after juveniles have been confined in secure detention to await detention hearings. This is an unnecessary use of secure detention, as jurisdictions that have organized themselves to make such decisions at the time of initial referral have shown. The danger of overreach is greatest at this initial decision point, another reason for consistent selection based on clearly written criteria.

(4) An information system should be created so that (a) use of secure detention, alternative programs and release on parents' recognizance can be cross-tabulated at least by type of alleged offense, prior record, age, sex, race/ethnicity and family composition and (b) terminations by types of placements from secure detention, alternative programs and release on parents' recognizance status can be cross-tabulated with variables such as type of new offense, length of stay and disposition as well as the variables listed in (a) above.

Comments: Court and program records are often so dispersed, if not in total disarray, that no one can find out what is going on. Facts cannot be assembled for simple reports. Administrators cannot evaluate and control operations without regular access to the kinds of information listed.

(5) Courts should adjudicate cases of youths waiting in alternative programs in the same period of time applicable to those in secure detention.

Comments: The practice of extending the waiting period for youths in alternative programs appears to reflect a belief that those in alternative programs are living under less harsh conditions. Even if that is true, the youths in alternative programs prior to adjudication are experiencing the coercion of the court and should be relieved of it by prompt findings.

Implementation of the above recommendations should precede the use of alternative programs because the measures to which they refer are prerequisite to the proper use of alternatives and of secure detention as well.

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Home Detention: An Alternative

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PURPOSE AND USE OF THIS MANUAL

This manual is designed to serve as a reference for criminal justice administrators who are interested in how one Home Detention Program worked during the first two years of its operation.

It was developed on the basis of the experience in using volunteers in the Home Detention Program begun by Hennepin County Department of Court Services, Minneapolis, Minnesota, in March 1975.

This manual gives an overview of a Home Detention Program designed to [1] provide the Juvenile Court, the juvenile, the family, and the community with an alternative to secure detention for juvenile offenders; [2] maintain juveniles released from secure detention trouble free in their communities; [3] decrease the population at Hennepin County Juvenile Detention Center; and [4] demonstrate that it is both operationally and economically feasible to supervise youths successfully outside a secure detention facility using volunteers and paid staff.

We caution you not to view the manual as a rigid statement of how a Home Detention Program should work, as your agency may well perceive its need for volunteers somewhat diff[illegible]ntly than Hennepin [illegible] it should be seen as a tool to be used in developing, operating, and evaluating a similar program to meet the specific needs of your agency and its clientele.

Hennepin County certainly does not have all the answers for providing an acceptable alternative to secure detention for juveniles. Our purpose in publishing this manual is simply to offer some approaches and guidelines that might be useful to others. We hope it provides some basis upon which to build and improve.

CONCEPT OF UNPAID STAFF IN COURT SERVICES

The past two decades have witnessed a striking increase in the numbers and kinds of roles that volunteers perform in court services. In 1961, only three or four courts had established volunteer programs. Today, over 2,500 courts and court services agencies are benefiting from volunteer programs. Since beginning its work with volunteers in 1969, Hennepin County has continuously expanded the services and roles that unpaid staff (volunteers) perform. Response to the volunteer program has been positive; the courts, paid staff, clients and their families, and volunteers themselves have indicated satisfaction with the quality of the services that have been provided.

Within criminal justice agencies, volunteers provide individual and collective benefits. The client benefits from a concerned and caring volunteer who has the time to furnish intensified services. The volunteer derives personal satisfaction from providing meaningful service and gains new knowledge and experience. Paid staff, in most instances, are freed to devote more time to direct supervision of cases; by working with volunteers, they are able to hone their supervising, teaching, and consulting skills. The criminal justice system itself benefits [1] internally from the insight, knowledge, and suggestions of volunteers whose perspective comes from outside the system and [2] externally from the increased understanding the community has of the problems inherent in the system. The public benefits, too, because the criminal justice system is able to deal more effectively with its clients and because volunteers provide unique community input and feedback.

In the late 1960's, the Court Services Department of Hennepin County recognized that the magnitude of its task could not be managed without the use of citizen volunteers. As a result, meaningful volunteer roles were developed in probation, detention, residential treatment, family counseling, and other diagnostic and therapeutic services. The concept of "unpaid staff in Court Services" emphasizes that volunteers are not providing menial or supplemental services. From the program's inception, it has been organized to become a vital and integral part of the overall service delivery system of our agency, consistent with the agency's philosophies, goals, and objectives. Paid and unpaid staff have become a "service delivery team" with accountability and responsibility. Paid staff serve as consultants, teachers, and supervisors, while unpaid staff provide direct services. This approach enables staff to maximize resources in relation to clients. As an example, on any given day in 1976, over 600 volunteers were actually working in 18 different staff roles in 6 operating court divisions.

> *"Volunteers probably represent the only untapped resource still available to corrections."*
> Dick Hodgkins, Director, Volunteer Services

In essence, the combination of a sound philosophy of using unpaid staff in meaningful roles, proper management, and paid and unpaid staff working together toward a common goal has formed a partnership between the court and the community that has truly intensified both the quantity and quality of services to individuals and families referred to the court system.

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DEVELOPMENT OF THE HOME DETENTION PROGRAM

"It is in the community that unfortunate home, school, and street relationships produce (delinquent) behavior. With few exceptions it is in the community that these relationships must be straightened out."[1] Because of the wide variety of community resources available in Hennepin County, hundreds of youths are diverted each year from the Juvenile Court system. Nevertheless, the number retained in the system results in overcrowding at the Hennepin County Juvenile Detention Center.

In 1974, the facility's 59-bed capacity was frequently exceeded, at times being 35% over capacity. This overcrowding led to [1] decreased interaction between staff and juveniles on an individual basis; [2] feelings of loneliness, alienation, and increased acting-out on the part of the detained youths; [3] an increase in security risks; [4] increased potential to gain knowledge of criminal activity resulting from association with more sophisticated offenders; [5] extended stays in detention; and [6] increased court hearings (detention) on an already-crowded court calendar. The secure detention population also increased when legislative guidelines restricted placements in shelter facilities for juveniles committing criminal offenses.

The Home Detention concept was a practical solution to the problem of overcrowding. The use of community volunteers, already proved effective in other phases of the juvenile justice system, would allow the program to be implemented without large increases in paid staff. Furthermore, the concept of Home Detention was congruent with trends in correctional planning that emphasized community-based programming.

By definition, secure detention institutions are short-term "holding" facilities during a period of court processing. The negative effects of secure detention, documented by research, are particularly germane for detention facilities that are not designed to provide treatment. Most studies on the incarceration of juvenile offenders have concluded that placement in detention facilities merely postpones the resolution of problems. Since the eventual goal for juvenile offenders is a return to the community, detention not only isolates youth from positive and supportive community influences, such as home, school, church, or employment, but precludes coping with those aspects of their lives that contributed to the delinquent behavior. The President's Commission on Law Enforcement and the Administration of Justice examined the use of juvenile detention as part of its study. It determined that minor or first-offender youths are the largest group "unwisely detained" and that youths "who have committed more serious offenses are detained when they could have been released under the close supervision of a probation officer without danger to the community."[2]

Given these considerations, Hennepin County Court Services designed its Home Detention Program to utilize community volunteers to provide intensive supervision of juveniles released from secure detention. Paid staff supervising a caseload of 5 juveniles each were hired to supplement the volunteer staff.

[1] Delinquency Prevention Statement of National Institute on Criminal Delinquency, 1972 and 1976.

[2] Robert W. Winslow, *Juvenile Delinquency in a Free Society*, Selections from the President's Commission on Law Enforcement and the Administration of Justice, Dickenson Publishing Company, Encino, Calif., 1968, p. 171.

ASSESSING THE NEED FOR HOME DETENTION

Overcrowding of a secure detention facility may trigger exploration of various alternatives. Home Detention is one such alternative, but it must be considered in light of an individual agency's needs and attitudes. Initial reaction to the idea of releasing juveniles from secure detention may be negative. Many detention facilities use careful screening processes to eliminate many of the less serious and more unsophisticated offenders from the detention population. As a result, juveniles who are detained represent the "more serious" offender population. Staff may fear that these juveniles, if released on a Home Detention basis, would fail to appear for subsequent court hearings, run away from home, or commit new offenses. The community may be opposed to the concept for the same reasons. If volunteers are to be used, there may be apprehension as to their ability to hold these juveniles accountable and doubt as to their willingness to report violations and return youths to the secure detention facility. Though these fears are not unrealistic, Hennepin County's experience with Home Detention has shown that such a program can operate without undue risk to the community. Over a two-year period, new offenses have been limited to approximately 3% of over 400 juveniles released on Home Detention. With proper training and support from agency paid staff, volunteers have routinely returned juveniles who have violated the conditions of their release.

On the positive side, Home Detention can provide a variety of benefits to the agency. Particularly through the use of volunteer staff, costs of secure detention may be reduced. In the first two years of the program's operation in Hennepin County, Home Detention staff provided some 8,800 days of service to juveniles released from secure detention. Because one day in detention may cost upwards of $50, this figure represents a considerable savings, even when staff salaries and program costs are subtracted. Reduction of the secure detention population, if it can be achieved, is a concomitant benefit. Probation officers, who may be meeting a juvenile for the first time, have the opportunity to observe the youth's behavior in a community setting. Volunteers, who are in daily contact with the youth, may provide the probation officer with additional insights. Long absences from school and

employment are avoided by Home Detention. For the Juvenile Court, Home Detention provides a "middle ground" between straight release with no supervision and extended stays in secure detention. Parents often are more willing to have their child home if they know they will be given assistance in monitoring his or her behavior. Daily contact with the volunteer also reassures family members that their case has not been forgotten and allows them to ask "what happens now?" at any stage in the judicial process.

Hennepin County's experience has shown that Home Detention works best if the following conditions are present:

- Support for the program from the Juvenile Court judge and staff, which includes a willingness to order release on Home Detention and the commitment to enforce that order.
- Cooperation from agency paid staff in recommending juveniles for release and supervising the volunteers working with the youths.
- Provision for immediate return to the secure detention facility in the event the release order is violated.
- Properly trained and supervised volunteers who are able to hold youths accountable and who are able to handle the authority vested in their role in a fair and constructive manner.

Agency resistance may be overcome through a planning and implementation process that involves paid staff in development of the program. For Hennepin County, this meant that the Juvenile Court judge, probation staff, and detention staff were consulted frequently in the initial stages of the program. Their assistance was invaluable in designing the release order, establishing eligibility criteria for juveniles and screening criteria for volunteers, and providing practical suggestions for integrating the program into current agency operations. Although the Volunteer Program staff retained primary responsibility for development of the program, involvement of agency staff was a high priority and resulted in their commitment to the success of the program. Police departments also were made aware of the program's development, as they would have a key role in its enforcement. An evaluative research design was included in the original program package. This provided mechanisms for immediate feedback as to the program's effectiveness, allowed for identification of problems by agency staff, and defined long-range objectives and standards.

HOME DETENTION PROGRAM SPECIFICATION

The Home Detention Program provides an alternative to secure detention for juveniles awaiting court hearings or placement in a specifically designated treatment program. The program is intended to be short term and is not used as part of long-range treatment plans. Home Detention is administered by the Volunteer Division and the Juvenile Detention Center (secure detention), in coordination with the Juvenile Court, Juvenile Probation, the County Attorney's office, private attorneys, the Public Defender's office, and the Welfare Department.

The goals of the Home Detention Program are:

1. To provide the Juvenile Court, the juvenile, the family, and the community with an acceptable alternative to secure detention.
2. To maintain juveniles released from secure detention on the Home Detention Program trouble free in their communities.
3. To decrease the population of the Juvenile Detention Center.
4. To demonstrate that it is both operationally and economically feasible to supervise youths successfully outside a secure detention facility using volunteer and paid staff.

These goals and the philosophy of the Home Detention Program are based on the following assumptions:

- Incarceration has negative consequences for juveniles because they are removed from the social environment in which their problems began and must eventually be resolved.
- Additional negative consequences of incarceration result from labeling youths "delinquent" and exposing the less sophisticated and status offenders to the more sophisticated and violent offenders. These factors tend to increase the potential for recidivism (continuation of delinquent/criminal activities).
- Many juvenile offenders need not be incarcerated if they can be intensively supervised in the community.
- Home Detention helps youths assume responsibility for their own behavior and has a positive influence on juvenile offenders by virtue of support from family, school, community, and the Home Detention worker.
- Reduction of the Juvenile Detention Center population through use of Home Detention will increase detention staff effectiveness with juveniles in need of secure detention.

ELIGIBILITY CRITERIA

Juveniles are eligible for release under the Home Detention Program and assigned to a volunteer Home Detention worker if they meet the following criteria:

1. The juvenile is charged with an offense of a non-aggravated nature and is not viewed as a danger to the community, or
   The juvenile is awaiting residential placement, or
   The juvenile has violated conditions of probation, and the additional supervision is deemed necessary pending a new disposition by the court.
2. The juvenile and parent/guardian must agree to the conditions of the Home Detention Program as outlined in the Home Detention Order.
3. There is an approved residence at which the juvenile will live during the period of Home Detention.

Juveniles are eligible for release under the Home Detention Program and as-

signed to a Home Detention officer (paid staff) if they meet the following criteria:

1. The juvenile is charged with an offense of an aggravated nature and/or is viewed as a sophisticated and street-wise offender.
2. The juvenile and parent/guardian must agree to the conditions of the Home Detention Program as outlined in the Home Detention Order.
3. There is an approved residence at which the juvenile will live during the period of Home Detention.
4. There is space available on the probation officer's caseload (caseload is not to exceed 5 juveniles).

Referrals to the Home Detention Program are made by the Juvenile Court, Juvenile Center staff, probation officers, social workers (Welfare Department), and attorneys. Referrals are screened by Home Detention staff, and all releases must be approved by the Juvenile Court. Home Detention may be recommended at any point in the court process but discontinues at the time of final disposition or placement in a treatment facility. Juveniles on Home Detention continue on "detention status," with a review required every eight days, as specified by the Minnesota State Legislature. Average time on Home Detention is approximately three weeks, although involvement of the juvenile in trial proceedings or adult certification motions may extend this period. Hennepin County's experience seems to indicate that after thirty days the Home Detention Program begins to be less effective in maintaining juveniles trouble free. For the Home Detention worker as well as the juvenile and the family, the daily contacts become routine and acting-out and resentment of the restrictions of Home Detention increase. When these extended Home Detention situations arise, Juvenile Court approval is sought to lessen the need for daily contact and loosen certain restrictions of the Home Detention Order.

HOME DETENTION ORDER

The Home Detention Order (see Appendix) is the working document for the period of Home Detention. The order, which contains rules for the period of Home Detention (curfew, school attendance, restrictions on associates, etc.) is completed at a conference attended by the juvenile, parent/guardian, probation officer or social worker, and Home Detention staff. During this conference, the Home Detention Program is explained, expectations are clarified, and the individualized order is developed. The juvenile and parents are informed that the consequence for violation of the order is a return to secure detention. Parents also are told that they must report any violation known to them or face possible contempt of court charges.

Most juveniles return to their own homes while on Home Detention, although arrangements can be made at the home of a relative, a shelter care facility, or another temporary placement. The ability to provide adequate supervision is a major factor in determining where a youth will reside. While juveniles must assume the major responsibility for following the order,

> "*Public safety has not been endangered by this program. If kids act up in any way, they are brought back to the Juvenile Detention Center immediately. Kids recognize that Home Detention is a credible program because it holds them accountable for their actions.*
>
> Juvenile Court Judge Lindsay G. Arthur"

long periods without responsible adult supervision should be avoided. Supervision is a particular problem for youths who do not attend school. In these cases, it may be possible to arrange for certain hours to be spent at a neighborhood center or other supervised setting.

The Home Detention Order is presented at a court hearing, during which the conditions are read into the court record and the juvenile is recommended for release. The court may make changes or additions to the order and then add its signature. At this point, the order becomes binding and cannot be altered without court approval.

ASSIGNMENT PROCESS

Following the court hearing, the juvenile waits in detention for the arrival of the Home Detention worker, who outlines the order conditions once again before taking the juvenile home. Home Detention staff assume the responsibility for assigning the case within twenty-four hours of the court hearing. At the Juvenile Detention Center, the Home Detention worker receives copies of the order for him/herself, the juvenile, and the parents; pertinent information about the juvenile; the name of the probation officer or social worker; the date of the next court appearance; and forms for the daily log and written summary (see Appendix).

WORKER RESPONSIBILITY

For the period of Home Detention, the worker monitors the Home Detention Order and provides limited counseling to the juvenile and family (primarily on a crisis intervention basis). Home Detention workers are not involved in long-range treatment and do not "investigate" cases or make recommendations for treatment. Specifically, the Home Detention worker:

- Makes a daily face-to-face contact with the juvenile.
- Makes a daily random phone call to the juvenile.
- Makes a daily contact with the juvenile's school (if school is part of the Home Detention Order) or otherwise checks on school attendance.
- Completes the daily log.
- Completes the written summary.
- Is available to communicate information as requested by the probation officer or social worker.
- Appears at subsequent court hearings or informs staff as to the youth's conduct during Home Detention.

A copy of the Home Detention Order and the name and phone number of the Home Detention worker assigned are placed in the court record and Court Services file (held by the probation officer). The probation officer/social worker for the

juvenile and the Home Detention worker are expected to be in contact during Home Detention. The Home Detention worker's written reports are available to the probation officer/social worker and court.

Home Detention workers are expected to use good judgment in monitoring the order. The volunteer has the option to allow one default on the conditions of the order. Given the sophistication of

> *Although we see the kids every day and sometimes become their friends, we have to shy away from being advocates for them. And we have to make it clear that the contract with the court is the bottom line.*
>
> Home Detention Volunteer

clients on the Home Detention officer's caseload, more than one violation may be allowed. However, continued violations of the order or involvement in a new offense requires the immediate return of the juvenile to secure detention. Home Detention workers may wish to consult with the probation officer/social worker of Home Detention staff regarding violations and the need for return. When return to secure detention is required but the juvenile will not cooperate with the worker by returning voluntarily, the police are notified. If necessary, a warrant is issued for the juvenile's arrest. Home Detention workers are supervised by the probation officer/social worker in a team relationship, each party having individual responsibilities in working with the youth. Juvenile Detention Center staff are available twenty-four hours a day to assist with problem solving, and Home Detention staff function on an on-call basis for volunteers with questions or problems.

Juveniles who are returned to secure detention as a result of violating conditions of the order but not involved in a new offense may be reconsidered for release on Home Detention. A court hearing is scheduled, at which time the court is informed as to the violations that have occurred and the recommendation as to re-release on Home Detention. Hennepin County has found that some youths do not believe that the Home Detention Order will be strictly enforced. If given a second chance, most juveniles fulfill the expectations of the order.

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STAFF ASSIGNMENTS

Job duties of personnel assigned to the Home Detention Program depend on each agency's budget and resources. In Hennepin County, 5 paid staff and approximately 50 unpaid staff currently comprise the Home Detention Program. Individual job responsibilities have been delegated as follows:

The **program administrator** coordinates the Home Detention Program with the policies and procedures of the Juvenile Court as well as with other agency divisions. The administrator assumes overall responsibility for the recruitment, screening, training, and supervision of volunteer staff and provides direct supervision for Home Detention officers (paid staff) and student interns. The administrator also directs the program's intake (interviewing youths and parents, developing release orders, making recommendations to the Juvenile Court) and assigns clients to the appropriate worker. Collateral responsibilities include implementation of the program's evaluative research design and development of ongoing training for volunteer and paid staff.

The **program secretary** maintains program records and statistics, which are compiled on a monthly, quarterly, and annual basis. The secretary receives correspondence and telephone messages and routes them to staff in the field, handles routine clerical tasks, and serves as the office manager.

The **Home Detention officers** (currently 3 paid staff in this role) maintain a caseload of approximately 5 youths on a Home Detention basis. The Home Detention officer provides intensive supervision through personal and telephone contacts and works with the family, school, probation officer, and other community resources in an effort to maintain the youth trouble free outside the secure detention facility. Paid staff are assigned youths who are charged with aggravated offenses and whose behavior shows them to be sophisticated and street-wise. Home Detention officers supervise their cases on a seven-days-a-week basis, and their working hours include evenings and weekends. Home Detention officers are expected to develop a working knowledge of community resources, such as recreational programs, neighborhood centers, and school and work opportunities, incorporating these supportive services into supervision of the caseload. In addition to attending court hearings of youths on their caseload, Home Detention officers spend one day a week in the office helping the administrator interview referrals and maintaining continuity with policies and procedures.

The **Home Detention workers** (volunteer staff) generally supervise one youth at a time on an intensive basis. Responsibilities include daily face-to-face and telephone contacts, school checks, and court appearances. Youths assigned to volunteer staff generally are charged with less serious offenses and are not viewed as sophisticated juvenile offenders. Since Home Detention workers also supervise their clients on a seven-days-a-week basis, cases are assigned according to geographic proximity in order to decrease travel time and mileage. After their initial training, Home Detention workers commit themselves to six months as active volunteers. Volunteers also attend monthly in-service training sessions on topics pertinent to their work.

Juvenile Detention Center and Juvenile Probation staff also provide assistance to the Home Detention Program. They supervise volunteer staff and answer their questions, refer youths for consideration for release, and attend volunteer training sessions.

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RECRUITMENT AND SCREENING OF VOLUNTEERS

Recruitment and screening of citizen volunteers are the keys to the success of the Home Detention Program. In Hennepin County, volunteers supervise two-thirds of the youths assigned to the Home Detention Program. Without a cadre of well-trained, capable volunteers, the program could not maintain the capacity necessary to meet the needs of the Juvenile Court.

Recruitment can be accomplished in a variety of ways—speaking engagements with community service groups, university and college classes, radio and television announcements, and newspaper ads and announcements in company, community, and church newsletters. As the program expands, active volunteers become an excellent resource for the recruitment of new volunteers.

The following techniques are useful in recruitment:

- Emphasize the rehabilitative efforts of the agency and the program.
- Demonstrate that the agency has something to offer the volunteer, stressing the importance of using individual skills.
- Introduce crime and corrections as social problems and characterize the typical offender as a youth who can benefit from a close interpersonal relationship.
- Maximize the use of audiovisual materials—filmstrips, slide presentations, and brochures.
- Keep lectures short and allow time for questions and answers.
- Enlist current volunteers to help in the presentation.
- During the presentation, clarify baseline requirements for the Home Detention Program—six-month commitment, attendance at training sessions, daily personal contacts with the client, and need for a car.

It also is useful to distribute brochures with application materials attached and provide phone numbers for later contacts. Some people choose to "think about it" before deciding to become volunteers and send in their applications at a later date.

APPLICATIONS AND SCREENING

Prospective volunteers are asked to complete an application form that provides basic information about the volunteer and serves as an initial screening device. A screening interview is conducted with all applicants to determine the feasibility of using the volunteer in the Home Detention Program. The skills and interests of the potential volunteer must be matched with the needs of the program. The screening interview should be a mutual exchange of information as well as a personal introduction to the Volunteer Program.

The program administrator assesses the appropriateness of the applicant at the interview. A thorough discussion of the expectations of the volunteer in the role and an inventory of the skills and attitudes of the volunteer provide the basis for this decision.* Prospective volunteers may screen themselves out, feeling the program is not what they are seeking. The administrator may suggest another volunteer role or program more appropriate for the volunteer's skills and interests. Whatever the outcome of the interview, the interviewer should attempt to be as candid as possible with the volunteer in the assessment of skills and interests.

An applicant for the Home Detention Program should possess the following:

*Application and screening materials may be obtained from Hennepin County Court Services Department, A-506 Government Center, Minneapolis, Minnesota 55487.

- An ability to work within the guidelines of the criminal justice system.
- Maturity, self-confidence, and an ability to relate to youths and their families.
- An ability to hold youths accountable and use the authority vested in this role in a fair and reasonable manner.
- An acceptance of the limitations of the role—short-term "monitoring" as opposed to long-term "treatment."
- Sufficient time to devote to intensive supervision and daily contacts.
- The means, preferably a car, for transporting youths and making daily contacts.
- A willingness to make a six-month commitment to the program.

Applicants should be screened out if:

- Their personal philosophy differs drastically from that of the criminal justice system.
- They are perceived as being unable to hold clients accountable.
- They appear to be overwhelmed by their own problems and have not found appropriate ways to handle them.
- They do not have the time or flexibility to meet the baseline requirements.
- They cannot make a six-month commitment to the program.

If the decision is made to pursue volunteer involvement, the applicant is given a copy of the training manual and asked to study it before the upcoming training sessions. A routine criminal record check is made on all new volunteers before any training begins. Upon completion of training, a follow-up interview may be required to clarify issues raised in the training sessions or the initial interview.

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ORIENTATION AND TRAINING

All prospective volunteers must attend the initial orientation/training sessions. Besides combining individual participation with program information, the sessions should provide an opportunity for volunteers to become familiar with the criminal justice system as it operates in their locality and to meet paid and unpaid staff as well as other new volunteers. Experienced Home Detention workers, probation officers, Juvenile Detention Center staff, and volunteer staff attend the training sessions to contribute their knowledge and share their experiences. The current training package for Hennepin County's Home Detention Program involves twelve hours of work, usually divided into four sessions of three hours' duration:

Session I:
Introduction of the training group
Overview of Court Services and the Volunteer Program
Tour of the Juvenile Detention Center (secure detention), with the opportunity to talk with staff and youths

Session II:
Description of the client process in the Juvenile Court system
Significant court policies and procedures
Explanation of the Home Detention Program, policies, procedures, and expectations of volunteers
Role-playing of case situations

Session III:
Presentation and discussion of Reality Therapy model for use by volunteers in their work with youths
Role-playing of case situations

Session IV:
Wrap-up question-and-answer session
Explanation of procedures for mileage, written reports, case substitutes, etc.
Evaluation of training program

The training package must, of course, be individualized to meet the needs of a particular agency. While the sessions cannot answer all questions or cover all potential problems or case situations, they should provide general guidelines and prepare volunteers for the challenges ahead. The following concepts should be included in the training package:

- The Home Detention Order, including the way it is to be interpreted to youths and parents, should be explained thoroughly.
- Discussion of the Home Detention worker's role should stress the importance of following through on daily contacts and holding the youth accountable to the terms of the court order. Without accountability, the program becomes useless to the court and meaningless to the youth and parents.
- Volunteers should be given specific guidelines for handling violations and provided with around-the-clock resources for questions and problems.
- The relationship between client and volunteer should be discussed in terms that stress its short-term nature, and the volunteer should be alerted to the principles of case termination and controlled emotional involvement.
- Relevant agency policies should be presented (confidentiality, use of physical force, etc.), and volunteers should be advised against giving legal advice or making promises to clients regarding case outcome.
- The court process should be explained so that volunteers can answer "what happens next?" questions from parents and youths.
- The working relationship between volunteer and probation officer should be discussed in terms of individual rights

and responsibilities. Volunteers should be advised as to their conduct in court and given procedures to be used should they disagree with a probation officer's recommendation. Volunteers also should be advised against making snap judgments and reminded that a juvenile may not be rehabilitated simply because he or she has complied with the terms of the Home Detention Order for a given time period.

- Volunteers should be encouraged to discuss their feelings about returning a youth to secure detention. While it is natural to feel bad when this occurs, the individual juvenile must be responsible for the success or failure of Home Detention.

> *Keeping kids locked up just makes them bitter.*
>
> Parent of Juvenile on Home Detention

Motives for becoming involved in the criminal justice system as a volunteer are many and varied. Most volunteers have a genuine concern for young people in trouble and are aware of the inequities of the criminal justice system. It is natural that

volunteers should expect some kind of recognition for their efforts; frequently this takes the form of expecting some positive response from the youths themselves. Because such a response often is not forthcoming, the volunteer may have a sense of ineffectiveness and failure. A discussion of this issue should be included in the initial training session.

IN-SERVICE TRAINING

Ongoing training should be provided for all Home Detention staff, particularly for volunteers, whose contacts with the program office may be relatively infrequent. In-service training sessions provide a forum for discussion of problems encountered in the field, the opportunity to interact with staff and other volunteers, and the chance to develop knowledge and skills. Sessions for volunteers have included tours of treatment facilities and lectures on chemical dependency, learning disabilities, legal rights of youths, and trends in corrections philosophy. A committee of staff and volunteers coordinates the in-service training sessions on a monthly basis.

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EVALUATION

Up to this point, we have been discussing the Home Detention Program in terms of what it is, how it began, and how it works. The question that remains is, "How *well* does it work?" The answer to this question requires systematic evaluation.

This chapter describes our attempt to evaluate the Home Detention Program. It is divided into three parts: the purpose of the evaluation effort, the data collection plan, and evaluation highlights from the first two years of program operation.

PURPOSE OF EVALUATION

The purpose of evaluating the Home Detention Program is two-fold: [1] to provide Hennepin County Court Services Department administrators with information to help them determine whether the program warrants continued financial support and use as an alternative to secure detention for juvenile offenders and [2] to provide program staff with information to guide program change and development.

DATA COLLECTION PLAN

The data collection plan was developed with the view in mind of determining whether the Home Detention Program is achieving its stated goals. The goals of the program and corresponding measurement strategies are summarized below:

- **To provide the Juvenile Court, the juvenile, the family, and the community with an acceptable alternative to secure detention.**

  Measurement Strategy: This goal statement suggested the need for assessing both the pattern of program utilization by the Juvenile Court and client and user satisfaction.

  With regard to the assessment of program utilization, program staff have been responsible for collecting routine input data on the number of juveniles referred to the program, along with the age, sex, race, most serious offense, and source of referral for each client. In addition, staff have been responsible for collecting routine output data regarding the total and average number of child care days provided to juveniles referred to the program.

  With regard to the assessment of client satisfaction, interviews have been conducted with a cohort of 100 youths (and their parents) to determine their perception of the program's helpfulness.

  With regard to the assessment of user satisfaction, interviews are currently being conducted with a purposive sample of 25 people (representing different referral sources) regarding their satisfaction with the program and their perception of its impact on juveniles and the local juvenile justice system.

- **To maintain juveniles released from secure detention on the Home Detention Program trouble free in their communities.**

  Measurement Strategy: This goal statement suggested the need for having a measure of case outcome related to the degree that juvenile clients remain trouble free in the community.

  Program staff have been responsible for collecting routine outcome data regarding the following four-point scale:

  1. **Success/Reached Court Disposition.** Juvenile fulfilled court order, did not commit new offense, and appeared for court hearing.
  2. **Marginal Success/Returned to Detention.** Juvenile returned to Juvenile Detention Center for violation of court order but did not become involved in new offense or fail to appear for court hearing.

3. **Failure/Abscond.** Juvenile absented self from residence and supervision during period of Home Detention but did not commit new offense.
4. **Failure/New Offense.** Juvenile was involved in further delinquent/criminal activity during period of Home Detention.

- **To decrease the population of the Juvenile Detention Center.**

  Measurement Strategy: This goal suggested the need to compare the percentage of the Detention Center's capacity utilized during the period of program operation with the percentage prior to program implementation.

  The necessary trend analysis on Juvenile Detention Center population counts has been done by the Court Services Department's research office. The source of data has been the department's on-line computer system.

- **To demonstrate that it is both operationally and economically feasible to supervise youths successfully outside a secure detention facility using volunteers and paid staff.**

  Measurement Strategy: This goal suggested that, over and above the documentation of program utilization, it was necessary to assess the cost savings realized through the program. The focus of measurement was identified in terms of per diem costs and average length of stay in Home Detention vs. secure detention.

  The question of cost savings is currently being studied by the department's research office, with the data on per diem cost and length of stay being provided by the program administrators in the Home Detention Program and the Juvenile Detention Center.

EVALUATION HIGHLIGHTS

The space available in this report does not permit a complete account of the evaluation findings on the Home Detention Program. For this reason, the presentation below highlights only some aspects of goal accomplishment.[1]

The time frame for assessment is the first two calendar years of program operation. In effect, this covers a twenty-two-month period, from the inception of the program in March 1975 through December 1976.

Providing an Acceptable Alternative to Secure Detention. With regard to program utilization, a total of 402 juveniles were referred to the program, 127 in 1975 and 275 in 1976. By extrapolating to a full twelve months of service in 1975 (using a monthly average of 15 referrals during that period), one finds that the increase in the total number of referrals was from 157 in the first calendar year to 275 in the second, or a jump of 75%.

The distribution of the client population on the variables of sex, age, and race was essentially the same for both calendar years.[2] Of every 5 juveniles referred to the program, 4 were male (80%, or 323, males vs. 20%, or 79, females). The average age for program participants was 15; the range in age was 7 years—from a low of 11 years to a high of 18. Approximately two-thirds

[1] A complete account of the evaluation plan and findings is available in a recently completed research report, *Evaluation Report on Hennepin County Court Services Home Detention Program* (Hennepin County Court Services Office of Research and Evaluation, 1977).

[2] The client profile for Juvenile Detention Center admissions is similar to that of the Home Detention Program regarding sex, age, and race. Of the 5,451 juveniles admitted to the Juvenile Detention Center during 1975-76, 72% were male and 28% were female. The average age was 15. The breakdown by race shows

(62%, or 250) of the juveniles were white, while blacks, Native Americans, and other racial minorities accounted for 20% (81), 17% (63), and 2% (8), respectively.

The most noticeable change in the client profile during the first two years occurred on the variable of most serious offense. Table 1 presents the distribution of clients by category of offense for 1975 and 1976. It shows a dramatic decrease in the percentage of status offenders and a concomitant increase in major person offenders. This change can be attributed primarily to two factors: [1] a court policy establishing more restrictive criteria for processing status offenders through the Juvenile Court and [2] the employment of paid Home Detention officers to handle more difficult or violence-prone youth.

The primary output measure used in assessing program utilization is the number of child care days provided by the Home Detention Program. The calculation is made by adding the days-on-program for all juveniles referred to the program in a given calendar year. The available data show that the total child care days numbered 1,928 for 1975 and 5,406 for 1976.

In collecting data on client satisfaction, paid interviewers asked juveniles and their parents several questions regarding the helpfulness and impact of the Home Detention Program. For example, respondents were asked to judge the helpfulness of their Home Detention worker. Table 2 shows that 57% of the juveniles and 75% of the parents answered "positively" (i.e.,

TABLE 1
OFFENSE CATEGORY

Offense Category	1975		1976	
Status offense	66	(52%)	62	(23%)
Chemical abuse	5	(4%)	7	(3%)
Minor property	10	(8%)	26	(9%)
Major property	25	(20%)	47	(17%)
Minor person	—	—	17	(6%)
Major person	12	(9%)	111	(40%)
Other	9	(7%)	—	—
Missing	—	—	5	(2%)
TOTAL:	127	(100%)	275	(100%)

68% white, 14% black, 14% Native American, and 3% other. At the same time, however, the picture with regard to major offense is sharply different. While the percentage of status offenders admitted to the Juvenile Detention Center dropped in 1976, this offense category still represented 34.7% of the total (as compared with 54.2% in 1975). On the other hand, the percentage of major person offenders showed only a minimal increase, from 7.2% in 1975 to 9.6% in 1976. In general, the offense profiles for the Juvenile Detention Center and Home Detention were much more alike in 1975 than in 1976

very helpful or somewhat helpful) to this question.

One of the "impact" questions concerned whether a juvenile's behavior at home was a lot better, a little better, a little worse, or a lot worse when the time on Home Detention was compared with the period immediately before it. Table 3 shows that approximately 57% of the juveniles and 71% of the parents answered "positively" (i.e., a lot better or a little better) to this question.

The above findings clearly suggest that the Home Detention Program is providing an acceptable alternative to secure detention. The data that point to an increasing number of referrals to the program are particularly meaningful in this regard. Also important are the data on client perceptions, which indicate that the program is seen as both helpful and having a positive impact on home behavior by a clear majority of juveniles and parents.

Keeping Juveniles Trouble Free. Table 4 presents case outcome data for the first two years of the Home Detention Program. It shows that only 3% of the juveniles were arrested for a new offense while on Home Detention. This figure compares favorably with the findings of a recent study of 6 home detention programs located outside Minnesota.[3] In the latter, the range of such failures was 2.4% to 5.2%, with an average of 3.8%.

TABLE 2
HELPFULNESS OF WORKER
(N = 102)

Response Category	Type of Respondent			
	Juvenile		Parent	
Very helpful	25	(24.5%)	56	(54.9%)
Somewhat helpful	33	(32.4%)	20	(19.6%)
Of little help	8	(7.8%)	4	(3.9%)
Not at all helpful	11	(10.8%)	4	(3.9%)
Don't know	25	(24.5%)	18	(17.6%)
TOTAL:	102	(100.0%)	102	(100.0%)

Table 4 also indicates that the Home Detention Program has had an outright success rate of 61% and a conditional success rate of 85%.[4] The former identifies the per-

[3] Thomas M. Young and Donnell M. Pappenfort, *Executive Summary: Use of Secure Detention for Juveniles and Alternatives to Its Use* (Chicago: School of Social Service Administration, University of Chicago, August 1976), pp. 15-16.

[4] The aforementioned study of home detention programs outside Minnesota also accounted for conditional success rates. In this regard, the Hennepin County Home Detention Program fell below the average of 92.4%. The primary reason is the per-

centage of program participants who "completed without incident," while the latter accounts for both "success" and "marginal success" cases.

The outcome data suggest that the Home Detention Program is keeping the great majority of juveniles trouble free and available to the court. Particularly telling in this regard is the small number of youths who have been returned to the Juvenile Detention Center for committing a new offense. This finding tends to support the notion that many detained juveniles can act responsibly in the community when properly supervised.

Reducing the population of the Detention Center. One of the primary reasons for implementing the Home Detention Program was to relieve the problem of overcrowding at the Juvenile Detention Center. To determine whether the program has reduced the secure detention population, the Court Services Department's research office has examined data regarding the "percent of capacity of the Juvenile Detention Center utilized" for calendar years 1974, 1975, and 1976. The period in question covers the year before program implementation as well as the first two years of program operation.

The findings with regard to average percent of capacity are: 1974, 89.5%; 1975, 94.8%; and, 1976, 99.1%.

centage of runaways. The "failure/abscond" cases in the Hennepin County program totaled 11%. In comparison, the percentage of runaways in the other programs ranged from 1.9% to 8.4%, with an average of 3%.

TABLE 3
PROGRAM IMPACT ON HOME BEHAVIOR
(N = 102)

Response Category	Type of Respondent			
	Juvenile		Parent	
Lot better	34	(33.3%)	44	(43.1%)
Little better	24	(23.5%)	28	(27.5%)
Little worse	7	(6.9%)	1	(1.0%)
Lot worse	3	(2.9%)	—	—
Don't know	34	(33.3%)	29	(28.4%)
TOTAL:	102	(100.0%)	102	(100.0%)

The obvious increase in the use of Juvenile Detention Center capacity indicates that the Home Detention Program has had little or no impact on the problem of overcrowding. Yet, of more concern is the fact that the use of Center capacity has increased during a time when the number of Juvenile Detention Center admissions

has decreased—from a total of 3,250 in 1974 to a total of 2,273 in 1976, or a 30% decline.

In searching for a possible explanation, the research office has found that while admissions have gone down the average length of stay in the Juvenile Detention Center has increased from approximately 5 days plus 12 hours in 1974 to 9 days plus 18 hours in 1976. The increase in length of stay appears to be associated with a Juvenile Detention Center population that is characterized by a larger percentage of youths who are awaiting certification as adults and/or who have been allegedly involved in more serious offenses.

Cost Savings. Given the difference in the cost-per-day-per-child, it would appear that some savings takes place every time a juvenile is transferred from secure detention to the Home Detention Program. This logic leads to the following formula for estimating cost savings: first the total number of child care days provided by the Home Detention Program (1,928 days in 1975 and 5,406 in 1976) is multiplied by the per diem of the Juvenile Detention Center ($51.24 in 1975 and $54.22 in 1976); then a subtraction is made using the total obtained by multiplying the same number of child care

TABLE 4
CASE OUTCOME

Outcome Category	1975		1976		Total (Column Percent)	
Success	88	(69%)	157	(57%)	245	(61%)
Marginal success	20	(15%)	75	(27%)	95	(24%)
Failure/abscond	15	(12%)	31	(11%)	46	(11%)
Failure/new offense	4	(4%)	7	(3%)	11	(3%)
Missing	—	—	5	(2%)	5	(1%)
TOTAL:	127	(100%)	275	(100%)	402	(100%)

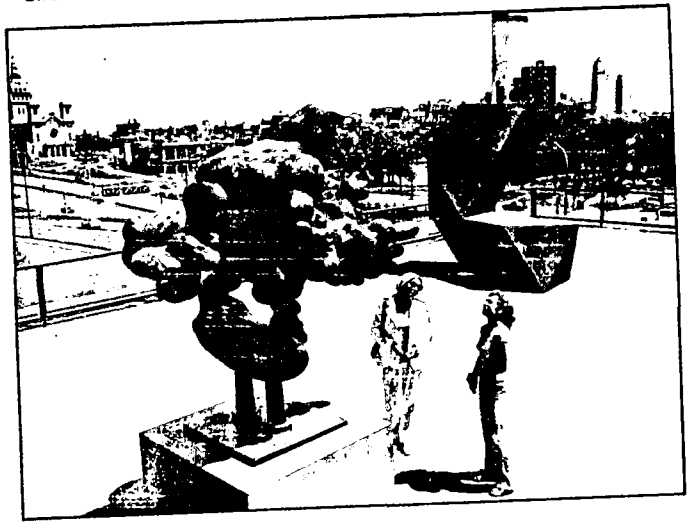
days by the per diem of the Home Detention Program ($7.90 in 1975 and $5.97 in 1976). In this way, the cost savings can be estimated at $83,557 for 1975 and $260,882 for 1976.

> *I know if I mess up this time I'll be sent right back to the Juvenile Detention Center.*
>
> Youth on Home Detention

It should be noted, however, that this calculation is confounded by the following observations:

- The average length of stay for juveniles in the Juvenile Detention Center (9 days plus 18 hours) appears to be shorter than that for Home Detention clients (20 days). Then again, while the calculation of the Center's average length of stay includes many short time periods (2 days or less), the Home Detention Program accepts "screened" juveniles who are likely to require supervision for a longer period.
- Juveniles who fail on Home Detention (i.e., do not appear for a court hearing and/or commit a new offense) represent costs to court, community, and child.

Given these observations, the question of cost savings is still being investigated by the Court Services Department's research office.



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CONCLUSION

The Home Detention Program in Hennepin County began as an experiment in the area of alternatives to secure detention. Using volunteer and paid staff, Home Detention has demonstrated its effectiveness in this respect and has been integrated into the county's continuum of detention services.

As the program research has shown, there have been high rates of success with the Home Detention Program, with correspondingly low rates of running away and committing new offenses. In regard to the program's goal of maintaining juvenile offenders trouble free in the community, Home Detention has exceeded initial expectations.

Operationally, the Home Detention Program has been able to coordinate its purpose and functioning with the overall workings of the agency. The original design has undergone many changes in response to various internal and external developments affecting the Department of Court Services. As a result, the Home Detention Program has become highly individualized to its parent agency. The close working relationship between program staff and other segments of the Department of Court Services has enabled the Home Detention concept to become a viable component of agency services.

Costs for the Home Detention Program currently average $7.00 per day for each youth on the program. Since the approximate cost for one day in secure detention is $50.00, expenses for the Home Detention Program are considerably less. Although several interrelated factors may reduce this cost disparity (as noted in Chapter VII), Home Detention can be viewed as a cost-effective program.

Reduction of the secure detention population is the one program goal that has not been attained. The large numbers of youths released on Home Detention and the steadily increasing rate of referrals to the program would lead one to conclude that the population has indeed been reduced. That this is not the case is a matter of concern warranting further inquiry. Two possible reasons the secure detention population has risen, thereby offsetting any reduction provided by Home Detention, are that legislative guidelines have been changed in an attempt to separate status and delinquent offenders and that juveniles are involved in lengthy court proceedings with increasing frequency. It is clear that the Juvenile Detention Center population would have increased even more had Home Detention not been available.

Numbers alone do not present the whole picture. Just as important to the program's success are the attitudes of the youths and parents involved. Individual interviews with both juveniles and parents indicate a high degree of satisfaction with the program's purpose and implementation. As one parent remarked, "Home Detention kept my son in line. And it gave him a chance to prove himself."

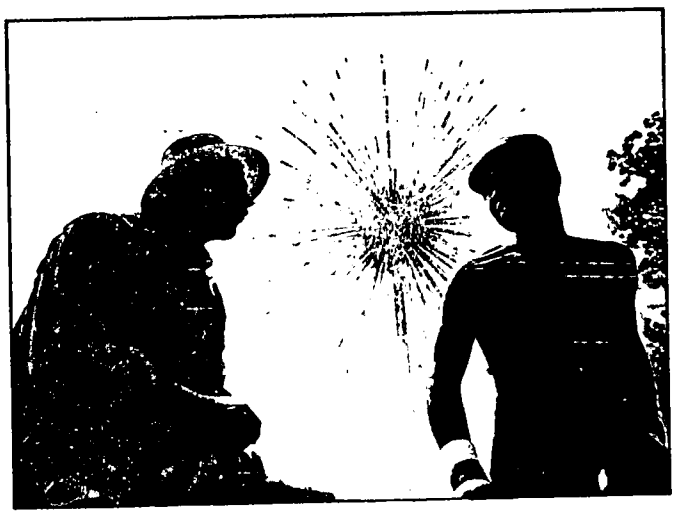
Most youths cite "getting out of secure detention" as their primary reason for signing the Home Detention Order. Not surprisingly, once out of the secure facility and faced with the reality of the intensive supervision, a common complaint is that the rules are "too strict." However, it is the strictness of the program that results in the credibility of Home Detention with both the Juvenile Court and community. Juveniles are aware that they will be held accountable to the terms of the Home Detention Order. Parents know that they too will be held accountable for supervising their child and that they can rely on the Home Detention worker for support and assistance.

Program staff believe that the success of Home Detention rests on the combination of accountability and intensive supervision. Acting as a "model and a mirror" of behavior, the Home Detention staff (volunteer and paid) are a major factor in the creation of an atmosphere that encourages compliance with the terms of the court order.

In addition to the daily contacts, Home Detention staff routinely become involved in assisting with school problems, job hunting, finding recreational outlets, and helping to resolve minor family crises. Being willing to expend the energy and whatever time it takes is a clear message to youths on Home Detention that "somebody cares."

Home Detention is not a complete answer to the recurring problem of overcrowded secure detention facilities; nor can it promise one hundred percent success in maintaining youth trouble free in their communities. What it does provide is a reasonable option to secure detention, one that can be exercised without jeopardizing the safety of the community. A premise of the Home Detention concept is that youths are capable of conducting themselves responsibly and within the law.

Program research completed to date indicates that this is not a false premise. Although the program is not appropriate for all youths in secure detention, Home Detention is an alternative that works for many.



APPENDIX

HOME DETENTION ORDER

I, _____, will obey the rules of this Home Detention Order that are checked below. I further agree to obey the laws of this community, keep appointments on time, and cooperate with my parent(s), Home Detention worker, and probation officer or social worker as part of this order. I understand that breaking any of these rules could cause me to return to the Juvenile Detention Center.

Residence

_____ 1. I will remain at my place of residence at all times of the day and night.

_____ 2. I will leave my residence only during school hours, _____ to _____, and come directly home after school.

_____ 3. I will leave my residence only during work hours, _____ to _____, and come directly home after work.

_____ 4. I will leave my residence only when my parent(s), Home Detention worker, or probation officer is with me.

_____ 5. I will leave my residence only on weekends and only with the permission of my parent(s) and Home Detention worker.

_____ 6. I will leave my place of residence only with the permission of my parent(s) and Home Detention worker.

Hours

_____ 7. I will obey the hours set for me on a daily basis by my parent(s) and Home Detention worker.

_____ 8. If given the permission of my parent(s) and Home Detention worker to leave my residence, I will return to my residence no later than the following curfew:
Sunday through Thursday _____
Friday and Saturday _____

School/Work

_____ 9. I will attend school and all my classes every day. I will do my work and not misbehave or interfere with the education of others while there. I will attend school every day unless my parent(s) and Home Detention worker give me permission to remain at home because of illness.

_____ 10. I will have school slips signed daily and turn them in to my Home Detention worker.

_____ 11. I will be at work every day and not misbehave or interfere with other workers or customers while there. I will be at work every day unless my parent(s) and Home Detention worker give me permission to remain at home because of illness.

Driving

_____ 12. I will not drive a car or other motorized vehicle.

_____ 13. I will drive a car or other motorized vehicle only when my parent(s) or Home Detention worker is with me.

_____ 14. I will drive a car or other motorized vehicle only when given permission by my parent(s) and Home Detention worker.

Associates

_____ 15. I will participate in activities with other persons only if given prior permission by my parent(s) and Home Detention worker.

_____ 16. I will not associate with persons whom my parent(s) and Home Detention worker prohibit me from seeing.

_____ 17. Specifically, I will not associate with the following persons:

Activities

_____ 18. I will not ingest mood-altering chemicals of any type unless ordered by a physician.

_____ 19. As part of this order, I will obey the following conditions:

The order will be in effect from _____ through _____

Place of residence: _____

_____
Juvenile

_____
Probation Officer/Social Worker

As the parent/guardian, I understand the conditions of this order and agree to cooperate with the Home Detention worker in its enforcement. I understand that if I fail to report any violation of this order known to me I may be found in contempt of court.

_____
Home Detention Worker

_____
Judge/Referee

_____
Parent(s)/Guardian

The Home Detention worker assigned to this case is:

NAME: _____

PHONE: _____
(home/work)

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DAILY CONTACT LOG

CHILD'S NAME: _____ HOME DETENTION WORKER'S NAME: _____

Date	Contact	Time Start	Time Finish	Comments
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			
	Personal			
	School phone			
	Random phone			

WORKER'S SUMMARY

CHILD'S NAME: _____ HOME DETENTION WORKER'S NAME: _____

DATES OF HOME DETENTION: FROM _____ TO _____

Number of face-to-face contacts: _____ Average length: _____

Number of phone contacts: _____ Number of other contacts: _____

Comments:

	Excellent	Good	Fair	Poor	Not Applicable
Attitude of child to mother					
child to father					
child to siblings					
Attitude of mother to child					
father to child					
siblings to child					
Attitude toward Home Detention worker					

Comments:

	Excellent	Good	Fair	Poor	Not Applicable
Attitude of child toward school					
Behavior at school					
Attendance at school					

Comments:

Fulfillment/violation of Home Detention Order conditions: _____

Overall behavior: _____

Evaluation/recommendation: _____

Date of report: _____ Submitted by: _____

MATERIALS AVAILABLE

HENNEPIN COUNTY COURT SERVICES
A-506 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487
(612) 348-7919

Hennepin County Court Services Volunteer Program Manual $3.00
For use in orientation of one-to-one volunteers and paid staff. (loose-leaf, 37 pages)

The Team Approach $2.00
Complete manual for training volunteers to write predisposition reports in Juvenile Court. (60 pages)

Use of Unpaid Staff in Juvenile Services $3.00
Paper describing history and organizational structure of Hennepin County Juvenile Services Volunteer Program(s). (53 pages)

Roles of Unpaid Staff in Court Services ..... Free
Description of 18 unpaid staff roles in Hennepin County Court Services. (5 pages)

Court Volunteers ..... 30¢
Recruitment brochure describing major volunteer job functions in Hennepin County Court Services.

Department of Court Services Brochure ..... 50¢
Description of Hennepin County Court Services.

Filmstrips Brochure ..... Free
Recruitment, training, and program administration. (Brochure contains description and ordering details.)

Research Material ..... At Cost
Exploratory quantitative and qualitative cost data on various programs of Hennepin County Court Services.

ACKNOWLEDGMENTS

The idea of Home Detention first evolved through discussion of alternatives to secure detention by Judge Lindsay G. Arthur, Kenneth Young, and Donald Hammergren. As with any new program idea, consideration was first given to the development of a program that would use citizen volunteers. The successful implementation of the project was a direct result of the Court Services Department's administrative ability and the high quality of professional support provided, the strong encouragement from the Juvenile Court judge and his referees, and the heavy investment of time, talent, knowledge, and skills from our volunteers.

Special thanks go to the McKnight Foundation of Minnesota and the Hennepin County Board of Commissioners for their willingness to support the project financially. The McKnight Foundation, in particular, has seen this project as a direct effort to improve the lives of youths and families in the community. Without its insight and commitment of dollars, the Home Detention Program would not be the success it is today.

We are grateful to the Juvenile Probation Division, Juvenile Detention Center, County Attorney, and Public Defender staff. Their constant contribution and support assured the realization of maximum project potential.

We appreciate the hard work and dedication of the Home Detention paid staff—Susanne Smith, Susan Meyer, Ray Nordine, and Greg Littlejohn.

Finally, to the unpaid staff—Stan Allen, Nancy Cowan, Michael P. Doyle, Lynette Eggers, Dennis Ganley, Walter Haley, Pamela Hernandez, Margaret Renkert Holland, Mary Koskan, Robin McDougal, Julia McGuire, Vern Norton, Herbert Pieper, Jr., John Ringsrud, Tom Seifert, Mary Shaughnessy, Gerald Southworth, Genevieve Trudell, Jerome Vitoff, and Constance Walters—who have shown a deep interest in and concern for the juvenile correctional client and who have given unprecedented service and commitment, we extend our deepest gratitude.

Dick Hodgkins
Director of Volunteer Services
Hennepin County Department of Court Services

[From the Federal Probation, vol. 40, December 1976]

VOLUNTEER HOMES FOR STATUS OFFENDERS: AN ALTERNATIVE TO DETENTION

(By Jane C. Latina and Jeffrey L. Schembera) [1]

Across the country, youth officials bemoan the practice of detaining status offenders in security facilities, yet the lack of alternative resources leaves them no option. To many, the situation seems hopeless and inevitable.

Faced with a similar challenge, Florida's Division of Youth Services has refused to knuckle under to the "inevitability" of locking up status offenders and have been developing alternatives. Florida's search for detention alternatives began early in 1974. At that time, detention conditions in the Sunshine State were about as bleak as anywhere else. Dangerous overcrowding, inadequate staffing, lack of therapeutic programming and indiscriminate mixing of status offenders with delinquents was common throughout the State.[2] In a 1-day detention survey conducted in 1974, it was found that 22.8 percent of all children detained in security facilities were status offenders.

Concerned with the results of this survey, Florida Youth Services officials began a determined search for alternative ways of housing the hundreds of status offenders who had to be temporarily removed from their own homes but did not really require security facilities. There were few options. The economic recession meant that new State tax dollars for any alternative detention programs were unlikely. Finally, in March 1975. Youth Services officials settled on the one option available to them throughout the state: *Volunteer Homes.* This innovative approach rejected the traditional stand that volunteers do not replace paid services. A national consultant on voluteerism doubted the volunteer bed program would work effectively but administration made the decision to "go."

The decision to go with the volunteer concept was not pulled out of the air. It was based on a highly successful pilot project that had been operating in the Tampa area for over a year.

THE TAMPA EXPERIENCE

The Tampa Volunteer Detention Project was born in January of 1974 out f an attempt by State Youth Services officials to relieve overcrowding at the Hillsborough County Detention Center, one of the State's largest facilities. To avoid a potential crisis, State administrators resolved to place, on an emergency basis, 30 of the least dangerous detained youngsters with families in and around the Tampa area.[3]

Essentially, the structure of the Tampa volunteer program evolved over several months through trial and error. The concept was to place in the volunteer homes status offenders whose circumstances required a temporary stay and who were not considered serious security risks. Since this was an emergency measure, there was little opportunity to systematically plan the volunteer program. Only the barest of procedures were in place when the first group of 30 volunteer families were recruited from the Tampa community, screened, trained, and certified to receive children.

Surprisingly, there were few major problems and most of the children housed in the volunteer homes adjusted exceedingly well. Division officials were so pleased with the initial results of the project, that it was continued as a regular component of the Tampa detention program. Thus, a project initially begun as an emergency measure to relieve dangerous overcrowding in one of the State's detention centers, was maintained on a regular basis.

THE BIG PUSH

This was far from the end of the story. Throughout 1974 and into early 1975, all of the State's 22 secure detention centers began to experience over-

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[1] Jane Latina is volunteer service center coordinator, Florida Division of Youth Services, Tampa. Jeffrey Schembera is community services planning coordinator, Florida Department of Health and Rehabilitation Services.

[2] On December 31, 1973, the Florida Division of Youth Services assumed complete responsibility for the funding and operation of all juvenile detention centers within the State.

[3] Prior to January 1974, volunteers working in other capacities with the Division had demonstrated their dependability and ability to tackle tough jobs. Consequently, there was little reluctance on the part of Division Administrators to try them as shelter parents.

crowding with status offenders accounting for a large share of detained children. Analysis of statistical records revealed that 44.5 percent of all detention admissions had been status offenders.

In March of 1975, the decision was made to expand the Tampa pilot project to a statewide program. As a first step, Division of Youth Services staff who had worked with the Tampa program were asked to prepare guidelines which would direct the statewide operation. The most important ideas learned from the Tampa experience were as follows:

(1) Establish a number of beds needed for such a program and then triple that number so there are always enough beds available without using any too often.

(2) Plan on 40 percent turnover rate per year of volunteers participating in the program.

(3) Recruit families honestly. Explain the positive and negative aspects of the program.

(4) Establish a definite plan for supervision of the families so they have the security of knowing that someone is always available if problems arise.

(5) Screen and orient children carefully who are going into the program so they know what the program is about.

Ministers of all denominations were contacted. Each one was asked to identify five families in their congregation that might participate in the program. Many of the ministers accompanied recruiters and introduced them to prospective volunteer families. This method of recruiting gained a number of volunteers and provided experience in recruiting families and selling the program. Other volunteer bed recruitment techniques developed were: contacting current volunteers with the agency, acquiring lists of volunteers from other organizations (Red Cross, Voluntary Action Centers, etc.), contacting community leaders, homeowners associations, and firemen. There was support by the media. Radio spots were done by newscaster Frank Blair and comedian Jackie Gleason. Spot announcements were on television and human interest stories appeared in local newspapers and neighborhood shopping guides.

Personal contact was most effective in recruitment. Parents of probationers, past and present, were excellent resources, as were friends of staff. Quickly, newly recruited volunteers began referring families that were interested in the program. Speeches to clubs or small groups were not particularly effective, but contacting influential persons in clubs for specific names worked well. Being able to use that key person's name in the initial phase contact often generated interest and paved the way for a personal visit. A primary goal of the recruiters was to sit down in the prospective volunteer's home to explain and discuss the program. At this point, honest salesmanship and community pride sold the program.

A program of this type can be destroyed if one volunteer family is abusive, physically or sexually, to a child. Therefore, much time and effort went into screening the homes to assure fitness for housing children. Initial screening was done by a home visit. The recruiter, through observation and conversation, learned about family interaction, emotional and financial stability, general attitudes and values, reasons for volunteering, family members in the home, physical setting, adequacy of space, health standards, and sanitation. The home visit gave the volunteer family an opportunity to discuss any questions they had and resolve any reservations about becoming involved. While in the home, the recruiter discussed the type of child the family wanted to take (age, sex, race, and any additional preferences), the times the home would be available to be called (days, nights, weekends, anytime), how often they wanted to take a child, whether or not they could provide transportation, and whether or not they felt comfortable in handling some specific types of children, *i.e.*, the child who smokes, is a bed-wetter, requires a special diet or regular medication, or is mildly retarded. The recruiter also made sure that each family had homeowner's insurance, automobile insurance, and valid driver's licenses.

In addition to this onsite screening, a police records check was made on each adult in the home and references were contacted. A decision was then made by the recruiter to accept or reject the family. If the family was accepted the recruiter scheduled an individual or group orientation session.

The orientation included information about the Division of Youth Services, details of how the program actually operated, what the responsibilities of the

volunteer families and the Division were, how to handle emergencies, and discussion of any other pertinent information. Families had an opportunity to raise questions and discuss anything that might not have been covered. These sessions gave the recruiter and families an opportunity to become better acquainted and to finalize their decision.

Recruitment, screening, and orientation were in-depth processes, requiring approximately 8 hours per family. This expenditure of time was a valuable asset because the families were carefully selected and well-oriented to the program and to the children.

Supervision of the home and length of the child's stay had been troublesome aspects of the pilot project in Tampa. In order to avoid these problems, responsibility for supervision of volunteer homes was assigned to line Youth Services staff. Staff who had initial contact with a child having committed a status offense and needing temporary lodging were responsible for the following: (1) Placing the child in one of the beds available, taking into consideration preferences of the volunteer home with regard to sex, age, and race; (2) scheduling the detention hearing within 48 hours just as if the child were in secure detention; (3) providing for contacts with the volunteer home *at least once a day* in order to monitor the situation while a child was in the home; and (4) immediately beginning work towards returning the child home or moving the child to a permanent placement within 10 days.

In order to insure proper supervision of the volunteer home by Youth Services staff and supervision of the child by volunteer parents the following terms were agreed upon in a contract signed by staff and volunteer houseparents:

(1) The maximum length of stay for the child named is to be ____ days. The Division, though its agent, will be responsible for moving as quickly as possible to find a more permanent placement for the youth, or return him to his home as appropriate.

(2) The Division of Youth Services personnel agree to provide at least one contact with the non-secure detention home parents per day.

(3) Transportation to the home will be provided if necessary by the Division through its agent.

(4) Emergency medical care will be provided and paid for upon approval by the Division if necessary.

(5) The Division, through its agent, and/or the nonsecure detention home parent named herein, will provide written notification of intent to terminate at least 1 week prior to discontinuing participation in the program.

IT WORKS

Based on the Pilot Project in Tampa, the probability of success in the volunteer home program was high. However, staff was still concerned about runaways being placed in a situation where they could run at any time, the number of people who would take these children into their homes, and thefts by the status offenders. These and other fears were alleviated by the results of a study of the volunteer program over a 4½-month period.

TABLE 1.—*Availability of volunteer homes*[1]

Study I—March 15–July 31, 1975

Total beds available between March 15–July 31	852
Beds available July 31	738
Terminations between March 15–July 31	113
Turnover rate (percent)	13

[1] One volunteer home may provide several beds at a time.

Analysis of the data revealed a 13 percent turnover of volunteer homes (table 1), which was expected based on the predicted 40 percent turnover rate per year or 3.33 percent per month; however, an interesting side benefit was that a number of the homes terminating merely transferred to paid programs within the agency. In addition, other families withdrew from the program to accept custody, through the court, of children placed in their home. Even though they are no longer volunteer homes, they continue to be involved.

TABLE 2.—*Utilization of volunteer homes*

Study I—March 15–July 31, 1975

Number of children placed in volunteer homes	1,181
Number of days utilized	7,506
Average length of stay (days per child)	6.4

Florida officials were surprised by the extent that volunteer homes were utilized (table 2) and the savings incurred. If, for instance, the homes which provided food, shelter, and supervision for 1,181 children over a period of 4½-months had been paid a minimum of $8 per day, it would have cost the State $60,048 to operate the program. When compared to the potential cost of holding these children in secure detention at $30 a day, the cost benefit in addition to the positive impact on the children was significant.

Few families had any serious behavior problems develop even though they were prepared for this possibility. Acceptance by the families made the children responsive and eager to please. There were a few incidents where the child caused damage to the home of the volunteer family. However, the major financial loss by families was phone bills caused by children making long distance calls. In most instances, arrangements were made for the child to repay the family. Several thefts occurred, but as the data indicate, most of these items were returned.

The 5.6 percent runaway rate (table 3) is impossible to compare since there are no other known comparable programs. However, since many of the children placed in volunteer beds are chronic runaways (one girl had run away 15 times before coming into the volunteer program), indications seem to be that 5.6 percent is a very low runaway rate.

Partially based on the results of this program, the Florida Legislature recently passed legislation which removed the category of status offenders from delinquency status. Housing status offenders in detention centers was made illegal on July 1, 1975, thus affirming the administrative decision which was effected over 2 months earlier.

TABLE 3.—*Inappropriate behavior by children placed in volunteer homes*

Study I—March 15–July 31, 1975

Number of children who ran away from volunteer homes	67
Runaway rate (percent)	5.6
Number of children who stole property from volunteer homes	18
Theft rate (percent)	1.5
Cost of thefts during period studies	$5,981.87
Amount returned	$4,050.85

For years professionals in juvenile justice systems have wrung their hands over what to do with status offenders. Now, a viable alternative to housing status offenders in jails and detention centers is available—the volunteer home. This program seems to have proven successful in the State of Florida, both for the children involved and the taxpayers. Volunteer families provide the food, shelter, and supervision so the child can remain in the community rather than end up in secure detention. Families who volunteer for this program are a cross section of the community. The one common denominator is a concern for today's teenagers and a willingness to become involved in improving their situation.

SUMMARY

Analysis of detention patterns revealed that approximately 44.5 percent of the children being admitted to detention in Florida were status offenders not requiring secure detention but needing temporary shelter and supervision. Continuing to house them in secure detention facilities was damaging to the child and costly to the taxpayer. Alternative placements needed to be developed for the status offender. The solution to the problem was to develop a volunteer program that would provide temporary (up to 2 weeks) placement for these children.

Initial staff and community resistance had to be overcome through an honest and open educational process. As the program has proven its worth, its use has increased and the need for additional homes grows. Some of the homes have been lost to paid programs and others have been given custody of the children by the Juvenile Court. Thus it is necessary to constantly recruit new homes.

Since the program began, status offenders have been phased out of secure detention entirely and it has been proven that these youngsters do not need to be locked up. Children in volunteer homes have received good care and supervision and have not presented any major problems within the community. The runaway rate for 1,181 children placed in this program during a 4½-month survey period was 5.6 percent.

Since the program is strictly volunteer, families receive no money. They have all extended themselves far beyond their original commitment to the agency and the children have responded to the warmth and acceptance, usually leaving the home with better self-images and a desire to improve their behavior. Children are able to avoid the stigma and exposure to hardened delinquents that result from placement in secure detention. Instead of learning criminality, they learn there are adults who care enough to help them. This one lesson may be the most important long-term effect that placement in a volunteer home has on a child.

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The Proctor Program for Detention of Delinquent Girls

JOHN E. McMANUS

A detention program designed to help girls coming before the court is based on the use of individual proctors who provide, in their own homes, day-to-day care for the youngsters pending court appearance.

The New Bedford Child and Family Service, established in 1842, has had a long tradition of serving troubled youth and had, for some time, recognized the need to decentralize state service to delinquents. The agency wished to contribute to the efforts of the Massachusetts Department of Youth Service to deinstitutionalize its program by encouraging the development of community-base programs through purchase-of-service mechanisms.

In the course of a successful program to help paroled youth, the agency decided to try to help youthful female offenders, particularly, before they became seriously enmeshed in delinquency. The agency's experience with daughters of AFDC families who were in conflict with their parents led to a program to improve the initi contact with girls coming into the juvenile justice system and to a special kind of detention care program that went beyond earlier small-scale, unsuccessful efforts in traditional foster homes.

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The Objectives

The immediate objectives of the project are

1) to assure the appearance of the detained girl in court at the appointed time on the appointed day;

2) to assure that the detained girl would cause no harm to herself or others during the detention period;

3) to avoid peer contamination or community pressure resulting in negative behavior;

4) to enhance the youngster's self-esteem and give her an opportunity to think through the problems confronting her;

5) to enable the program staff and the Massachusetts Department of Youth Service to develop, with the youth's participation, such long-term plans as would reduce recidivism.

The broad objectives are

1) to strengthen family life through the establishment of communication and improved relationships between youths and parents;

2) to enable youths to achieve and maintain a level of self-sufficiency that could result in healthy adult citizenship;

3) to prevent or reduce institutional care by developing resources necessary to a community-based service.

Teen-age girls coming before the court usually have a seriously troubled relationship with their parents. Many have had prior foster home or other types of substitute care. We were convinced that what was needed was a type of detention care that maximized face-to-face contact, to heighten and intensify a relationship potential that would in itself be the security device. The system would not replicate the family pattern, which had so many unpleasant connotations for the girls.

The Proctor's Role

The youngsters we are concerned with are delinquent girls between 12 and 17, too disruptive for traditional foster care, but not homicidal or psychotic. We planned for an average of six girls in the program at any given time, based on an estimated 3- or 4-week stay; 75 to 100 girls would be served annually. The program is based on the use of proctors—young women who provide in their own

homes, on a contractual basis, the day-to-day care of youngsters being detained. The proctor's role is a combination of those tasks usually assigned to social workers and child care workers. On the other hand, the proctor represents the agency in the sense that she has a direct responsibility for the youth, and has the mittimus in her possession. She keeps a variety of records and deals directly with other social agencies involved in further planning for the youth. She participates in staff conferences and meetings. She serves as advocate on behalf of her youngsters. On the other hand, she assumes the day-to-day responsibilities of the child care worker in a residential program, but unlike the house parent or foster parent, has no responsibilities or assignments related to other youths. The proctor is concerned only with the individual, rather than the individual as part of a group, or the group as a whole.

Each proctor is an unattached woman between 20 and 30, living alone, and in good physical condition. She possesses a driver's license and car. She may be a college graduate, but must at least have completed high school. In addition to the personality traits desirable for working with young people, it is important for her to be able to organize well and to have such skills as cooking, camping, bike riding, swimming, sewing or hiking.

Recruitment was selective and localized through referrals from youth-serving community agencies, to which the program was described. Prescreening of candidates spared the limited agency staff from extensive interviewing. Each proctor was seen by three senior members of the agency. The first five proctors signed contracts in June 1974. Four more came on in August. One of the original group was replaced after a few months because she couldn't accept the program structure. Each of the nine proctors functions as an independent, self-employed subcontractor whose task and remuneration are outlined in the agreement. The proctor provides not only personal services but bedroom space, telephone, transportation, food, and personal needs for the youth.

The reimbursement schedule for the proctors reflected two elements: For personal service—the 32 weeks of 7 days a week, 24 hours a day—payment is roughly equivalent to the salary of a junior counselor in a regular position in the state training school program. Reimbursement for space, food and personal needs accords with the usual board payment in Massachusetts to a foster parent caring for a teen-age youth. (The overall cost of the program falls within

the same limits as a secure detention program of similar size operated either directly by the Massachusetts Department of Youth Service or privately through a purchase-of-service contract.)

Inservice Training.

Second in importance to initial selection is the inservice training for the proctors, which is conducted for each new group of proctors in a motel over 3 continuous days. The site serves to intensify relationships and eliminate agency distractions.

The training program was organized and coordinated by the agency staff and is given by outside consultants, Massachusetts Department of Youth Service staff, and agency staff. The subjects covered types of youth served; orientation to the agency and the Proctor Program; the juvenile justice system; the program of the Massachusetts Department of Youth Service; psychosocial dynamics of juveniles; drug-related problems; health needs of young women; first aid; recreational resources; day-to-day management role playing; and record keeping. The training experience transmitted information and also developed mutual confidence between the agency staff and the proctors.

The Proctor Program offers a great deal of attention to help make up for past deprivation: a close relationship, elimination of competition, and extensive face-to-face time—elements that meet the youngster's most basic needs, yet provide the foundation for a broad activity base. Exposure to acceptable life styles is important. This includes not only the common events of living, such as regular hours, planned meals, and grooming, but also a variety of cultural, recreational and sports activities previously unknown to most of the girls. The program also avoids problems associated with residential detention: stigma and visible labeling of institutionalization; and the extremely deleterious effects of deviant peer groups, including peer pressure for elopement. In addition, proctors can move with ease—residential programs cannot. And the thrust of money outlay is all toward the needed direct care and service to the youth, cutting out almost all the overhead of the residential program.

As of August 1975, the Proctor Program had cared for 80 girls, now termed "proteens," as one youngster suggested. Only six have not returned to court on time. The positive attitudes of the girls has been overwhelming.

The 10 proctors hired range in age from 20 to 30, and the average age is 23. One has a master's degree, two are certified teachers, eight are college graduates, and one is a high school graduate who has had considerable experience as a child care worker. Most of the proctors have had some previous experience in working with young people as teachers, volunteer probation officers and camp counselors.

A number of girls were found to be infected with venereal disease, two with body lice; only one was enuretic. Eighteen of the girls were tattooed. Among them there were 38 separate tattoos; the most grotesque was that of a girl who had the letters F-U-C-K across her fingers.

TABLE 1
Proctor Program Statistical Overview

Number of detainees	80
Age range	11 through 16
Mean age of girls	14.3
Median age of girls	15
Total number of weeks of care provided	250.9
Average number of weeks' care per girl	3.5
Average number of girls cared for by each proctor	7.8

	Number of Prior Placements			
Placements	0	1	2	3 or more
Proteens	11	23	13	25

The statistical supplement profiles the girls. (See Table 1.) Mos were age 15; almost all were white; most had previous substitut care and court experience. Beyond these common factors there w wide divergence in terms of offenses, family background, etc.

Requests and letters from girls to the director asking to come bac or to remain in the program were common:

"Please let me. I can live with ----. She could take me back an time."

"I was thinking last night about the program. If only it was lo term, I would stay here till I'm 18 and I would live with -----."

"I really miss being in the Proctor Program. Most of all I miss living with ---- and doing the fun things we do."

Girls who come from court angry and hostile return to the agency over the weeks to relate in a warm, friendly and even appreciative way to agency staff. Improvements in appearance—teeth repaired, tattoos removed, and more appropriate use of cosmetics—have further underlined these changes.

Another unusual development was the large number of girls who asked to be considered as proctors when they were older. We had never encountered youth in the past who so identified with their caretakers. A basic shift in the goals of the girls was indicated by this ambition, and it is a reflection of the positive identification established among proctor, proteen and agency staff.

Assessment of Goals and Objectives

1) The vast majority of girls returned to court on time. Six girls did not return on time—a loss rate of approximately 7%. One of these girls learned that her detention was illegal and walked away; another was probably abducted by a boyfriend; and four ran away.

2) None of the girls who ran away harmed anyone, although one did steal a car.

3) The program frequently and dramatically shifted the girls' attitudes toward adults.

4) The girls' participation in the plans for their future was positive in most instances. The agency was able to influence the court with its recommendations, and to influence other agencies involved in the long-term care planning.

The goal of strengthening family life was approached. Youngsters did develop better communications with their parents, and a substantial number returned home and, to date, have remained with their families. Identification with proctors seemed to point to healthy goals for adulthood. Most youngsters who required substitute care entered such programs with a positive attitude that should reduce the period of institutionalization.

It is too soon to assess the effects of the Proctor Program on recidivism. Another year is needed. The agency believes it is justified in hoping that the Proctor Program has pioneered an approach that can begin the dissolution of the cycle of despair and recidivism that so marks the nation's juvenile justice detention system.

Areas of Concern in Proctor

Proper preparation of the youngster coming into the program is vital. It was soon decided to pick up the youngsters at court, rather than following the original practice of having them delivered to the agency. Many of the deliverers, though well-intentioned, did a poor job of interpreting the program. The extra work of picking up the girls by staff has been worthwhile. We are thus able to interpret uniformly and accurately to the proteen what the program is about, and what is expected of her, the agency and the proctor.

The first week with the proctor has proved critical. If a proteen is going to elope, it will be during this week. This bears out one of the original theses—that the relationship would be the major security device. After the first week, ties are formed that make elopement difficult for the proteen. The first week is a week for solitary walks on deserted beaches. Crowds should be avoided, as should the girl's home territory. Two girls were lost in the first week when two new proctors met accidentally in the amusement park with their proteens. The youths had met earlier in lockup and, in a few minutes, eluded the proctors in the crowd. Excitement, peer contamination and support, plus the crowd, all contributed to this loss, but staff and proctors learned from such experiences.

The major area where problems continue to flourish is that related to developing long-term plans for the proteens. In general, there is a surplus of planners and a shortage of workers. Also, surprisingly, many professionals seem to have low expectations of the proteens. Bureaucracy and failure to live up to promises plague the program. It takes hours to obtain approval of dental work from agencies, which often are uncertain about their responsibilities for the detained youth. Massachusetts' "CHINS" (Children In Need Of Service) law is a nightmare in this respect, dividing responsibilities between two state agencies and the courts. Our agency advocacy staff has had to be increased. Only with great effort have we been able to get plans concluded within the agreed-upon time.

Conclusion

The Juvenile Court, the Department, and New Bedford Child and Family Service are pleased with the program. The loss rate is

low, and the atmosphere is a far cry from that of the damaging institutional detention program. All in the New Bedford agency agree that long-term development of the proctor model is essential, and several potential models are being drawn up.

The proctor project would not have succeeded, however, without the support and encouragement of countless people. Commissioner Joseph Leavey and both his central and Region VII office staffs share much of the credit. The director of the program, Mrs. Arlene McNamee, has a talent for working with young people, and provided much of the drive and day-to-day guidance necessary for such a demonstration project. The total staff of New Bedford Child and Family Service provided an office atmosphere in which proctors and proteens felt totally accepted. The officers and board of the New Bedford Child and Family Service demonstrated their willingness to undertake and to help finance this demonstration. They have shown that detained youth are not only a state responsibility, but a community responsibility. The Juvenile Court has accepted the program and has been extremely cooperative. The proctors have obviously been the mainstay of the service. Their dedication, flexibility, tolerance, good judgment and concern are the elements that have enabled it to work. The proteens, too, contributed through their interest and suggestions. Many of them have recognized the agency's intention of developing a better system of detention for them, and have responded to requests for criticisms and suggestions.

The New Bedford Child and Family Service believes it has created a system that will not fall prey to the problems of the old system. It will not become bureaucratized and callous because it will constantly be accepting new proctors, who will come with the enthusiasm of the first proctors. It will not expose the youngster just entering the system to the long-time offender, with all the antisocial contagion that so marks traditional detention facilities, and lastly, it will continue to provide secure care in a wholesome atmosphere at costs no greater than those of the institutional programs. ◆

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JUVENILE DIVERSION THROUGH FAMILY COUNSELING[1]—A PROGRAM FOR THE DIVERSION OF STATUS OFFENDERS IN SACRAMENTO COUNTY, CALIF.

(By Roger Baron and Floyd Feeney)

CHAPTER I. CONCEPTS AND ORGANIZATION

A. Project Background and History

Virtually every state has a statute defining some non-criminal behavior as delinquent. In California youths beyond the control of their parents, runaways, truants and others fall within Section 601 of the Welfare and Institutions Code and are known as "601's". In other states this kind of case is known as Persons in Need of Supervision (PINS), Children in Need of Supervision (CHINS), Minors in Need of Supervision (MINS), stubborn child or some equally revealing name.

Both today and in the period prior to the beginning of the Sacramento 601 Diversion Project, cases falling within section 601 are among the most frequent in the jurisdiction of the juvenile court. In California, for example, in 1969, 601 cases constituted about 30 percent of all cases reaching intake and over 40 percent of all juvenile hall admissions.[2] More detailed data for Sacramento County indicated that 601 cases comprised over 32 percent of the casts handled at intake, over 40 percent of the detention petitions filed in juvenile court, over 30 percent of the total petitions filed in juvenile court, over 35 percent of the cases handled by probation supervision and over 72 percent of all placements involving delinquents.

Even more important, however, than the workload involved in handling these youths were the dismal results of this attempt to deal with delinquency through the use of the juvenile court. Recidivism figures indicated that a high percentage of all 601 cases came back into the system in a very short time many as a result of having committed acts that are violations of the penal code. (These are brought within the jurisdiction of the juvenile court in California by section 602 of the Welfare and Institutions Code.) In Sacramento County nearly 48 percent of all 601 juveniles were charged with a subsequent offense—either 601 or 602—within seven months.

In 1969 the Sacramento County Probation Department and the Center on Administration of Criminal Justice, University of California, Davis, conducted a demonstration project to examine detention decision making at both the intake and court levels. Part of the project entailed extensive interviewing of juveniles detained on 601 offenses and their parents. Interviews were conducted after intake proceedings, but prior to the court detention hearing. Reasons for detention were examined along with the extent and nature of underlying problems.

In situations in which parents did not want their child released to their custody or in which the juvenile did not want to return home, alternative possibilities of places for the juvenile to stay were examined with the juvenile and his parents prior to the detention hearing. In many of these situations, alternatives were discovered that were satisfactory to both the minor and his parents. Based on information to this effect presented by the project personnel to the court at the detention hearing, minors were released to these alternative placements pending their jurisdictional and dispositional hearings. A follow-up study indicated that these placements proved reasonably successful, and several resulted in permanent placements.

In analyzing the problem of how to prevent the recurrence of 601 cases, the study suggested two major factors:

The traditional structure of the probation department allows too little time for effective handling of 601 cases.

Legal handling is often an inappropriate method of dealing with the problems involved.

1. *Too little time for handling.*—In Sacramento County in 1969 upon referral to the probation department all cases other than project cases were handled by an intake unit. This unit made the decision whether to file a petition and

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[1] Prepared by the Center on Administration of Criminal Justice, University of California at Davis for the Office of Technology Transfer, LEAA, U.S. Department of Justice, February 1976.

[2] California Bureau of Criminal Statistics, Crime and Delinquency in California, pp 149–80 (1969).

whether to detain. During a sample pre-project month eight intake officers handled approximately 650 cases. This rate of intake allowed the officer very little time to resolve the underlying problems involved in 601 cases, as well as affording little opportunity to seek alternative placement with relatives or friends where the parents did not want the minor returned home or the minor refused to go home. The tendency necessarily was to detain these juveniles, file petitions on them, and let the court resolve the problems.

Little more information and time was available to the juvenile court at the detention hearing, however. This hearing must be held within 48 hours of the time the juvenile is taken into custody,[3] and normally lasts about 15 minutes. As a result many juveniles are detained for a jurisdictional hearing, which takes place within 15 judicial days from the date of the court detention order.[4] A court officer is assigned to the case and spends about two hours investigating it for the jurisdictional and dispositional hearings. Typically, the outcome of these 601 cases is that the juvenile is made a ward of the court and returned home or placed. A supervision officer is then assigned to the case and spends one-half to one hour per month visiting with the juvenile and his family to see what progress is being made. If indications are that the situation is not improved, additional petitions are filed and additional detention ordered in the expectation that detention and court action will have a deterring effect. The fact that over 65 percent of the cases in one sample period had a prior or subsequent record for 601 offenses, that 59 percent had a record of two or more other such offenses, that 32 percent had a record of three or more other such offenses indicates the general lack of success of this approach.

2. *Inappropriateness of legal handling.*—The second factor that stands out is the inappropriateness of handling these cases through the legal system. These cases usually involve family crisis situations and a long history of lack of communication and understanding between family members. Many probation officers feel uncomfortable with the problems posed by 601 cases, and rightly feel that this calls for family counseling or family crisis intervention rather than legal treatment.

B. The Project

The Sacramento 601 Diversion Project was designed as an experiment in order to test an alternative method of handling juveniles charged with 601-type offenses. The objective of this project was to demonstrate the validity of the diversion concept of delinquency prevention by showing that:

Runaway, beyond control and other types of 601 cases can be diverted from the present system of juvenile justice and court adjudication.

Detention can be avoided in most 601-type situations through counseling and alternative placements that are both temporary and voluntary.

Those diverted have fewer subsequent brushes with the law and a better general adjustment to life than those not diverted.

This diversion can be accomplished within existing resources available for handling this kind of case.

The intent of the project was to keep the child out of the juvenile hall, keep the family problem out of the court and still offer counseling and help to the family.

This approach relies on the following features:

Immediate, intensive handling of cases rather than piecemeal adjudication.

Avoidance of compartmentalized service by the creation of a prevention and diversion unit handling cases from beginning to end.

Expending the majority of staff time in the initial stages of the case—when it is in crisis—rather than weeks or months later.

The provision of special training to probation staff involved.

The provision of on-going consultative services on a periodic basis to enable staff to continue to improve their crisis handling skills.

Avoidance entirely of formal court proceedings.

Avoidance of juvenile hall through counseling and the use of alternate placements that are both temporary and voluntary.

Maintenance of a 24-hour, seven-days-a-week telephone crisis service.

Closer ties with outside referral services.

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[3] California Welfare and Institutions Code § 631 (West Supp. 1971).
[4] California Welfare and Institutions Code § 657 (West Supp. 1971).

In addition to the extensive workload involved in handling 601 cases, and the possibilities of delinquency prevention through diversion indicated by the pre-project study, the plan also sought to take into account the growing body of evidence that crisis counseling and short-term case work is one of the most effective ways of dealing with problems arising out of family situations.

One recent study, for example, concluded that:

Planned, short-term treatment yields results at least as good as, and possibly better than, open-ended treatment of longer duration.

Improvement associated with short-term treatment lasts just as long as that produced by long-term services.

Short-term treatment can be used successfully under most conditions if its objectives are appropriately limited.[5]

The report indicated that "extended casework was three times as costly as short-term, with no better results to show for it." In explaining these results the report stated that the brevity of the service period may have "mobilized the caseworker's energies and caused a more active, efficient and focused approach" while at the same time calling forth "an extra effort from the client producing a better outcome."

In 1967 the President's Commission on Law Enforcement and Administration of Justice argued that:

The formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles . . . Alternatives already available, such as those related to court intake, should be more fully exploited.[6]

The Sacramento County 601 Diversion Project sought to develop a practical method for implementing this concept and was modeled in part on a paper by Ted Rubin entitled "Law as an Agent of Delinquency Prevention," which was presented to the California Delinquency Prevention Strategy Conference in February 1970.

C. Project Operation

The project began handling cases on October 26, 1970. During the experimental period, the project handled cases on four days of the week with the regular intake unit handling the other three days as a control group. Days were rotated months, so that each day of the week would be included approximately the same number of times for both the project group and the control group.

On project days when a referral on a 601 matter was received—whether from the police, the schools, the parents or whatever—the project arranged a family session to discuss the problem. Every effort was made to insure that this session was held as soon as possible and most were held within the first hour or two after referral. Through the use of family counseling techniques the project counselor sought to develop the idea that the problem was one that should be addressed by the family as a whole. Locking up the youth as a method of solving problems was discouraged and a return home with a commitment by all to try to work through the problem was encouraged. If the underlying emotions were too strong to permit the youth's return home immediately an attempt was made to locate an alternative place for the youth to stay temporarily. This was a voluntary procedure which required the consent of both the parents and the youth.

Families were encouraged to return for a second discussion with the counselor and depending upon the nature of the problem for a third, fourth or fifth session. Normally, the maximum number of session was five. Sessions rarely lasted less than one hour and often went as long as two or two-and-half hours. First sessions took place when the problem arose.

All sessions after the first session were essentially voluntary, and whether the family returned was up to the family itself. In many cases counselors were in contact with the family by phone whether there was a follow-up visit or not. All members of the family were encouraged to contact the counselor in the event of a continuing problem or some new additional problem.

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[5] Department of Health, Education and Welfare. Social and Rehabilitation Service. "Short-term vs. Extended Casework." III Research Demonstration Service No. 1 (August 15, 1969). See also W. Reid and A. Shyne, Brief and Extended Casework (1969).

[6] President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society (1967), p. 81.

In November 1973 the experimental phase ended and the project techniques became the standard approach for all runaway, beyond control, incorrigible type cases in the county.

D. Staff

The Sacramento County Probation Department is generally known as a progressive, well-run department. The minimum requirement for a deputy probation officer is a college degree and increasingly, staff is encouraged to take advanced training. All deputy positions are civil service. The overall organization of the department is shown in Chart 1-A.

The diversion unit staff initially consisted of a supervisor and six counselors. The unit supervisor had approximately ten years experience and his assistant seven years experience. The deputies ranged from no experience in a probation setting to approximately four years of experience. There were three male and three female deputies. The three deputies without probation experience all had some previous experience in a social service agency. All staff members were volunteers for the project and were chosen on the basis of interest and aptitude.

The intake staff which handled both the control group and the exclusions consisted of eight senior deputy probation officers and a supervisor. This unit had two supervisors during the year, each with more than ten years probation experience. Other members of the unit ranged in experience from two to seven years.

E. Family Crisis Counseling

The techniques of crisis intervention and family crisis counseling are crucial to the concept of the project. The central ideas of family crisis counseling are two: (1) that problems should be dealt with immediately as they occur, and (2) that problems are best dealt with in the context of the whole family rather than in the context of the individual person whose conduct is the immediate cause of the problem. The reasons for dealing with the problem in the context of the whole family are well set forth by Langsley and Kaplan:

The family is not only the source of stress in many cases, but has been a major resource in the resolution of stress. The family is the one social unit through which the troubles of all members usually filter. Each person brings home his problems, and he hopes for the understanding and support which will help him master life's struggles. The family is a potential source of strength for individuals who are bruised in the course of everyday living. When the family is functioning well as a stress mediating system, it is a source of enormous comfort and strength to its members. When the family fails in this function, it often adds to the burdens which individual family members are already experiencing.[7]

The principles of intervention are perhaps most clearly stated by Virginia Satir:

Those of us who have studied family interaction as it affects behavior in children cannot help wondering why therapy professions have so long overlooked the family as the critical intervening variable between the society and the individual.

The family system is the main learning context for individual behavior, thoughts, feelings.

How parents teach a child is just as important as *what* they teach.

Also, since two parents are teaching the child, we must study family interaction . . . if we are going to understand what the family learning context is like.[8]

The attempt of the project is to get the family to approach the situation not as a question of blame involving a child to be dealt with by some external agency, but rather as a situation involving the whole family and to which the whole family must seek to respond. The attempt is to loosen the family communication processes and to help the family achieve both the desire and the capability of dealing with the problem.

F. Cases Handled

The project does not handle all 601 cases. Out-of-county and out-of-state cases, cases in which the juvenile already has a case pending in court or a warrant

[7] D. Langsley and D. Kaplan, supra note 6, at 11.
[8] V. Satir, Conjoint Family Therapy (revised ed. 1967), p. 27.

outstanding, cases involving youths who are in court placement and cases involving youths who are already on probation for serious criminal offenses were excluded from project coverage because of administrative and other problems involved in their handling. Cases involving referral by citation or other non-book referrals were also excluded initially as they are not detained and do not require handling as intensive as that of the project. Cases falling in these categories are handled by the regular intake staff.

Cases which are handled by the project are:

All 601 cases reaching intake in which the minor is not on probation.

All 601 cases in which the minor is on informal probation.

All 601 cases in which the minor is on formal probation for a 601 offense.

All 601 cases in which the minor is on formal probation for a minor 602 offense. Minor offenses included petty theft, malicious mischief, curfew, alcohol offenses and other misdemeanors. Offenses which are not considered minor include drug offenses, robbery, burglary, grand theft auto and offenses involving violence or sexual assault.

During the experimental phase, all repeat 601 behavior continued to be handle by the project. The one exception to this was a case in which the project filed a 601 petition. Any subsequent 601 behavior for this kind of case was handled by regular intake as diversion was no longer possible. "Handling," in the sense used in this section, refers to unit responsibility for seeing the case and for dealing with it. For statistical purposes and evaluation of unit effectiveness, a project case always remained a project responsibility, irrespective of whether it was at some point operationally "handled" by some other unit or not.

Project cases in which the child subsequently became involved in 602 behavior were handled as follows:

Minor 602 behavior—remained in project.

Serious 602 behavior—handled by regular intake.

During the first nine months of the project the total number of project, control and exclusion cases was as indicated below.

Total 601 Intake

[First 9 Project Months]

Project	8[illegible]
Control	558
Exclusion	1,077
Total intake	2,438

"Control cases" are those 601 cases handled by intake which met the criteria set out above for project cases. "Exclusions" are all 601 cases which did not meet the criteria for project and control cases. "Exclusions" thus includes excluded cases on both project and non-project days.

A further breakdown of the exclusion cases is given in the table below:

Delivered to custody of probation officer at juvenile hall:	
Cases already in placement	260
Out-of-county or out-of-State	279
Ward for felony offense	140
Cases pending court	52
Warrant cases	24
Petition filed after project inception	17
Other	0
Subtotal	832
Cited or referred to probation officer without being detained	245
Total	1,077

G. Some Discarded Planning Options

At the outset of the program serious consideration was given to several opt[illegible] other than the model of crisis counseling by the probation department staff members which was finally chosen. The principal alternatives considered were: (a) heavier reliance on referrals to existing community agencies, (b) the creation of a youth services bureau as an independent agency in the community for carrying out this function, and (c) introduction of MSW's or other new kinds of staff to handle this function. These alternatives were rejected because the program adopted was believed to the most efficient, effective and economical way to achieve the desired diversion.

A canvass of existing community agencies—family service agency, community mental health services, welfare protective services and others—indicated that they were geared to accept some additional referrals and to deal with parts of the problem. In general, however, they appeared to lack the around-the-clock and immediate response capability required to deal fully with the 601 problem. They were felt to be an important part, but not the complete solution.

The creation of a fully staffed youth services bureau with an around-the-clock capability was, on the other hand, seen as an acceptable method of accomplishing the desired diversion. Establishing such an organization for this purpose was felt to be significantly more expensive than the proposal adopted, however, and was in addition felt to lack the self-sustaining aspects that the approach adopted would have after its initial phase.

The use of existing probation staff rather than new types of staff was adopted because existing staff with additional training and professional assistance was felt to be fully capable of handling the job, and because the employment of MSW's or other similar types of staff would be more costly, harder to accomplish and not demonstrated to be any more effective.

In the final analysis the approach chosen was felt to be at least as workable as any of the alternatives and to have the potential for being continued beyond the life of the grant funds. The fact that this is what has occurred does not prove that the judgments made with respect to this were correct. The problems and the lack of staying power exhibited by many other programs attempting to work in this area, however, do indicate the importance of the considerations involved.

H. Sponsorship

The project was a joint effort involving the Sacramento County Probation Department and the Center on Administration of Criminal Justice, a University of California, Davis, research group. The Project Director was Warren Thornton, then Chief Probation Officer, Sacramento County. The Project Coordinator was Roger Baron, Center on Administration of Criminal Justice, University of California, Davis. The Project Officer for the Sacramento County Probation Department was Ray Roskelley, Supervisor of Intake Services. LeRoy Downs was the Diversion Unit Supervisor.

I. Funding

The project was begun with the assistance of grant funds from the California Council on Criminal Justice. The first year grant was $92,825; the second, $120,715; and the third, $17,689 as indicated below. These funds provided for staff, training and evaluation. Matching amounts were supplied by the County of Sacramento and the Center on Administration of Criminal Justice, University of California, Davis, through the use of Ford Foundation funds. A ore detailed budget is shown in appendix B.

Sacramento 601 diversion project

Year:	*Grant funds*
1970 to 1971	$92,825
1971 to 1972	120,715
1972 to 1973	17,689

Since the conclusion of grant funding in November 1973, the project has been ntinued through the use of county funds. The diversion unit currently is responsible for the handling of all runaway, beyond control type cases within Sacramento County.

CHAPTER II. DOES THE PROGRAM WORK?

The Sacramento 601 Diversion Project had four basic goals. These were to:

Reduce the number of cases going to court.

Decrease overnight detentions.

Reduce the number of repeat offenses.

Accomplish these goals at a cost no greater than that required for regular processing of cases.

Based on the project's first year in which over 500 cases each were handled by the project staff and in a control group of regular intake cases, the evaluation indicated that:

The number of court petitions was reduced by over 80 percent.

Overnight detention was reduced more than 50 percent.

The number of youths involved in repeat offenses of any kind was reduced by more than 14 percent.

The number of youths subsequently becoming involved in criminal behavior was reduced by 25 percent.

The cost of the new techniques was less than half the cost of the previous procedures.

The results concerning recidivism are particularly impressive. The whole delinquency literature shows less than 20 projects with some proven record of accomplishment in recidivism reduction. Most programs are not evaluated at all. Of those which have been, by far the most frequent finding is that of no improvement or change. The Secramento approach on the other hand shows a clear record of improvement for a large number of cases.

A. Results—Diversion from Court

The first objective of the Sacramento 601 Diversion Project was to test the idea that 601-PINS type cases can be diverted from the juvenile court. Data for the first 12 months of the project indicate clearly that this objective was accomplished. During this period the project handled 977 referrals to the probation department, involving opportunities for diversion, but filed only 36 petitions. Court processing was consequently necessary in only 3.7 percent of these referrals as compared with 19.8 percent for those handled in the control group. Because a youth may be referred to the probation department two, three or more times before a petition is filed or without a petition being filed, the number of referrals exceeds the number of individuals handled.

REFERRALS AND PETITIONS

	Number of referrals	Number of petitions	Percent
Control	612	121	19.8
Project	977	36	3.7

This table is concerned with petitions filed while there is an opportunity for diversion from court rather than petitions filed as a result of recidivism. Consequently, if a petition is filed on a youth handled by either the project or the control group and that person subsequently returns on another 601 matter and an additional petition is filed, the additional petition is not included in these totals. Similarly, if a youth handled on a 601 matter by either the project or the control group subsequently returns for some kind of 602 behavior and a 602 petition is filed, that petition is also not included.

If these petitions were included, as well as those resulting from referrals involving opportunities for diversion, project data indicate that during a 12-month follow-up period 41 percent of all control group youths and 19 percent of all project group youths ultimately went to court. The total number of petitions filed for the youths handled in the control group in the first year was 401, while the total for the project group youths handled in the first year was 219.

In California a second entry point from intake into the juvenile justice system is through informal probation. Informal probation is provided for by Welfare and Institutions Code section 654 and is a voluntary procedure entered into when the probation intake officer believes the matter can be handled without going to court but requires some probation supervision. During the first 12 months of the project a total of 117 control cases were placed under informal supervision as a result of initial handling as opposed to 22 project cases.

INFORMAL PROBATION

	Number of referrals	Informal probations	Percent
Control	612	117	19.
Project	977	22	2.

Taking both petitions and informal supervision together, the number of cases going forward in the system from intake were 38.9 percent of the control cases but only 6.0 percent of the project cases.

PETITIONS FILED AND INFORMAL PROBATION

	Number of cases	Petitions and informals	Percent
Control	612	238	38.9
Project	977	58	6.0

B. Results—Detention

A second major project concern is that of detention. A great deal of evidence suggests that detention is itself a harmful factor which serves on the one hand as a school for crime and on the other as an embittering factor which makes family reconciliations necessary to the resolution of 601 cases more difficult. The table below compares the extent of overnight detention in juvenile hall as a result of initial arrests.

Under California law all cases involving detention longer than 48 hours (not including weekends and other non-judicial days) must be brought before the juvenile court judge or referee for approval.

OVERNIGHT DETENTION IN JUVENILE HALL AS A RESULT OF INITIAL REFERRAL

[Youths referred in Oct. 26, 1970–Oct. 25, 1971]

	Control (percent)	Project (percent)
No overnight detention	44.5	86.1
1 night	20.7	9.9
2 to 4 nights	19.2	3.0
5 to 39 nights	14.4	.7
40 to 100 nights	1.1	.3
Over 100 nights	0	0

These figures indicate that more than 55 percent of all control group youths spent at least one night in juvenile hall as compared with 14 percent for youths handled by the project. These initial differences in the amount of detention are also reflected in the average number of nights each youth spent in detention. Thus, while project group youths had an average of 0.5 nights in detention as a result of initial handling, control group youths spent an average of 4.6 nights in detention.

In addition to spending more nights in detention as a result of initial referral, control group youths also spent more nights in detention over a 12-month follow-up period.

OVERNIGHT DETENTION IN JUVENILE HALL EITHER AS A RESULT OF INITIAL ARREST OR SUBSEQUENT ARREST WITHIN 12 MO

[Youths referred in Oct. 26, 1970–Oct. 25, 1971]

	Control (percent)	Project (percent)
No overnight	30.6	57.7
1 night	14.8	12.9
2 to 4 nights	17.1	12.5
5 to 39 nights	24.5	10.4
40 to 100 nights	11.2	6.1
Over 100 nights	1.7	.7

These figures indicate that considering both initial arrest and subsequent case history more than 69 percent of the youths handled by control spent at least one night in juvenile hall as compared with 42.3 percent of the project youths. The average number of nights spent for project youths was 6.7 per case as compared with 14.5 for control youths.

C. Results—Recidivism

Perhaps the single most important test of project results is that of recidivism —the number of youths becoming involved in repeat problems. In order to test the effect of the project all cases—project and control—handled during the first year of the project were followed for a period of 12 months from the date of initial handling. The rate for both groups of repeat behavior involving conflict with the law was high. Project cases, however, did noticeably better than did control cases.

Thus while at the end of the one-year period 54.2 percent of the control group youths had been rebooked for either a 601 offense or for a violation of the penal code (Section 602 of the California Welfare and Institutions Code) the comparable figure for the project group was 46.3 percent. Out of any 100 youths handled, 7.9 fewer will repeat under project handling than will repeat under control handling. In percentage terms this represented a decrease in repeat cases of over 14 percent.

If consideration is limited to felony and 602 drug cases, generally regarded as the more serious cases, the improvement is greater still. The percentage of project youths having rebookings for these offenses was 13.1 as compared with 22.1 percent for the controls, a decrease of over 40 percent.

These and other figures suggest that most of the project impact comes early in the process. Given the project emphasis on providing immediate help to youth and families, this is not too surprising. The fact that the difference in the number of repeat bookings persists over a period as long as a year suggests in addition that the improvement is of relatively long duration and not simply temporary.

In order to provide additional information as to the important issue of repeat offenses, all project cases handled during the second year were followed for 12 months from the date of initial handling. Available funds did not permit a similar follow-up of control cases but the second year project follow-ups were compared with both control and project follow-ups from the first year.

This comparison indicates that the project cases handled during the second year have had fewer repeat cases than those handled in the first year. While 46.3 percent of the first year project follow-up had some kind of repeat cases during the follow-up period, only 41.8 percent of the second year cases had such a repeat case.

D. Workload and Diversion

1. *Costs.*—From the beginning one important objective of the diversion project has been to demonstrate not only that the diversion idea was sound from a treatment point of view, but also that this kind of service was no more costly and perhaps less costly than the kind of service more regularly provided.

Prior to the project a detailed analysis of the time and workload factors involved in the regular intake and court processing procedures was made. This analysis was based on extensive observation of the procedures involved as well as discussions with officers engaged in the process.

Each control group youth consumed an average of 17 hours in handling times as compared with 9.9 hours for each project youth. Recomputation of these figures based on all cases referred during the first year of the project and following these for a one-year period shows the average total handling time for each of the 674 project youths to be 14.2 hours. The comparable time for the 526 control youths was 23.7 hours.

Based on these figures the average cost of handling a single control group youth at intake, in the court and in probation supervision is considerably higher than the average cost of handling a project group youth. (Costs are figured at $8 per hour, the average figure during the pre-project cost study.) Costs are indicated both for handling arising out of the initial offense ("initial handling") and for "all handling" which includes handling resulting from repeat offenses.

AVERAGE HANDLING COST PER YOUTH

	Project	Control
Initial handling	$27.72	$74.94
All handling (including repeats)	113.60	189.60

In addition to these costs for handling there are substantial costs involved for juvenile hall. These also show higher costs for the control group. Using the detention figures above and an average cost of $14.75 per night, the figures are as follows:

AVERAGE DETENTION COST PER YOUTH

	Project	Control
Initial handling	$1.76	$77.96
All handling (including repeats)	98.98	214.27

A further important cost is that involved in cases placed in foster homes, boys ranch or other out-of-home care. On the average these cases involve both a high monthly cost and a substantial number of months per case. The figures below are based on average monthly placement costs during the pre-project period ($180 per month).

AVERAGE PLACEMENT COST PER YOUTH

	Project	Control
Initial handling	None	$69.00
All handling (including repeats)	$61.43	157.76

If placement, detention and handling costs are combined, the total cost to the county for the first year of handling is as follows:

AVERAGE TOTAL COST PER YOUTH

	Project	Control
Handling	$113.60	$189.60
Detention	98.98	214.27
Placement	61.43	157.76
Total	274.01	561.63

These figures do not include the cost of training the diversion unit. Part of this cost is a one-time expense. Part, however, should be regarded as an on-going cost. Amoritizing these expenses over a year's period, a reasonable estimate is $5 per youth for initial training and $5 for on-going training and consultation. If these figures are included, the average cost for complete handling of each project youth would be $284.01 as compared with $561.63 for each control youth.

The cost to the probation department of regular intake care for this type case is thus nearly twice as expensive as the cost of diversion.

E. Summary

In March 1974 the project was selected as an Exemplary Project by the National Institute of Law Enforcement and Criminal Justice—one of the first five programs to be so chosen.

After two years of the experiment the data indicated that 601 cases could be diverted from court using project techniques. The number of court petitions, the number of informal probations, the number of days spent in detention, and the cost of handling were all less for project than for control cases. Recidivism was also less.

Based on these findings Sacramento County adopted the program as its basic method for dealing with 601 cases in November 1972.

EXODUS, INC., ATLANTA, GA., AN OVERVIEW

Exodus, Inc. is a non-profit corporation begun in 1972 with a commitment to finding solutions to the problems faced by Atlanta's urban residents. Because

youth are a controlling factor in a community's nature and destiny, Exodus has focused on developing innovative and more effective ways to provide inner-city youth with both the people and services required to meet their needs. The need for more meaningful educational opportunities is evidenced by poor academic performance, erratic attendance, below grade level reading skills and disruptive behavior. Surrounding the educational problems are needs for physical health care, legal services and stronger personal support both in the home and at school.

Most of these youth lack the capacity for a belief in themselves that can motivate them to shape their lives now for a satisfying future. They, therefore, find themselves victims of their environment, caught in a spiralling series of negative circumstances leading nowhere. The resulting frustration leads them to destructive behavior with rising financial and social costs for all of Atlanta's citizens.

Exodus, through its projects, has developed the concept of "propinquity" in an attempt to provide a structure that can begin to solve these problems. Propinquity means ". . . a nearness in space, time and relationship." Programmatically this means assigning social service professionals to work as a team or family with teachers at the local school or educational site.

The students in the projects are on the rolls of an Atlanta Public School or its area learning center. Each day they interact with teachers who provide instruction in the basic skills (Reading, Math, English, Social Studies and Science) and with a social service staff experienced in the areas of juvenile justice, special education counseling, cultural and community awareness and outdoor recreation. Each youth has available to him at school a multi-disciplined staff with whom he has a personal, trusting relationship and who possess the expertise to be of tangible help. The design of these projects is unique in that:

1. Educators and social service workers form a team to provide integrated services and curricula.
2. Each team is responsible for a specific small number of students.
3. The focus of the services is the neighborhood school or area learning center.
4. It presupposes that problems do not arise in isolation but that changes in any area of life cause or effect change in other areas. Positive change, therefore, can result only from a reinforcement across the support systems of the individual. For example, if the building of self-esteem is valuable to the individual, it must also be valuable to the family, peer group, school, institution and community to which that individual relates.

Exodus is currently operating seven projects in Atlanta:

Area Learning Centers (Street Academies) designed to serve students who have dropped out of school.

1. Smith High School Area Learning Center (Atlanta Street Academy A)
2. Archer/West Fulton High School Area Learning Center (Atlanta Street Academy B).
3. Brown High School Area Learning Center (Atlanta Street Academy T).
4. Area III Learning Center (St. Luke's Street Academy). This center is an alternative secondary learning situation for any student in Area III who is not functioning well in the traditional school setting.

In-School Projects designed to augment the services provided by the school for those students needing more individualized attention.

5. Craddock Elementary School Propinquity Project.
6. Carver Comprehensive High School Propinquity Project.
7. Smith High School Propinquity Project.

These projects are a joint effort of the Atlanta Public Schools and existing agencies and institutions within the City and the State. The Atlanta Public Schools provides teachers and supplies for the projects. The Georgia Department of Human Resources, the State Crime Commission, the City of Atlanta, Fulton County and United Way provide funds for social service personnel. Monies from private foundations and corporations have been a critical factor in the implementation and day-to-day operation of the projects thus far.

In addition to these projects, Exodus operates two additional projects:

The Right-To-Read Reading Academy which provides basic reading instruction to functionally illiterate persons in the metropolitan Atlanta area.

The College and Job Placement Center which provides assistance to students in the Exodus projects in obtaining employment and/or higher education.

The goal of Exodus is to demonstrate, through the operation of these projects that the effective coordination of the world of public education and the world of social services meets the needs of inner-city youth better than present separate service arrangements. In order for these projects to maintain operations and to be expanded and reproduced, they must undergo further institutionalization. This can occur by:

1. The Atlanta Public Schools continuing its participation by supplying teachers for the projects.

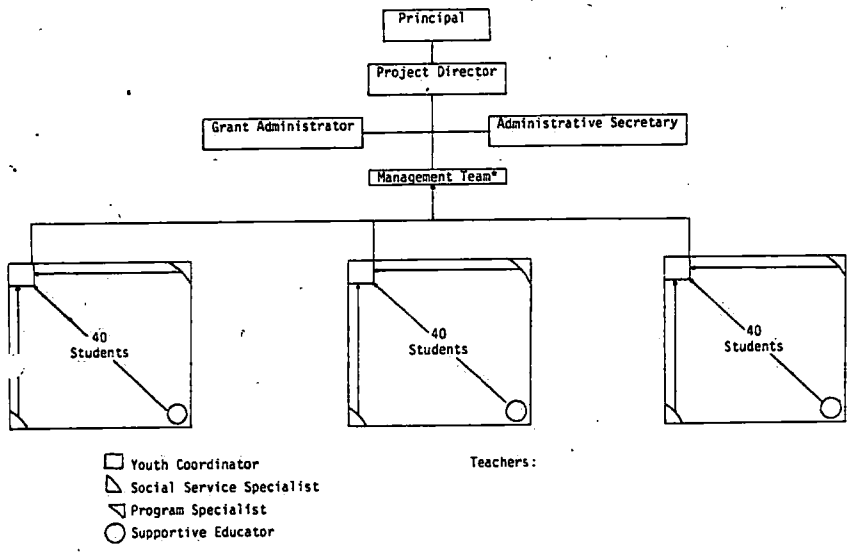
2. Existing institutions and agencies, public and private, assigning personnel and funds to propinquity type service formations in conjunction with the Atlanta Public Schools.

Complete institutionalization of the propinquity concept means that the projects cease to be viewed as Exodus projects but become the vision and responsibility of existing institutions in Atlanta. Long range we see Exodus' role as providing facilitation, training and other forms of technical assistance to meaningfully enhance the replication of the concept throughout the City and the State.

Exodus/Atlanta projects are now serving approximately 1,000 youth and their families.

For additional information, please contact Shirley Harris, Vice President, 622-1056 or 622-1002.

ORGANIZATION CHART



*Project Director and 3 Youth Coordinators

SOURCE: UNITED STATES LAW ENFORCEMENT ASSISTANCE ADMINISTRATION: A COMPENDIUM OF SELECTED CRIMINAL JUSTICE PROJECTS, WASHINGTON, D.C., 1975.

ABSTRACT NUMBER: 0316

Promising Projects--Juveniles

PROJECT NAME:

Grady County Youth Service Bureau

IDENTIFICATION SOURCE: SPA

REGION: Dallas

NAME OF SUBGRANTEE:

Grady County Youth Services, Inc.
P.O. Box 771
Chickasha, Oklahoma 73018

STATE: Oklahoma

SERVICE AREA: Single County

GRANT NUMBER: 74-F02/09-10

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$72,178	RECENT FUNDING PERIOD:	8/74-7/75
8/72-7/75	RECENT LEAA SHARE:	$60,000	TYPE OF FUNDS:	Block
STATUS: Demonstration	PRIOR LEAA SHARE:	$29,030	PERIOD OF PRIOR LEAA FUNDING:	8/72-7/74

MAJOR OBJECTIVE: To expand the Youth Service Bureau as an alternative to processing juveniles through the juvenile justice system and as a means of coordinating the rehabilitative and treatment services available to troubled youth.

PROJECT DESCRIPTION: The Youth Service Bureau, with a project of eight, provides intake, referral, and counseling services for juveniles. The children are referred to the project by themselves, the District Court, law enforcement agencies, schools, or parents. In cases where a criminal offense is involved, the project is responsible for providing the court with predispositional hearing reports and recommendations and with postadjudicatory status reports. The project provides individual and family counseling; a clinical psychologist is available for consultation and testing. The Project Coordinating Council provides liaison with agencies which offer similar counseling and social services to youths within the same service area. Each youth referred to the Bureau is interviewed by a staff member, who helps formulate treatment and referral plans. Extensive follow-up and one-to-one counseling are geared toward ameliorating the youth's problems and involvement with the juvenile justice system.

IMPACT: Decrease in number of delinquent youths committed. In 1971, 32 of 46 delinquent youths were committed to state institutions. In 1973, after approximately one year of program operations, the number fell to 2 commitments out of 50. Referrals to the Bureau rose from 281 in 1973 to 520 in 1974. Before the project, all referrals resulted in court petitions. In 1974, there were 520 referrals to the Bureau, and only 7.1 percent resulted in court petitions. The number of adjudications in relation to the number of court petitions filed had fallen by an average of 5 percent per year.

REFERENCES:

Mr. Ken Young, Project Director
P.O. Box 305
Chickasha, Oklahoma 73018
(405) 224-5315

INFORMATION SOURCE: Grantee Report

TYPE OF VERIFICATION:
☐ Phone Report ☑ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0668

PROJECT NAME:
Butler County Youth
Services Bureau

NAME OF SUBGRANTEE:
Butler County Commissioners
Court House
Hamilton, Ohio 45011

~~Promising Projects--Juveniles~~

IDENTIFICATION SOURCE: SPA

REGION: Chicago

STATE: Ohio

SERVICE AREA: Single County

GRANT NUMBER: 4309-03-CS-74

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$ 55,556	RECENT FUNDING PERIOD:	5/75-12/75
9/72-12/75	RECENT LEAA SHARE:	$ 50,000	TYPE OF FUNDS:	Block
STATUS: Demonstration	PRIOR LEAA SHARE:	$216,000	PERIOD OF PRIOR LEAA FUNDING:	9/72-4/75

MAJOR OBJECTIVE: To divert juveniles from the criminal justice system by establishing a community Youth Services Bureau (YSB) which insures comprehensive treatment services.

PROJECT DESCRIPTION: By utilizing community liaison volunteers and social action groups, the YSB is sensitized to current community needs. The Bureau developed a STAY center, an emergency shelter care facility with ten beds for runaway or family-rejected youngsters; helped form the Ohio Youth Service Bureau Association to coordinate activities of YSBs all over the state; established the summer youth development program to place student volunteers with younger, "acting out" youth; and created an in-service training program for area social workers.

IMPACT: Increased diversion both before court and in court; Governor's Award received. During its first 18 months of operation, the YSB served 783 youths, 86 of whom stayed at the residential center for an average of 18.4 days. In that time, 122 youths were referred by the court; in calendar 1973, 49 of 195 (25%) "unruly children" cases were referred by the court. The number of youths initially being brought into court dropped from 367 in 1972 to 195 in 1973 (47% decrease). Part of this reduction may be due to the YSB. The YSB has received a Governor's Award for Community Service.

REFERENCES:

Arnold Sherman
610 Dayton Street
Hamilton, Ohio 45011
(513) 895-0144

INFORMATION SOURCE: Project Generated Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0445

PROJECT NAME:
Michigan Youth Services

NAME OF SUBGRANTEE:
Iosco County Board of Commissioners
Tawas City, Michigan 48763

Promising Projects--Juveniles

IDENTIFICATION SOURCE: SPA

REGION: Chicago

STATE: Michigan

SERVICE AREA: Multi-County

GRANT NUMBER: 0321-03

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	RECENT FUNDING PERIOD:
11/69-Present	$ 63,900	11/73-12/74
	RECENT LEAA SHARE: $ 60,000	TYPE OF FUNDS: Block
STATUS: Institutionalized	PRIOR LEAA SHARE: $130,000	PERIOD OF PRIOR LEAA FUNDING: 4/71-10/73

MAJOR OBJECTIVE: To reduce arrests, drug abuse, school suspensions and expulsions, and to develop vocational plans for troubled youth by establishing a summer residence camp which provides counseling and training.

PROJECT DESCRIPTION: The Michigan Youth Services summer camp accepts referrals (all voluntary) from school counselors, courts, social service agencies, and schools. Clients come from 28 northern rural counties in Michigan, and each county has its own follow-up program. The summer camp provides individual and group counseling, informal discussions on drug-related problems, vocational motivation, and recreational activities. A counselor remains with his group of five campers at all times throughout the program. During the winter, youth return for periodic weekend retreats to reinforce the project's impact.

IMPACT: Troubled youth attend. Since 1971, 900 youths have attended the camp. Based on an analysis of 58% of them, an outside evaluator found that for those boys who had been arrested once before attending the camp the recidivism rate was 17% over a period of several months after camp. The evaluator also reported that fewer boys became or remained wards of the court, and that arrest rates declined after camp. In the absence of a control design, the validity of these findings is uncertain.

REFERENCES:

Lawrence Thompson
Post Office Box 443
Oscoda, Michigan 48750
(517) 739-2828

INFORMATION SOURCE: External Evaluation Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Delinquency Prevention Projects--
Alternative Schools for Troubled Youth

ABSTRACT NUMBER: 0918

Promising Projects--Juveniles

PROJECT NAME:
Jersey City Juvenile Diversion

IDENTIFICATION SOURCE: RO

REGION: New York

STATE: New Jersey

NAME OF SUBGRANTEE:
City of Jersey City
Department of Human Resources
Medical Services Building
Jersey City, New Jersey 07302

SERVICE AREA: City

GRANT NUMBER: 73-ED-02-0006

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	RECENT FUNDING PERIOD:
7/73-4/75	$192,000	4/74-4/75
	RECENT LEAA SHARE: $172,000	TYPE OF FUNDS: Discretionary
STATUS: Demonstration (To Be Institutionalized 5/75)	PRIOR LEAA SHARE: $198,460	PERIOD OF PRIOR LEAA FUNDING 7/73-3/74

MAJOR OBJECTIVE: To divert arrested youths and youths formally charged with delinquency from the criminal justice system by continuing to deliver basic education, counseling and referral services to youths accepted into the project from the Juvenile and Domestic Relations Court.

PROJECT DESCRIPTION: The Jersey City Juvenile Diversion Project provides basic social services for juveniles, including new intake procedures in the county court, an alternative school, and a family counseling program. Youths are referred to the project from the court, usually after a finding of delinquency. The alternative school is completely accredited and complies with the educational policies and guidelines of the State Board of Education. The model school is based on the concept that providing a meaningful educational experience is an effective growth technique for youths ill-equipped to cope with the usual junior high school curriculum and the school may therefore be a deterrent to delinquent behavior. The youths spend three to six months in the school and then reenter their previous public school. The project also provides counseling services to youths not directly involved in the school program but who are referred by the schools or police department. The program is extended to serve the same client group during the summer months as a summer school tutorial and recreational program. The staff consists of 16 members including teachers and professional counseling staff. There are 15 volunteers in the program from St. Peters and Jersey City College who are trained by the professional staff.

IMPACT: Project reports decreases in recidivism and population of detention centers. Since 1973, the project has served 242 boys and girls, 16% of whom have recidivated. In 1974, the recidivism rate for all juveniles was 46%. The number of youths detained at the youth house has dropped from 924 in 1973 to 571 in 1974, a decrease of 38%. Since the project may accept a selective group of juveniles, comparisons with a general population are difficult to interpret.

REFERENCES:

Mr. Ray Aumack
Jersey City Department of Human Resources
111 Storms Avenue
Jersey City, New Jersey 07302
(201) 451-2870

INFORMATION SOURCE: Project Generated Report

TYPE OF VERIFICATION:
☑ Phone Report ☐ Paper Review

Delinquency Prevention Projects--
Alternative Schools for Troubled Youth

Promising Projects--Juveniles

ABSTRACT NUMBER: 1273

IDENTIFICATION SOURCE: SPA

PROJECT NAME:
Indianapolis Public Schools
Alternative School Program

REGION: Chicago

STATE: Indiana

NAME OF SUBGRANTEE:
Karl K. Kalp, Superintendent
Indianapolis Public Schools
120 East Washington Street
Indianapolis, Indiana 46204

SERVICE AREA: City

GRANT NUMBER: A 73C-D08-05-120

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Academic Institution	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	RECENT FUNDING PERIOD:
7/73-6/75	$ 263,598	7/74-6/75
	RECENT LEAA SHARE: $ 196,698	TYPE OF FUNDS: Block
STATUS: Demonstration	PRIOR LEAA SHARE: $222,408	PERIOD OF PRIOR LEAA FUNDING: 7/73-6/74

MAJOR OBJECTIVE: To reduce deviant behavior of students in grades six, seven, and eight and prevent juvenile court referral by establishing an alternative school rehabilitation and treatment program.

PROJECT DESCRIPTION: This program was established in 1973 to provide public school students who display disruptive behavior an opportunity to remain in school rather than be dismissed or incarcerated in a detention center. The principal refers each child's case to the area coordinator, and the parents are invited to enroll the child in the alternative program. The project staff consists of the director (the school principal), 10 teachers, a social worker, and a psychologist. After the initial interview with parent(s), child, principal, social worker, and/or psychologist, each child is diagnosed by the staff psychologist, and then placed in the alternate school. The teachers, after in-service training, provide individualized learning programs for each child in a wide range of subject areas. The school provides individual, group, and family counseling in addition to parent-group meetings and encourages parents to become involved in the program and to work at the school. Students are reintegrated into the regular school system after standardized achievement testing, personality and attitude measures, and observation team reports.

IMPACT: Parents, students give alternative school high marks. During the school year, eight of the 68 students were referred to the court; two of whom had been in the program only two weeks when charged with an offense. By June 1974, truancy had decreased, and 87% of the parents and 79% of the students felt the school was definitely beneficial. In a sample of 32 parent interviews, 87% felt their child had benefited from the program; 72% considered their child to be happier; 80% thought the child's behavior had improved; 73% felt the child had a better self-image; 87% said the child's grades had improved; 82% felt that the school provided an adequate academic challenge; and 79% thought parent meetings had benefited them.

INFORMATION SOURCE: Project Generated Report

REFERENCES:
Mr. Paul Volk, Principal
School Number 5
20 North California Street
Indianapolis, Indiana 46202
(317) 266-4205

TYPE OF VERIFICATION:
☐ Phone Report ☑ Paper Review

Delinquency Prevention Projects--
Alternative Schools for Troubled Youth

ABSTRACT NUMBER: 1097

PROJECT NAME:
City Trades Program

NAME OF SUBGRANTEE:
City of Buffalo
201 City Hall
Buffalo, New York 14202

Service Projects--Juveniles

IDENTIFICATION SOURCE: SPA

REGION: New York

STATE: New York

SERVICE AREA: Single County

GRANT NUMBER: C-7679-7

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET: $117,163	RECENT FUNDING PERIOD: 1/74-5/75
1/72-5/75	RECENT LEAA SHARE: $103,379	TYPE OF FUNDS: Block
STATUS: Demonstration	PRIOR LEAA SHARE: -0-	PERIOD OF PRIOR LEAA FUNDING: N/A

MAJOR OBJECTIVE: To divert juveniles from institutions and reduce recidivism through a city trades program which provides vocational training and counseling services.

PROJECT DESCRIPTION: Sentencing of selected youthful misdemeanants is deferred, pending their completion of the 15-week vocational and counseling City Trades Training Program, in an effort to reduce recidivism among youths between the ages of 15 and 20. Youth, referred by courts, probation officers, and other correctional agencies, are assigned to a counselor who arranges a variety of aptitude, psychological, and academic testing. The youth is then placed at a job which will provide maximum training in the trade he has chosen. Each youth may remain at a job for a minimum of 15 and a maximum of 30 weeks. The work week consists of 32 hours and the maximum pay rate is $2.50 per hour. After 15 weeks, the charge may be dismissed and the youth may voluntarily remain in the program 15 additional weeks, or he may be ordered to return to the program, or he may be returned to the jurisdiction of the court without a recommendation for dismissal. The staff of four includes a director, a job sites developer, a program secretary, and a counselor.

IMPACT: Youths placed in jobs or job training programs. In 1972 and 1973, the project enrolled 75 youths. Nine (12%) were returned to the courts, 22 were placed in private industry, 11 returned to school, eight entered Manpower or the Job Corps, five joined the military, five were unemployed, and 15 were still enrolled at the end of 1974. No impact data are available from the project.

REFERENCES:
Gregory K. Hill, Program Director
110 Pearl Street
Buffalo, New York 14202
(716) 856-0670

INFORMATION SOURCE: Management Statistics

TYPE OF VERIFICATION:
☐ Phone Report ☑ Paper Review

Delinquency Prevention Projects--
Court-Based Juvenile Sentencing Alternatives

Level 1

ABSTRACT NUMBER: 0455

PROJECT NAME:
Three Rivers Youth Orientation Residence for Community-Based Group Homes

NAME OF SUBGRANTEE:
Three Rivers Youth
2039 Termon Avenue
Pittsburgh, Pennsylvania 15212

Promising Projects--Juveniles

IDENTIFICATION SOURCE: SPA

REGION: Philadelphia

STATE: Pennsylvania

SERVICE AREA: Multi-County

GRANT NUMBER: DS-74-C-C04-9488

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$222,981	RECENT FUNDING PERIOD:	7/74-6/75
7/73-6/75	RECENT LEAA SHARE:	$137,192	TYPE OF FUNDS:	Block
STATUS: Demonstration	PRIOR LEAA SHARE: $103,028		PERIOD OF PRIOR LEAA FUNDING:	7/73-6/74

MAJOR OBJECTIVE: To develop a model community-based group home that will improve and provide a base of support for a network of group homes serving adolescents.

PROJECT DESCRIPTION: The Orientation Group Home Project is sponsored by Three Rivers Youth (TRY), a private, non-profit social agency serving adolescents between the ages of 13 to 18 who are referred from courts, schools, welfare agencies, or other sources. TRY presently comprises five community-based group homes, including Orientation House, which serve as alternatives to institutions. Youths go to Orientation House, after initial intake and evaluation, for a 30-day "get acquainted" period. During this time, staff perform a more complete work-up of the youth's background, develop a treatment plan, administer additional or supplemental educational and psychological tests to diagnose the youth's problems, and decide which group home is the most appropriate for the youth. There, a youth receives individualized counseling and treatment. Orientation House also provides TRY with an alternative placement for adolescents who are not getting along in their group home.

IMPACT: Group home rates 73% of its clients as improving in attitude and behavior, finds reading skills improve. From the program's beginning in June 1970 through the end of 1974, 103 adolescents have entered TRY, 52% on referral from juvenile court, 45% from child welfare services, and 3% from mental health agencies. Sixty-six of these have received services and been discharged: 59% returned to their families or to independent living, 20% returned to their referral agencies, and one went to a correctional institution. Four (6%) have run away. Follow-up data (including rearrests) are not yet available. Cognitive testing found gains of one year in reading, two months in spelling, and 3.5 months in math over a four to five month period. Staff ratings of attitude and behavior classified 73% of clients as improving.

REFERENCES:

Mrs. Ruth G. Richardson
Director, Three Rivers Youth
2039 Termon Avenue
Pittsburgh, Pennsylvania 15212
(412) 766-2215

INFORMATION SOURCE: Project Generated Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Residential Facilities--
Group Homes and Residential Facilities

Level 1

ABSTRACT NUMBER: 0682

PROJECT NAME:
Community Residential Care

NAME OF SUBGRANTEE:
Office of Children and Youth Services
Department of Social Services
Commerce Center Building
300 South Capitol Avenue
Lansing, Michigan 48926

IDENTIFICATION SOURCE: Promising Projects--Juveniles SPA

REGION: Chicago

STATE: Michigan

SERVICE AREA: Statewide

GRANT NUMBER: 11559-3A75

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET: $1,087,160	RECENT FUNDING PERIOD:	7/74-6/75
7/71-6/75	RECENT LEAA SHARE: $ 989,244	TYPE OF FUNDS:	Block
STATUS: Demonstration (To Be Institutionalized 7/76)	PRIOR LEAA SHARE: $1,216,600* (*Funding data not known for 1971-1972)	PERIOD OF PRIOR LEAA FUNDING:	7/71-6/74

MAJOR OBJECTIVE: To provide community-based group care for delinquent and pre-delinquent youths by supplying community placements and treatment.

PROJECT DESCRIPTION: The Community Residential Care project provides continual support for 25 residential facilities -- 15 group homes, five shelter homes, three halfway houses, and two resident-governed group homes -- as an alternative to institutionalization of youth. Direction is provided by a project manager. A residence planner assists with program development, and project directors monitor placement progress through the nine regional offices of the State Department of Social Services (DSS). Staff development services are provided through ongoing training programs. Each of the 15 group homes is staffed by a resident couple and one half-time counselor. Homes usually accommodate six children for six to ten months. Each of the five shelter homes is staffed by a resident couple and one quarter-time counselor and provides short-term residence for youth pending court or DSS study and disposition. The three halfway houses are staffed by a director, one house manager, and five youth counselors on a shift basis, with a capacity of up to 12 beds. Each program has the following treatment goal: to secure educational, employment, recreational, and treatment services, as well as provide religious education of the youth's choice.

IMPACT: Reduced population of training schools. The existence of the Community Residential Care program has made it possible to close the Lansing Boys' Training School and reportedly to reduce the statewide population of training schools from 1,500 to 600. During fiscal 1974, only 10 arrests (2%) were made of youths in the program.

REFERENCES:
Mr. Richard Higgley
Director of Placement Services
Commerce Center Building, Seventh Floor
300 South Capitol Avenue
Lansing, Michigan 48926
(517) 373-2083

INFORMATION SOURCE: Subgrantee Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Residential Facilities--
Group Homes and Residential Facilities

ABSTRACT NUMBER: 1278

PROJECT NAME:
Community Juvenile Rehabilitation Services

NAME OF SUBGRANTEE:
La Porte Circuit Court
Court House
La Porte, Indiana 46350

Promising Projects—Juveniles

IDENTIFICATION SOURCE: SPA

REGION: Chicago

STATE: Indiana

SERVICE AREA: Multi-County

GRANT NUMBER: A7-rc-F06-01-060(2)

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$154,444	RECENT FUNDING PERIOD:	12/74-11/75
10/72-11/75	RECENT LEAA SHARE:	$139,000	TYPE OF FUNDS:	Block
STATUS: Demonstration	PRIOR LEAA SHARE:	$301,890	PERIOD OF PRIOR LEAA FUNDING:	10/72-12/74

MAJOR OBJECTIVE: To prevent incarceration of youthful offenders who still require a form of detention by establishing intermediate and community-based foster homes.

PROJECT DESCRIPTION: The project comprises three intermediate homes and 11 foster homes providing placement of youthful offenders for the county Child Court. The program thrust is to provide youth with a home-like environment in lieu of institutionalization. The intermediate homes are private residences and can house from one to six children. These families have contracted with the courts to house or detain youthful offenders for a period of time determined by the court. The foster homes have the same contract with the court and provide space for from one to three youths, depending upon the availability of space in the home. Both intermediate and foster house parents receive 16 hours of training from the program. Each child is provided a caseworker who is responsible for constant contact, home visits (once weekly), counseling, and communication with schools and other agencies. This caseworker maintains telephone contact and visits the youth, even if he is released to his natural parents, for the period the court has determined the child should be in custody. Treatment plans are designed by this worker and selection of homes are made according to the youth's needs. House parents applying to the program must have interviews, provide three references, and "babysit" two or three times on a trial basis for existing house parents.

IMPACT: Residential youth project established. In 1974, 140 youths were admitted to the program on indefinite sentences. Of these, 95 (68%) were released during the year with no further police contact. Three reentered the court system, for a recidivism rate of 4.3% per person-year of exposure. In general, the project estimates that 30% of the children committed to it will never be returned to their own homes.

REFERENCES:
Sandra Turner
P.O. Box 461
La Porte, Indiana 46350
(219) 362-4596

INFORMATION SOURCE: Management Statistics

TYPE OF VERIFICATION:
☒ Phone Report ☐ Paper Review

Residential Facilities--
Foster Homes

ABSTRACT NUMBER: 0032

Service Projects--Juveniles

PROJECT NAME:

Clinical Outreach Project

IDENTIFICATION SOURCE: LEAA Headquarters

REGION: Boston

NAME OF SUBGRANTEE:

City of Meriden
Meriden Board of Education
Meriden, Connecticut 06450

STATE: Connecticut

SERVICE AREA: City

GRANT NUMBER: A-74-80-236-4

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET: $37,151	RECENT FUNDING PERIOD: 9/73-6/74
11/71-6/74	RECENT LEAA SHARE: $29,250	TYPE OF FUNDS: Block
STATUS: Demonstration	PRIOR LEAA SHARE: $31,050	PERIOD OF PRIOR LEAA FUNDING: 11/71-8/73

MAJOR OBJECTIVE: To identify pre-delinquent youth and provide clinical services to local drop-in centers and schools by developing a youth services bureau using clinicians as outreach agents.

PROJECT DESCRIPTION: This outreach project links its staff with an area psychiatric clinic and school system to provide an exchange of personnel, permitting tailoring of services to individual client needs. The program encourages early intervention and referral, and provides treatment groups including peer counseling for delinquent and high-risk juveniles. The project also involves families and teachers in training programs geared toward understanding pre-delinquent youth.

IMPACT: Counseling services provided for 153 juveniles in almost two years. Although an outcome evaluation has not been undertaken, the project has maintained some process data. During the period November 1, 1971 through September 30, 1973, 153 youngsters received clinical services from the project: individual counseling (42); group counseling (50); individual and group counseling (19); individual and family counseling (28); individual, group, and family counseling (13). On a monthly basis, an average of 73 hours was spent in individual counseling, 13 hours in family counseling, and 14 hours in group counseling.

REFERENCES:

Frederick W. Morrison
Administrative Director
179 Cook Avenue
Meriden, Connecticut 06450
(203) 238-0771 Ext. 278

INFORMATION SOURCE: Project Generated Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0319

PROJECT NAME:
Tulsa Youth Resources Bureau

NAME OF SUBGRANTEE:

Youth Services of Tulsa, Inc.
524 South Boulder
Tulsa, Oklahoma 74103

Promising Projects--Juvenile

IDENTIFICATION SOURCE: SPA

REGION: Dallas

STATE: Oklahoma

SERVICE AREA: City

GRANT NUMBER: 73DO2/06-010

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	RECENT FUNDING PERIOD:
7/73-6/75	$70,000	7/74-6/75
	RECENT LEAA SHARE: $40,000	TYPE OF FUNDS: Block
STATUS: Demonstration	PRIOR LEAA SHARE: $60,000	PERIOD OF PRIOR LEAA FUNDING: 7/73-6/74

MAJOR OBJECTIVE: To improve delivery of services to troubled youth and divert them from the juvenile justice system by developing a community-based youth services bureau with a central intake and referral system of services for children in need of supervision. (CHINS).

PROJECT DESCRIPTION: The Youth Bureau is a regional planning agency supported by the city of Tulsa through their community development department. The bureau coordinates all community agencies who are responsible for working with "troubled youth." Referrals are received from courts (42%), schools (15%), parents (12%), and others. Youths are screened and directed to appropriate agencies for treatment; e.g., education, counseling, health services. The staff of five provide counseling on truancy, drugs, and running away (the largest number) and provide crisis intervention and community education programs. The bureau plans to make recommendations to proper authorities concerning gaps in services available to juveniles and to establish workable criteria for defining delinquency prevention

IMPACT: Youth Resources Bureau reduces adjudication of CHINS. In 1971 and 1972, the two years prior to the project's inception, the percentages of delinquent youths who were adjudicated were 19.8% and 23.8%, respectively. In 1973 and 1974, the first years in which the Bureau functioned, the percentages dropped back to 18.7% and 16.2%. For children in need of supervision. The percentages adjudicated in the two prior years were 31.3% and 30.8%. During the first two years of project operation, these rates dropped first to 21.1% and then to 11.8%. The project estimates that $49,000 was saved in 1974 which would have been the cost of incarcerating or supervising youths referred to the project. Referrals to the juvenile bureau were about 16.5% in 1974. The reduction in adjudication of delinquent youth and CHINS suggest a project impact on the juvenile justice system. Confidence in this impact would be increased by knowing that no other forces were at work in the system.

REFERENCES:

Yvonne Grewe
524 South Boulder
Tulsa, Oklahoma 74103
(918) 582-0061

INFORMATION SOURCE: Subgrantee Report

TYPE OF VERIFICATION:
☐ Phone Report ☒ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0113

Service Projects--Juveniles

PROJECT NAME:
Clay County Youth Service Councils

IDENTIFICATION SOURCE: SPA

REGION: Denver

NAME OF SUBGRANTEE:

Clay County
25 Center Street
Vermillion, South Dakota 57069

STATE: South Dakota

SERVICE AREA: Single County

GRANT NUMBER: 3-03-01-201

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET: $18,130	RECENT FUNDING PERIOD: 7/74-8/75
3/73-8/75	RECENT LEAA SHARE: $11,500	TYPE OF FUNDS: Block
STATUS: Demonstration	PRIOR LEAA SHARE: $14,446	PERIOD OF PRIOR LEAA FUNDING: 7/73-7/74

MAJOR OBJECTIVE: To divert juveniles from the juvenile justice system by providing a central referral point for the provision of services.

PROJECT DESCRIPTION: The Center is designed to assist 80 to 100 teenagers per year and is staffed by a director, a school liaison person and coordinator of volunteers. An executive board oversees all project activities, including direct service to the youth as well as coordination of services with other agencies. The project attempts to prevent police arrests of problem youths and to prevent their suspension or expulsion from the schools through an open forum-type discussion of problems faced by criminal justice agencies, schools, and public or private social agencies. Volunteers at the center provide tutoring, counseling, a Big Brother/Sister program, a teen center, Hire-A-Kid (work program), and parent counseling done in conjunction with a local mental health clinic.

IMPACT: Pre-delinquent youths served and referred. Project officials report having served about 85 youth on an individual basis during the year ending in April 1974 and having referred 200 additional youths to other agencies. The disposition of these youths in the absence of the project is not known.

REFERENCES:

Susan Hagen
P.O. Box 492
Vermillion, South Dakota 57069
(605) 624-9303

INFORMATION SOURCE: Management Statistics

TYPE OF VERIFICATION:
☒ Phone Report ☐ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0498

PROJECT NAME:
Hennepin County Youth Diversion Program

NAME OF SUBGRANTEE:
Hennepin County
Room 136, Courthouse
Minneapolis, Minnesota 55415

Service Projects--Juveniles

IDENTIFICATION SOURCE: SPA

REGION: Chicago

STATE: Minnesota

SERVICE AREA: Single County

GRANT NUMBER: 13037 15374

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$247,000	RECENT FUNDING PERIOD:	8/74-8/75
8/74-8/75	RECENT LEAA SHARE:	$ 24,700	TYPE OF FUNDS:	Block
STATUS Demonstration	PRIOR LEAA SHARE:	-0-	PERIOD OF PRIOR LEAA FUNDING:	N/A

MAJOR OBJECTIVE: To reduce significantly the number of school suspensions, expulsions, exclusions, official arrests, and further involvements in the juvenile justice court process through a youth diversion program.

PROJECT DESCRIPTION: Begun in 1974, the Hennepin County Youth Diversion Program was designed as a conduit for youth to community resources. The primary target groups are youth involved in the criminal justice system from the police through the court level and youth not yet involved in the criminal justice system but experiencing difficulties in school and at home. The project consists of a central office staff of three, a county-wide advisory board of 20 representatives of the juvenile justice system, and three local diversion units with a staff of five each. The central office provides diagnostic services, short-term assistance, and referrals to the local units, which then identify individual needs, make appropriate referrals, and maintain contact with clients. Referral relationships have been established with police, courts, schools, and other community agencies to provide services in the following areas: community treatment resources, vocational training and job placement, remedial education, shelter care, medical and legal assistance, and recreation.

IMPACT: Increased rehabilitative referrals. Statistical data indicate that police referred only 6% of all juvenile status offenders to rehabilitative alternatives prior to the project, whereas 22% of all status offenders were referred to diversionary alternatives after the project was implemented. During the first six months of operation, 1,000 youths were treated by the project, of which 45% were from the criminal justice system, and 25% were from schools. A three-month follow-up was completed and found that less than 5% of those youth were still involved in the criminal justice system.

REFERENCES:
Kenneth Beitler
Assistant Program Director
Hennepin County Youth Diversion Program
512 Flour Exchange Building
310 South 4th Avenue
Minneapolis, Minnesota 55415
(612) 348-8544

INFORMATION SOURCE: Management Statistics

TYPE OF VERIFICATION:
☒ Phone Report ☐ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

ABSTRACT NUMBER: 0762

Service Projects--Juveniles

PROJECT NAME:
Youth Enabling Program

IDENTIFICATION SOURCE: SPA

REGION: Philadelphia

STATE: West Virginia

NAME OF SUBGRANTEE:
City of Charleston
P.O. Box 2749
Charleston, West Virginia 25330

SERVICE AREA: Multi-County

GRANT NUMBER: 7401-C04004-Y

BASIC DATA:

FUNCTIONAL ENTITY:	PROGRAM THRUST:	CLIENT GROUP:	CRIME ADDRESSED:
Community-Based Services	Treatment, Rehab., and Other Services	Diverted Juveniles	No Specific Crime

FUNDING DATA:

PERIOD OF OPERATION:	RECENT BUDGET:	$71,000	RECENT FUNDING PERIOD:	10/74-9/75
8/72-9/75	RECENT LEAA SHARE:	$64,490	TYPE OF FUNDS:	Block
STATUS: Demonstration	PRIOR LEAA SHARE:	$84,000	PERIOD OF PRIOR LEAA FUNDING:	8/72-9/74

MAJOR OBJECTIVE: To provide an alternative to detention by offering counseling, temporary shelter, and employment assistance to pre-delinquent and adjudicated youth.

PROJECT DESCRIPTION: The Youth Enabling Program has a staff of six counselors and more than 90 active volunteers who offer individual, group, and family counseling; vocational training; and educational and recreational programs to first-offense youths who are referred by the juvenile court and the police department. Other youth are referred by the schools, the employment security office, or by themselves. Among the services offered are seven family education centers where families meet with trained community leaders every two to three weeks to try to improve their home situation. In another program, a pictorial handbook, along with videotape equipment and role-playing techniques, is used in a six-hour, pre-job training course. Youth are placed in part- or full-time work, and counselors carry out three-, six-, and nine-month follow-ups of these youths. There is also a special counseling program for runaway youth.

IMPACT: Youths placed in jobs; tutorial and drug programs taken over by schools in city and county. During the first year of operation, 1,174 youths used the facilities; 419 received intensive counseling, of whom 105 were school drop-outs and 77 had juvenile records. The project found some employment for 106 youths, 30% of whom stayed on the job. During the second year, the project found employment for 275 youths, 63% of whom stayed on the job; 261 received tutorial assistance in a program which was subsequently taken over by the schools. The project found 18 families who could house runaways temporarily, and 588 youths took part in the project's law enforcement and drug education program, a program which has been taken over by the city and county.

REFERENCES:
Warren F. Thuston, Director
Youth Enabling Program
301 Tennessee Avenue
Charleston, West Virginia 25302
(304) 343-7501

INFORMATION SOURCE: Management Statistics

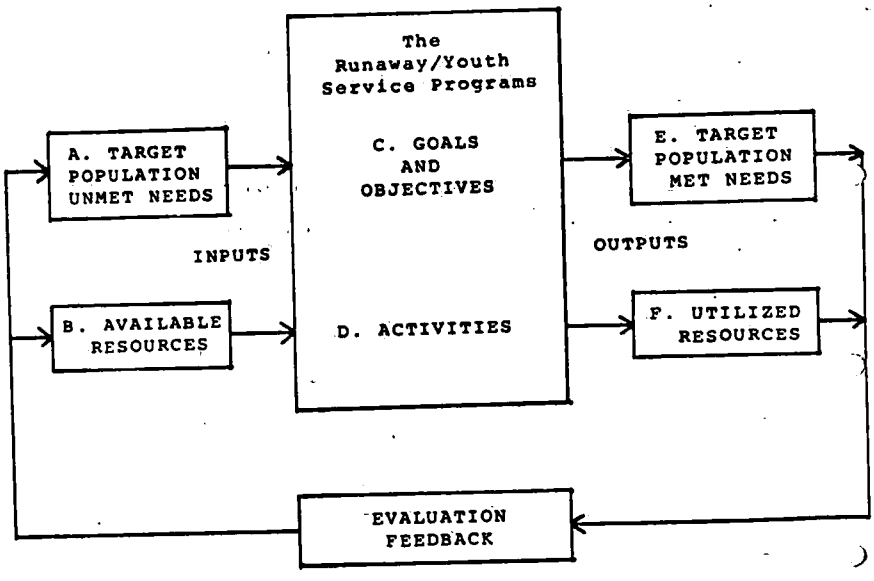
TYPE OF VERIFICATION:
☒ Phone Report ☐ Paper Review

Delinquency Prevention Projects--
Youth Service Projects

Program Monitoring and Self Evaluation for Runaway and Youth Service Programs[1]

FIGURE 1-3

RUNAWAY/YOUTH SERVICE ACCOUNTABILITY AND EVALUATION MODEL



WHY EVALUATE?

Given the existing conditions of outside funding (whether federal, state, or private foundations), the message is becoming increasingly clear—"programs that don't evaluate may doom themselves to extinction." Many alternative youth and family service providers hear stories of sister agencies involved with substance abuse programming being "in trouble". This is not totally due to a dying fad in government funding, as many officials contend that those programs have simply not come up with any substantive data supporting their work.

Looking at the agencies in your own community, you will find that those that have completed even superficial periodic evaluations are often the ones that are respected and sought after. They are the ones to get funding! In the eyes of the community and the authorizing agencies these programs are "known to be good".

As an alternative agency one needs to evaluate. Runaway programs, youth service bureaus, and crisis intervention centers are still considered suspect by many of the traditional human services. They require the alternative programs to "prove" that they are just as good and efficient as the other established organizations.

From the perspective of the client, one needs to evaluate. If one is committed to providing comprehensive and meaningful services, s/he needs to be sure that the desired results are being obtained. In fact, the process of program evaluation often times improves the services to be rendered.

Appropriate forms of evaluation allow the agency to develop a historical perspective on the types of clients served and their ever changing needs. The program has some means to maintain a dynamically responsive posture and agencies can identify bench marks for service capacity and quality.

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[1] Prepared by: National Youth Alternatives Project, Inc., Washington, D. C., July 1977.

Finally, for the sake of professional growth, one needs to evaluate. The knowledge and skills we acquire through the process of evaluation are exportable to other job opportunities. The integrated program evaluation process provides a logical systematic way to solve problems.

OZONE HOUSE

Ozone House, a non-profit, volunteer run organization in Ann Arbor, Michigan, was created in 1970 to assist runaways and their families during intra-familial crises. Since the outset of its evaluation effort, Ozone has emphasized program *outcome* evaluation, specifically impact, quality, and performance evaluation. Early efforts were concerned with collecting comprehensive demographic data on clients served so that the primarily volunteer staff workers would have better indications of what generic services should be rendered. Critical program objectives were identified and measured for compliance for use by external funding sources and to enable the program to maintain and expand certain program components. Quality and impact evaluation was promoted out of the program's concern for the client.

The demographic and service profile data was obtained from intake forms, daily logs, and reports from foster homes. Impact data was gleaned from follow-up surveys, staff interviews, and staff evaluations. Since Ozone is primarily a volunteer program it is difficult to determine the real cost incurred. The program reported spending approximately $2,000 on the effort. The data collection effort has helped Ozone improve its program. The client profile data serves as a basis for continual fine tuning and adjustment of client services. Validated data over a 2 to 3 year period resulted in the design of special programs to reflect different needs of female and male service recipients. The program was able to adjust training needs based upon evaluation recommendations. Follow-up data provides the staff with a meaningful assessment of how potent runaway and other related services to youth can be in the long run.

Evaluation data also provided the basis for programatic change in context of the service delivery modality and interstaff relationships. It also laid the basis for wider community support of the program's activities.

BRIDGE-PROJECT PLACE

In addition to evidencing program effectiveness, an impact and effort evaluation can catalyze the development of a program component. Such was the experience of Project Place and Bridge over Troubled Waters—two programs which participated in a National Institute of Mental Health (NIMH) evaluation project in Boston, Massachusetts. The central goal of the Boston project was to afford two separate, but related, programs for runaway youth an opportunity to examine their own operations in hopes of encouraging joint agency cooperation. The project promoted staff participation in defining the issues and questions to be explored during the 18 month evaluation. Follow-up work on former program clients was designated as the most important topic for investigation by the two programs. Concern about the old concept of the termination process, the communication patterns between staff and client and the effects of the program on these clients were perceived as major issues.

The project's first phase tried to establish the type and frequency of contacts between clients who terminated from both programs. The second phase of the follow-up study, taking place in 1975, made contact with a large sample of former clients. Staff interviews and a follow-up interview schedule provided the data for both phases.

The research study which was part of a larger year long evaluation effort assumed little or no extra cost beyond the $8.000 salary of a research person shared by the two programs. The project yielded interesting findings which increased attention accorded the termination process of the youth client. It also led to the development of formal procedures for follow-up and after-care services. Simultaneously it gave external funding sources and the two participating programs concrete indices of program effectiveness. Differential case treatment procedures were developed for short-term and long-term runaways because data indicated that these two sub-groups had different needs. Most notable about this project is that given adequate and appropriate assistance, program staff can and will conduct meaningful evaluative efforts and utilize the results.

NOTE.—*Program Monitoring and Self Evaluation for Runaway and Youth Service Programs*, by Robert J. Luebke, is intended to provide youth workers with an understanding of how evaluation can be made useful. The monograph introduces several models of evaluation and offers guidance for selecting and implementing them. (196 pages, $12.00).

The monograph is one of a limited number of monographs on various aspects of youth services published by the National Youth Alternatives Project under contract with HEW's Office of Youth Development. The price for the monograph covers only the cost of printing. The monographs are available on a first-come first serve basis and may be ordered from NYAP Publications, National Youth Alternatives Project, 1346 Connecticut Avenue, NW, Washington, D.C. 20036. Other titles are *Alternative Youth Services*; *Youth and Family Crisis Centers: A Brief History*, *Youth and Family Crisis Services: Innovative Approaches to Service Delivery Towards Social Change and a New Youth Policy*, and *Legal Issues Affecting the Operation of Runaway Shelters*.

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