

**SUMMARY AND ANALYSIS  
OF NATIONAL  
STANDARDS AND GOALS  
IN RELATION TO  
PENNSYLVANIA'S  
JUVENILE JUSTICE SYSTEM**

PENNSYLVANIA JOINT COUNCIL ON THE CRIMINAL JUSTICE SYSTEM  
PENNSYLVANIA COMMITTEE FOR CRIMINAL JUSTICE STANDARDS AND GOALS

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July 28, 1975

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NCJRS

OCT 3 1977

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## PREFATORY NOTE

In this report the Committee presents a summary and analysis of standards and goals which impact directly or indirectly on the juvenile justice system. Standards presented are those recommended by the National Advisory Commission on Criminal Justice Standards and Goals, (NAC), but the analysis includes information on related standards developed by other national commissions and professional agencies.

The report has been prepared for several reasons: (1) there is a need to select, organize and separately identify the NAC standards relating to juveniles; (2) there is a need to view these standards in some historical perspective and in the light of standards developed by other groups; and (3) there is a need to provide the best possible information on standards for use as guidelines in current legislative and administrative efforts to improve Pennsylvania's juvenile justice system.

In presenting the standards and analysis materials included in this report, the Committee has not taken any position on the proposed changes now being considered by the General Assembly to restructure and revise juvenile justice and youth services. This does not preclude the Committee's taking a position in the future. In the meantime, it is hoped that presentation of these materials will stimulate discussion and aid legislation, public and private efforts to improve the Commonwealth's juvenile justice system.

This report has been prepared by Rodney P. Lane, assisted by Sharon M. White, Government Studies and Systems, in consultation with Arthur A. Fuller, staff specialist in juvenile delinquency and community crime prevention.

We would welcome your comments and reactions to the report.

Pennsylvania Committee for Criminal  
Justice Standards and Goals

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SUMMARY AND ANALYSIS  
OF NATIONAL STANDARDS AND GOALS  
IN RELATION TO  
PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM

Objective

The purpose of this paper is to present an organized set of standards and goals pertaining to the juvenile justice system. The standards presented are selected from those developed by the National Advisory Commission on Criminal Justice Standards and Goals (NAC). The context in which these standards are presented includes a brief description of major changes in the legal and philosophical base of juvenile justice, recent and current recommendations of other national agencies involved in developing juvenile justice standards, the current Pennsylvania juvenile justice scene, comparison of standards against current efforts to improve Pennsylvania's juvenile justice system.

Special problems do exist concerning standards and goals dealing with juvenile delinquency and the juvenile justice system. The main difficulty is that the National Commission did not include development of a comprehensive set of standards for dealing with juvenile crime and juvenile justice processes. Juvenile matters are dealt with, but not separately, and frequently not in detail. However, the basic nature and direction of needed change are discernable and supported by other national agencies dealing with juvenile justice standards.

### Tension Between Historical and Current Concepts

The legal and philosophic base of the juvenile justice system in Pennsylvania, as in most other states, goes back to an 1899 act of the Illinois Legislature. That act did not establish a new court, but it did significantly alter judicial procedures affecting children in cases involving dependency, neglect and delinquency. Delinquency was broadly viewed to include incorrigibility and immoral associations as well as criminal offenses. Processes to be used were informal and private; records were confidential; children were not to be held in custody with adult offenders -- in short, children were not to be treated as criminals nor dealt with judicially using criminal processes.

The entire criminal justice system is currently undergoing a critical, sometimes devastating, evaluation by many research groups and observers. The prevailing view, particularly with respect to the juvenile justice and corrections components of the system, is that the system itself has a negative impact on youth channeled into it. Rehabilitation concepts and programs tend to be harshly discredited or discounted. Quick, sure and specific punishment is viewed as a fairer representation of justice than elaborate and endless rehabilitation schemes. The new words and concepts are decriminalization, diversion, deinstitutionalization and community involvement. Radical non-intervention -- defined as a basis for a public policy to "leave kids alone whenever possible" -- is advanced as a more effective way to reduce recidivism than elaborately extended rehabilitation programs. These currents and cross-currents at play in the juvenile justice field make difficult the development of a cohesive, fully integrated set of standards and goals which lend themselves easily to implementation. Opinions vary widely and are strongly held; proponents

of change are outspoken, but the present system is deeply entrenched, and a total, strategic design for change is difficult to concoct and even harder to implement.

#### The National Commission's Standards Relating to Juveniles

The National Commission stresses in its report:

"The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice systems, and to reintegrating delinquents and young offenders into the community. By 1983 the rate of delinquency cases coming before courts that would be crimes if committed by adults should be cut to half the 1973 rate."<sup>1</sup>

This priority goal is one of four which the Commission put forward to attain its overall objective of a 50 percent reduction in high-fear crime in America by 1983. Many standards relate to that priority goal. The Commission's other priority objectives are improving delivery of social services, reducing process delays, and greatly increasing citizen participation in the criminal justice process. The achievement of these goals clearly requires upgrading the operations of the juvenile justice system.

Recent crime statistics support the Commission's emphasis on reducing juvenile crime. The data show that more than half the persons arrested for violent crime in 1971 were under 24 years of age -- one fifth were under 18. The 1972-73 data show that persons under 25 were responsible for 58 percent of violent crime, not including burglary. As the report puts it, "street crime is a young man's game."

Examination and review of the Commission's six volume reports<sup>2</sup> indicates that some 50 standards relate, directly or indirectly, to

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<sup>1</sup>National Advisory Commission on Criminal Justice Standards and Goals, A National Strategy to Reduce Crime, GPO, 1973, p. 23.

<sup>2</sup>Criminal Justice System, Community Crime Prevention, Police, Courts, Corrections, and A National Strategy to Reduce Crime.

juvenile justice matters and procedures. Collectively, these standards stress the need for the following changes:

1. Reduce the overreach of the juvenile justice system
2. Mobilize new patterns of supportive community services for youth
3. Improve system functioning while safeguarding juvenile rights.

The first category includes those standards which suggest the need to decriminalize certain offenses under which juveniles now can be charged with delinquent acts. The second group of standards reflects actions and activities which must be taken at the community level to provide supportive services and assistance to youth. Prominent in this group of standards are recommendations to establish youth service systems at the community level to provide a whole range of services for youth. The final category, while still highlighting the need to safeguard the rights of juveniles and their parents, provides guidelines to make all components of the system function more efficiently. The appendix B attached to this report presents summary statements describing each of the standards organized in the preceding format.

#### Supporting Standards and Recommendations by Other National Organizations

The development of standards and goals by the National Commission should not be viewed as an isolated or totally new effort. The emphases reflected in National Commission standards is also seen clearly in the work of other national, standard-setting groups. The 1967 President's Commission on Law Enforcement and Administration of Justice establishes similar priorities. The Institute for Judicial Administration and the American Bar Association (IJA/ABA) are currently engaged in a massive program to develop standards in the juvenile justice field. Their most recent progress report reveals similar emphases. The National Council



on Crime and Delinquency (NCCD) standards also reflect these priorities. The sections which follow cite in more specific terms these supportive efforts.

Changes to reduce the overreach of both the adult and juvenile justice systems have received broad support. The 1967 President's Commission recommended the elimination of juvenile status offenses -- runaways, truancy and incorrigibility. The IJA/ABA project progress report discusses elimination of traditional status offense jurisdiction and the provision of alternative voluntary services. Both groups advance standards and recommendations to control and/or refine the jurisdiction of the juvenile court. The term "diversion" seems to have been first used in the 1967 President's Commission report which recommended procedures to divert marginal offenders for whom full criminal disposition was not appropriate. This general recommendation regarding diversion has been further defined and expanded by the National Council on Crime and Delinquency, the IJA/ABA project and a number of other national agencies. NCCD has advocated a restricted use of detention for many years. This basic standard has been supported by many other national groups. The IJA/ABA project has proposed the absolute prohibition of detention except in special delineated circumstances. The National Commission standards are perhaps the most specific regarding the development of community-based alternatives to confinement and in the proposal to establish a moratorium on institutional construction. However, all the other groups mentioned have offered proposals designed to reduce institutionalization of juveniles.

Recognition of the absolute necessity of increasing community participation and involvement in the criminal and juvenile justice systems

is increasingly widespread. The most tangible expression of the need for community involvement is reflected in recommendations of many groups to establish youth service systems or bureaus at the community level. Numerous such agencies are now operating throughout the country. The President's Commission recommended that communities should establish neighborhood youth service agencies or bureaus located, if possible, in comprehensive neighborhood community centers. NCCD, which has published a book on youth service bureaus, sees such agencies as a primary means to divert youth from the juvenile justice system. IJA/ABA sees them as a prime referral, diversion and coordinating agency at the local level. Other community services, particularly education, employment and recreation, are identified in terms of a need to provide increased community supportive services.

A wide variety of standards and recommendations to strengthen the myriad aspects of system functioning have been developed by many national agencies. The 1967 President's Commission was also organized into large task forces which produced major reports and many recommendations covering juvenile delinquency, police, courts, corrections and related system-wide subjects. The overall Commission report, "The Challenge of Crime in a Free Society," remains as a landmark study guiding efforts to improve system processes and procedures. Over the past 8 to 10 years, the American Bar Association has produced standards to improve court functioning and, as previously mentioned, is currently working with IJA to produce a set of standards covering all aspects of legal processes in the juvenile justice system. Emphasis on protecting the civil rights of adult and juvenile offenders is an integral part of these efforts. The National Council on Crime and Delinquency, National

District Attorneys Association, National Institute of Law Enforcement and Criminal Justice, and the U.S. Children's Bureau, HEW, are but a few of the many other agencies which have developed or are supportive of up-graded standards covering all components of the criminal justice system. Recognition of the fundamental need for comprehensive system-wide planning was most tangibly reflected by the creation of the Law Enforcement Assistance Administration (LEAA) and is reinforced by the federal "Juvenile Justice and Delinquency Prevention Act of 1974." The special complexities of the juvenile justice system clearly require a similar comprehensive planning effort. The National Commission points out that the juvenile justice system needs "the thorough analysis that only a detailed and continuous planning process can give; i.e., clear statement of specific goals and priorities, consideration of alternative strategies for reducing crime, and development and evaluation of effective programs."

It should be noted in passing that various Pennsylvania juvenile justice agencies and programs over the years have also developed operational standards, guidelines and regulations. In line with the new standards developed by the various national organizations, these should be reexamined and updated, where appropriate.

#### The Current Pennsylvania Scene

In mid-1973 some observers indicated that Pennsylvania's juvenile justice system would be undergoing significant change as a result of enactment of the Juvenile Court Act of 1972, viz.,

"The juvenile justice system in the Commonwealth of Pennsylvania is in a state of flux. In December of 1972, the "Juvenile Court Act," in force for almost 40 years, was repealed and replaced by a new "Juvenile Act," which contemplates significant changes. The emerging policy of the Department of Public Welfare is to close down the state institutions for juveniles which it won the

right to operate hardly more than a decade ago. Throughout the system there are simultaneous and potentially contradictory calls both for enhanced procedural safeguards of the rights of juveniles and also for greater informality in dealing with delinquent behavior. There is virtual unanimity through the state that the system is undesirably fragmented, but consensus about new directions seems, at present, to be unattainable.

The tension and controversy which characterize the Pennsylvania system may not, however, be altogether dysfunctional. From its inception the juvenile justice system has sought to reconcile the conflicting value bases of such diverse professions as law and social work. Until recently this "reconciliation" has been accomplished by the clear subjugation of such legal values as due process and equal protection. Real reconciliation will be necessary, however, if the Commonwealth is to establish a system which deals with juveniles both as children with special needs and as people with equal rights."<sup>3</sup>

It is apparent that changes emanating from the 1972 Pennsylvania Juvenile Act have not reached the significant levels expected. If anything, criticism of the system has increased in the past several years. The Pennsylvania Project for Services to Children and Youth sponsored a Juvenile Justice Institute in late November 1974 which focused on the need for major changes in the system. A draft report prepared as a part of this project describes four general principles to guide major changes designed to reorganize the system.<sup>4</sup>

1. Total responsibility in state system
2. Diversion through youth service bureau
3. Removal of court administrative service role
4. Need for community involvement and citizen action.

Concurrently, a Joint State Government Commission Task Force on the Study of Services to Delinquent, Dependent and Neglected Children has

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<sup>3</sup>Drew Hyman and Daniel Katkin, A Fundamental Dilemma of American Society: The Case of Delinquency Prevention and Control Systems in Pennsylvania, The Pennsylvania State University, June 1973, p. 1.

<sup>4</sup>Robert B. Wolf, Report of Citizens' Group Analysis of Services to Children and Youth, Discussion Draft, Pennsylvania Project for Services to Children and Youth, Citizens Crime Commission of Philadelphia, January 1975, p. 25.

been at work. In mid-February 1975 this Commission completed a draft of proposed legislation incorporating recommendations of the Task Force.

These findings and recommendations are:<sup>5</sup>

1. There is an imperative need for coordination of existing services to the delinquent and deprived child at the community level.
2. There is an imperative need for the fixing of responsibility, at both the state level and local level, to oversee, coordinate and direct the multitude of public and private services presently available to delinquent and deprived children.
3. There is an imperative need to develop and implement effective methods of preventing and reducing juvenile delinquency.
4. The Commonwealth should not disrupt or impair the services presently provided by local public and private agencies, insofar as they are adequate for the needs of the community.
5. The Commonwealth should encourage the private facilities and agencies by purchasing services offered and, further, encourage community participation to reduce state institutionalization wherever feasible.
6. A statewide policy must be formulated and implemented to encourage community-based treatment programs and facilities for the rehabilitation of delinquent children to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization.
7. A statewide policy should be formulated to strengthen the utilization of the existing school system to identify anti-social behavior and needs of deprived children.
8. A statewide policy should be formulated to ensure that alternative education opportunities are developed by the community or the Commonwealth, to serve the needs of those children who do not presently benefit from the existing programs offered by the public schools.
9. There is a pressing need for identification of state and local responsibilities in the field of treatment of delinquent children and supervision of deprived children, and that a revision of the state-local funding responsibility

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<sup>5</sup>Joint State Government Commission, draft of proposed legislation prepared for the Task Force on the Study of Services to Delinquent, Dependent and Neglected Children, 1975, pp. 2-3.

be instituted to encourage the implementation of the policies set forth herein.

10. The Commonwealth must commit funds for innovative special emphasis prevention and treatment programs for children.

In response to these findings and recommendations, draft legislation recommends a sweeping reorganization and realignment of responsibilities pertaining to all children and youth. A major focus of this reorganization is on delinquency prevention and juvenile justice services, but child welfare and other related services are also included. The draft bill outlines the establishment of a new cabinet-level Department of Youth Services with broad responsibilities. Also proposed is a 33-member Commission on Children and Youth "to review and advise the Department of Youth Services with regard to youth service programs." The Commission, while advisory in nature, is authorized to have its own staff and to hold public hearings on juvenile delinquency and related subjects. The new Commission would include the present Juvenile Court Judges' Commission.

The broad scope of the proposed department's responsibility and authority is indicated in the following provisions:

- to carry on continuing study and research of the needs of all children and, within one year, to develop a comprehensive plan to meet these needs;
- to strengthen the family in meeting its responsibility as the fundamental source of personal and civic standards;
- to provide, strengthen and coordinate all Commonwealth services to all children throughout the State: and to that end to supervise and allocate functional responsibility for those aspects of delinquent and deprived children's needs among the various state agencies having primary responsibility for meeting said problems;
- to contract for and purchase services from public and private agencies, groups or individuals in order to develop and maintain programs designed to prevent delinquency, divert juveniles from the system and to provide community-based alternatives to

detention and incarceration. (The act provides an open-ended list of 10 kinds of such services under the purchase of service provision.);

- to assist local authorities, upon request, in "developing, strengthening and coordinating educational, welfare, health, recreational and law enforcement programs" focused on youth; the department may organize regions, require the assistance of local communities and approve regional budgets required to perform these functions;
- to issue licenses and promulgate regulations applicable to all child welfare and youth serving agencies;
- to visit and inspect all public and private youth serving agencies which receive financial assistance from the State;
- to assign, at the request of local courts, a liaison worker to assist in juvenile dispositions;
- to act as the "sole agency of the State" in applying for and disposing of federal funds, and to assist the Governor's Justice Commission in preparing and administering the state plan required by Title II of the Federal Juvenile Justice and Delinquency Prevention Act of 1974;
- to disburse, review or approve all state funds and program budgets pertaining to youth services.

A separate section of the draft legislation clearly encourages the development of youth service bureaus in county or sub-county areas. It requires the new department to "certify for each city of the first class or county or counties or defined geographical area within a city of the first class or county, one or more youth service bureaus." The legislation further specifies the organization and composition of youth service bureaus and emphasizes the basic purpose of such bureaus is to divert youth from the juvenile justice system and to provide central intake locations to receive referrals for this purpose.

The new department also has prescribed duties and responsibilities for child welfare services including:

- assure the equitable provision of adequate public child welfare functions;

- prescribe binding regulations pertaining to county child welfare functions;
- prescribe and require from all counties annual plans and budget estimates for their program;
- operate child welfare services in counties which do not comply with regulations prescribing minimum levels of services.

The proposed legislation would leave with the Department of Public Welfare, until July 1, 1978, responsibility for operating the Youth Development Centers and Youth Forestry Camps. Aid to Families with Dependent Children and Mental Health/Mental Retardation programs would also remain with DPW, but the bill transfers to the new department most of all other responsibilities for child welfare and youth service programs. The legislation specifically removes from the Department of Justice responsibility for supervising or controlling "any institution or facility at which children are committed for treatment, supervision or rehabilitation." The draft bill does not limit the present power of the courts to place juveniles in particular institutions, but it does authorize the new department to recommend the transfer of youths, three months after placement, to a less secure facility.

#### Perspective on Current and Future Implementation Efforts

It is evident that there is an abundance of standards, goals and possible new directions for improving Pennsylvania's juvenile justice system. We know much more than we do -- and perhaps more than we are willing to implement. Public attitudes toward the system -- and professional attitudes within the system -- seem to range between traditional processes to radical new approaches. Views are strongly held and there is frequently more heat than light shed in discussions of proposed changes.



The current draft legislation calling for a major reorganization and realignment of responsibilities for child welfare and juvenile justice programs in Pennsylvania is a commendable effort to respond to present needs and new perceptions of service requirements. The proposed new department elevates the importance of youth services and increases the political visibility of efforts to provide improved, better coordinated services at state and local levels. The department can serve as a youth advocate in the development and supervision of those services.

It should be recognized, however, that arguments can be advanced from the perspective of standards and goals both in support of and in opposition to some of the provisions in the proposed legislation. On the basis of the standards themselves, neither kind of argument can be definitive. On the central issue of whether or not a new Department of Youth Services should be created, for example, the standards are not definitive. The standard on unifying correctional programs (CR 16.4) calls for state legislation by 1978 to unify all correctional programs including those for "adult, juvenile and youthful offenders." The standard stipulates that it is to be considered as a "statement of principle" and recognizes that exceptions may exist "where juvenile and adult corrections or pretrial and postconviction correctional services may operate effectively on a separated basis." The legislation which would unify child welfare and most juvenile justice services in a separate department does not follow the general principle cited in this standard. Moreover, the bill leaves, for a time at least, operational responsibility for some correctional facilities in the Department of Public Welfare.

The standard on organization of probation services (CR 10.1) calls for placing probation services under the executive branch of state

government and makes no distinction as to juvenile probation services. As defined in the standard, this function includes establishing goals, policies and priorities, program and manpower planning, staff development and training, monitoring, consultation and coordination, and financial assistance. Clearly the proposed act does not follow the model of probation services organization prescribed. Yet, it can be argued that the general thrust of these and some related standards is in the direction of placing more responsibility at the state level while incorporating local involvement in system decision-making processes. The proposed legislation and organizational changes prescribed are in accord with this general principle.

The National Commission standards provide an entire chapter on youth service bureaus ending with a specific call for state "legislation to fund partially and to encourage local establishment of youth service bureaus." While there are programs encouraging and financing the establishment of local youth service systems under existing laws, the proposed new legislation adds new emphasis and mechanisms to speed this development. Moreover, under the bill's provisions, there is increased emphasis on delinquency prevention programs, diversion and the development of community-based alternatives to institutionalization. On the other hand, the bill is silent with respect to decriminalization of juvenile status offenses, specific limits on institutionalization and any moratorium on further construction of detention and institutional facilities.

Beyond the direct application of standards and goals, two important considerations should be kept in mind when reviewing proposed

changes focusing on state level reorganization and the widespread development of youth service bureaus throughout the State. First, although organizational and structural changes are important, they do not alone guarantee improvement in system functioning. What really matters is the degree of consistent, unified and committed leadership necessary to make the organizational structure work successfully. Resort to sweeping organizational change is frequently a resort to authority to make such change rather than sure indication of committed leadership potential. And it is possible to have an organizational change turn shallow -- to organize away from the problem rather than confront it. Second, the groundswell acceptance of youth service bureaus or systems should be carefully examined. The concept of youth service bureaus is explained in various ways. At best, it may represent a profound increase in community involvement and active participation in a broad sweep of youth services with a new orientation. At worst, it may represent an ill-defined need to organize yet another agency -- this one with a broader set of responsibilities and a presumed deeper commitment to improved services. One observer suggests that any new youth service bureau should be constructed to self-destruct within five years. The point is that the concept should not be allowed to become a shibboleth, or to produce still another piece of bureaucratic machinery to be coordinated.

The primary directions and priorities for the implementation of juvenile justice standards and goals are quite clear. The need is to reduce the overreach of the juvenile justice system, to mobilize and activate community involvement in all youth serving programs, to achieve with care and precision the comprehensive planning of youth services, and to improve the effectiveness and efficiency of system functioning.

## Appendix A

### Summary of 1975 Legislative Activity Relating to Pennsylvania's Juvenile Justice System\*

#### Summary of Legislative Activity

The proposed legislation calling for establishment of a Department of Youth Services represents only one of recent legislative proposals designed to reshape the juvenile justice system in Pennsylvania. A number of bills were introduced in the House and Senate in the current session of the General Assembly which clarify, amend and broaden sections of the existing 1972 Juvenile Act and the 1967 Public Welfare Code. The changes proposed by the bills cover a wide range of actions pertaining to juvenile concerns. Potentially, the most significant of the proposed changes are those contained in similar legislation introduced in both the Senate and House (HB 214 and SB 105). These bills amend the 1967 Public Welfare Code to provide a restructured system of reimbursement payments to counties for child welfare and juvenile delinquency services. An important objective of the amendments is to encourage counties to develop and utilize non-institutional community-based resources for delinquent offenders.

Other areas of change include the following proposed actions which:

- revise the legal definition of child
- revise the definition of delinquent acts to exclude the status offense of ungovernable behavior;
- place limitations and restrictions on the use of detention and detention facilities for children;
- require more frequent review by the court of commitment dispositions of delinquent children;
- provide limited additional time to obtain evidence required in delinquency hearings;

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\*Based on an analysis of selected legislative proposals through mid-June 1975.

- provide for expungement of law enforcement records pertaining to juveniles.

A brief summarization of the content of these changes is presented below.

All changes, except the amendments to the Public Welfare Code noted above, are proposed revisions of the 1972 Juvenile Act.

1. Revision in Department of Public Welfare funding patterns to counties for services to children and youth

House Bill 214; Senate Bill 105

- provides payment of 80 percent of the costs of an adoption subsidy
- increases to 75 percent the reimbursement to counties for an expanded list of child welfare services including informal adjustment and a range of diversionary services such as youth service bureaus, foster home care, group home care, shelter care, community residential care and day treatment centers
- provides payment of 60 percent of child welfare service administrative costs
- provides payment of 50 percent of the reasonable cost and support of a child committed by the court to the legal custody of a public or private agency approved or operated by DPW for services other than those described above
- provides payment of 50 percent of court-ordered medical treatment and expenses incurred during proceedings
- provides for limited additional grants to counties for establishing new services. The grant may not exceed 5 percent of total DPW payments for services specified in the Act.
- requires strengthened DPW supervision of county welfare services
- provides new administrative procedures related to collection of the costs of care for youth services
- repeals from the Public Welfare Code DPW responsibility for full operating costs of Youth Development Centers and the cost of compensation to campers at forestry camps.

2. Revision in the legal definition of child

House Bill 215

- extends the definition of child to include individuals adjudicated deprived before reaching the age of 18, who make the request to continue a program of instruction or treatment

Senate Bill 383

- allows the individual adjudicated deprived before reaching the age of 18 to continue programs of instruction or treatment until the age of 21
- further refines the definition of a delinquent child to limit jurisdiction beyond age 18 to those individuals under a juvenile disposition order.

3. Revision in the definition of delinquent act and the jurisdiction of courts in summary offense cases

House Bill 215

- excludes ungovernable behavior as a delinquent act, but adds ungovernability to the definition of "deprived child." A later bill (HB 748) adds to the definition of deprived child one who is ungovernable or living in a condition or environment which endangers, or is injurious to, his welfare
- forbids the detention, commitment or sentencing of a child for a summary offense by a district justice, municipal court judge, or traffic court judge.

Senate Bill 383

- same as House Bill 215 revisions, but adds that in a prima facie case a child charged with a summary offense may be certified to the juvenile court if the child is in need of supportive services.

4. Use of detention and detention facilities used for children

House Bill 215

- requires the Department of Justice to develop special standards and inspection procedures for jails used as juvenile detention facilities.

House Bill 748

- makes it unlawful, after December 1975, to detain a child in an adult jail
- establishes requirements for adequate supervision and inspection by DPW of jails where children are detained
- mandates the development in each county of shelter care facilities for children referred to or under the jurisdiction of the court
- mandates DPW to develop and maintain regional detention facilities when approved county detention facilities are not feasible, economical or conducive to the best interests of the child

- where local detention facilities for children are inadequate, the amendment encourages the use of facilities outside the court's jurisdiction.

Senate Bill 383

- provides, within 72 hours, hearings for children placed in shelter care, as well as those placed in detention.

5. Revision in the court review process of delinquent dispositions

House Bill 215

- requires more frequent disposition reviews of committed children by shortening the required review period from 12 months to 6 months.

6. Issuance of summons in juvenile delinquency hearings

House Bill 215

- in cases where detention is a clear requirement, the amendment would provide for an extended detention period, not to exceed 10 days, to obtain additional essential evidence.

Senate Bill 383

- same as House Bill 215 revisions described above providing an extended 10-day detention period, but without the emphasis on the restricted use of detention.

7. Provision for the expungement of law enforcement records of juveniles

House Bill 215

- provides that a released delinquent offender, or the court, may request a hearing to expunge the records and files on a case. Specific conditions for the expungement and hearing process are delineated
- gives the court the authority to destroy, after 15 years, records of prior proceedings.

Relationship of Proposed Amendments to Standards and Goals

It cannot be predicted whether all or any of these legislative proposals will be approved by the General Assembly in the form described above, or in revised form. It is clear, however, that some of the proposed amendments reflect movement toward the broad goals recommended by the National Advisory Commission on Criminal Justice Standards and Goals. As

indicated in the text of this paper, the major emphasis of the standards and goals for the juvenile justice system are: (1) reducing the system's overreach, (2) mobilizing new patterns of community-based services for youth, and (3) improving system functioning while safeguarding juvenile rights. Under these general headings, the potential implementation impact of these legislative proposals can be summarized.

1. Reducing the system's overreach

- elimination of ungovernability as a status offense (HB 215, HB 748, SB 383)
- encourages the use of informal adjustment services and services required in diversionary programs (HB 214, SB 105)
- provides additional funds for developing new youth services (HB 214, SB 105)
- refines the legal definition of a child (HB 215, HB 748, SB 383)
- restricts the use of detention (HB 215, HB 748)

2. Mobilizing new patterns of community-based services for youth

- provides new incentives for counties to develop services for children, both preventive and diversionary, through a systematically structured and expanded reimbursement program (HB 214, SB 105)
- strengthens DPW supervision in improving the quality of local welfare services (HB 214, SB 105)

3. Improving system functioning while safeguarding juvenile rights

- requires the development of improved standards and inspection procedures by the Department of Justice and the Department of Public Welfare of jails used for detention of children (HB 214, HB 748)
- prohibits the use of adult jails for detention of children (HB 748)
- mandates the development of regional detention facilities (HB 748)
- mandates the development of local shelter care facilities (HB 748)
- revises the review hearing process to require more frequent reviews of commitment dispositions of delinquent children (HB 215)
- provides for hearings, within 72 hours, of children in shelter care (HB 215, SB 383)



-- provides for expungement of juvenile records (HB 215).

Based on this limited analysis, it appears there are relationships between current legislative activity and the new directions recommended by the National Advisory Commission to improve juvenile justice system operations. At the same time, it must be recognized that some of these legislative efforts are modest, even halting, responses to NAC standards and goals. For example, the extension of permissible detention time (HB 215, SB 383), although restricted for purposes of gathering evidence, cannot be viewed as implementing the NAC goal of reducing juvenile detention. Similarly, further inspection requirements for jails used for juvenile detention (HB 215, HB 748) provides little encouragement that actual prohibition of the use of jails for this purpose, as delineated earlier in the same bill, will be implemented in the near future. Also, the proposal (SB 383) which provides for certification to the juvenile court of juveniles appearing before the minor judiciary for a summary offense can be questioned. This proposal may encourage the minor judiciary to increase the number of children entering the juvenile justice system and is counter to the NAC priority goal of diverting young offenders from the system. Thus, while the net effect of these legislative offerings may be responsive to the standards and goals impact, some of the prospective changes cannot be viewed in that light.



## Appendix B

### National Commission Standards Pertaining to the Juvenile Justice System \*

#### I. Reduce the Overreach of the Juvenile Justice System

##### A. Decriminalize juvenile "status offenses" and certain adult offenses

- Restrict court delinquency jurisdiction to those juveniles who commit acts that if committed by adults would be crimes, thus eliminating "status offenses." (CR 16.9)
- Consider the advisability of decriminalizing gambling, marijuana use and possession for use, pornography and prostitution. Decriminalize drunkenness, vagrancy; dispose of minor traffic offenses administratively. (NS, p. 131)

##### B. Increase screening and diversion to reduce the number of juveniles in the system

- Formalize diversion procedures of police agencies to divert from the juvenile justice system those youths for whom the juvenile process would be inappropriate or minimally effective. (PL 4.3)
- Establish a juvenile court intake unit with services geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile justice system. (CR 8.2)
- Screen certain accused persons out of the criminal justice system. (CT 1.1)
- Implement formal diversion programs that can be applied from the time the illegal act occurs to adjudication. (CR 3.1)
- Utilize, as appropriate, diversion into noncriminal-justice programs before trial. (CT 2.1)

##### C. Reduce detention and institutionalization

- Reduce to an absolute minimum the number of juveniles placed in detention. (CR 8.2)
- Develop a range of community-based alternatives to institutionalization. (CR 7.1)
- Legislate authorization for community-based correctional programs which will extend the limits of confinement of an offender so that he can participate in a wide variety of community-based programs. (CR 16.14)
- Adopt immediately a policy of not building new major institutions for juveniles under any circumstances. (CR 11.1)

Appendix (Cont'd.)

National Commission Standards Pertaining to the  
Juvenile Justice System

C. Reduce detention and institutionalization (Cont'd.)

- Reexamine State institutions for juveniles to minimize their use, and minimize the deleterious effects of such institutions. (CR 11.2)

Mobilize New Patterns of Supportive Community Services for Youth

A. Youth service systems

- Coordinate youth services through youth services bureaus. (CCP 3.1)
- Operate youth services bureaus independent of the justice system. (CCP 3.2)
- Divert offenders into youth services bureaus. (CCP 3.3)
- Provide direct and referral services to youths through youth services bureaus. (CCP 3.4)
- Hire professional, paraprofessional, and volunteer staff for youth services bureaus. (CCP 3.5)
- Plan youth program evaluation and research for youth services bureaus. (CCP 3.6)
- Appropriate funds for youth services bureaus. (CCP 3.7)
- Legislate establishment and funding of youth services bureaus. (CCP 3.8)
- Establish effective working relationships between correctional systems and community agencies to obtain services needed by offenders for successful reintegration into the community. (CR 7.2)

B. Education

- Adopt teacher training programs for parents. (CCP 6.1)
- Exemplify justice and democracy in school operations. (CCP 6.2)
- Guarantee literacy to elementary school students. (CCP 6.3)
- Provide special language services for bicultural students. (CCP 6.4)

## Appendix (Cont'd.)

### National Commission Standards Pertaining to the Juvenile Justice System

#### B. Education (Cont'd.)

- Develop career preparation programs in schools. (CCP 6.5)
- Provide effective supportive services in schools. (CCP 6.6)
- Offer alternative education programs for deviant students. (CCP 6.7)
- Open schools for community activities. (CCP 6.8)

#### C. Employment

- Expand job opportunities for disadvantaged youth. (CCP 5.1)
- Broaden after-school and summer employment programs. (CCP 5.2)

#### D. Recreation

- Develop recreation programs for delinquency prevention. (CCP 7.1)

### III. Improve System Functioning and Safeguard Offender Rights

#### A. Planning and organization

- Establish by 1978 a comprehensive multi-year planning program which takes into account all Federal, state and local funds directed to crime control activities. (CJS 1.1)
- Establish in the state planning agency standards and require adoption by criminal justice agencies as a condition to receiving grants. (CJS 1.2)
- Legislate definition and implementation of offender rights, with special attention given to the rights of juvenile offenders. (CR 16.3)
- Legislate the unification of all correctional facilities and programs for adults, juveniles and youthful offenders. (CR 16.4)

#### B. Police

- Formulate policies governing police agency involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime. (PL 9.5)
- Develop formal guidelines for diversion decisions. (CT 2.2)

## Appendix (Cont'd.)

### National Commission Standards Pertaining to the Juvenile Justice System

#### B. Police (Cont'd.)

- Develop in each juvenile court jurisdiction, in conjunction with local police agencies, policies and procedures governing diversion and detention decisions. (CR 8.1)

#### C. Courts

- Formulate written guidelines for use by police and prosecutors in apprehending and screening juveniles to be referred to the court. (CT 1.2)
- Develop written guidelines for structuring diversion decisions and processes used by the police and prosecutors. (CT 2.2)
- Place jurisdiction over juveniles in a family court as a division of the general trial court--having jurisdiction over all legal matters relating to family life. The family court should not include dependent children. Special training should be provided for all persons participating in family court cases. (CT 14.1)

Place responsibility in an intake unit of the family court for decisions concerning filing of petitions and placement in detention or diversion programs. (CT 14.2)

- Place authority in the family court to transfer certain delinquency cases to the trial court of general jurisdiction. (CT 14.3)
- Separate adjudicatory hearings from dispositional hearings; assure that hearings have all the protections of adult criminal trials. (CT 14.4)
- Assure that dispositional hearing proceedings are similar to those followed in sentencing adult offenders. (CT 14.5)

#### D. Corrections

- Apply total system planning concepts to juvenile detention centers. (CR 8.3)
- Evaluate juvenile intake and detention personnel policies. (CR 8.4)
- Modify the social environment of institutions to improve the institutional social setting to better bring about changes in behavior and assist reintegration into the community. (CR 11.3)

Appendix (Cont'd.)

National Commission Standards Pertaining to the  
Juvenile Justice System

D. Corrections (Cont'd.)

- Individualize institutional programs so that they are geared toward reintegration into the community. (It is assumed that juvenile institutions will be phased out in favor of community programs and facilities.) (CR 11.4)
- Offer individual and group counseling for inmates to provide a social-emotional climate conducive to the motivation of behavioral change and interpersonal growth. (CR 11.9)
- Enact a comprehensive correctional code. (CR 16.1)
- Require presentence investigations by law. (CR 16.10)
- Formulate criteria and procedures for probation decisions. (CR 16.11)
- Establish procedures for gradual release of inmates. (CR 7.4)
- Take action in each state to place probation control and supervision in the executive branch of State government. (CR 10.1)

\*Identification Reference Code to NAC Volumes:

Community Crime Prevention	CCP
Police	PL
Courts	CT
Corrections	CR
Criminal Justice System	CJS
National Strategy to Reduce Crime	NS





## Appendix C

### Guidelines for Implementing Juvenile Justice Standards

#### Introduction:

The basic mission of the Pennsylvania Committee for Criminal Justice Standards and Goals is to achieve the fullest possible implementation of up-graded standards in all components of the criminal justice system. This Summary and Analysis of Juvenile Justice Standards and Goals is presented for review and discussion as a vital step in that process for the juvenile justice component.

The Committee's view is that all officials, public and private agencies, and citizens interested in juvenile justice affairs have a role and responsibility in the implementation process. The need is to review, adapt and adopt those standards which are relevant to Pennsylvania's particular requirements. Clearly, the most urgent need exists for coordination among agencies and components of the system.

- I. Juvenile justice administration and services represent a complex array of governmental and private activities and special problems, including the following:
  - A. The entrenchment of diverse philosophies concerning prevention, justice, treatment, rehabilitation and reintegration
  - B. The lack of a unified conceptual design and direction for juvenile justice
  - C. The fragmentation of responsibility for services
  - D. The "territorial dilemma" posed under the present system in which different agencies spend much time arguing why they should or should not provide narrowly-defined services in specific cases
  - E. The imperatives and problems of inter-agency planning.

Notwithstanding these problems, the major directions of needed change suggested by this analysis of proposed new standards and goals have been clearly established. Those directions are: (1) to reduce the overreach of the juvenile justice system; (2) to mobilize new patterns of supportive community services; and (3) to improve the efficiency of system functioning while safeguarding offender rights. Under these headings, some general guidelines for implementation activity have been developed and are presented below. The Committee requests your review, reaction and any supplementation of these suggested implementation methods.

## II. Implementation strategies required:

### A. To reduce the overreach of the juvenile justice system

1. Current proposed legislation discussed in Appendix A would remove "status offenses" from the juvenile justice system. Additionally, if standards to decriminalize marijuana for simple possession and other similar acts are to be implemented, further legislation is required.
2. Supreme court or local court rule-making authority and agency policy changes could affect increase in screening and diversion efforts.
3. The use of special conditions on grants, reallocation of existing funding sources, combining of federal, state and local funding streams in individual projects are methods which can be used to increase screening and diversion as well as reduce detention and institutionalization. The current plan by the Pennsylvania Department of Welfare to develop a wide range of alternatives to institutionalization is illustrative of action which can be mounted to alter

agency policy and combine funding streams (state and federal).

Planning efforts could focus on reducing detention and removing status offenders as required during the first two years of the administration of the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

4. The development of a comprehensive multi-year plan which takes into account funds for juvenile justice and delinquency prevention with strong input from the Advisory Committee established by the Executive Order of June 2, 1975, could emphasize planning for prevention.

B. Mobilize new patterns of supportive community services

1. The Supervisory Board of the Governor's Justice Commission could provide leadership by establishing statewide priorities and, through incentives and "seed money," fund model projects and joint endeavors by local agencies.
2. Efforts to infuse standards into the comprehensive planning process at the local, regional and state levels could produce innovative new resources to serve youth, such as youth service systems, bureaus, educational, employment and recreational projects.
3. State and federal discretionary funds might provide demonstration projects that put into practice a group of standards or all the standards in a particular category.

C. Improve system functioning while safeguarding offender rights

1. Methods are needed which insure accountability for development and compliance with quality standards. Foremost among these methods must be the creation and maintenance of a comprehensive

training program for entry into and continuation in the juvenile justice system by all persons involved in the judicial process, including judges, prosecutors, public defenders, and probation personnel.

2. Exposure of the decision-making process to the public is imperative for maximum accountability and responsiveness to citizen concerns.
3. Coordination and increased communications among agencies and components of the system can lead to the development of written guidelines, improved relationships, removing gaps and overlaps in services.
4. Development of a statewide youth advocacy program could increase efficiency of operations as well as provide visibility to offender needs.
5. Joint planning can be accomplished through the inter-agency planning staff of the Juvenile Justice and Delinquency Prevention Advisory Committee, thus improving efficiency and effectiveness of existing services. Inter-agency participation in the planning process insures consideration of divergent philosophies. It is noted that the courts, above all, contribute most to the process by representing individual rights.

**Conclusion:**

It cannot be stated that at this time all NAC standards are accepted by Pennsylvania. What can be said with a high degree of certainty is that a consensus exists in Pennsylvania on the need to reduce the overreach of the juvenile justice system, the need to mobilize new patterns of community-based services for youth and the improvement of system functioning while safeguarding

juvenile rights. With the acceptance of these concepts, specific standards can be effectively implemented, some by the use of one method and others by a combination of implementation vehicles.

August 1, 1975

ERRATA

Membership changes in the Pennsylvania Joint Council on the Criminal Justice System have occurred since this section of the "Summary and Analysis" was printed. Current membership is listed below.

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**END**