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This Issue in Brief

A Revisionist View of Prison Reform.—According to Professor Hans Toch, the assumption that prisons are here to stay suggests new directions for prison reform. Among these is the amelioration of stress for those inmates who because of special susceptibilities and/or placements in prison are disproportionately punished. A classification process that is attuned to inmate coping problems can make a considerable difference, he asserts. In addition, the constructive critic of prison life (as opposed to the nihilistic one) can help prison staff and their administrators run more humane institutions.

A Positive Self-Image for Corrections.—The tendency of corrections workers to be apologetic about their work has been a self-defeating characteristic for many years, writes Claude T. Mangrum of the San Bernardino County Probation Department. This tendency, he says, is the result of a poor self-image and it is high time corrections professionals acted to improve this image. The importance of a positive self-concept is discussed in his article.

Changes in Prison and Parole Policies: How Should the Judge Respond?—Anthony Partridge of the Federal Judicial Center reminds us that, although sentencing marks the end of a criminal proceeding in the trial court, a sentence of imprisonment is also the beginning of a process presided over by prison and parole authorities. To a substantial extent, the meaning of such a sentence is determined by these authorities. Their policies, therefore, have implications for the performance of the judicial role—both for the duty to select an appropriate sentence and for the duty to ensure procedural fairness.

Federal Court Intervention in Pretrial Release: The Case for Nontraditional Administration.—One of the most unique and comprehensive class action suits involving a major jurisdiction in the United States (Houston, Texas) is the case of *Alberti* v. *Sheriff*. In December 1975 U. S. District Judge Carl Bue, Jr., issued a sweeping order directed at improving the operation of the pretrial release programs and streamlining other criminal justice procedures to relieve overcrowding and improve conditions of the county jail. This article, by Gerald R. Wheeler, director of Harris County Pretrial Services, describes the pretrial

CONTENTS

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

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

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reduces the jurisdiction of the court, particularly taking away status offenses, and reducing the age limit; but this model also *adds* jurisdiction—the bundle of children's rights that are included. As for the age level, the provision in the model is that the jurisdiction over children under 16 is *exclusive*, whereas most juvenile court statutes have a variety of exceptions under which children not only under 18 but under 16 can be—or must be—tried in criminal court.

The model act that I have proposed is only a beginning, but I hope it *is* a beginning toward not only a constitutional court but a system affording to children their rightful status as people with rights. I do not view *parens patriae* as contradicting that status, especially in the light of the comments of the Supreme Court in the Gault case, calling the concept of "murky" meaning. It is also only a beginning only in the sense that numerous other statutes, outside the juvenile court act itself, affect or govern the status of children. Certainly in a code on children I would prohibit corporal punishment of children. We worry about violence in our society. All the rationalization by the Supreme Court upholding corporal punishment of children, amounts to a justification of violence against children. But this violence at an early age must surely contribute to the general atmosphere of violence. Denmark has very little violent crime. When asked about it, a Danish criminologist said, "It is a cultural phenomenon, something you have in the culture of the United States that we don't have here . . . We have never had this concept of fighting and competition in the Danish culture that you have in the States."[21]

It is quite clear that our system of compulsory education must be reexamined; that our child labor laws need modernization. Many states now permit children access to contraceptives and abortion without the approval of their parents. Most states have brought their age of majority down from 21 to 18. California has a freedom of the press statute applying to high school papers. Treating the child as a person and not the property of his parents would require a new look at the modes and ingredients of emancipation, perhaps not returning to an age level of 10, 11, or 12, as once prevailed, but not delaying until a child is out of his teens, either. [22] A code of children's laws, based on the concept of the child as a person and not property, a person to whom the Constitution applies, is badly needed.

[21]Quoted in Michael S. Serrill, "Profile/Denmark," *Corrections Magazine*, March 1977, p. 23 at 34.
[22]See letter of Peter Bull, *American Bar Association Journal*, January 1978, at 12.

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Juvenile Intake Decisionmaking Standards and Precourt Diversion Rates in New York

BY CHARLES LINDNER

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THE PROBATION intake process is widely accepted today as an integral part of the juvenile justice system. Intake can be viewed as the initial entry point to the family court, with the intake probation officer serving as "gatekeeper." The primary purpose of the intake process is to provide a prepetition screening of complaints to determine which cases to divert from or insert into the system. Intake diversion obviates the necessity of formal court intervention, and the matter is terminated, either with or without a referral to a community agency.

Waalkes' (1964) insightful description of intake is as relevant today as when it was written:

> Intake is a permissive tool of potentially great value to the juvenile court. It is unique because it permits the court to screen its own intake not just on jurisdictional grounds, but, within some limits, upon social grounds as well. It can cull out cases which should not be dignified with further court process. It can save the court from subsequent time consuming procedures . . . It provides machinery for referral of cases to the other agencies when appropriate and beneficial to the child. It gives the court an early opportunity to discover the attitudes of the child, the parents, the police, and any other referral sources.[1]

The intake process provides a number of important benefits. The removal of trivial or inappropriate cases, as well as those that can be better served nonjudicially, not only reduces court congestion, but allows the court to marshall its limited resources for more serious cases. Reduced caseloads also result in significant savings of court

[1]Wallace Waalkes, "Juvenile Court Intake," *Crime and Delinquency*, Vol. 10, April 1964, p. 123.

costs. The victim is relieved of the time involvement and trauma often inherent in a court proceeding. The juvenile is spared the possible sanctions of the court. In addition, if the concepts of the theories of "minimization of penetration" and diversion are correct, the negative consequences of the labeling and differential-association theories will be diminished.

The importance of pre-judicial, informal screening to the juvenile justice process was noted by the President's Commission on Law Enforcement and Administration of Justice (1967):

> The formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to achieve necessary control without unnecessary stigma. Alternatives already available, such as those related to court intake, should be more fully exploited.[2]

This recommendation was unqualifiedly endorsed by the National Advisory Committee on Criminal Justice Standards and Goals (1976):

> By channeling appropriate cases to community-based programs, intake workers also play a vital role in the prevention and corrections process. The intake function will become increasingly important in the future. In general, the use of court proceedings in delinquency cases should be limited to those cases involving serious delinquent acts or repeated law violations of a more than trivial nature. Consistent with the recommendations of the President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals, this report strongly endorses the expanded use of diversion programs in the juvenile system.[3]

Although the screening of cases is central to the intake process, intake officers perform a number of other service functions. Techniques of dispute resolution, crisis intervention and short-term counseling are employed to ameliorate immediate problems, and when appropriate, may serve to prepare the juvenile and his family for voluntary extensive counseling from another agency.

Another essential function of the intake service is the preparation of the probation report, which is generally prepared on all cases. The report is a limited social study, focusing on the alleged offense, prior court or police contacts, and a study of the juvenile and his environment.

The primary purpose of the intake report is to assist the court in decisionmaking. The report and recommendation may be utilized in the judicial determination as to the necessity of detention. If a subsequent adjudication is reached after a hearing, the report may also be considered by the judge in an interim decision, pending a dispositional hearing. The intake report is an invaluable aid to the judiciary as it is virtually the only source of social data available at the early stages of the court proceedings. The critical nature of the intake report in relation to judicial determinations is underscored by statutory mandate requiring that the intake service provide: " . . . a brief statement of factors that would be (of) assistance to the court in determining whether the potential respondent should be detained or released."[4]

Legal Implications

Concurrent with the evolution of juvenile due process rights in the family court, numerous legal safeguards have been built into the intake process in New York State. In the absence of these safeguards, the intake procedure would probably be dissolved in a sea of juvenile rights litigation.

New York State statutes provide a number of legal safeguards. These include the voluntary nature of the intake process, right to counsel, the absolute exclusion of statements made during the intake conference from being admissible during an adjudicatory hearing, and time limitations on the intake process. In addition, the intake officer is prohibited from discouraging any person from filing a petition, nor may he compel any person to produce any papers or visit any place.[5] The President's Commission on Law Enforcement and Administration of Justice, as early as 1967, cited the statutory safeguards provided in the New York State intake process as an example for other jurisdictions.[6]

Discretion in Intake Decisionmaking

Intake procedures, often informal in nature, have existed almost from the inception of the juvenile court. "The intake function of juvenile courts is viewed as so valuable that 42 states specifically provide for intake departments in their juvenile courts."[7]

Despite the general acceptance of the intake process, the literature is replete with criticism of the discretionary powers of the intake officer. Questions are raised as to whether the absence of objective, formal guidelines may not contribute to individualistic decisions, characterized by random

[2]The 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, p. 2.

[3]National Advisory Committee on Criminal Justice Standards, *Task Force Report: Juvenile Justice and Delinquency Prevention*, Washington, D.C.: U.S. Government Printing Office, 1976, p. 605.

[4]Uniform Family Court Rules of the State of New York, section 2507.3(e)1.

[5]New York Family Court Act, section 734; Uniform Family Court Rules of the State of New York, Sections 2507.3 and 2507.4.

[6]The President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, D.C.: U.S. Government Printing Office, 1967, p. 84.

[7]Peter C. Kratcoski and Lucille Dunn Kratcoski, *Juvenile Delinquency*, Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1979, p. 243.

arbitrariness as well as patterns of discrimination and partiality. "Lacking necessary objective criteria, individual staff members may develop their own subjective criteria. When this occurs, the basic criterion may be the nature of the act alleged and its significance to that officer."[8]

A nationwide study of intake procedures concluded that there was a general absence of statutory guidelines to assist the intake officer in decisionmaking:

> The state statutes governing intake procedures generally offer little, if any, criteria or guidance to help the intake officer make his decision. For example, the typical statute states that a petition should be filed when the interests of the public or the child warrant official adjudication, yet these statutes do not specify the criteria upon which the decision should be based.[9]

The literature is overflowing with recommendations for the promulgation of intake standards and guidelines. The President's Commission on Law Enforcement and Administration of Justice (1967) stated that:

> Written guides and standards should be formulated and imparted in the course of inservice training . . . Explicit written criteria would also facilitate achieving greater consistency in decision-making.[10]

A similar conclusion was reached by Richard Kobetz and Betty Bossarge in their comprehensive study of the juvenile justice system:

> It is recommended that state legislatures establish legal non-discriminatory written guidelines to govern pre-judicial intake proceedings and that these guidelines set forth in detail those criteria to be followed by the intake officer in making the decision to petition the case or settle it informally.[11]

Criticism of the lack of definitive standards in intake decisionmaking was undoubtedly valid in the past, and continues to be warranted in certain jurisdictions today. Such criticism must be tempered by the trend of many courts and probation departments to promulgate standards for intake dispositions. Myths die hard, and generalizations relating to the lack of standards continue to appear in the professional literature. A 1979 report concluded that officials in the juvenile justice system:

> . . . in every system component have almost unlimited discretionary authority in deciding what "label" is assigned to juvenile cases and what processing dispositions will be followed in handling juvenile referrals. . . . adequate guidance in the form of written local policy guidelines was not generally found to be available to officials at almost any level of the system when considering classification and disposition decisions.
>
> The lack of comprehensive policies is especially acute among probation, court and protective services intake officials who make many of the critical decisions about dependent, abused, incorrigible, or delinquent juveniles. What policy does exist does not appear to significantly influence the decisions officials make.[12]

A 1978 article relating to intake practices in New York State, and specifically to practices of the New York City Department of Probation, is illustrative of criticisms based on outdated practices. The writer concludes that " . . . individual intake officers are largely responsible for making intake decisions based upon informal criteria derived from their own experience and observations." He further refers to the officers' " . . . broad and largely uncontrolled discretion in intake dispositional decisions. . . . "[13]

The Evolution of Formal Intake Standards Applicable to the New York City Department of Probation

To determine whether New York City Department of Probation intake officers do possess " . . . broad and largely uncontrolled discretion . . . " we examined what formal written guidelines, if any, actually exist. Based on our study, we conclude that rather than an absence of standards, criteria, and regulations, the officers' discretion is subject to a multiplicity of controls. Discretion, viewed as the authority to exercise independent judgment, has been substantially diminished as never before. We found the following major limitations to now be in operation:

(1) The intake process is a voluntary procedure and the probation service, by statutory proscription, may not compel any person to appear at an intake conference.[14] Failure of the potential respondent to participate in the intake conference will usually result in an automatic referral for petition. Failure of the complainant to appear to file a complaint will usually result in a termination of the case. In both instances, however, there is no discretion exercised by the intake officer, as the parties have decided the issue by their actions.

Similarly, the statute provides that: "The probation service may not prevent any person who wishes to file a petition under this article from having access to the court for that purpose."[15] Here again, the wishes of either party supersede

[8]John A. Wallace and Marion M. Brennan, "Intake and the Family Court," *Buffalo Law Review*, Vol. 12, No. 3, June 1963, p. 449.

[9]Richard W. Kobetz and Betty B. Bosarge, *Juvenile Justice Administration*, Gaithersburg, Md.: International Association of Chiefs of Police, Inc., 1973, p. 245.

[10]The President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime*, op. cit., p. 21.

[11]Kobetz and Bosarge, op. cit., p. 247.

[12]U.S. Department of Justice, Law Enforcement Assistance Administration, Reports of the National Juvenile Justice Assessment Centers, *A National Assessment of Case Disposition and Classification in the Juvenile Justice System: Inconsistent Labeling*, Washington, D.C.: U.S. Government Printing Office, Vol. 1, 1979, p. xii.

[13]Edward Pabon, "A Re-Examination of Family Court Intake," *Federal Probation*, December 1978, pp. 29-31.

[14]New York Family Court Act, section 734(d).

[15]New York Family Court Act, section 734(b).

any judgment the officer might have as to the possibility of diversion. Even if the officer were to conclude that a complaint is totally inappropriate for court intervention, and better diverted, he must refer to petition in accordance with the wishes of either party. To prevent abuses of "the right to access," either through coercion, manipulation, or uninformed judgment of either party, the Family Court Rules prohibit the officer from attempting to discourage any person from filing a petition.[16]

(2) Prior to 1975, statutory limitations on intake diversion were minimal. The individual officer's discretion was virtually unfettered both as to the nature of the act underlying the complaint and the prior record of the potential respondent. Carried to its extreme, although extremely rare, it was possible to divert such serious acts as rape and homicide.

Statutory amendments in 1975 provided greater accountability by requiring the prior written approval of the appropriate local probation director in adjustments of certain felony cases.[17] Discretion was further limited by the New York State Juvenile Justice Reform Act of 1976.[18] Intended to limit the discretion of key decisionmakers within the juvenile justice system, including the probation service, the judiciary, and the New York State Division for Youth, the legislation significantly impacted on the intake process. It was noted that: "A common theme of this program is accountability and responsibility—for the juvenile and for the agencies and individuals who make up the juvenile justice system."[19]

The act did not set forth a new category of juvenile delinquency, but enumerated specific acts underlying delinquent behavior as "designated felony acts," and provided for differential treatment for this type of juvenile delinquency. The determination of whether an act is a designated felony is based on a combination of factors, including the age of the child, prior record, and the nature of the crime if committed by an adult. The impact of this legislation, and subsequent amendments, on the intake process was to preclude from adjustment any "designated felony act" unless prior written approval is given by a judge of the family court. In addition, a specified number of "designated felony acts," may not be adjusted at intake " . . . without the prior written consent of the corporation counsel or county attorney . . . "[20]

The Juvenile Justice Reform Act of 1976 can be viewed as a major control on the discretionary powers of the intake officer, and is especially significant in that it represents the initial instance of formal judicial and prosecutorial control over certain areas of intake decisionmaking in New York State.

(3) The New York State Juvenile Offender Law of 1978 gave the New York State Supreme Court original jurisdiction over juveniles between the ages of 13 and 15, charged with certain categories of serious crimes. Provision is made, however, in certain instances for the removal of the child to the family court. Juveniles falling under the jurisdiction of the family court as a result of a removal proceeding in the Supreme Court are statutorily barred from the intake process, thereby further diminishing the role of the intake service.[21]

(4) The family court is statutorily empowered to " . . . authorize and determine the circumstances under which the probation service may . . . " fulfill the intake process.[22] These rules, relating to virtually all aspects of the intake process, give structure to the service and serve as the most significant influence upon the intake process. Extensively revised in 1978, the Family Court Rules of the State of New York provide a well developed, specific and extensive body of guidelines, mandating the nature of intake services. Included in the rules are highly detailed criteria related to both diversion and referrals for petition to court. To illustrate the comprehensiveness of these Rules, a listing of the criteria to be considered in reaching an intake disposition is provided below. In the interests of brevity we have omitted already mentioned legal safeguards, restrictions on the intake officers' functions, and criteria for termination of efforts at adjustment. The Rules provide the following criteria for intake dispositions:

In determining whether the case is suitable for adjustment or whether the processes of the court should be invoked, the probation service shall take into account, but is not limited to, the following circumstances:
(a) The age of the potential respondent;
(b) Whether the conduct of the potential respondent involved:
(1) an act or acts causing or threatening to cause death, substantial pain or serious physical injury to another;
(2) the use or knowing possession of a dangerous instrument or deadly weapon;
(3) the use or threatened use of violence to compel a person to engage in sexual intercourse; deviate sexual intercourse or sexual contact;
(4) the use or threatened use of violence to obtain property;
(5) the use or threatened use of deadly physical force with the intent to restrain the liberty of another;
(6) knowingly entering or remaining unlawfully in a residence for the purpose of committing an act which if committed by an adult would be a crime;
(7) intentionally starting a fire or causing an explosion which resulted in damage to a building;
(8) a serious risk to the welfare and safety of the community;
(9) an act which seriously endangered the safety of the potential respondent or another person.
(c) There is a substantial likelihood that the potential respondent would not appear at scheduled conferences with the probation service or with an agency to which he or she may be referred.
(d) There is a substantial likelihood that the potential respondent will not participate in or cooperate with the adjustment process.
(e) There is a substantial likelihood that in order to adjust the case successfully, the potential respondent would require services that could not be administered effectively in less than 120 days.
(f) The potential respondent appears to be in need of medical or psychiatric treatment or observation that cannot be obtained without the intervention of the court.
(g) There is a substantial likelihood that if the matter is not promptly referred to the court, the potential respondent will during the adjustment process:
(1) commit an act which if committed by an adult would be a crime; or
(2) engage in conduct that endangers the physical or emotional health of the potential respondent or a member of the potential respondent's family or household; or
(3) harass or menace the person seeking to file a petition or the complainant or a member of that person's family or household.
(h) There is pending another proceeding to determine whether the potential respondent is a person in need of supervision or a juvenile delinquent.
(i) There have been prior adjustments under article seven of the Family Court Act.
(j) There has been a prior adjudication of delinquency.
(k) The temporary removal of the potential respondent from home is indicated.
(l) A change of custody is indicated.
(m) A proceeding has been, or will be, instituted against another person for acting jointly with the potential respondent.[23]

Criticism of the New York City Department of Probation intake service based on the absence of definitive standards and allegations of "broad and largely uncontrolled discretion," must be reexamined in light of this comprehensive body of rules. For example, a recent study of family court practices in New York City was highly positive in regard to the existence of intake standards. It was concluded that: "Family Court Act, Section 734 and the New York Court Rules provide very specific guidelines for the procedures to be used in the adjustment process."[24]

(5) The New York State Division of Probation is a regulatory agency responsible for the quality of probation services throughout the State. The State Director of Probation is authorized to require local probation departments to conform to standards relating to the administration of probation services.[25] Accordingly, the Division promulgated Standards for Juvenile Intake, which are mandatory upon all local probation departments. Although the majority of criteria are similar in substance to the Rules of the Family Court, a number are more restrictive, and have no parallel in the Rules. These include:

Section 2—*Criteria for Immediate Referral to a Petition Clerk:*
(9) The alleged conduct of a juvenile under thirteen years of age would constitute a designated felony act, or an A or B felony, regardless of the age of the person at the time of the commission, unless the probation director, or a designee, has given prior written approval to proceed with additional adjustment services.
(10) Adjustment services were provided to the juvenile for three or more separate incidents of delinquent conduct prior to the instant delinquent complaint, unless the probation director, or a designee, has given prior written approval to proceed with additional adjustment services.
(11) The juvenile was adjudicated on two or more separate occasions for delinquent conduct prior to the instant delinquent complaint, unless the probation director, or a designee, has given prior written approval to proceed with adjustment services.[26]

The Division's Standards, in effect, superimpose an additional layer of intake criteria. A covering memorandum indicates that: "The purpose of the criteria is to insure consistency, within and among departments, in deciding which juvenile complaints to adjust, or to refer to petition during the intake process."[27]

(6) Local probation departments may also set their own standards, providing they are not in conflict with the controlling standards. Revised standards were promulgated by the New York City Department of Probation in 1977.[28] The criteria are part of an intake procedures manual, including such relevant practice topics as jurisdiction, intake philosophy, process considerations, and the role of the intake officer and supervisor. This format is highly desirable in that it allows for the examination of criteria in context with the agency's philosophy of the intake process. The Department's criteria are similar in substance to those set forth in the Rules of the Court and the State Division of Probation. There is a greater tendency to utilize formally imposed supervisory controls as a means of promoting accountability in intake decisionmaking. In certain case situations normally requiring judicial action, for example, the officer continues to possess the authority to

[16] Uniform Family Court Rules of the State of New York, section 2507.4(b)4.
[17] Simon K. Barsky and Richard N. Gottfried, "Supplementary Practice Commentaries," *McKinney's Consolidated Laws of New York: Cumulative Annual Pocket Part*, St. Paul, Minn.: 1978, p. 224.
[18] New York Family Court Act, section 734(a)2.
[19] Barsky and Gottfried, op. cit., p. 206.
[20] New York Family Court Act, section 734(a)2.
[21] New York Family Court Act, section 734(f).
[22] New York Family Court Act, section 734(a).
[23] Uniform Family Court Rules of the State of New York, section 2507.5.
[24] New York State Division of Criminal Justice Services: Bureau of Prosecution and Defense Services, *Juvenile Justice Practice*, February 1979, p. 69.
[25] New York State Executive Law, section 246.
[26] New York State Division of Probation, *Standards for Juvenile Intake*, April 1979.
[27] New York State Division of Probation, "All Probation Memorandum," No. 8-79, April 12, 1979.
[28] New York City Department of Probation, *Family Court Service Guidelines*, General Order 17-77, December 21, 1977.

depart from the norm and divert the case, but only subject to the approval of a supervisor. The following guidelines are illustrative:

> *Judicial Action*
>
> A referral to court is to be made when the following situations occur:
>
> (1) The refusal of the respondent to participate in the intake process, provided the complainant desires to proceed.
>
> (2) A request by any party for access to court is made. . . .
>
> (4) Class A and B felonies and assault in the first degree other than designated felony acts are alleged.
>
> (5) A case requires legal determination for resolution.
>
> (6) There is need for detention.
>
> (7) A pattern of delinquent behavior appears to exist.
>
> (8) There is a pending delinquency proceeding.
>
> Any contemplated decision to divert in the above situations, . . . must receive appropriate levels of approval. Cases which gain public notoriety and engender considerable public concern can be considered for either judicial or non-judicial action, but must be reviewed by the supervisor prior to a decision to divert from the court process.[28]

The impact of supervisory control extends beyond approval of specific case situations. Through managerial tools such as quality audits, case conferences, and inservice training, the supervisor serves as an additional force limiting the individual's discretion.

The Impact of More Rigid Standards for Diversion

In recent years exhaustive and multiple levels of statutory, regulatory, and departmental standards have evolved in relation to the intake procedures of the New York City Department of Probation. To substantial degree, the standards serve to limit the intake officers' discretion, and to raise the requirements necessary for diversion from the court process. Assuming these changes to be significant, there should be a decrease in the percentage of delinquency cases adjusted at the intake level, and an increase in the percentage of cases referred for petition. To examine the impact of the imposition of multiple levels of standards, if any, we reviewed the disposition of delinquency intake cases in the New York City Department of Probation during the period of 1974 through 1980, the time period during which current standards were developed.

NEW YORK CITY DEPARTMENT OF PROBATION INTAKE ACTION ON JUVENILE DELINQUENCY COMPLAINTS—1975 THROUGH 1980

Year	Action Taken on Intake Cases	Number Referred to Petition	Percentage to Petition
1974	24,238	9,586	39.5
1975	25,668	9,774	38.0
1976	24,696	10,618	42.9
1977	22,088	11,025	50.0
1978	21,192	11,437	54.0
1979	18,141	9,553	53.0
1980	16,516	10,076	61.0

These statistics reflect a dramatic change in juvenile delinquency intake dispositions. There is a marked increase in the percentage of diverted cases. Overall, the percentage of delinquency cases referred for petition increases by 21.5 percent during this 7-year period.

The impact of other variables on intake dispositions cannot be dismissed. Probation officers are unquestionably influenced by the media's increased attention to juvenile crime, more punitive societal attitudes, shifts in agency policy, concern as to the efficacy of diversion, and other factors. Nevertheless, so substantial a change in intake disposition would appear to be, at least in part, the result of multiple levels at statutory, regulatory, and agency revisions of intake practices.

Objective criteria are critical in preventing the potential abuses inherent in idiosyncratic decisionmaking. Caution must be exercised, however, that criteria are not so rigorously defined as to interfere with concepts of differential handling of juveniles. Criteria which offer little flexibility in decisionmaking, may lead to a purely mechanical screening process. Practices of this nature would be as counterproductive as the absence of any criteria, for either extreme would undetermine the philosophy of individualized treatment of juveniles consistent with due process rights.

[28] Ibid., pp. 100.08-100.09.
[29] New York State Division of Probation, Form DP-30.

END