

STREET CRIME IN AMERICA (CORRECTIONS APPROACHES)

HEARINGS

BEFORE THE

SELECT COMMITTEE ON CRIME HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

**APRIL 9-13, 16-19; MAY 1-3, 8, 9, 1973
WASHINGTON, D.C.**

Part 2 of 3 Parts

Part 1.—THE POLICE RESPONSE

Part 3.—PROSECUTION AND COURT INNOVATIONS



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STREET CRIME IN AMERICA

(Corrections Approaches)

MONDAY, APRIL 16, 1973

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice at 10:20 a.m., in room 311, Cannon House Office Building, the Honorable Claude Pepper [chairman] presiding.

Present: Representatives Pepper, Mann, Wiggins, Winn, and Sandman.

Also present: Chris Nolde, chief counsel; Richard Lynch, deputy chief counsel; James McDonald, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

Today we are beginning 4 days of hearings on "Crime in the Streets—Reduction of Juvenile and Adult Recidivism Through the Use of New Correctional Approaches."

The history of correctional success in this country has been a dismal one. The President of the United States has recently characterized prisons as "colleges for crime." Certainly this is doubly true when we consider the history of juvenile correctional institutions.

Some of you may recall that we had some hearings on juvenile delinquency and correctional institutions for juveniles a year or two ago. We had, among others, Mr. James, who wrote a series of articles for the Christian Science Monitor. Later on this week, we will view a film prepared by Mr. James. In the course of his testimony, he stated that he wondered if it would not have been better for these young people who were sent to these State institutions for bad conduct not to have been incarcerated at all.

In other words, the effect of their being incarcerated in these institutions was more deleterious than it was advantageous.

These hearings will attempt to point out to the Congress and the country that there are correctional approaches which do offer promise and hope. We will have some outstanding and most imaginative authors of youth programs in the country appearing today and throughout this week.

We all know that a very substantial proportion of serious and violent crimes is committed by juveniles and young adults. We all know that without treatment, without correction, and without rehabilitation, these juveniles progress through careers of increasingly serious crime.

For the next 4 days we will be hearing from expert witnesses who will come to Washington, D.C., to describe programs which are working and which are demonstrating that juvenile recidivism can be decreased. For example, part of our hearing today will be devoted to testimony concerning the bold approach adopted by the State of Massachusetts to eliminate its traditional juvenile institutions. Massachusetts now places juvenile delinquents in small group homes and in community-based rehabilitation centers. A number of juveniles who have lived both in institutions and under the new system will offer firsthand testimony regarding this new approach.

We have the author of that very innovative and imaginative program here to be our first witness today.

During the remainder of the week, we will hear of other States which are attempting through innovative measures to stop crime careers before they can start. Finally, we will hear from the chairman and the executive director of the American Bar Association's Commission on Criminal Justice and Services. The chairman, former Gov. Richard J. Hughes of New Jersey, will describe the programs and policies of this commission in dealing with this most critical criminal justice problem.

We think these hearings will be extremely significant and that they will point out unequivocally that no progress can be made within the criminal justice system unless and until we solve the longstanding problem of reducing the number of offenses committed by repeat offenders and by those who have already been incarcerated in our Nation's prisons and jails.

We heard a very valuable presentation here from the police department of the city of Dallas last week, in which they submitted an in-depth study of the number of people responsible for the crimes that were committed in that city over a certain period of time, which emphasizes the impression, for anyone who studies the system, that crime in general, at least most crime, is committed by a relatively few people, and if we can find out what to do with those relatively few people, we can make a very significant step forward in the solution of the crime problem.

I am encouraged by the hearings we held last week into police and community crime prevention programs.

These hearings have revealed that a relatively few people commit most of the violent and serious crimes, many of them who start their criminal careers in their teens.

We were told by Chief of Police Wilson the other day that, in his opinion, about two-thirds of all of the violent and serious crime was committed by males under the age of 28 years.

To reduce crime further, the police departments must have more money for more personnel, better trained personnel, and more research programs into the causes of crime and the character of those who commit crime.

But it is very clear that the police cannot do an effective job curbing crime without the cooperation of the prosecuting attorneys, courts—trial and appellate—and the correctional system. Beginning May 1, we will have prosecuting attorneys, trial court, and appellate court representatives to tell about the most innovative programs in those areas to be found in the country.

The beginning of the pipeline for the commission of crime is in the teenage groups, and new and innovative procedures must be employed in dealing with juvenile crime. Those are the subjects we will deal with in the hearings beginning today.

We are delighted, indeed, to welcome today Dr. Jerome Miller as our opening witness, a man who has been the leader in this innovative program you are going to hear about today. We are very proud to have Dr. Miller here.

Would you be good enough, Dr. Miller, to come to the witness table.

Dr. Miller is one of the foremost authorities in the United States on juvenile corrections and has played a very instrumental role in changing the course of juvenile corrections in the State of Massachusetts. He is now, as you know, residing in the State of Illinois, where he recently took a job as director of family services for the State of Illinois.

Dr. Miller, if you have an opening statement, will you please deliver that to the committee at this time?

PANEL OF EXPERTS IN THE JUVENILE CORRECTIONS FIELD:

PAUL DeMURO, ASSISTANT COMMISSIONER OF AFTER CARE, STATE DEPARTMENT OF YOUTH SERVICES, BOSTON, MASS.; DR. JEROME G. MILLER, DIRECTOR, STATE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, SPRINGFIELD, MASS.; PROF. LLOYD E. OHLIN, DIRECTOR, INSTITUTE ON CRIMINAL JUSTICE, HARVARD UNIVERSITY, CAMBRIDGE, MASS.

Statement of Jerome G. Miller

Dr. MILLER. I appreciate the opportunity to testify before this committee and to share with the committee some of our experiences from Massachusetts, and perhaps some of the possibilities for our approach having some applicability in other States of the Union.

I thought before discussing some of the specifics of what we tried to do and are doing in Massachusetts, I would give a few of my own biases, if you will, with reference to corrections and correctional reform and try to put in context, the moves that we made in Massachusetts.

It was our feeling that it is the history of correctional reform, in juvenile correctional reform as well as adult correctional reform, it really never happens in any substantive sense. Every 5 or 10 years you have a series of incidents, riots, escapes, stabbings, fires, whatever, that overflow into the community from one or another correctional facility, and then there is usually a call for reform and there is an infusion of funds into the system. But it seems if you look at the system 5 or 10 years after that call for reform, you find there is little of substantive change or reform that stays or remains. The system tends to slip back to what it was previous to the reform. In the more liberal States, you may get some new buildings out of the reform, or you may get a few new programs, but if you watch them they tend to stagnate or go downhill after a period of time.

I don't mean by that that there hasn't been progress in correctional reform within institutions, because there has. But I don't think that the progress has kept up with that of the society which surrounds

these institutions. It hasn't kept pace, and is therefore in many ways not as responsive to reform as one hopes a large system like this would be.

It is my own feeling that the problem in reforming the correctional system, and particularly the juvenile correctional system, is that it is institutionally based, that the juvenile correction system for the most part is based in large on fairly large institutions. It seems to me that many of these institutions, if not most, are quite impervious to change. They can devour any reform and any amount of money you can put into them, and over a period of time they tend to sustain themselves regardless of whether or not they are effective.

I think that this problem is a political one, really, rather than a professional or clinical one, because we are dealing in corrections, with systems which of their nature are quite undemocratic. Therefore, there is very little feedback from the clientele within the system over how those systems are run.

That, I think, leads to a sort of political situation that makes them quite difficult to change.

It seems that in many ways the juvenile correctional systems that we have, were really designed for other purposes than rehabilitation. I think that, manifestly, as we speak of them, we say they are there to rehabilitate, but I think they fulfill many latent functions for the society, and they deal out a fair amount of moral retribution and punishment.

One could survive indefinitely as a career commissioner or head of youth corrections if he preaches rehabilitation and gives punishment, provided he doesn't allow the punishment to be too widely known, so that people feel too guilty about it, and provided that he hires enough professional consultants to give a face of rehabilitation to the system.

In many ways, therefore, one purpose of the system is really to reassure people rather than to be effective, because if there is one thing we do know, it is that most of these large institutions for juveniles have been quite ineffective. In fact, it is my impression that not only are they ineffective, but that often they are actively harmful and endangering public safety.

We found in a small research study in our State, for instance, that we could cut the return rate of boys to the department within a 1-year period from 72 to 42 percent by cutting the stay in the institution from 9 months to 3 months. The longer they received the treatment the more likely they were to come back. The earlier they got in the system the more likely they were to come back on a more serious offense.

In many ways we have been providing through these institutions some false reassurance. And it is kind of a paradox that institutions are admirably suited to give such reassurance. You can go along as an administrator of a system such as this if you meet about three criteria, none of them related to what you should be doing. None of them related, at least, to the primary goals of the juvenile correctional system.

No. 1, you must stay within your budget; No. 2, you must keep your staff reasonably happy; and No. 3, you must avoid incidents which overflow into the community. All of these are good goals, but none

related to the stated purposes of these agencies, which are really to cut recidivism, to lower the repeater rate, to cut back on crime in the streets.

It would seem to me if you ran a hospital on the basis that your staff was happy; you were staying within your budget and had very few people jumping out of windows, or causing incidents in the community; but 60 to 80 percent of your patients got worse, or more ill, or died while they were with you, people would begin to question what the system is all about.

So the pressures on you as an administrator are really not pressures related to what your task should be as an administrator of a system such as this. The pressures don't come to you, really, from inmates or clients. They are captives, and in a sense they have very little say over how you run the system. They really have very little say. The administrator is not accountable, really, to the public, either, because the institutional settings isolate these problems from the community and from direct influences by the public.

Corrections is a system which is accountable only to itself, and I don't think that is a healthy sort of situation. If you make a person more dangerous while you have him with you, the person can't hold you accountable and the public won't hold you accountable, provided you maintain a large set of institutions.

Let me give an example of what I mean: Shortly after I arrived in Massachusetts we had a boy who had been in one of our maximum security institutions for, I believe, about 3 years, who was in the community and shot a policeman in Boston. I thought we would get a number of calls from the press and others asking something about our part in that, being that the boy had been with the department for 3 years. In fact, we didn't get any calls and hardly any mention was made of our department in the press.

I think the reason for this is the boy had been 3 years in a maximum security facility and in many ways we had "done our job," so to speak, and I think the implication is, he must have been something of a psychopathic individual and, despite our best efforts, he still got in serious trouble and shot someone.

Now, it seems to me that that is putting the thing backward. If that same boy had been in a community program for 3 weeks, or 6 weeks, or 2 months, or even a year, without having been in a large closed institution, I know well that the agency would have been held responsible for whatever shooting had occurred and we would have been questioned as to why this youngster was on the streets and why he was in this or that program.

It seems to me if he came to us, as he did, on something far less serious than shooting someone, was with us 3 years during one of the most formative parts of his life, and then left us and shot someone, it seems to me that is precisely the point at which the public and legislature should ask of correctional administrators, "What happened? What did you do? What made this person, after he had your treatment, go out and do this sort of thing?"

I don't suggest that the individual involved doesn't have some responsibility of his own—he certainly does in such an act—but I do suggest we have to begin to hold the correctional system accountable. I think it is much too easy and facile a thing for correctional adminis-

trators to say that these individuals have been a lifetime in forming and we can't uniform that in a year or 2 or 3, or 6 or 8 months. There may be some truth to that, but it is also an easy way out of the situation. Given the research in the field to show what happens in these institutions generally, I think it deceives the public with reference to what we are all about.

Institutions are at the heart of the problem, and it isn't because they are run by sadists or people who want to hurt others; it is really because they are large bureaucracies that are incapable of being completely responsive to the people they are serving, and more importantly, they cannot long sustain whatever responsiveness they develop.

Now, I think you can make an institution useful. I think you can make an institution responsive. That is not the problem. If one wants to put resources and money into them and swim up river a great deal of the time, one can make an institution responsive.

The problem, however, is that it is virtually impossible to sustain change in institutions. It is virtually impossible to ensure that the changes you set up which make an institution human and effective, will continue. What you generally see is a charismatic person running an institution who is running a very good institution, and when he leaves it tends to disintegrate.

I think this is part of the institutional process, really. It is related to institutions for the mentally ill, mentally retarded, delinquent, or the criminal. It is a whole problem around large institutions. Large institutions really, as a treatment modality, as a method of treatment, are uniquely American inventions and they have only been with us a bit more than 140 years or so. I would recommend to the staff of the committee a book by David Rothman, written last year, called "The Discovery of the Asylum," in which he outlines something of the history of these institutions.

Institutions fulfill their own prophecies. They offer themselves as solutions to the problems they have created, and the paradox is that they are that solution in the short run. Use of solitary, violence, and isolation certainly control violent prisoners, but very often that violence in itself is an effect of being treated the way institutions treat people. It can be greatly attributed to the lack of responsiveness of the institutional setting.

We decided in Massachusetts, on this basis, that we would be misusing our mandate to reform that system if we tried again simply to reform the institutions. We had to make a choice, with limited resources, as to whether we were going to make those institutions useful or effective, or develop alternative methods. Our institutions were among the worst, at that time, in the Nation.

The Children's Bureau of HEW listed Massachusetts institutions at that time as 48th of the 50 States in 1966. We had to make a decision as to whether we would put our resources into making those institutions good institutions—and that could be done—or whether we would try to make those institutions as human and good as we could, but simultaneously move, as quickly as we could, to find alternatives to the institutions. We took the latter stance.

It seems to me that if we had put all of our inner resources into reforming institutions they could have been made quite good and they could have helped cut our recidivism. They could have been human

places, they could have been effective places. It seemed as well, however, that with the history of these places, you can't sustain that change. So we decided we would seek alternatives.

Our first year we tried to make the institutions as decent and human as we could. I am sure that the research that will come out of that, and it is being developed—I believe Professor Ohlin of Harvard University will be testifying later—will show to a degree that as we improved the level of the institutions, and we made them more effective, things were better with those youngsters in those institutions.

At the same time we felt we had to move away from them into alternatives in the community.

When you think of alternatives in the community and in the average State in this Union, think of what you are spending to keep a youngster in these training schools. One has a wide variety of alternatives one can speak to, if one can think of the money spent in institutions as being possibly available for other uses. To keep a youngster in an institution in Massachusetts, the last year we were in them, ran anywhere from \$10,000 to \$15,000 per person per year.

At present, in New York State, it is \$18,000 to \$21,000. In Connecticut it is over \$25,000; in Rhode Island it is around \$22,000; in Illinois, in one institution I am acquainted with, it is over \$18,000.

That is a great deal of money to have available to treat someone who has a problem of delinquency. I submit if anyone in this room had a youngster who was in trouble and was given by the State between \$200 and \$300 a week to solve that problem, he would come up with something more original than a large training school. For what it costs to keep a youngster in a training school you can send him to the Phillips Exeter Academy, you could have him in individual analytic psychotherapy, give him a weekly allowance of between \$25 and \$50, plus full clothing allowance. You could send him to Europe in the summer, and when you bring him back still have a fair amount of money left over. That is what we are spending in a present system which generally is a failure and generally makes things worse rather than better.

If one thinks of it in terms of cost one has a great deal of leeway for options. I think that if the correctional system were held as accountable to our own economic system as other systems are, that it would become quite productive. If, indeed, it were a competitive system, if we did have to show that we could cut recidivism a certain rate in this or that program, if it did have to put up or shut up, if it did have to survive in a free enterprise society, I think we should run a very successful system.

Unfortunately, the correctional system does not have to survive under any rules of competition or productivity. It is not at all held responsible and it does not have to be responsive.

It has long been known in the literature that anywhere from 60 to 80 percent of youngsters in institutions—some would say more—do not have to be in large closed institutions. We took that research as factual and we decided that we would not endanger public safety if we provided alternatives for these young people.

I do not mean by that we just turned them loose in the streets, but we would provide alternatives.

We began doing that and we set up a series of options. Initially under State auspices with the help of LEAA funding, but when as

we moved more toward the private sector, together with LEAA and State funding, purchasing care from the private sector.

I would like to stress that possibility here. I do not think that generally the State system delivers direct services well. They generally tend to stagnate and go downhill. I think that services are best delivered by the private sector in competition with one another to give services, provided that the State keeps the private sector accountable and provided we get from them certain guarantees.

Now, what options did we stimulate and use? We used a wide variety of options. We used halfway houses, group homes, specialized foster homes, private psychiatric inpatient care, private psychiatric outpatient facilities, prep schools, day schools, night schools. We used technical training schools and private vocational institutes.

We used about anything that seemed feasible and would treat a youngster decently and humanly, and hopefully guarantee a bit more of public safety.

As we began to move these ways, I think it has been our impression that it is working. We do not have full statistics yet on how the system is working, as opposed to the institutions, but I think that most of the research we have had shows it all going in the right direction.

There certainly is no increase in recidivism, there certainly is no increase in the amount of violence, there is no increase in the crime rate in Massachusetts. In fact, as it has nationally, it has gone down quite significantly there. It is our impression that the system runs much more smoothly and we had much less problem with it since we have been out of the large training schools and institutional settings.

I would hope that States could begin to rethink in some very basic ways what they are doing in the area of juvenile corrections. When we talk about bad situations in some States, we are not talking as though this was 20, or 50, or 75 years ago. These things are going on at present. I will be testifying in a suit in the Federal courts in the State of Texas, where at present, at least until 5 or 6 months ago, the institutions were still tear gassing youngsters for failure to go to work on time by putting them in a locked room and throwing in a canister of tear gas and leaving them until they vomit. There are institutions in which you still have violence from morning until night, you still have people sitting on floors, not allowed to sit on beds; then, when on beds, not allowed to go to sleep until certain times, beatings, useless work projects, et cetera.

We still have, generally, a very repressive and brutal system, and these things I don't think are entirely unknown in the institutional system.

I don't point to these practices and say they are necessarily representative of the institutional system nationally, but I think they point up what can happen in these kinds of systems, and what can underlie the better systems.

It seems to me that the only way we will get out of that is to get out of large, isolated, unaccountable institutional settings and to get back to the community, not only because it works better—it does work better—but because it involves the community, because the community can know these problems and begin to help deal with them, and because it doesn't allow the kinds of false reassurance we have been giving to communities about what we can do, when in fact we have been quite ineffective and we really shouldn't be falsely reassuring the community.

I would hope as well that the Juvenile Justice and Delinquency Prevention Act of 1973, Senate bill 821, or H.R. 6265, will receive support nationally, since it will provide a Federal structure for massive resources necessary to develop alternatives to institutionalization.

The merit of Senator Bayh's legislation is that it will create and expand community-based facilities in homes and shelter care and will steer some of this funding away from the large institutional settings.

If one were to add up the millions and millions of dollars we have sent into these large institutional settings with virtually no return, in fact, negative return, I think it would be a national scandal. I would guess the average State has spent millions, if not hundreds of millions, of dollars over the last 50 years in these large institutional structures, every bit of research which shows that generally they do not work.

Now and then they work for awhile, but generally they do not work or sustain what good results they have been able to obtain. So that I would hope that the Massachusetts model, which we could discuss and I am sure will be discussed in much greater detail by people during the day, would in a sense at least be looked at by other States as a possible option.

The Massachusetts model may mean that States do not need to depend on large institutions to guarantee public safety, that States don't need to depend on this system which has been with us for over 100 years. I think it is very fitting that since Massachusetts invented the system—we had the first two training schools in the world—Massachusetts should be the first to get rid of them.

What Massachusetts invented every State in the Union eventually followed, as did some European countries. I hope that now we have gotten rid of them and seen the error of our ways, every State in the Union and other countries as well will look again and see what we are doing there and have done.

Thank you.

Mr. LYNCH. I wonder if you could tell the committee when you became the commissioner of youth services in Massachusetts?

Dr. MILLER. In 1969.

Mr. LYNCH. You indicated, Doctor, that you had a mandate for change in Massachusetts. From whence did that mandate come?

Dr. MILLER. It came from the legislature that created the new department of youth services to replace what was called the youth service board, very similar to the old Illinois Youth Commission, or California Youth Commission.

Mr. LYNCH. What was the jurisdiction of the department of youth services?

Dr. MILLER. We were responsible for all adjudicated and committed delinquent youngsters in the State of Massachusetts, plus detention—holding of them for court—and parole.

Mr. LYNCH. During your tenure as commissioner, how large a population of juveniles were you talking about, roughly?

Dr. MILLER. Well, it would depend. There is a large amount of turnover. In terms of detention we would run probably 6,000 to 8,000 a year. In terms of committed youngsters, probably about 1,000 per year.

Mr. LYNCH. Those youngsters were held in how many institutions?

Dr. MILLER. They were held in—I haven't counted them lately—I think about seven institutions?

Mr. LYNCH. You talked in terms of endangering the public safety. I wonder if you would be kind enough to indicate to the committee, during your years with that department, how many of the youngsters committed to your institutions committed additional crimes or delinquent acts subsequent to their release and had to be recommitted?

Dr. MILLER. The best of our knowledge would indicate that the average was from 60 to 80 percent were back within less than a year. We had one institution for 12-year-old boys, 75 to 100 12-year-old boys adjudicated delinquent, in which the recidivism rate ran somewhere around 95 to 99 percentile. Virtually every boy that came in the door came back.

Mr. LYNCH. These were especially young boys who were committed there for committing what kind of offenses?

Dr. MILLER. In this particular case of the youngsters, generally it would be something less than would be involved with older kids. Generally, they would be with us because they were poor. They would be committed to us for such things as truancy, running away, stubborn child. Now and then, something more serious. But generally these are status offenses only specific to children and, really they shouldn't be offenses.

The other youngsters in the State ran the gamut from truancy to murder, as they would in any State.

Mr. LYNCH. In a typical institution, when you became commissioner, what kind of treatment, what kind of program, if any, was available to the inmates?

Dr. MILLER. It would depend. Some were better than others. I think generally the youngsters were divided up in institutions according to age and sex. I think that is generally the case nationally. Now, one puts different handles on it at different times, with different semantics and different ideologies. But basically, when you get down to the nitty-gritty, the division of youngsters in these systems was usually on the basis of age, sex, and offense.

We had, for instance, Bridgewater, the so-called Institute for Juvenile Guidance, which was a maximum security walled facility for older boys supposedly for very serious offenses. What we found when we looked through the population was that the majority were not there for materially serious offenses in terms of violence toward persons, but they were there because they were management problems in one or another of the other institutions.

Institutions generally run in complexes in States. Generally they are held together by the "big stick" or the "big threat" and that usually is one institution that is worse than all of the rest. Just as any institution is held together by the threats of one "discipline" cottage over another or one "specialized" dormitory over another, that holds it together.

Words change in those dormitories. I guess in the old days they were just called "punishment dormitories." Now they might be called "intensive care" or "adjustment centers," "time-out rooms." I saw one institution which the lock-up was called the "freedom room." I asked why it was called the "freedom room" and was told you had freedom to yell and scream in there and beat on the walls.

The semantics change, but basically I think institutions, large institutions, are not the kinds of places that are viewed by the people

in them as very healthful and they have to be held together by a certain amount of threat.

Mr. LYNCH. In the typical institution of which you are speaking—anywhere in this country—could you describe for the committee what a typical day involves for, say, a 16-year-old young man who is in there for four or five housebreakings? What happens to him during a given day?

Dr. MILLER. It would depend, again, on the institution. Some institutions would be highly programed with every half hour or so programed; the youngster being at this or that class or this or that vocational training. In the majority of institutions, however, there would be a lack of program. There would be a lot of regimentation and a lot of movement around at times, a lot of counting, generally classes would be unaccredited if they did have classes.

You generally will see very little in terms of productivity. And I think what will characterize most large institutions is a certain feeling of apathy and uselessness of the system.

As I say, some are highly regimented. To give an example of the particular institution I referred to earlier, the boys in that particular cottage are up around 6:30, 7 o'clock in the morning. They are out working then, in silence. The work consists of doing two things: Either shoveling dirt from one pile to another, running with it from one pile back, dumping a shovelful, picking up another shovel and running back to the first pile, which is useless work, or picking at open ground with picks.

They do this from approximately 7 in the morning until 11:30 or noon, with 15-minute breaks during which they kind of huddle down in a circle, in silence, heads bowed. At about noon they are brought in and showered and go into individual isolation rooms where they sit on the floor in silence. Food is fed to them on trays that are slipped to them through a slit on the floor of the room.

They sit in there in silence until 9 at night, when they are told they can go to sleep.

I believe they are allowed to lay on the bed at 1 p.m. They dare not fall asleep or more time is added to their stay, which is a problem for many of the boys who are on tranquilizers, making it hard to stay awake.

Late in the day, 9 o'clock at night, the guard comes around and they are told they may go to sleep.

The next morning, at 6:30 or 7 they are let out to continue the day's affairs as outlined above.

That is an unusually repressive institution, and at Gatesville, Tex., the institution is called "Mountain View." What this describes is the discipline cottage of Mountain View.

In the average institution it wouldn't be this punitive. Generally, you would go to classes of one sort or another. As I say, most of them are unaccredited. There would be a number of counts during the day, dinner at noon. There might be some recreation in the early evening, and generally go to bed fairly early.

When I came to Massachusetts our institution for 16-year-olds was putting boys to bed at 7:30. I think the reason was that it presented staff problems after 7:30 and it was easier to lock them in dormitories.

Mr. LYNCH. You indicated, I believe, Doctor, that in Massachusetts it was costing \$10,000 to \$15,000 per annum to institutionalize delinquents. What does the alternative cost? What do community-based services cost?

Dr. MILLER. Community-based services, of course, are much cheaper. Some will be much more expensive. But if you can get away from the idea of institutionalizing everyone that comes in the door, as committed by the courts, then you have a great deal of leeway for alternatives in spending that money. If you don't pay \$1,000 to \$15,000 for 1,000 kids, then this gives you the leeway to pay \$3,000 or \$5,000 for some and \$20,000 or \$30,000 for others.

We actually had some youngsters with us on very serious sorts of crimes that involved psychoticlike behavior, involved in some kind of very bizarre murders, and that sort of thing, and I felt in those cases we should spend a great deal to insure public safety. In no way could we say, with those cases, they just come to us and after serving a bit of time or a number of years, go back to the community.

Mr. LYNCH. Well, Doctor, with a delinquent of that nature, a felon indeed, how do you insure public safety?

Dr. MILLER. I think for the most part, with felons, as well, really, the kind of case I was really referring to was really more of a sick individual—and I don't believe most of delinquents are sick—that with felons you can insure public safety in various supervised community programs, live-in programs, and non-live-in programs. It depends on what one means by security.

There is eyeball security, if you will. This is supervision that is much closer and can be given much more closely, often in small group homes, than it can in large institutions where you have 25 or 35 assigned to an individual. No institution can be made all that secure. No juvenile institution really can be made completely escapeproof and if you look at large training schools around the country you will generally find if anyone really cares to get out of them, that in the vast majority of them, it is not too difficult a thing.

What holds them together is the fear of punishment when they come back. We had one institution in Massachusetts in the late 1940's where they broke fingers for running away. When you came back they took your index finger and brought it back until it broke. That cut down on the number of runaways from that institution, even though it was comparatively easy to leave from that institution.

I think there is a kind of feeling that if you lock someone up you have guaranteed some public safety. There is no question that if it is a solid lockup you have guaranteed public safety while that person is locked up, but when you are talking about juveniles, as I am sure this committee has heard many times, those juveniles will be back in the community, and it is kind of a deception to think that lockup in itself is going to guarantee much public safety.

Our problem with runaways, escapees if you will, seemed to diminish appreciably once we were totally in the community. There was a problem of moving from the institutions to the community and a transition period where we had a lot of kids wandering around the State, if you will, who were so used to being institutionalized that they just didn't know how to take the community-based center. They weren't necessarily getting in a great deal of trouble, but for 2 or 3 months in that transition, we had problems.

I think the reason for that was that our youngsters were highly institutionalized. You had the kind of bizarre situation in which you put a boy in an institution for 2 or 3 years and then you put him in a home in the community where the front door is open and there is public transportation, and all, and it is not a locked situation, and he will go upstairs to the bathroom and sneak out the bathroom window and climb down the drain and run, not realizing that was kind of ridiculous; he could walk out the front door. They were reacting in a sense to the institutional process, as we built in a whole self-fulfilling prophecy in institutions.

Once we got through that transitional period we had much less problem with that and the whole thing calmed. However, I stress even during all of the transition, even during the first year—and we have been out of institutions now in Massachusetts for over a year now, a year on January 10 or 12 the last boys' training school closed—I would think that now the number of incidents has appreciably diminished from what it was a year ago in the old system.

Mr. LYNCH. Would you institutionalize any juvenile delinquent?

Dr. MILLER. No, I wouldn't. That does not mean I would not say that some juvenile delinquents should be in closed, locked settings, but by the term "institutionalized," I would not subscribe to that term. I do think there are dangerous individuals who need to be in locked settings. However, those settings should not be large training schools or large penal institutions because they do not work.

They should be small, individualized, secure, locked settings. You can make a small setting locked and you can provide individualized care for truly dangerous people in them.

I would like to see a time where we would have available to the average youngster in Massachusetts, and Illinois, who is truly dangerous in terms of violence toward persons, the same sort of options that have always been available to the upper middle class, or upper class dangerous persons, and that is a private, small psychiatric closed setting, where at worst we simply provide some human care and at best we provide some care that works, as well.

It just doesn't seem to me it makes any sense any more to talk about institutionalizing anyone in large institutions. It does no one any good. The only time the large, closed institution will make any sense is when we are ready in this country to say, "Let's lock someone up and throw away the key forever." I hope we never come to that point. Even though some people may be unsalvageable I think to make that great leap would have much more meaning to the rest of us than for those whom we incarcerate.

Mr. LYNCH. It is often said that juvenile institutions teach juveniles how to commit crimes, how to escalate, if you will, their crime careers. The President recently, as the chairman indicated this morning, called the prisons in general, "colleges for crime." From your point of view, as a youth corrections commissioner, is that statement provable? Do juvenile institutions in fact encourage and/or teach young people to commit additional crimes?

Dr. MILLER. I have no question that that is true. I don't know specific research studies with reference to that. I am sure there are many. Perhaps Professor Ohlin could point to some, but I have no question of that in my own mind. I have many youngsters in my department

and it is just a common thing. If you visit any adult facility and just ask at random who was in the juvenile system, it is "Old Home Week," everyone has met somewhere or other along the line.

There is no question at all that the juvenile system as it is presently constructed is a school for crime.

We run them at all levels. We ran our little grammar school for 12 and under, where it had a 95 to 99 percent recidivism rate. We moved them on as they got older, up the line in schooling for boys, the older training school in other words, for 13- and 15-year-olds. That was kind of junior high. Then on to high school, Shirley Industrial School for Boys at 16, and junior college, the Institution for Juvenile Guidance at Bridgewater, and then on from there to the University of Walpole, or maybe postgraduate work at one of the Federal penitentiaries.

But there is no question in my mind that is the system these people are caught up in. It seems to me that if at the early ages we made more options available, our chances of breaking out of high recidivism in this country would be greatly enhanced. There are European nations who have been able to move in this direction with some significant results. Albeit, they are simpler societies and less complex in many ways, more homogeneous, but even given all of that, I do think we could substantially improve our own system.

Mr. LYNCH. As you went about the task of converting the system in Massachusetts from institutions to community-based programs, what kind of public response did you receive?

Dr. MILLER. Well, I think that we expected many more upsets than we got. We received a great deal of public support. And I think that in many ways, legislators—how could I put it tactfully—are not as progressive as the public is when this issue is confronted openly. I think the public is very much in favor of substantial and substantive correctional reform. It was our impression that this was the case in Massachusetts.

It is now, I would think, in Massachusetts, something of a political liability to be in favor of large institutions for juveniles. We don't hear it any more.

Mr. LYNCH. Doctor, public opinion is a strange thing. I suppose if you take a poll of how many people are in favor of community-based treatment programs you might get an overwhelming favorable response, unless it is from a fellow who is having one put next to his house.

Dr. MILLER. That is right.

Mr. LYNCH. How did you handle that problem in Massachusetts?

Dr. MILLER. I think that is very true. That is one of the reasons I had a certain distrust of my greatest supporters in the liberal community, who were very much in favor of these places until we decided we might want to put one or two in one or another of the suburbs where the supporters lived.

What we found, and I think we made some mistakes along the way, initially we talked of setting up group homes and halfway houses under our own auspices for delinquent youngsters, specifically for delinquent youngsters. We did get some of these going. The majority we got into communities with no problems.

We had a few problems here and there. The Harvard study indicates, I think, why we had problems and why we didn't in various communities. But I think we learned as well that it is far preferable, if one can, not to set up specific halfway houses or group homes for delinquents alone, but to set up group homes and halfway houses and alternatives that have a heterogeneous population with one or two delinquents rather than the whole house identified that way.

What we moved toward in Massachusetts—and I am sure Mr. DeMuro will speak to this when he gets here—we found a whole series of alternatives that were able to observe delinquent youngsters and provide supervision and care that did not have to be identified in the community as a facility specifically for delinquents. So long as we didn't inundate these programs with delinquents they did quite well.

So it is my own feeling that with some exceptions, and certainly there are in terms of kids who are involved in crimes of physical violence, for the most part many of these youngsters can be absorbed into already existing programs. In many States there already are a lot of alternatives around that just have not had a tradition of handling delinquent kids.

One can find these, once one begins to let loose some of that money that previously had gone to sustain training schools.

Mr. LYNCH. Doctor, in Massachusetts, I believe, you dealt primarily with children and delinquents who were referred to you by the juvenile court system. Is that too late? Should we be referring people prior to the time that they are court identified? What are your views on that?

Dr. MILLER. It is a difficult dilemma for me. I think in the abstract it is true that we should be preventing these things earlier. There are certain ominous implications, however. I think it is awfully difficult to identify delinquents, and you hate to get in the business of sorting out youngsters in grade school or high school as predelinquents. I think it has other sorts of difficult implications.

I don't think there is any question, however, that the greatest service one can do when one wants to prevent delinquency is to divert kids from the present juvenile justice system. And if that is, in fact, true, then it does involve getting in on the case early. We try to do that in Massachusetts by allowing courts to send referrals as well as committed youngsters, allowing them to refer a youngster to us without establishing a record, and I think that is a step in the right direction.

There is no question the earlier in, the better off we are in terms of cutting recidivism. But I think we give up too easily on those who are deeply in the system, particularly youngsters.

It may be a more complex situation with adults, but it seems to me that it would be very difficult from any professional point of view to throw away hope with reference to anyone 16 or under.

Mr. LYNCH. You indicated earlier that one of the problems in altering the system is certainly a political problem, and I take it you were using that term in its broadest context.

Dr. MILLER. That is right.

Mr. LYNCH. In a bureaucracy what happens to the people working in it just has to be a central issue. What does a correctional commissioner do who wishes to close institutions? What, in effect, did you do in Massachusetts to use or retrain people who had been working in the old system?

Dr. MILLER. We gave to our staff a series of options to their present jobs in the institutions, and through union negotiations allowed them to choose. There were many administrative hitches in setting this up, and doing it another time around, I think it could be done much more smoothly than we were able to do it. But we were going into unchartered areas and we had to feel our way.

Initially, what we did was give them a series of options whereby they could work in the community, they could become parole aides or work in a group home, or where they could work with kids in street work. The problem that we ran into is that many of the institutions were clustered way out in the country and away from where we planned to put the youngsters and it involved moves by the staff.

After a period of time I think things settled quite well and the majority of the staff did get into these other sorts of positions.

I think if I were to do this again, however, I would prefer that we had made arrangements at a higher level in State government to provide staff options in a variety of State departments. I think such things as pools could have been set up and giving them preference with reference to other positions that were unfilled in other State departments, so that there would have been more possibility of people being absorbed through a number of departments and it would have involved less hardships in terms of moves.

It is very difficult for people working in institutions. Their lives become just as institutionalized as the kids there. It becomes a whole lifestyle. In one of the institutions we closed the staff kept reporting for weeks, if not months, every day, even though there were no kids there. You had the impression the institutions should run beautifully if there were no clients.

The cafeteria and everything went along quite well. It is a whole lifestyle. One has to break into that, and it is very difficult.

Mr. LYNCH. You indicated that some 104 years ago, Massachusetts created the first industrial school and the rest of the country rushed to replicate that school. Is it too early, in your judgment, for the rest of the country to rush into what Massachusetts has now done?

Dr. MILLER. I think it is not too early. I think they should rush; yes. I think that we have moved too slowly in this field. I know one of the criticisms of us in Massachusetts, when we first got going, was we moved too quickly. My own feeling is we did not move quickly enough. In those areas where we moved a bit more slowly than others we had problems.

It is not a terribly radical thing to do this; it is a very reasonable and rational thing, given the research we have on the old system. And it can be done, it seems to me, much more smoothly if done quickly.

There has been a great deal of concern the Massachusetts model will be followed by other States, by groups, and there has been a great deal of interest. I don't know how many would follow it or whether they would do it the same way, but it does seem to me that it is time we think in very basic ways about providing alternatives, and I think we will be able to show in our experience there that these alternatives do work as well as the old, but, at best, much better. And it is much cheaper and much less a betrayal of ourselves in the way we treat these kids.

Mr. LYNCH. No further questions.

Chairman PEPPER. Mr. McDonald, do you wish to ask any questions?
Mr. McDONALD. No, sir.

Chairman PEPPER. Dr. Miller, we want to commend you on this innovative program that you have offered in Massachusetts. Would you just describe what the program is, how it works, and who runs it?

Dr. MILLER. When a youngster is sent to us by the court, Mr. Chairman, he is seen in one or another of the regional offices.

Chairman PEPPER. In the first place, if a youngster is committed by a court he is committed to the correctional system?

Dr. MILLER. To our department; yes. To the department of youth services. He is then seen in one or another of the regional offices. We set up a regional structure so it would be closer to the community. A decision is made there after short diagnostic study as to what sort of resources we have available in the State on a purchase-of-care arrangement, most often from private agencies, that would insure this kid will be less a danger to the community when he returns.

These options could range from hospitalization in a private, locked psychiatric hospital to a drug, self-help treatment program where he lives in; to a group home where he may have, for instance, a job during the day, or school during the day and be there in the evenings and weekends under supervision; to a group home where he may have intensive group work and therapy a number of times a day; to being sent to a regular private school or prep school somewhere in New England at our expense where he would just engage in the regular normal routine of a school such as that; to being sent to a foster home, a specialized foster home, for instance, where he might live with a graduate student and his wife who will devote a great deal of time to him in an individual way.

Or he might go to the University of Massachusetts where we have a 10-bed group home in one of the college dormitories, run initially by the students for credit, and with the department of education providing a specialized sort of care.

He might go back to his own home and, whereas the court didn't have the money, our department would pick up the tab for family services, or for intensive counseling with him and his family in the home. Or he might be assigned to a college student who spent 15, 20, 25 hours a week with him on an individual basis and we would pay that college student for his expenses, and some money for tutoring, or what-have-you, for the kid.

What we are trying to do is provide a whole range, a whole spectrum, so you are not caught with a kid sent away by the court, the only option is training school or home, with nothing in between. We are trying to make available all these options. Surprisingly, it can be made available with an existing budget, provided you can get out from under the old system. The old system is terribly expensive. So we are not talking about a great infusion of funds.

Initially, one needs funds to get out from under the old system. But we in Massachusetts are able to handle at present close to triple the number of youngsters for approximately the same budget.

Chairman PEPPER. Doesn't this take a great many supervisory personnel to carry out the system?

Dr. MILLER. It takes our own staff placement people and parole agents who will supervise and make sure that the services are being

delivered, but the actual services for the most part are given by private groups, by private staff, and they are accountable to us to make sure these services are hand delivered.

Chairman PEPPER. Were those staffs already in existence or did you stimulate their origin?

Dr. MILLER. Many were in existence and many we stimulated. It is surprising when the money becomes available, when you say we are going to make money available to you to purchase care for kids, how many alternatives will develop.

In Massachusetts, we actually had more alternatives develop than we had money to purchase. There is no dearth of alternatives and if there is, if one makes a firm commitment to move from institutions, the alternatives will begin to create themselves.

I am certain, for instance, the University of Massachusetts had never thought of taking a delinquent kid into a dormitory until we were out of training schools and said we would make some money available on a per diem cost for kids in other settings and they came to us with the proposal. As I say, in most cases you are talking of an average of \$200-plus per week per kid. That is what most States are using now to treat these youngsters.

I caution the committee as they go over figures from the States to realize that most State agencies fudge their figures in this regard. I was given a figure of \$5,500 a kid in Massachusetts. But, in fact, that wasn't an honest figure. In fact, what they do is keep out capital outlay and the central administrative cost to sustain the system. They have ways of breaking that budget up so it doesn't show.

But, in fact, the cost to keep the kid in the institution in most States in this Nation at present is in excess of \$10,000 and in some States it exceeds \$20,000.

Chairman PEPPER. You have personnel in practically every sizable city or community?

Dr. MILLER. That is correct. We have regional offices in eight different regions throughout the State. This would be in Boston, Worcester, Bridgefield, North Shore, South Shore, New Bedford, and the Fall River area, so that we have some representation throughout the State, and then we have people that work out of these offices in satellite situations and on the streets.

So that we are available to the courts and to the schools and that sort of thing.

Chairman PEPPER. You can move the students around any part of the State you wish to?

Dr. MILLER. That is right.

Chairman PEPPER. If you have a suitable place for them?

Dr. MILLER. That is correct. One program is based on movement, outward bound, based on the outward bound concept, the British survival training, where the youngsters, for instance will hike from Connecticut to Vermont, through the Berkshire Mountains, through Massachusetts, and then will go across the State and do quarry climbing.

Chairman PEPPER. Suppose you had a boy, a dropout, say he dropped out about the seventh or eighth grade, he has been into some trouble, been in the juvenile court system, and he was committed to you. You first have an interview with him?

Dr. MILLER. That is right. Somebody in the department would have an interview with him and they would decide what options do we have primarily in this region for this young person who is a dropout. And that would range through contracts that we would have with various private schools, with various group homes, halfway houses, treatment centers, that have been developed. Very often developed for other people, but are willing to take juvenile delinquent kids if we are willing to pay a fee per week.

Chairman PEPPER. How much would you pay? Suppose a couple undertook to take four or five boys in their home and look after them and try to carry out your program? About how much would you pay per student?

Dr. MILLER. The foster care fee in Massachusetts is about \$25 a week. If we are talking about a very specialized foster case, say a very disturbed youngster who is going to take a great deal of time, then we have a special contract where we pay the people up to \$75 a week to provide a lot of care, where they come to group meetings together. And it is almost a job for them, a full-time job for one or another of the couple. The majority would be in homes at about \$25.

Chairman PEPPER. Would those custodians provide all of the facilities that young man would receive?

Dr. MILLER. No; they may or they may not. They would generally provide the advocacy for the youngster. They would provide something in place of parents. We might in some cases, for instance, as well make available to that foster parent some money for special schooling or special tutoring.

All of this, incidentally, all together, is substantially cheaper than the training school.

Chairman PEPPER. And on the whole you find that the new system is now less expensive than the old?

Dr. MILLER. It is much cheaper. There is no question, it is much cheaper. The problem you get into is when you have to carry the old system along with the new system, because you still have to carry the staff and the institutional budget. Then it costs more because you have to add on the new. If you can get something to absorb the old system there is no question the new system can be done much more cheaply.

Chairman PEPPER. Thank you very much.

Mr. Wiggins?

Mr. WIGGINS. Doctor, when the juvenile court system in Massachusetts refers a delinquent to the department of youth services is that referral for a fixed term or for the minority of the youth?

Dr. MILLER. It is just a commitment to the department with no fixed term and then it is up to the department to decide what happens at that point.

Mr. WIGGINS. Your authority then would be to keep the youngster in the system during the full term of his minority?

Dr. MILLER. It could be. We generally kind of frown on that. We would like to return the youngster as quickly as possible to the community, as quickly as it seems feasible. It is possible, however, we can keep him until 21.

Mr. WIGGINS. And for this purpose, age 21 is deemed to be the minority-majority breaking point?

Dr. MILLER. That is correct; although you are tried as an adult in Massachusetts at age 17. We can keep the youngster in our department, provided he doesn't commit a subsequent crime, as an adult until age 21.

Mr. WIGGINS. Does the court have any discretion at all concerning the types of treatment modality that will be employed?

Dr. MILLER. What we have tried to do in this case is build up a court liaison project where we have a representative who visits the courts regularly, and larger courts, it is there full time, and we try to develop a coordinated plan with the court previous to the commitment, so we do have some agreement regarding the possibilities for the youngster.

Mr. WIGGINS. Does the court have discretion or not in terms of what you do with the youngster after?

Dr. MILLER. No. When the youngster is sent to us it is up to the department to determine disposition. What we have tried to do administratively, is to build in an arrangement with the court whereby we work these things out together ahead of time to avoid problems in that regard. But within the law, the court does not; no.

Mr. WIGGINS. It is something in the nature of an indeterminate sentence; isn't it?

Dr. MILLER. That is correct.

Mr. WIGGINS. You, being in corrections, are mindful I am sure of the criticisms and warnings of the indeterminate sentence procedure. Is that criticism justified?

Dr. MILLER. It certainly is. And it was a dilemma for me along the way. I think the indeterminate sentence and the kind of arrangement we have in Massachusetts gave us a great deal of flexibility, initially, to bring about the reforms we wanted. It gave me the flexibility to send all of the youngsters home from the training school, so we could close them on a certain date.

However, it also gives the same sort of flexibility to someone who wants to keep someone locked up for umpteen years.

So there are built-in problems to it. I would hope eventually in Massachusetts they would develop some sort of middle-ground whereby we could set some maximums, at least, on how long the youngster would be in the care of the department. We would have to rejustify the care in court after that time.

Mr. WIGGINS. Do you have sufficient flexibility to take care of the truly dangerous youngster who may be committed at age 16, for example? Must you release him at age 21, regardless of your judgment as to his danger to the community?

Dr. MILLER. I think in that case—and I don't recall that has been an issue in any specific case as of yet—we probably would go for a commitment in terms of mental health. I think one could go that route. The youngsters that were in the department while I was there would not have reached 21 yet. They all would have been 16 in late 1969 and 1970. So that hasn't been an issue.

There were two or three that came to us that first year who are still in mental hospitals, private mental hospitals.

Mr. WIGGINS. One final question. If this committee were inclined to make recommendations in this field, would it be a valuable recommendation or not that the court have more direct input concerning the disposition of the youngsters?

Dr. MILLER. I think, given the problems in the courts and the great disparity between the courts and the way they are set up and the training of the judges, that it could present many problems unless there were some very firm guarantees. I think the idea of indeterminate sentences, for instance, particularly where sentences are to a specific institution or a specific kind of place, militates against any kind of rehabilitation, ultimately. So I think it is a double-edged sword.

It is a difficult one, but I would think it could present a lot of problems.

Mr. WIGGINS. I do, too. Thank you, Doctor.

Chairman PEPPER. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman.

Dr. Miller, you mentioned just briefly a minute ago about hiking trips and I just wondered how much of your program, percentage-wise, would incorporate variations of recreation.

Dr. MILLER. This particular program I referred to is the "homeward bound" program, and I believe we ran between 350 and 400 youngsters through it last year. It is a classic "outward bound" program. We hired an instructor trained in outward bound from Australia. I am a convert, incidentally, to this sort of thing. I didn't know, really, and I didn't believe this sort of approach had any relevance particularly to inner city delinquency. I no longer believe that. I think it has a great deal of relevance. Of what, I am not sure. The only thing I know is it seems to work well. I think it probably has to do with the self-concept and the fact the youngsters have some success at some things, where they have not had an opportunity to have these successes previously.

They will do such things as hiking, rock climbing, and quarries, sailing, swimming, all sorts of obstacle courses they run. They do it in brigades or groups of six or eight, in which everyone is responsible for everyone else. No one will fail the course if they try, because their buddies will carry them through it. They do a 3-day solo in which they survive alone on an island or mountain somewhere out by themselves, with a sleeping bag, a canteen of water, a piece of string and a match, and they make it on their own that way.

At the end of all of this they come together and return. It has been a very successful program. I think recreation in that sense is a very useful thing.

Mr. WINN. Now, the facilities that you closed, are none of those facilities in good enough condition they can be rehabilitated for uses as gymnasiums?

Dr. MILLER. That is right.

Mr. WINN. They are all bad?

Dr. MILLER. No, no. I am suggesting just what you are suggesting. Some of them were in pretty bad physical shape. Some were very old buildings. But a lot of these places would make very fine community colleges, very fine resources to the community. One of our institutions, I don't know if the negotiations are still on, but when I left, there were negotiations with the town to use it as an elementary school.

I would suggest that many of these institutions in many States would make phenomenal places for "noncaptive" groups. The problem is that when you have a captive group there, that is when one gets into the problem.

Mr. WINN. Have you tried using any of the old military bases that have been closed? Because a great many of those we found have pretty good recreational facilities, including Olympic-size swimming pools.

Dr. MILLER. That is right. I would say if there was a caveat any State ought to take in this regard, it is to beware of building. We don't need any more buildings. We don't need any more of these places. There are plenty of possibilities existing, if one can think creatively, in the community. There are plenty of existing unused facilities there.

Mr. WINN. What you are saying then is this recreational-type program really—and the expression is not true, because of the way we look at the word "day care," we think of that for little kids—is a day-care type of program?

Dr. MILLER. Exactly.

Mr. WINN. For the older juveniles, where they would be established in either their homes or community nighttime, but they would have recreational facilities, schooling—

Dr. MILLER. That is right.

Mr. LYNCH. Job training, whatever their situation might be.

Dr. MILLER. That is right. Because the average delinquent, you know, isn't delinquent all of the time. He is only delinquent at certain times in certain conditions with given people at given times. Generally, we know when those times and all are, and recreation, for instance, can be a major part of prevention.

Mr. WINN. Is nighttime higher?

Dr. MILLER. Yes.

Mr. WINN. As it is in normal crime?

Dr. MILLER. Yes. I think that is one of the reasons our program with the college students has been quite successful, is they have spent time with youngsters when they would be most likely to get in trouble, the evenings and weekends.

Mr. WINN. Do you use any of the programs we hear about nowadays, using professional athletes or well-known athletic heroes?

Dr. MILLER. Yes.

Mr. WINN. You have a hard time getting those fellows to give the time unless they are paid?

Dr. MILLER. We have a few around. We had Joe Scibelli from the Los Angeles Rams, and a few like that with us; yes.

Mr. WINN. But percentagewise, fellows making \$100,000, \$200,000, \$300,000, it is pretty hard to get them to give up a couple of hours a week?

Dr. MILLER. That is right. It is.

Mr. WINN. What has been the court reaction to your general program? Has it been basically pretty much in agreement or are there all variations of opinion?

Dr. MILLER. I wouldn't want to say it has all been an agreement. My own bias is the better courts have been in agreement. I think there was some upset along the way. Many judges were used to banging the gavel and not seeing the youngster for quite awhile. They were upset when he was back in the community that quickly. They were in many ways using the training school and had to be reeducated to the new programs.

However, many of the judges, particularly, I think, the chief justice of the lower courts who hear most of our cases, Judge Flashner, were in agreement with what we were doing and saw it as a useful thing. I

think the judges have come along, particularly through our court liaison project.

Judge Linihan from south Boston, who has been the judge there for many years and certainly is quite a conservative judge by most measures, told us this fall he was extremely happy with the program for youngsters in south Boston and this was one of the better programs he had seen in his 15 or 20 years on the bench.

Mr. WINN. Did you have any kind of liaison meetings or community meetings with the courts as a group, or did you have to do this individually?

Dr. MILLER. We did both, Mr. Winn. We met both individually and in groups. I think both were useful, although ultimately I think the individual meeting turned out to be the best, the court liaison project where we could meet individually around specific cases.

I went around through a number of courts myself and met with judges as we made these moves and tried to allay fears about them. But I would say most courts now would be in agreement with what we are doing. There would be some exceptions.

Mr. WINN. Did you have meetings with the communities?

Dr. MILLER. Yes.

Mr. WINN. And with the community leaders so you could get the community support and acceptance?

Dr. MILLER. Right. Meetings with the community were crucial to this. I would guess in my 3½ years in Massachusetts, I made at least three to four speeches to community groups a week regularly, and our staff was out regularly. This was crucial to it. There is no way one can bring about that sort of move we made in Massachusetts without community support. When we got into some crises around the moves, the community was there to support us. We met, for instance, with the League of Women Voters everywhere in the State, the Council of Churches, and different sorts of groups.

Mr. WINN. To make another arm of it, because we found, in the last week particularly, that those who had good records as far as prevention of crime, had good relations with the police departments, had not only good relations with the community, but with the press. And how did you set up your relationship with the press and what was their reaction to your program?

Dr. MILLER. I feel we did very well with the press. I think that the reason we did is that we were completely open and honest with the press. We didn't hide problems at any time. In fact, we tended to share them in advance, so we could at least get a chance to explain what we were talking about. At all times, we had a very open policy to the press. We made it clear at the beginning, for instance, in changing the institutions, there would be no institution or no room in an institution or no building in an institution that would not be accessible to the press at any time, at any hour of the day or night.

I think that helped. It helped us to expose some of our own problems and showed the need for change. But I think the amount of press support we had for the reform was very encouraging and very helpful.

Mr. WINN. Did they support editorially?

Dr. MILLER. Yes; particularly the Boston Globe was very, very helpful. We got a great deal of editorial support around the State for the moves we made.

Mr. WINN. Thank you very much.

Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Sandman.

Mr. SANDMAN. What do you do with a boy who doesn't work out in your program?

Dr. MILLER. Well, Mr. Sandman, what we do, we try again and again, but we have more options to try him in this time. There is no question a large percentage will not work out. It is just that we feel more will work out than in the old system.

Mr. SANDMAN. Let me isolate this.

Dr. MILLER. OK.

Mr. SANDMAN. As I understand what you said—and I hope it works—you said you have done away with all of the institutions for juveniles in Massachusetts. My question to you is this: For the boy I am talking about, a big boy, between 16 and 20, let's say, you have gone the full gamut of trying to help him. He does something bad while somebody is trying to do something nice for him. OK. What do you do for the boy the day he does that? What happens to him?

Dr. MILLER. When I say we closed all institutions, we closed all of our large training schools. We do have the capacity for a couple of small locked settings for youngsters such as this that might need controls for a period of time until we get hold of the situation.

We also have contractual arrangements with private psychiatric hospitals which have the same capacity. Every private psychiatric hospital I am aware of—Chestnut Lodge, McClean, Menninger's, you name them—all have the capacity on the grounds for a quite secure, locked facility, with good control. So for that sort of youngster we would have that capacity.

It is just that we wouldn't necessarily mean we would keep him in a long time.

Mr. SANDMAN. But my thinking is that you have to have some kind of institution for that kind of an individual.

Dr. MILLER. I think we need some sort of locked facility. But I don't think this necessarily needs to be a large institution.

Mr. SANDMAN. Regardless of the size. I was only talking of just following through your theory. Having had some extensive experience with these kinds of boys it seems to me that you always have to have some sort of threat of what can happen to you if you are not a good boy. Don't you agree with that?

Dr. MILLER. Not exactly. I think you may have to have the possibility of a locked setting. I am not at all sure the threat in these cases motivates much. One of the groups, for instance, that objected, when we closed training schools, was the private treatment facilities which were used to motivating kids to stay in them, to say, "If you don't make it here, you are going off to the training school," and they were concerned they wouldn't keep their population. In fact, that didn't occur when we got out of the training school.

I think one does have to have the capacity to lock someone up. There is no question of that. It is a matter of devising a system that allows one to choose these options, and I think you find that the vast bulk of kids that are presently institutionalized don't need to be in that sort of facility.

There are some dangerous youngsters, but even those could be in small, closed facilities that are not institutional.

Mr. SANDMAN. I have never known a judge that felt like this kid ought to go away; have you?

Dr. MILLER. No; but I think when they say, "the last resort," they don't realize there are many options before that last resort, because the judges have not had the funding available to their courts to provide the options. What it has been is a matter of a series of warnings, the possibility of some probation, maybe voluntary counseling through a local social agency that the judge might have a relationship with. But they have very few options available.

The last resort is the option they use when the other options don't work, and as a last resort the kid goes to the training school.

We like to say to the judges that we could spend some of the moneys we are spending on training schools to provide you with other options as well. So the last resort thing won't have to come into play quite so early.

Mr. SANDMAN. How about the boy who commits a common law crime, a crime other than violence? Does he come under your system?

Dr. MILLER. Yes, he does.

Mr. SANDMAN. One other question: The boy who has had a long string of scrapes with the law. In our State, for example, it is almost a rule of thumb that a juvenile comes before the court at least three times before anything happens like sending him to any school.

Dr. MILLER. That is true.

Mr. SANDMAN. And he is always—it is a matter I have always heard in private—given every break you can give him. Finally, when they are so discouraged, the parents can't do anything with them, and he has committed a common law crime, then for that reason he doesn't get this kind of treatment any more and he is then in the institutional system you refer to.

Mr. SANDMAN. OK. Then let's assume we are talking about that kind of boy. I am in accord with your thinking; I am not disagreeing with you just because I am asking the question. I think you can handle them better the way you are talking about. But let's assume this boy, in addition to doing this also, has a long record of narcotics use.

Now, under your system, do you segregate that boy from the other boys?

Dr. MILLER. Under our system we have much more capacity to do that if we wish to, in a specific case, because we are using probably 200 or 300 different settings in the State. So we do have much more option than just six or seven training schools.

So that we would have that capacity, yes; if that seemed indicated and it would depend on the specifics of the case. We do have arrangements with a lot of self-help concept housing drug treatment programs. We could use those options. We have a lot of other options that would be available. So what I am suggesting is that our system, as we are developing it and I hope it will continue to develop, legally provides a wider spectrum of options so that you have much more flexibility to work these problems through before one talks of long-term institutionalization.

I think even for those who have to be locked up it need not be in an institution, a large institution. I think you can talk about small, closed facilities for less than 25 people.

Mr. SANDMAN. Is it fair to say you believe those that are narcotics users should be placed in with other youngsters who are not?

Dr. MILLER. I couldn't say that as a rule. It would depend on the person.

Mr. SANDMAN. Don't you believe they would be highly dangerous among the youngsters who never used narcotic drugs?

Dr. MILLER. They could be; yes. It would really depend on the individual case. I would say as a general rule I would tend to agree with you, but I would hate to get held hard and fast to it with a 15- or 16-year-old. It would depend on how much a user; whether he is truly an addict or not; what he is using; that sort of thing.

Chairman PEPPER. What Federal aid is now available to the States to carry out programs as you have in Massachusetts, and what Federal aid would be desirable for that purpose?

Dr. MILLER. Our program in Massachusetts really got off the ground through the use of Federal aid; primarily, the Law Enforcement Assistance Administration.

Chairman PEPPER. How much?

Dr. MILLER. Our first year, I believe it was around \$2 million. I am just not sure now. We use that as a flexibility. When I came in we had very little money to buy care with. All of our money was tied up in staff and institutions, and we used those Federal funds to break out of the system. I note the report by the urban coalition, that was fairly negative of LEAA, pointed to our program in Massachusetts as one of the few positive uses they saw of the money and we were flattered they found it that way.

However, I think there were other sources of money. Florida, I understand, has used a great deal of title IV-A funding in the program Oliver Keller has developed down there. Massachusetts was late in getting into title IV-A, and I think Mr. DeMuro will speak to that. I believe we will be receiving some title IV-A funding in addition to some more LEAA funding. Ultimately, I would hope, there would be some move in the direction of Senator Bayh's bill, which would provide funding to develop alternatives to institutions, or other similar legislation.

Because, ultimately, it will be a great deal cheaper. I realize that Congress must get tired of people coming in and saying, if we had prevention programs, or if we could have this or that treatment program, it is going to cost less, and they find 10 years later it is costing triple as much.

Chairman PEPPER. You would need Federal aid to break out of the old system into the new?

Dr. MILLER. That is correct. But I think, therefore, whatever legislation is written should include in it some firm guarantees that the States ensure they get out of the old system. Otherwise, what they will do is develop a so-called preventive program in the community, but let the old system stand and then it has precisely the opposite effect one would intend.

They will throw a wider net out and bring in more delinquents, if you will.

Chairman PEPPER. Would it be desirable or necessary, in your opinion, because of maintenance of those programs, for the Federal Government to contribute to their operation?

Dr. MILLER. I think it would be helpful; yes, sir.

Chairman PEPPER. What percentage of the cost of a State program should the Federal Government, in your opinion, pay?

Dr. MILLER. Well, it would depend on what kind of commitment the Federal Government wants to make. If you are talking about commitments through revenue sharing, I think a department such as ours should get some of that. If you are talking about continuing title IV-A funding, for instance, at the present ceiling put in by the Congress, I think that would be adequate to help most States, if they made a commitment in the area subsequently to move out of these institutions. I do not think in the long run the Federal Government would have to sustain these programs. I think the States have enough money to sustain them if they can get out from under their present programs, which are very, very expensive, and it would seem to me the best use of Federal funds would be to help the States move from their present programs to new programs.

Chairman PEPPER. We are running a little late. Mr. Lynch, would you ask the next two witnesses to come up. We will hear them together.

Mr. SANDMAN. Mr. Chairman, one other question.

Under your program, do you have any kind of work program involved?

Dr. MILLER. Yes. We have arrangements with the Urban—I don't remember—the Urban Corps. We have work programs that way. We hire a number of our youngsters, have a relationship with the division of employment.

Mr. SANDMAN. If the kid comes from a bad environment, for example, under your program in the summertime, let's assume, do you place him on a farm somewhere, where they would have to pay him?

Dr. MILLER. We might. We do have, as one of our options, helping a youngster to find a job, or helping an arrangement through jobs.

Mr. SANDMAN. Do you have any objection toward that?

Dr. MILLER. No. For a time, for instance, with our purchase-of-care money, we funded our own job corps slot. We paid an employer to hire youngsters and paid part of his salary out of State funds. It was still cheaper than institutionalizing.

Mr. SANDMAN. Have any of the other States followed your pattern in Massachusetts?

Dr. MILLER. I think most States would say they want to move in that direction, but maybe not in the same way.

Mr. SANDMAN. They haven't, though?

Dr. MILLER. No one has done it that way; no. We would like to commend ourselves to them and hope they do it that way.

Chairman PEPPER. Dr. Miller, we thank you very much. It was a very splendid presentation. We certainly hope that your imitators will be numerous in pursuit.

Mr. LYNCH. Dr. Miller, if you don't have other plans, I wonder if you could stay seated at the witness table.

Mr. Chairman, I think Dr. Miller has given us a good foundation in understanding what Massachusetts has done. We are fortunate this morning to also have with us Mr. Paul DeMuro, who is the assistant commissioner of after care of the Massachusetts Department of Family Services. Mr. DeMuro will comment on the most recent developments in the Massachusetts' system, as described by Dr. Miller.

We also have Prof. Lloyd Ohlin, who is currently director of Harvard University's Institute on Criminal Justice. Professor Ohlin was associate director of the President's Commission on Law Enforcement and Administration of Justice. He also served as a special assistant for juvenile delinquency to the Secretary of the Department of Health, Education, and Welfare, and he was the supervising research sociologist of the Illinois Parole Board.

Mr. DeMuro, I wonder if you could give us your opening remarks and that perhaps could be followed by Professor Ohlin's summary of his rather extensive prepared statement.

Statement of Paul DeMuro

MR. DEMURO. Thank you. I think there is no need to go into a lot of detail because Dr. Miller hit the major points. There were a couple of commentaries I had. Dr. Miller generally stimulates my thinking.

One of the things we have to be aware in developing these alternatives is that we not only hook into the professional bag in the community. I know we had a great success with the YMCA, the boys' club, street programs, churches, the institute of contemporary art, people who are involved in activity they see as meaningful.

We catch up a youngster in the same kind of activity. I think frequently social workers tend to look at the community and think we have to go to more traditionally established agencies. There is nothing wrong with the established agency or the professional itself. I think we have to look to where the client is, where his interest is, who best represents that interest in the community, and what are those resources worth developing.

Particularly, I think this is the case with such federally funded programs as the neighborhood youth corps and OEO and CAP agencies that seem threatened now.

Dr. Miller mentioned at the end of his statement that we buy into the neighborhood youth corps. We have over 500 youths working with community groups, subsidized through State and Federal funds. If the Federal moneys aren't there to maintain those programs, an awful lot of what we have already done will go down the drain.

Some statistics as of last month. We had 683 kids in group care, the kind of group homes Dr. Miller described; 241 in foster care; and over 800 nonresidential service slots, being jobs, counseling, alternative schools, et cetera. This total caseload of the department is close to 3,000, which represents three times what was normally held before Dr. Miller came to Massachusetts.

Such a delivery system, as Dr. Miller says, costs less per youth than institutional settings. However, I must say that like most agencies we are in a tight fiscal squeeze. We have had difficulty transferring institutional accounts into the purchase of service accounts, and I think this is a key when other States look at what we have done. They have to have the flexibility of getting out of operating boiler rooms and large cafeterias and 1,000-acre plants and get that money into a service account, which can buy counseling and buy job training.

Moreover, as we developed better and more community-oriented programs, our image began to change from the State's youth authority to a service agency. And this is the key. The kid comes to us for a

service, be it counseling or vocational training. We become, then, a referral agency for a larger group of kids, not kids just necessarily labeled delinquents.

I would stress that there should be some mechanism, hopefully, if the Federal cuts do come to OEO, that our kind of clients, and that is generally the poor, neglected urban kid, gets tapped into revenue sharing. I have some doubt when revenue sharing comes to the large city that the cities will use it; it will go to lower the cost of real estate or traditional education. Our client, the street kid, poor kid, unemployed family, will not be able to tap in directly to revenue sharing.

I think it is incumbent upon all of us in Government to make sure revenue sharing works for the people on the outside.

I don't think we can look at Massachusetts and suggest we have all of the answers. We have, and we will continue to have, difficulties, and I think some of your questions hit on some of those difficulties. Just because a person works for a private agency, let's say the YMCA, doesn't necessarily make him a better youth worker.

There are as many untalented, fake, and corrupt people outside of State government as there are within. However, with the private sector—and this is the real key issue—one can cancel a contract or change the program to reflect the client's need or redirect moneys and programs to those most in need without fighting the frustrating bureaucracy of State government, replete with civil service protection and patronage.

There is no doubt that is the key, the ability to move money to kids and programs to that kid's need without having to close down 1,000 State employees.

Also, we need to develop more intensive-care-based smaller units which have the capability of locking the youngster up, 8 to 10 youth, staffed by the best medical and psychiatric talent available. Such programs will be costly for the damaged kid, and I am convinced, after 3 years in the field, the percentage of such kids is small. They deserve no less.

When we began changing the system in Massachusetts close to 80 percent of our youth graduated to adult corrections. Recent statistical studies on particular programs, our forestry program, suggest some dramatic results, but I will leave the studies to academia.

Chairman PEPPER. Will you go back to that figure of 80 percent you used. What was that?

Mr. DEMURO. When we first got into it in Massachusetts, 75 to 80 percent of the kids coming out of our system wound up in adult corrections.

Chairman PEPPER. The reason I was interested to get that is I have heard from various juvenile court judges the figure of 50 percent, but you said 75 to 80 percent.

Mr. DEMURO. In our State; that is correct.

Chairman PEPPER. Very good.

Mr. DEMURO. Recent studies on particular programs suggest some dramatic results, but I will leave the study to academia, and also this afternoon invite you to question five youngsters we brought along with us. We all felt the old system was a failure.

The system we are developing in Massachusetts has to be more successful than that for it is based on meeting a youth's needs on an

individual basis, seeing him as a unique personality with his own strength as well as weaknesses, and working with him to develop an appropriate treatment plan that is designed for him and not considering him a candidate for a wooden, numbered bench in a detention cottage.

And I think that is the key to it. The youth service agency sees itself as a defender or advocate for the kid, sees justice must be served, what are you looking at when the kid comes to the system, and I think that is why Dr. Miller was really successful more than anything else.

We saw a kid and what his needs were and tried to meet them.

Thank you.

[Mr. DeMuro's prepared statement will appear at the end of the testimony of this panel of witnesses.]

Mr. LYNCH. Mr. Chairman, Professor Ohlin will describe what his institution is doing to study the program, then we can direct questions to all three witnesses.

Chairman PEPPER. Professor Ohlin.

Statement of Lloyd Ohlin

Mr. OHLIN. Mr. Chairman, I appreciate the opportunity to appear before the committee to talk about the research and evaluation studies we have been undertaking with the Department of Youth Services in Massachusetts.

I am research director of the Center for Criminal Justice, Harvard Law School, and we have been following the development of the reform program for youth in Massachusetts since Dr. Miller's arrival in November 1969, and, in fact, even prior to that, following the passage of the legislation creating the new department and the mandate for reform, which he has implemented in Massachusetts.

At the outset I would like to say that I think Massachusetts is ahead of most States, but many other States are moving in the same direction. The basic theme in youth services in the United States is diversion of youth from institutions to other kinds of treatment settings, deinstitutionalization; that is, winding down the large institutions or closing them, as is happening in Massachusetts.

I think I can be quite brief. Since you do have my prepared statement, I would like to summarize it and add a couple of things that are not in there.

Chairman PEPPER. We are anxious to hear it.

Mr. OHLIN. The second major trend is the enrichment of service alternatives. One of the problems with our juvenile justice system is the lack of adequate alternatives and options for youth dealt with by the courts probation services, yet this is one thing a State system of corrections can provide with its broader jurisdiction, greater and more flexible resources.

Most States are now emphasizing community-based services rather than services far removed from the community, mostly in rural areas. As Dr. Miller indicated, he came into Massachusetts with the idea of trying to organize within the institutions a more therapeutic climate; that is, treatment cottages that could be more effective than they were before.

His first steps were to create decentralized cottage units in all of the institutions, and our studies indicate he was quite successful in this.

We studied 10 cottages to compare the old custodial system of running those cottages with the newer therapeutic cottages. Our results indicate they are really successful. The response of youth to those cottages, and the staff as well, created a very different kind of climate even within the old institutional settings.

However, it was also clear these new cottages could not be created fast enough. Older staff locked in by the civil service system were not equipped to run these types of cottages effectively and the budget was too restrictive to permit the hiring of new staff to do it.

Dr. Miller then evolved the policy of moving these cottages out into the community as group homes.

As he indicated, we did a study of the group home problem. We studied three group homes that succeeded and three that failed in an effort to identify what forms of resistance developed to community group homes, and how these might be successfully overcome. Though I will not go into this now, we did identify a number of basic conditions which either have to be created or must exist for group homes to be successful in local neighborhoods.

At the present time, there still are a number of problems that have to be solved in order to consolidate the gains in reforms which have been undertaken in Massachusetts. It was necessary to set up a regional structure, which did not exist when Dr. Miller came to that department, in order to supervise and develop community-based treatment alternatives. This regionalization structure is still being developed to make it more effective.

There is a need to provide some type of facilities for dangerous and disturbed offenders. Dr. Miller has just spoken about that at some length. There exists one institutional facility at the present time and there are plans to develop two other small public facilities housing less than 20 youths each.

The detention program has also been changed. No mention has been made of that here as yet. The policy has been to create shelter homes in place of the large detention centers which existed when Dr. Miller came. That program is going ahead rather rapidly, and I think well. The small shelter care arrangement seems to work much better than the large detention centers.

Chairman PEPPER. What sort of facility is that, Professor?

Mr. OHLIN. The shelter center is similar to a small group home, housing 8 to 10 boys or girls. It is used to service the court, to hold youngsters until they are disposed of by the court.

The department has also developed an effective court liaison operation. This involves allocating part of their staff to work in the court with the probation personnel and judges, identifying cases that are likely to come to the department, working out referral arrangements, if possible, or diverting them to other alternatives so they don't have to go through the entire juvenile justice process.

There are two other points I would like to make.

Chairman PEPPER. Excuse me just a minute. You mean before, when a lad was engaged in some sort of delinquency, before he was formally brought before the court some system of referral was worked out?

Mr. OHLIN. Yes. The department has been working out arrangements with the court where, prior to adjudication, the court and de-

partment agree on a voluntary referral to some type of treatment service.

Chairman PEPPER. But after the court had obtained jurisdiction?

Mr. OHLIN. Yes. The court has jurisdiction, but the case has not yet been adjudicated.

Chairman PEPPER. But there had been some sort of complaint; the youngster had in some way been formally brought before the court?

Mr. OHLIN. That is true; yes.

The department in recent months has accepted quite a large number of these referrals. It creates a situation where a youngster doesn't get a delinquency record, but yet gets the treatment that the court and the department feel would be useful for him.

It is obvious that if used too much it would be harmful. It could sweep into the department's jurisdiction many youths that are now simply warned and referred back home, or to other services in the community.

With the new purchase of service program generating competitive arrangements among private agencies, the big need now is for quality control. The department has to develop some means to insure that high quality services are being given to youths. It must decide what types of services should be continued and whether alternative services should be tried. This type of quality control program is now being developed and is essential where widely dispersed services of this kind are under contract to private agencies.

Finally, the department is wrestling with the problem of personnel development and training. Massachusetts, I guess, is not unlike many other States, since its civil service system is very strong. It provides a great deal of security and most of the staff have been there for many years. They are used to the old system and find it hard to fit into the new services which are being developed.

This is one of the major stumbling blocks to consolidation of the new programs.

So, as Dr. Miller says, we really have in Massachusetts now both systems to some extent. The old institutional system exists as an empty facade of the past, but staff are still assigned there. There is still the danger some of those institutions might be reopened. They are now beginning to be used by other departments in the State. But that danger still exists.

In conclusion, I think the Massachusetts experience clearly documents we overincarcerate kids in the United States. We rely too much on formal institutional treatment for youth. This has been a destructive policy in the past. Dr. Miller became thoroughly convinced that it was only by closing these institutions and forcing the development of new community alternatives that real progress could be achieved.

In some cases, I gather, the pace of the reform was so quick that the needs developed before the funds were there. Part of the problem in Massachusetts is to have the funding catch up with where the programs are.

That is one major strain which still exists in the program and it is a serious problem, particularly where new private agencies arise to meet this demand without adequate funding reserves to carry them over the transition period. This is where Federal funds were so enormously helpful to Massachusetts. They were flexible funds, that could

be adapted to build up the new services and take the department through a transition period during which the old services could be completely closed down and the money diverted to the new ones.

Perhaps that is all I should say in the way of opening remarks.

[Professor Ohlin's prepared statement appears following the testimony of this panel.]

Chairman PEPPER. Professor Ohlin, I suppose that we as a society in this country never have quite made up our minds just why we incarcerate people. I suspect that we do so as a carryover of the old concept of retribution, punishment.

A young man here in the city of Washington, a few years ago, 17 years old, robbed, raped, and killed an elderly lady. What do you do with a boy like that? He is of an age where he is supposed to know the difference between right and wrong. He had committed a horrible crime. What do you do with him?

One or more teenagers were responsible for shooting Senator Stennis here in front of his home recently. Senator Stennis told me that the fellow who shot him was just as cool and calm when he shot him as if he did that every day. A man's life was almost taken, a man has been confined in a hospital for many months, suffering great pain and anguish. What do you do with a young man who does something like that?

It is hard to get out of our minds that people ought not to suffer for committing a heinous crime. On the other hand, that crime has already been committed by the time it comes to public attention. I suppose the primary consideration for society after that is to keep him from committing another crime, and what we should do is probably try to use the techniques that are most likely to prevent the repetition of that crime, in which case we should put the emphasis on rehabilitation rather than punishment.

What should we do with juveniles or adults, who commit crimes?

Mr. OHLIN. The feeling you refer to that simple justice requires the meting out of punishment for especially heinous crimes is widespread. It is fundamental to the whole system of justice. That system is designed to mete out sanctions in the form of punishment, and is necessary to give people a sense of security in the laws and their administration and to encourage respect for them.

I don't think we will ever get away from that concept. The law is designed to administer punishments, and we can set up a correctional system that will handle difficult cases appropriately. Confinement, in either adult or juvenile institutions, is clearly punishment in itself. It has high visibility and I think serves the ends of justice.

But punishment by itself will not provide the public safety that we are after. We must back it up with intensive services, supervision, and treatment. In the end we will be safer if we lend our support and resources to building that kind of a system.

I don't think that we are yet in a position, as a country, to make a choice between punishment and treatment alternatives. We have to live with a system that tries to administer them both. But we would like to make the rehabilitation or treatment side far more effective than it has been in the past.

Chairman PEPPER. Would you apply to the adult correctional system the same general principles that govern this program we have been talking about here today?

Mr. OHLIN. Yes, I would. We are actually trying to move in that direction in Massachusetts with the adult system. I think that that system will probably not move as fast. We can't close down the adult institutions with as much speed as was done in the juvenile system, in part because we have the graduates of the former juvenile system. There are some very dangerous offenders in the adult system who will require secure facilities.

However, we also tend to overconfine adult offenders. We too often use confinement where other measures would work better. Partly because we haven't, again, developed other alternatives for the adults, any more than we have for juvenile delinquents.

The history of correctional reform has shown that changes tend to come first in the juvenile system and then are passed on to the adult system. I suspect that will be true of these newer policies which are now being tested in Massachusetts and elsewhere in the country.

Chairman PEPPER. Thank you, Mr. Ohlin.

Mr. LYNCH. Professor Ohlin, you have very substantial, to say the least, credentials in the juvenile field and also a reputation as a scholar. As a scholar and student of this field would you feel comfortable in recommending to other States that they at this time replicate the Massachusetts correction experience insofar as it applies to juveniles?

Mr. OHLIN. Yes, I would. I feel that all of the States in the country go much further in the direction of the Massachusetts experiment than they have. It may be true that in some other States there exists a higher proportion of dangerous and disturbed youngsters that one may have to keep in small institutional facilities, of the type Dr. Miller has described, than is true in Massachusetts. But I think our results show that the Massachusetts experiment has been a successful one, that it does offer a new pattern of correctional services for youth that is more effective and less costly than the alternatives we have now.

Mr. LYNCH. How long will we have to track people who are graduates of the new system before a firm judgment can be made as to its efficacy?

Mr. OHLIN. We have that tracking program underway now. The big question we would like to be able to answer is, Has Massachusetts succeeded in cutting out a generation of recruits to the adult system?

If that turns out to be true it seems to me that that evidence will be compelling for other States.

Now, the time needed to determine whether or not that happens and in what measure it happens will require another 2 or 3 years. We have to allow enough time for the youngsters who have been through the new juvenile system to reach adult age and then see to what extent their criminality continues or whether instead they turn into law-abiding pursuits.

It takes a followup period of roughly 3 years to get a firm answer to that question. We will, of course, get some results sooner than that. For example, we already have some preliminary results on recidivism 11 months after treatment which show that the new system for the small group we followed is working about twice as well as the old one. But these results are still fragmentary and for an unrepresentative small group of cases, so that I would not now offer them to you as firm evidence of either success or failure.

However, the observations of DYS staff and our own research people, have given us a feeling, let's say a sound hunch, that the final figures will, in fact, show substantial improvements over the recidivism rates—as measured by new court appearances—of the old institutions.

Mr. LYNCH. Mr. DeMuro, in operating a program of this nature, whether using private or civil servants, it would seem to me, because of the things you are trying to do, you would really need more committed, more highly skilled, and better trained people. How do you recruit? What do you look for?

Mr. DEMURO. In staffing?

Mr. LYNCH. Yes.

Mr. DEMURO. I take issue with your question on one point. That is, simply, the number of people who worked in the institutions would have very good reasons to help kids. The motivation to work with juveniles, regardless of age or training, I think is the key. A number of people in the institutional settings have moved into the communities, albeit there was trauma at the beginning, some fear, but I think the department can insist, in terms of training, support, as they move from really secluded institutional models for themselves to models in the community.

Regardless of age or professional training, what I look for is this rapport and feeling for youngsters caught in the system, the ability to see that youngster as an individual rather than a category. For them, certainly, we need better and more trained people, say, psychologists —

Mr. LYNCH. What kind of training programs do you have now?

Mr. DEMURO. Right now we attempt to get as many of our staff as possible hooked up in universities in the area. We have a rather substantial arrangement with the University of Massachusetts where students who are in professional degree programs there are truly volunteers or part-time workers for our department, and our department has people going toward advanced degrees at the University of Massachusetts.

We are attempting to develop other kinds of hookups with traditional universities throughout the Commonwealth.

Dr. Ohlin talked about the evaluations. This monitoring of delivery systems: I would like to see this really thrown to the universities, as well as evaluating of our programs and upgrading of our staff in those programs. It would be kind of a cooperative venture in each of our regions of the major university to take on the training of our staff as well as evaluating the ongoing programs. The university serves as a nice focus for a lot of committed professionals, pool of manpower, to get involved in things like this.

But we too often think because someone worked at the institution that he then can't work in the community.

Mr. LYNCH. I did not mean to imply that. I am pleased at your response. I wonder if you could tell us if Professor Ohlin's charge includes an evaluation of staff performance?

Mr. DEMURO. I will let Professor Ohlin speak to that.

Mr. OHLIN. We have tried to distinguish two types of evaluation problems here. One is an operational everyday need, since an administrator needs to know where his kids are, what types of programs they are in, how those programs are working, and how effective his staff

is in relating to youth. We have been working with the department to try to get that built into the department as an ongoing responsibility of the commissioner and his aides; that is, a special unit for that purpose.

We have our own resources committed more to the long-range evaluation problem. We have studied some immediate problems of the department to suggest policy alternatives. But, basically, we see our long-range evaluation as feeding back data into the evaluation of general policies rather than the specific performance of particular offenders, staff members, or individual programs.

Mr. LYNCH. Mr. DeMuro, Dr. Miller indicated earlier that he experienced less public antipathy toward this changeover than he had originally thought would take place. What is the situation in that regard now? What kind of public support do you have?

Mr. DEMURO. I think under Acting Commissioner Levey, we built on that initial support, particularly as we moved to answer the need for the more disturbed youngster to help him in small intensive-care units that had to be opened in the up-coming months. Mr. Levey is out continually talking to groups. We have maintained the same open access to both the press and the community. We welcome that.

With Secretary Goldmak we are developing regional area councils of private citizens who actually sit with the professional social workers and social service agencies developing a formula and policy for the expanding of funds. I think we see more of this in Massachusetts.

Mr. LYNCH. Dr. Miller also indicated, I think, in an anecdote over the recital of a crime that had been committed by someone who had been in jail for 3 years for killing a police officer and Dr. Miller said that he received no inquiries regarding that incident. Have you, since this program has been operating, had juveniles in group homes or community-based services who have gone out and committed relative heinous crimes?

Mr. DEMURO. We recently had an incident.

Mr. LYNCH. How have you handled those? Has there been a public outcry?

Mr. DEMURO. There has been no outcry. It has been honest inquiry. We had a young fellow run from a camp, shelter camp, stolen car. Unfortunately, he had an accident. There was an explosion, the gas tank exploded. There were a number of inquiries about that particular incident and we were glad to talk to people about why that particular 13-year-old boy was not held in jail; why he was at the camp.

Mr. LYNCH. For what offense had he been committed to you?

Mr. DEMURO. Driving without a license. A motor vehicle offense initially got him into trouble. But he just turned 13. It was quite workable in the eyes of our counselors at our intake procedure and that is why he was being detained at a shelter-care facility, this YMCA camp.

You can never replace that particular life or get back to that family what was taken from them in that awful accident, or whether the right decision was made in holding that particular youngster at a YMCA camp rather than locked in jail.

Mr. LYNCH. There was a fatality involved?

Mr. DEMURO. Yes, there was.

Mr. LYNCH. Not to the boy driving?

Mr. DEMURO. He was seriously hurt and was in the hospital.

Mr. LYNCH. Has he been released from the hospital yet?

Mr. DEMURO. Not to my knowledge.

Mr. LYNCH. What will you do with him when he is released?

Mr. DEMURO. I would see this youngster being a candidate really, not for a locked intensive-care thing—he has a behavior problem of running—I would see him in a small group home, intensive psychiatric work, like the Liberty House Associates, a number of intense group home experiences up in Maine, where you are talking about professional staff with him 24 hours a day, 7 days a week trying to work on his impulsiveness.

Mr. LYNCH. Some kind of control that will reasonably assure he doesn't run out and get his hands on another automobile?

Mr. DEMURO. That is it.

Mr. LYNCH. Mr. Chairman, I have no further questions. I believe Mr. McDonald has several.

Chairman PEPPER. Mr. McDonald, will you proceed.

Mr. McDONALD. Thank you, Mr. Chairman.

I would like to direct this to Mr. DeMuro, and perhaps Professor Ohlin can answer it also. The critics of the Massachusetts experiment have said, in effect, that the system was fine under Dr. Miller, and under Acting Commissioner Levey, it works fine for the youth that it deals with, but there is at least a portion bound over to adult courts, kids that just are too difficult for youth services to handle. They are being taken away from youth services and bound over to adult court; children under 17 are being sent to the adult prisons. Can you comment on this?

Mr. DEMURO. Yes. There are two important issues here. One is we tend to think about this experiment as before and after. We had 1,000 kids trapped in a system. Dr. Miller recalls at Bridgewater that 75 kids went into alternatives. There are some heavy offenders, tougher kids, trapped in the system whom we haven't been as successful with as perhaps we might; or the alternatives haven't been successful.

However, I think the whole issue is really a smoke issue. Last week we had 14 youths in the State of Massachusetts being held currently. We did a study about a month ago to find out how many kids were in the adult correction vis-a-vis 5 years ago, and we found it was two kids more; 27 to 25, 1965 to 1972.

This doesn't seem to be an alarming increase. No one likes to see a juvenile go adult. There is, however, another side of the coin. When a juvenile does go adult he generally gets a much better trial than in our district courts. We have 69 district courts in our State and there is a tremendous variety of talents and degree of differences. So I think that although it is true some kids are being bound over: One, they are still in the process of change, particularly the older delinquent who perhaps was 14 three years ago and is now 17, can we count him as part of that population to judge the system; and, second, according to my statistics and the research my staff is doing, there aren't that many more, really.

Mr. OHLIN. We have tried to check into that because it is a very important issue. When judges feel they have been denied institutions to hold youth they believe should be confined and away from the community, the obvious option is to turn to the adult system. I agree with

Mr. DeMuro, that resort to such an alternative has been greatly exaggerated.

To the extent we can follow boundover cases, which is very difficult in Massachusetts because of inadequate records, they were coming largely from two courts where some increase has occurred. However, for the State as a whole, the increase in the last couple of years has simply brought the figure on boundover cases back to where it was 5 or 6 years ago.

Mr. McDONALD. Mr. DeMuro, there has been a lot of talk this morning about maximum detention centers. I understand you have the Andros project in Boston?

Mr. DEMURO. That is right.

Mr. McDONALD. Your main security facility in Boston.

Mr. DEMURO. That is right.

Mr. McDONALD. Again, criticisms I have heard of Andros have been it is nothing more than just like an old institution, the kids being locked up there without too much psychiatric care. Is there any difference between Andros today and the old detention centers?

Mr. DEMURO. I think one of the reasons for this criticism is Andros happens to be, unfortunately I believe, located in our old facilities. It is tremendously expensive to build small intensive-care units and we therefore had to remodel or rebuild some of our older places. Andros is very much different than anything we have had in the past, for a number of reasons.

One, it is on purchase of service contract, namely, with the Boston Mental Hospital Associates, a number of qualified psychiatric talents who actually run the program. There are certain contractual obligations we have built into their contract: A limited number of kids in programs, the number of hours of treatment, reports.

Second, Andros, as a major staff component, has tapped in a number of former graduates of the adult systems, exconvicts, who are under a constant training program by the Boston Mental Health, who have brought to that program an advocacy for the individual client that I really find refreshing, and an ability to relate to a client in the sense, "Hey, we know where you are going because we came from there."

The fellows involved there, it grew out of a peaceful movement committee, were incarcerated during the Attica riots, pulled themselves together in the peaceful movement committee and, subsequent to their release, came to our department looking to get involved. Although perhaps some of them lack professional training, not many degrees, there is an awareness on an actual level where our kids are coming from, coupled with the Boston Mental Health Associates professionalism, makes that program something unique. I haven't seen it duplicated.

For those two reasons, granted, I would like to see Andros taken apart and a small, 6-bed Andros for each one of those regions I sit on, and not 35 kids together. That doesn't make sense. There is the issue.

Mr. McDONALD. Can you comment on Roslindale? Is that still primarily a detention center?

Mr. DEMURO. The facility on the second floor is where Andros itself is housed. The third floor of Roslindale is detention awaiting adjudication in the court. Although we have been successful in opening up

camps and shelter-care programs it still serves as a secure detention site for close to 50 courts, the Cape area, through route 128, the geography of it, and because of that, the influx on a given weekend of numbers of youths coming in and out. It is not community based.

It is not one police department, it is over 30.

I would like for Massachusetts to close it and get back to the potential for that kind of youngster. I don't say we have to have potential for that kid. Certainly, we get back to where he is controlled by folks in those communities who can enrich intensive care, secure programs for our center.

Mr. McDONALD. I have no further questions. Thank you.

Chairman PEPPER. Mr. Nolde?

Mr. NOLDE. Professor Ohlin, you mentioned the tendency to overconfine. Dr. Miller, of course, has also spoken to that issue. I take it the key there would be classification of offenders. How can you identify these dangerous offenders? Do we have adequate tools available today for identifying the dangerous offenders and separating them out, with some degree of competence?

Mr. OHLIN. I have been very much concerned with that question. My colleague at the Harvard Law School, Alan Dershowitz, has devoted the past few years to the intensive study of our ability to predict dangerousness, because the whole concept of preventive detention is tied to that capability.

I am convinced that our means for making accurate predictions of dangerousness are very crude, very inadequate, and they involve a high degree of error.

Our best predictors of dangerousness are still past conduct and confinement in juvenile institutions. Research indicates that the further youngsters penetrate into the juvenile justice system, and especially its correctional institutions, the longer they stay there, the greater the likelihood they will be adult offenders and will commit serious adult crimes.

So the best predictors we have now of dangerousness are what we have done to offenders in the past and what kind of past behavior they have exhibited. Some of the behavior that upsets us most, some of the most disturbing and worst crimes we know of, are actually rare events which seldom occur again with the same individual. It is not only because such offenders are usually confined as punishment, it is because these tend to be rare offenses and therefore very hard to predict.

But I think we still have the obligation to try. We make predictions of dangerousness now; the courts do it all of the time. We do it in the correctional systems, both juvenile and adult, and we have to continue to perfect that capability based upon our analysis of past experience.

Mr. DEMURO. Mr. Chairman, I would make one comment on that. We have had a study of our Judge Baker Clinic, which does workups on the most dangerous, labeled the most dangerous, by the court largely because of the nature of the offense. I stress the fact the Judge Baker Clinic has nothing to do with our department. In a rather complete and also competent diagnosis of 100 referral youngsters it was that clinic's finding that only 14 needed to be remanded to a locked facility. I think this stresses the point that we overshoot this.

Dr. MILLER. This 100, it is a very fine study done by the Judge Baker Clinic, which is a very eminent clinic. It showed of this 100—we are talking about the 100 adjudged most dangerous youngsters seen—this particular doctor who did this study saw virtually every juvenile murderer, every youngster who has done any serious crime of violence. So we are talking of 100 youngsters sent to us on very serious crimes, or for very serious behavior, and it was their impression that of that 100 only 14 really required a locked setting.

Mr. NOLDE. Do you have confidence, Dr. Miller, in the conclusions on that score? Also, as the correctional administrator who has to make those decisions, do you feel you have the tools now to make that kind of determination with some degree of accuracy?

Dr. MILLER. I don't feel we have enough tools, but I think we do know the way we were doing it was quite harmful, and I think that what we were doing was very harmful and what we can do and are doing now is less harmful. We will make some mistakes. Although I must say, very candidly, I expected many more incidents than happened. I really didn't believe our own rhetoric quite enough, I guess, because I expected many more problems in the community.

Mr. NOLDE. Speaking of the community, how do you go about dealing with the reluctance, on the part of the people in the community, to have facilities located in their own neighborhoods?

Dr. MILLER. I think one of the points mentioned earlier is we tried to avoid setting up specific facilities for delinquents totally. I think it is much easier that the majority of youngsters, if you can absorb them into other community programs or develop new programs and take a more heterogeneous population in so you have less problems.

I am sure Professor Ohlin's study could be made available to the committee, in which they studied three group homes that met a great deal of community resistance versus those that didn't, and the kinds of techniques and things that occurred in each case.

Mr. NOLDE. Professor Ohlin, I think you referred at some time to more effective measures of social control outside of the criminal justice system; specifically: Should drunks, vagrants, truants, and runaways be subjected to the criminal justice system? Would you comment on that?

Mr. OHLIN. I think this is a very important subject. We are overburdening the criminal justice system with problems that it is really not equipped to handle and shouldn't be handling. This is true of both the adult and juvenile institutions. The status offenses for children constitute a rather large part of the population that we now keep locked up in children's institutions. That really doesn't make much sense.

There really are many more alternatives and less costly alternatives out there in the community that can be developed if we are willing to put the resources and the energy into finding them. I think the Massachusetts experience has clearly demonstrated that is the case.

There are so many histories of adult offenders who started out as truants, went to training schools, escaped, returned, escaped again, maybe stole a car the next time to get away, and eventually ended up in adult institutions after having spent most of their youthful years in some kind of institutional environment. This occurs so often simply

through an escalation of what was originally a very minor and insignificant behavioral problem.

This is what we mean when we say that we very often create adult criminals rather than cut off their careers as youthful offenders with the juvenile systems we now have.

Mr. NOLDE. One final question for you, Professor Ohlin, and also Dr. Miller. Can a system of punishment ever be truly compatible with individual treatment and rehabilitation?

Mr. OHLIN. I think, as I indicated earlier, we have to live with that reality. We have a system of criminal sanctions that has other functions to serve for society in reinforcing respect or regard for law and obedience to it. The prevailing opinion, which I subscribe to, is that a short sentence for the purpose of serving the ends of punishment as a sanction is in highly visible cases probably the best way to handle the problem.

There is a growing concern that the indeterminate sentence system is not working right; it tends to keep people confined for too long a period and serves effectively neither the ends of punishment nor rehabilitation. We need to change that.

Mr. NOLDE. Dr. Miller?

Dr. MILLER. I would tend to agree with Professor Ohlin with reference to adults. I wouldn't agree with reference to the youngsters. I think it is a very difficult problem because of the implications it has for the law. Roscoe Pound made the comment that the founding of the juvenile court was as great an act as the signing of the Magna Charta. He wasn't speaking lightly, because I think he knew the implications, if the juvenile court had really fulfilled its promise it would have had to move away from punishment and it would have struck at the underpinning of the criminal justice system, particularly with reference to juveniles.

I think it is very difficult to hunt down, convict, and send through the court system and into the training school someone, and then at one point turn around and say we are going to rehabilitate you. I think for juveniles it is a very difficult dilemma they are caught in.

I agree perhaps it is too soon to confront that, but I think these dilemmas are best confronted through successful programs and, hopefully, people will say that if the Massachusetts experiment works, we don't need to have a punitive system to cut recidivism and guarantee public safety.

Mr. NOLDE. Thank you for your excellent testimony, and for the outstanding work you gentlemen are doing as leaders in your field. I have no further questions, Mr. Chairman.

Chairman PEPPER. Will the judge have the knowledge, when he sentences a man to incarceration as to how long it was going to take to rehabilitate him.

Dr. MILLER. That is right.

Chairman PEPPER. Unless you go on the theory that you have to have a certain amount of punitive influence in the dispensation of the sentences.

At one time I happened to hit upon the figure of 5 years as good a maximum sentence as any other figure. Some knowledgeable person in the area said that's the figure he would have used. If you are going to keep anybody in prison 5 years, that probably would do just about

as much good as keeping them in 20 years. What do you think about that, Professor?

Mr. OHLIN. I think I agree in general with the thrust of your remarks. I think that if we are going to do anything successfully in the way of treatment, it can clearly be done within that time. If it is not done then, it isn't going to happen.

In the United States we confine people longer than any of the Western European countries, for example. I am not quite sure how that has happened. There is also enormous variation among the States in the length of sentence and length of average time served in the institutions.

I think a lot of this is historical accident. It developed that way and the systems become hard to change. Instead, accommodations develop as in the parole policies, to alleviate some of the injustice or burden of long sentences.

Chairman PEPPER. Historically, incarceration, for that matter, is very severe treatment of people. Historically, have those things actually served as any deterrent to the commission of crime and, if so, to what extent?

Mr. OHLIN. I know from my own experience with prisons, offenders reach a point where they are described by other offenders as "burnt out." There is such a thing as confining a person long enough so that, in effect, his whole life and life prospects have changed. And the fear of any risk of further confinement is so great that they don't get in trouble when they go out. There are other offenders that I have known and studied that deliberately get caught again once they get out because they become so institutionalized that the outside scares them. They are really not able to take initiative and make decisions on their own any more.

They wind up committing inept crimes that result in their being sent back to the institution, where they usually find their old job waiting for them.

The kind of system that produces such a result is obviously bad, too.

Chairman PEPPER. On the other hand, we have the problem of people who seem to be incorrigible, who, after being allowed two or three releases from prison, go right out and commit a series of violent crimes again, and upon whom all efforts of rehabilitation have seemed to be a failure. Personally, I don't think you necessarily have to resort to infliction of the death sentence upon that individual, but may develop certain individuals who are a danger to society by their own experience, society's experience, who do need to be required to forfeit their right to live in a free society the remainder of their lives? What can you say about that?

Mr. OHLIN. I suppose that may be. The problem always is in deciding which persons those are. In the prison world, they say each prisoner has a time when he is ready for release, when the motivation to stay law abiding is at a peak. Keeping him longer doesn't help; it harms.

The problem is to find that peak with these different individuals. It may be that there are some individuals that constitute such a terrible threat we simply don't want to let them out, and we have in our correctional systems many who have been there for 20, 30, or even 40 years.

Chairman PEPPER. Several members of the committee and I were at Attica on Friday of the tragic week there and we spent 2 days interviewing officials and the inmates. I remember asking one of the inmates: "Look here, when you get out of a place like this, with these high walls and thick bars, with the restrictions upon your life, and the activities you experience here, why in the world would you ever want to come back here?"

"Well," he said, "it does look that way, but it is not as easy to stay out as you people think it would be. In the first place, if you have been here for a good long while, you have lost contact with your family and your friends; sometimes your family has become estranged from you. Most of us in here don't have much education or skill, we don't have much capacity to earn a livelihood when we get out. We get out with a few dollars and a cheap suit of clothes and we are on our own. The first time we apply for a job they want to know if we have ever been convicted of an offense or incarcerated in prison. We have to say "yes." If we don't tell them the truth they will find out later, or we live under the fear of it.

"Most people don't want to hire you if you are an ex-convict, and in a little while the money you got is gone and most of us don't have anything else. You get lonesome. Then you may look up some old crony you got in trouble with the first time and before you know it, you are involved again."

I thought it was a rather interesting story that he told.

Mr. OHLIN. That is a very common experience, I think, particularly among those who have been confined for any length of time. They really do lose touch with the outside world and the only persons they know with whom they can really share their experiences fully are other offenders, ex-cons.

Chairman PEPPER. The superintendent at Attica told us that all of the men spent a great majority of their time in cells because they didn't have money enough for adequate training programs, educational programs; they didn't have money enough for jobs for the people that were there. The legislatures just don't provide enough money to do in the system what knowledgeable people would like to do. This man was the head of Attica. If he had the money I think he would have gotten them out of Attica and in other places, scattered around the country.

The old tendency was to build the warehouses in the rural areas as they did in my State at Raiford. But one of the things that we want to emphasize in these hearings is that knowledgeable people know a lot more to do than they have the means to do it with. That is the reason I brought up the matter of Federal participation. You got started with a Federal grant from LEAA of about \$2 million. We are entertaining very seriously the idea of recommending the Federal Government to aid the States, maybe as much as 50 percent.

Do you think the States would undertake these transitions if they got as much as half of the cost from the Federal Government? Would that be a reasonable figure to consider?

Dr. MILLER. I think it would be a very good motivation.

Chairman PEPPER. Very good.

We had policemen here, as I told you gentlemen before the hearing began, last week. The police are struggling with their problems, but

they have to have the help of the courts and of the correctional systems, or else they are going to be sending these people right back, again and again.

Well, Mr. Ohlin, Dr. Miller, and Mr. DeMuro, the committee wishes to thank you for coming here and giving us the benefit of your ideas. If we could do so, we would like to reserve the opportunity to stay in contact with you for some continued help as we make our recommendations.

Thank you very much.

The committee will recess until 2 o'clock this afternoon.

[Whereupon, at 1:05 p.m., the committee recessed, to reconvene at 2 p.m., this same day.]

[The prepared statements of Mr. DeMuro and Mr. Ohlin, previously referred to, follow:]

PREPARED STATEMENT OF PAUL DEMURO, ASSISTANT COMMISSIONER OF AFTER CARE,
STATE DEPARTMENT OF YOUTH SERVICES, BOSTON, MASS.

In 1846, a very progressive step was taken in the history of juvenile corrections. The Lyman School for delinquent boys was opened in Westborough, Mass. The purpose of this school was to separate youthful from adult offenders. Though the founders were very well intentioned, and the quality of care was superior to that of adult prisons, there were two basic defects in the plan. The mode of treatment for youth in trouble became removal from the community, and the community transferred the responsibility for its youth to another authority, the state. Institutions spread throughout the country and became the essence of juvenile corrections.

As one reviews the history of institutions, one reads of the scandals, brutality, stupidity of certain treatment programs, the punishment that was common for misconduct. For instance, if a youth ran and was captured, he was placed in a cottage where he was required to maintain silence. Frequently a finger was broken for each attempted run. In addition to the physical abuse, the subtle psychological effects of an institutional setting dehumanized a youth to such a degree that his only avenue to self-esteem and identity was the wholesale adoption of a negative or "criminal" value system.

In Massachusetts, we had a basic decision to make. Should we expend our energies to improve our institutions, or should we look to other alternatives. Given our fiscal and personnel resources, we should have been able to make the institutions more livable, perhaps even adding enriching programs. Any changes within the traditional institutions, however, would be temporary and also would be built on the faulty premise of rehabilitation through removal of a youth from his community. Therefore, we decided to seek alternatives to institutions; not community programs as a supplement to institutions, but rather as a complete alternative to institutions. We had a history within our agency of placing youths in private schools, group homes, foster homes, or other purchase of service agreements; but these programs were thought of as *aftercare*, after the youth attended an institution. We decided to consider these alternatives as the first step when a youth came to our Department.

We worked with community groups, universities, churches and individuals to develop programs for our youth. In essence, a spectrum of services has evolved including volunteers, foster care, family counseling, alternative schools, boarding schools, group homes, and intensive care at private psychiatric hospitals. The agencies we work with range from federally funded programs (i.e. Neighborhood Youth Corps) to McLean Hospital.

As of March of this year, we had 683 children in group care, 241 in foster care, and over 800 non-residential service slots (jobs, counseling, alternative schools, etc.) serving a total caseload of 2,928 youth. Most of these services are delivered by the private sector and paid for through a purchase of service agreement.

Such a delivery system actually costs less per youth than institutional settings; however, like most state agencies we are in a tight fiscal squeeze. We have had difficulty transferring institutional accounts into our purchase of service account. Moreover, as we developed better, more community oriented programs, our image began to change from the state's youth *authority* to a youth *service* agency; consequently we began getting more referrals. Finally, with the proposed federal

cuts to OEO and the poverty programs, I foresee our agency having to serve many more youth. Although I have my doubts, revenue sharing may be a viable plan; but I strongly suspect that the poor, black, and neglected youngsters will once again be overlooked.

I don't mean to suggest here that we have all the answers. We have had and will continue to have difficulties. Just because a person works for a private agency, doesn't necessarily make him a better kid worker; there are as many untalented, fake and corrupt people outside of state government as there are within—however, with the private sector one can cancel a contract, change a program to reflect the client's needs or redirect monies and programs to those most in need without fighting the frustrating bureaucracy of state government replete with civil service protection and patronage. Also, we need to develop more intensive care beds; small units of 8 to 10 youth staffed by the best medical and psychiatric talent available. Obviously such programs are costly, but the most damaged kids (and I am convinced that the percentage of such "hard-core" kids is very small) deserve no less.

When we began changing the system in Massachusetts, close to 80% of our youth graduated to adult corrections. Recent statistical studies on particular programs (our forestry program) suggest some dramatic results, but I'll leave the studies to academia. We all know that the old system was a failure. The system we are developing in Massachusetts has to be more successful than that, for it is based on meeting a youth's needs on an individual basis, seeing him as a unique personality with his own strengths as well as weaknesses and working with him to develop an appropriate treatment plan that is designed for him and not considering him a candidate for a wooden numbered bench in detention cottage.

PREPARED STATEMENT OF LLOYD E. OHLIN, PROFESSOR OF CRIMINOLOGY AND RESEARCH DIRECTOR, CENTER FOR CRIMINAL JUSTICE, HARVARD LAW SCHOOL, CAMBRIDGE, MASS.

The Center for Criminal Justice of the Harvard Law School has conducted a wide variety of studies in the Massachusetts Department of Youth Services over the past three years. First, the Center has conducted a continuing analysis of organizational and political measures taken by the Boston Office of DYS to define and implement new departmental policies and goals. Second, the Center more recently has begun a continuing study of the new regional offices and their work is designing and initiating treatment programs. Third, the Center examines programs for youth to evaluate the effectiveness of their organization and operation. Fourth, the Center is conducting studies of the effects of these programs on youth. Fifth, the Center is now completing an analysis of data on a subculture study of ten selected cottages at institutions since closed during the past year by the Department to serve as a baseline of comparison with the new community group homes.

These research activities began when Dr. Jerome Miller first took office, in 1969, as a reform Commissioner. The basic thrust of the research has followed the course of reform, retrospectively into the crisis events and legislative basis of the reform, and prospectively through the experiments to create therapeutic settings within institutions to the closing of the institutions and the development of community based alternatives. The research has documented difficult and trying times for the Department during this period. But the reforms undertaken have also aroused the interest of correctional planners across the country because they are charting new directions for the development of correctional services for youth. Many problems have been solved or shown to be capable of solution. Many more have come into focus as problems that still must be solved.

Our research with the Department can best be summarized by reviewing the current status of seven major developments in 1972 which reflect the central thrust of the long-term reform effort. They are all closely interrelated because they arise naturally as organizational and program problems in the movement from institution to community based corrections. If institutions must be closed because they cannot be made to serve the ends of effective treatment then a new structure of services more closely integrated with community life must be devised. Responsibility for development and supervision of such services must be decentralized and brought closer to the community through the development of regional offices. Even under such a system however, some centralized services

for the institutional treatment of dangerous and disturbed offenders may be required. In addition a closer working relationship with juvenile judges and probation personnel must be developed by court liaison staff to coordinate detention, diagnostic and referral policies and individual case decisions. The new network of community services must include a variety of alternative residential and non-residential placements for individuals and small groups which were not needed when large institutions in isolated, rural settings provided the primary treatment resource. Since such new services are more readily and effectively purchased from private agencies, it becomes essential to develop monitoring capabilities to ensure that the quality of these services meet basic standards of effectiveness. Finally it is necessary to reassess personnel requirements for this new system, to initiate staff development programs, and to arrange reassignment, retraining or discharge of former staff members to minimize personal hardship and to prevent injustice. In the following sections of this report we will review the implications and status of these seven policy problems under the following headings: 1) deinstitutionalization, 2) regionalization, 3) programs for dangerous and disturbed offenders, 4) detention, court liaison, diagnosis and referral, 5) residential and non-residential placement, 6) quality control of purchased and other services, and 7) personnel development.

DEINSTITUTIONALIZATION

A. The problem.—Since Dr. Jerome Miller became Commissioner of the Department of Youth Services, Massachusetts has been committed to finding an alternative to large institutions. For a period of time the Department tried to increase treatment effectiveness by creating within the institutions relatively autonomous, therapeutic cottage units in sharp contrast to the centrally administered traditional custody program. However experience soon demonstrated that effective development of these therapeutic programs was greatly hampered by the rural isolation of the institutions, and the difficulty of converting a deeply entrenched custodial system to a radically new type of treatment orientation.

B. Policy and procedure.—In the winter of 1971-72 the Department successfully closed two major institutions, Shirley and Lyman. Lancaster was phased down later in 1972. To do this the Department organized task forces cutting across bureau lines. Members of the planning unit, the administrative unit, and all four bureaus in the Boston Office participated in the planning and execution of the closings, as did staff in the regions and in some of the institutions. A major part of the closing of institutions involved finding alternative placements for the youth. A new administrative capability was developed to do this, first in the Boston Office and then in the regions. In addition, the University of Massachusetts placement conference was invented to provide a mass relocation capability. Another major problem in closing institutions was the reassignment of the staff. A new personnel management system within the administrative unit was developed to do this, incorporating a procedure of basing new assignments on ranked preferences of the staff and special attention to those with more seniority.

C. Accomplishments.—Most of the youth perceived the closing of the institutions as a welcome change. It gave them new opportunities to be involved in more personal relationships with advocates and program staff, and enabled them to escape the oppressive custodial climate of the institutions. Initially many staff members were greatly alarmed but in the end found the closing policy not so unsettling as it first appeared because of the efforts clearly being made to relocate staff in satisfactory positions. For regional and placement staff finding alternative placements for youth became most urgent. When federal funding of new group homes lagged behind expectations, the staff diligently uncovered new types of placements, particularly those involving new types of nonresidential services. With the closing of institutions the problem for planners and administrators shifted from the slow task of staff retraining to the problem of finding more fluid and potentially effective opportunities for contracting and purchasing services. Now they could develop new programs more quickly, and terminate unsuccessful programs more easily. Many private service agencies saw new possibilities for involvement in the treatment of delinquent youth and greater opportunities to develop and try out new ideas for treatment.

D. Continuing problems and needs.—The last vestiges of the three large institutions linger on with the haunting possibility that they may be used again as a primary treatment resource. Planners and administrators in the Department are convinced that the consolidation of the new policies for youth corrections requires the Department to divest itself of these large institutions, though vari-

ous temporary needs for housing programs are still being met by using cottages in them. As destructive as large training schools are in their judgment, there is continued use of relatively large detention and reception centers. Such facilities exhibit the same apparently inevitable preoccupations with custodial security and regimentation to maintain control over large numbers of youth confined involuntarily even for short periods of time. Although Roslindale, the Boston detention center, is now almost entirely under private contract including a program for committed youth, it is still unmistakably an institution in the traditional mold, while the Worcester and Westfield detention centers continue very much as they were before the changes of the last year. There is a distinct possibility that these three institutions, especially Roslindale, can be scaled down, if not closed, and used only for a small number of youth who simply cannot be held securely in more open community settings.

REGIONALIZATION

A. The problem.—Even before deinstitutionalization was considered there was a need to get bases of supervision, support, and guidance closer to the workers in the field in the Bureau of Aftercare. When the Department began closing the institutions this need became urgent in the entire Department, which in a sense eventually turned into a giant expansion of the Bureau of Aftercare. In addition, the shift from a custodial to treatment orientation had already abridged institutional autonomy with greater control lodged in the central office. With the movement toward highly decentralized community based services, it became imperative to reallocate a large measure of central control to the new regional offices. In this way the regional needs could be attended to better and the communities of each region could participate more effectively and responsibly in devising new correctional services for their youth.

B. Policy and procedure.—Regionalization began as a dual structure with each regional office having a director of aftercare and a director of residential treatment. In the interests of organizational and administrative clarity this duality was eliminated. The regional director of aftercare became the regional director, while the regional director of residential treatment became the assistant regional director. Regional offices began to become fully operational as the institutions closed and responsibility and authority for youth were gradually delegated to the regions by the Bureaus and the Administrative unit in the Boston Office. Thus with support from Boston Office personnel the regional offices undertook to develop placement opportunities for youth referred or sentenced to DYS by the courts. This involved developing, with the support of the Boston office, a new contracting capability at the regional level. The latest step in the process of regionalization has been the regionalization of detention, so that there is no longer any stage in a youth's contact with DYS where some regional office is not in charge of him. Finally efforts are being made to have the budget organized by regions, somewhat as it was organized by institutions in the past but with less stringent controls over intradepartmental transfers.

C. Accomplishments.—From the viewpoint of the youth in DYS regionalization has immeasurably improved service since regional offices know more about possible placements in the communities, where the youth are, and how they are doing. This now makes feasible successive trial placements if necessary so that ultimately youth can hope to get the best possible placement. The staff generally find that regionalization provides new opportunities to work more effectively with youth—ways that simply did not seem available under the old system. Some staff who have involved themselves heavily in the new programs are obviously more impressed with this than others who have avoided involvement. For planners and administrators regionalization has meant a closer fit between programs and the needs and resources of each region, (for example the U. Mass placement conference staff felt hampered by having to work on a statewide level without a regional structure to facilitate contact with local needs and resources). Regionalization has also provided a greater degree of administrative accountability for youth and resources that perviously was only partially available in the institutions and generally not available at all in aftercare. To the community, regionalization has offered a negotiated involvement that was simply not part of the older institutional system and would not now be possible without the more accessible regional offices.

D. Continuing problems and needs.—While the division of authority and responsibility between administrative and program divisions of the Boston Office

on the one hand and the regional offices on the other has been abrupt and generally effective, it still shows the marks of newness, transition, and experimentation. For example, records and current operating information systems are only gradually developing to link the regions with the Boston Office. Perhaps the greatest continuing need, associated with the transition from the institutional structure, is to divert funds from excess staff positions left in the institution budgets so that the funds can be used to expand and continue the new program in the regional areas. This need is discussed more fully in the section below on personnel.

PROGRAMS FOR DANGEROUS AND DISTURBED OFFENDERS

A. The problem.—There is widespread although not universal agreement that most people, both youth and adult, who are now locked up need not be. There is also widespread and near-universal agreement that some of those now routinely locked up, both youth and adult, really must continue to be confined in the future as well. It is also widely recognized that it is extremely difficult to separate out with a tolerable margin of error those who need to be locked up from those who do not. However recent experience in DYS with community placements has shown that with youth this problem is not as difficult as is generally assumed. Many youth clearly and obviously belong in community placements. Some clearly belong in secure settings. A few are problematic. An obvious need that emerged during this last year as the institutions closed was the provision of secure settings with intensive treatment for dangerous and disturbed youth, coupled with safeguards that would prevent such misuse of these facilities as placing in them youth who needed community resources more than secure restraints.

B. Policy and procedure.—Virtually all units of the Boston Office and the regional offices have been involved in some fashion in addressing this problem. The planning unit has recently been trying to formalize some of the conclusions and concerns of the Department in this area. The Department has found it helpful to make a distinction between youth who are behavior problems and youth who need psychiatric care. For both sorts of youth the Department has found it desirable to try to purchase services. For the behavior problem youth some conspicuous success had been achieved in the Andros program run by ex-offenders who have shown an ability to relate directly to these youth while "taking no nonsense." This program stresses use of community resources within a framework of appropriate custodial security. The Department is considering the development of additional small programs holding up to twenty youth including one for girls, along similar lines. For youth needing psychiatric care, the Department has been exploring purchase of service from private agencies with demonstrated skills in this area, and also exploring the possibility of a closely coordinated relationship with the Department of Mental Health which would allow for an exchange of services between DYS and DMH without requiring transfer of youth from the jurisdiction of one department to another. Safeguards for the youth in these different settings would be ensured by developing agreed upon standards for decision making and frequent case review.

C. Accomplishments.—The main accomplishment to this point has been the accumulation of experience just from wrestling with the problem, and perhaps a clearer idea of what needs to be done for dangerous and disturbed youth. For some youth thus far this program has meant a more constructive form of secure treatment than periodic and indiscriminate punishment in isolation cells. Staff have developed a new awareness of specific strategies that may help dangerous and disturbed youth. The planners and administrators are also much clearer about the potentialities of purchased services for these youth and necessary safeguards.

D. Continuing problems and needs.—The continuing need is for further implementation and development of the Department's experience in this area. In particular a program is needed for girls, and the projected psychiatric treatment alternatives may require more funds. Important also is increased cooperation and understanding between DYS, the courts, and the community as to the needs of dangerous and disturbed offenders and the functions of the various treatment alternatives for committed or referred youth. At present, DYS appears able to work constructively with some judges better than others in developing improved alternatives for such offenders. Clearly in the future DYS, largely through its regional offices, must find ways to work with all juvenile judges to implement better ways of treating these youth than binding them over to adult courts, or relying excessively on maximum security facilities as opposed to constructive programming in the community with other public and private agencies.

DETENTION, COURT LIAISON, AND REFERRAL

A. The problem.—DYS has been concerned about the fact that nearly all youth detained prior to trial have been held in high security institutional settings. These settings have been seen as unnecessary and destructive for most youth who are not dangerous, and for whom high security detention only aggravates their problems. DYS staff also believes that the period of detention offers a special opportunity to alter a youth's career of delinquency if used constructively. Youth may be labeled by a period of confinement and unnecessarily handicapped on their return to the community. The staff therefore is trying to reduce the probability of commitment and to provide alternatives both to commitment and to traditional detention.

B. Policy and procedure.—Alternatives to large high security detention facilities have been developed with the help of private agencies. Shelter care units have been set up in several regions, generally housing between ten and twelve youth. Local YMCA's have proved to be the most productive private resource for such facilities. In addition, foster care has been greatly expanded for detention purposes. Regions therefore now have an array of detention alternatives ranging from approximately twenty-five foster homes through shelter care (six are now operating) to the more traditional security facilities such as the Roslindale, Worcester and Westfield detention centers. Secure facilities used by more than one region are administered centrally by the Boston Office while the shelter and foster care programs are under regional control.

To deal more effectively with needs of youth while they are still under the care of the court, the court liaison role was formulated to advise courts about alternative ways of dealing with youth available to the Department. The court liaison officer considers and recommends placement possibilities within the DYS system and sometimes, as well, other alternatives to conventional detection. Thus, if a youth is referred or committed to DYS 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 any labeling effect of commitment, DYS has encouraged the courts to refer youth to DYS programs prior to final adjudication instead of committing them to DYS. 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 non-residential programs are now referrals instead of commitments.

C. Accomplishments.—The range of detention programs now means that some youth are detained under more benign conditions than existed previously in the tight security units. In most cases youth also seem to be aware of the advantages of referral instead of commitment to placement programs. DYS staff regard the detention, court liaison and referral programs as important components in solidifying regionalization. Program development in these areas has largely been taken over by the regional offices 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 state-wide referral and quality control system inherently difficult for the courts to develop themselves.

Private contracting agencies in the community find in these new programs an opportunity to expand their own services. This is particularly the case with the YMCA's. In a number of courts 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 DYS staff to use high security facilities more frequently. Clearly there are still many unresolved policy differences between DYS and court personnel in regard to these new programs that must be worked out in the future.

D. Continuing problems and needs.—While the range of detention alternatives has been greatly improved during the past year, the availability and use of the older large security facilities, such as Roslindale continues to pose the problem of overdue of this alternative. Physically secure units are necessary for certain youth, but such units should probably be small in size (no more than twenty youth), administer a diversified program, and provide responsive care.

As in the past, detention services for girls lag somewhat behind the service 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. Efforts need to be made to make this program an integral part of all regional systems.

Finally, a caution is in order regarding the entire package of detention, court liaison, and referral programs. 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 at an earlier point in time is also enhanced. There is some evidence that referrals to the Department are increasing without compensating state-wide 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 have 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 services 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. So for the trend toward diffusion of the punitive public image of the Department seems to be achieving desirable results. Long run data on recidivism, not yet available, for current versus earlier commitments to the Department will help get some of the answers. In the meantime the generally beneficial effects of the program should be continued.

PLACEMENT

A. The problem.—One of the most pressing problems confronting DYS as the institutions were closing was the development of viable alternatives to institutional confinement. Within the context of the move to regionalize, this development of alternative placements for youth had to be seen as in large part the responsibility of the regional offices. The new placements had to be able to deal with very different types of youth problems, including youth considered especially hard to handle.

B. Policy and procedure.—The Boston Office had begun exploring new placement alternatives in 1971, and stepped up its activities in early 1972 beginning with the U. Mass Conference in January. A primary goal of this activity involved the development of group homes. However when it became obvious that Governor's Committee funding would be delayed, leaving many youth stranded as the institutions closed, a great deal of emphasis was shifted to the development of non-residential alternatives, i.e., either day or night programs in which youth can participate while living at home or in some other setting. During 1972 much of this work of developing placements was gradually shifted over to the regional offices, until now virtually the entire responsibility for developing and providing placements rests with the regions. The joint effort of the regions and the Boston Office developed, in addition to the group homes, such placement possibilities as Neighborhood Youth Corps, a recreation program at Mass Maritime Academy, and programs at community colleges as well as more fostercare than was used formerly. According to the best estimates available at this time, there are about 80 non-residential programs across the state, in which DYS places youth, about 120 residential programs and about 170 foster homes. About 600 youth are placed in residential group homes, and about 190 in foster homes, while about 620 youth are in the non-residential programs.

Finally, by seeking the help of private agencies to actually set up the new group homes and other non-residential programs, DYS put itself in a position to observe and evaluate at close quarters a wide variety of approaches to the problem of involving the community in a broadly based correctional system for youth.

C. Accomplishments.—Once the range of placement alternatives stabilized in the Fall, youth became much more favorable toward the placement process and opportunities. Youth seem to favor group homes and non-residential programs which exhibit a caring environment and which provide a variety of program activities. This is similar to youth reactions to the various types of cottages at the former institutions discussed in an earlier Center report in October 1972.

Boston Office and regional staff are confident that specific programs can be generated within the private sector as long as necessary financial resources exist, and that handling youth within a community context will decrease the likelihood of the youth returning to the DYS. Furthermore, these staff members

believe that communities no longer view youth problems as problems to be resolved only by youth and the state, but increasingly instead view them as community problems which can be handled within communities. The Center's study of efforts to neutralize community resistance to group homes suggests that in some communities this sense of community responsibility and capability has indeed developed significantly.

D. Continuing problems and needs.—Adequate placements for the seriously disturbed or dangerous youth continue to be a problem, as mentioned earlier. At this point, adequate alternative programs for girls are also few in number.

One of the serious problems plaguing placement in general is the slowness of reimbursement. The time lag between provision of services and payment for services is sometimes so great that contracting agencies question whether regional directors really have the authority to contract for DYS, and in some cases as a consequence smaller agencies feel threatened with bankruptcy. Prompt payment and firm financial commitments are essential to build the greatly enriched network of placement opportunities that a successful community based system of corrections requires.

QUALITY CONTROL

A. The problem.—Quality control of programs is an issue which had received little attention in DYS until the new placement alternatives were developed. However, as these alternatives were created, the issue became inescapable. The basic problem is how to maintain control over the quality of programs contracted to private agencies. This type of accountability for program quality to a public agency is something to which most of the private groups have not been accustomed in the past.

B. Policy and procedure.—Three distinct units have become involved in evaluation of ongoing programs. Some checklist monitoring of day-to-day programs was established in both the non-residential and the residential administrative units with the Bureau of Aftercare. These two units have provided useful information about activities in the various programs. However, a recently organized third unit under the direction of Assistant Commissioner Bakal has used a more systematic approach for measuring what has been happening to youth being processed through the new programs. Data has been gathered by repeatedly visiting the programs and interviewing staff and youth. Programs are now rated in various areas of Departmental concern about quality, such as facilities, administration and staff, controls, program, clinical services, diversion, and budget. Information gleaned by all three units has been used by the Boston Office and regional staff as a basis for recommending program changes, and in some instances termination of program funding.

Along with the development of the three evaluation units the Department has continued to develop an information system. This system will keep track of youth, programs, and eventually, evaluative information. It is designed to be useful both for day-to-day placement decisions and for longer run policy decisions. It should also increase accountability of both the Department's own programs and those of agencies contracting with the Department.

The Center has been working with the evaluation units and the consulting firm developing the information system to strengthen the Department's capacity to monitor its own activities and to build in routine data gathering which would also be useful for long-range research and policy decisions.

C. Accomplishments.—It is acknowledged by Boston Office staff that quality control measures are not fully operational. However progress has been made during the year. The fact that some programs have been terminated on the basis of evaluations has encouraged staff in their belief that the Department 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 types of evaluation information to improve their own placement decisions. Staff involved with the development of the information system are also optimistic about what has happened during the year but expect more systematic results from computer print-outs of information on programs in the coming year. These staff members cite as a major achievement the fact that the DYS system is now organized to report regularly detailed information on youth and programs for use in the new information system.

D. Continuing problems and needs.—Quality control will probably continue to be a major issue during 1973. Evaluation efforts must be expanded to include evaluation of detention services, foster care, and non-residential services. Evalua-

tion procedures will have to be routinized to assure that once a program has received a good appraisal, it will not be forgotten, and the information system will have to be developed to the point where retrieval of information can be very quick, so as to contribute to day-to-day decisions.

PERSONNEL DEVELOPMENT

A. The problem.—In a sense all of the problems of internal development in the Department over the past few years of reform could be categorized as problems of either program development or personnel development, and the two are closely related. Personnel development is essential if new programs are to work. Staff who have been loyal to the state for years and have become committed to their work and the philosophy guiding it have suddenly been asked to change and to implement the reform policies. Not all staff can understand or accept the major reforms now being executed. Reform thus calls for new procedures to support and guide staff, or to train or replace them.—In short new ways of being sure that a qualified person is there and effectively doing a required job. This also means attending to the needs of many staff members for whom the transition cannot be easy, even though the reforms may provide opportunities for more meaningful work with troubled youth.

B. Policy and procedure.—Early in the process of reform there were attempts to institute training programs for staff on a state-wide basis. In general these early efforts were not very successful in terms of staff acceptance or participation. More recently major developments in regionalization, deinstitutionalization, and purchase of service have altered staff requirements. Formal training programs are now run as regional training conferences with the help of the Boston Office, and some training can now be done on the job under the routine supervision of the regional office. In addition, deinstitutionalization and the new practice of purchasing service has besides involving new staff, put old staff in positions where it has become relevant to their day-to-day routine to learn new skills. The administration unit in the Boston Office has provided displaced staff with opportunities to transfer to different work, including new casework and other alternatives under the regional offices, or joining private non-profit treatment agencies that contract services to DYS.

C. Accomplishments.—From the point of view of the staff, accomplishments in this area are mixed. For many staff who have taken the opportunities offered to get deeply involved in the new system, the experience has been a good one. For others who have been unable or unwilling to break with past traditions, the experience has been distressing. On balance it is interesting to note that 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. For youth the process of personnel development has brought good results, since it has succeeded in moving the system toward getting the new work done by people who are able to do it. Also the administrators and planners feel that the personnel development has brought about new capabilities for change and effective work with youth.

D. Continuing problems and needs.—Perhaps the most pressing continuing need, is for the reorganization of the state budget to allow use of more of the budgeted money for purchase of service. Much of that money is now committed to maintaining underutilized institutional or other state staff positions. The majority of the staff that actually operates programs for youth are now in private agencies contracting services to the state. The budget must be revised to reflect this fact, if continued staff development is not to be seriously hampered. The Department is seeking this kind of budget revision and would like to cut its staff of state employees down to less than half of its current number.

CONCLUSION

More detailed analysis relevant to many of the issues discussed here is available in the larger reports the Center has issued during 1972. The more detailed reports are the following:

(1) Youth Reactions to Massachusetts Department of Youth Services Institutions, 1970-1972

(2) The University of Massachusetts Conference: An Experiment in Youth Corrections

(3) Neutralization of Community Resistance to Group Homes

(4) Evaluating Large Scale Social Service Systems in Changing Environments

(5) Subcultures of Selected Cottages in Massachusetts Department of Youth Services Institutions in 1971

It will be extremely important to continue to follow-up the developments described here. The Center's research plans for 1973 include continued monitoring of organizational developments in the Boston Office and the regional offices, continued program evaluation, and continued study of youth subcultures in correctional programs.

Among the special issues which will be of great interest is the question of whether the new developments add up to a net increase or net reduction of labeling effects, as the Department moves to deal with youth earlier in their court experience, and as youth who might not have become involved with DYS under the old system are now placed by DYS as a referral service for the courts. This issue may become particularly important if, under administrative reorganization, DYS becomes merged with other agencies now dealing with non-delinquents.

The Center's research in the coming year will also provide the first systematic information on effects of programs on youth, both in terms of recidivism and involvement of the youth in reintegrative relationships in the community. In addition, the coming year will provide other important followup data from a replication of our earlier study of youth subcultures in correctional settings, allowing us to compare the new group home settings with the old institutional settings, and also from continued collection of data on the organizational process of consolidating and completing reform.

It is clear that the Department of Youth Services has embarked on a program of fundamental change in the care of youthful offenders. It has made much progress in changing the old system drawing on experience with new cottage programs devised within the institutions before they were closed. It is also clear that much work remains to be done in consolidating and completing the fundamental changes. The Department will need the continued support of the legislature, funding agencies, the courts, and other state-wide and community groups in completing its reform program. Reforms have not yet been completed to insure *lasting* changes in the treatment opportunities available to youth in trouble. It is not yet clear how the current reorganization of the state administration will affect the work already done or the need to consolidate and augment the process of constructive change. The year ahead will be a critical one for confronting these problems.

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

Mr. Lynch, will you proceed with the first witness.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, this afternoon the first witness is Miss Lucy Keating. She is a program development specialist with the Department of Youth Services, State of Massachusetts.

If it would be all right, Mr. Chairman, I would like to ask Miss Keating a few preliminary questions and then ask her to introduce her panel of five young people who are seated behind her at the moment, all of whom have participated in a prior institutional program in Massachusetts and are now located in various group- and community-based rehabilitation service programs within that State.

Miss Keating, I wonder if you could tell the chairman and the members of the committee what function it is that you serve as a program development specialist.

STATEMENT OF LUCY KEATING, PROGRAM DEVELOPMENT SPECIALIST, DEPARTMENT OF YOUTH SERVICES, BOSTON, MASS.; ACCOMPANIED BY MISS RUTH, MR. POLLOCK, MISS LABONTE, MR. HALL, AND MISS BERGERON, CLIENTS

Miss KEATING. I am presently working in the bureau of after care, mostly involved right now with soliciting and working with groups to develop programs, both residential and nonresidential, for girls, which is an area that we need to expand on in the State of Massachusetts.

Mr. LYNCH. What contacts do you have with young people who are participating in those programs?

Miss KEATING. Right now, we have opened up the central administration office in the Boston office for the State to be accessible to the youth that we are serving and often they come to get additional information about programs across the State.

Chairman PEPPER. Would you like to repeat that?

Miss KEATING. I often meet the youth of the department of youth services as they come into the central administration office, which in the last 4 years since Dr. Miller has come into the State of Massachusetts, has been opened up to the youth so that they can inquire about additional programs they might not be finding out about.

Mr. LYNCH. Would you introduce the five young men and women you brought with you today and ask them to please take a seat at the witness table with you?

Miss KEATING. From my left, will be Jim Pollock and Tim Hall, Sue Bergeron, Debbie Ruth, and Nancy LaBonte.

Mr. LYNCH. Mr. Chairman, I would like to proceed with Miss LaBonte.

Miss LaBonte, I wonder if you would please tell the chairman and the committee how it was that you first became involved with the juvenile justice system in the State of Massachusetts; what your experience was in an institution in that State; and, finally, what kind of a program you are presently involved in.

Miss LABONTE. I first got in trouble when I was 13, just running away and doing dope, and I ended up in Lancaster, which is an institution, and I had to stay 13 months. I was released and stayed only on that site for one summer. I had gone back and I was put into a foster home after that, from which I ran.

I have been on my own for the past 2 years.

Mr. LYNCH. Would you tell us, please, what kind of institution Lancaster is, and what kind of programs you participated in while you were there?

Miss LABONTE. It is a regular institution.

Mr. LYNCH. Tell us what the daily routine was like in that institution, if you would please, from the time you got up in the morning until the time you retired in the evening?

Miss LABONTE. We got up at 7:30 and we had to have our rooms cleaned before we went down to breakfast. After breakfast we had to either work in the bakery, laundry, go to school, or we had child care, things like that.

Mr. McDONALD. When you were sent to Lancaster what kind of girls did you associate with? You were sent to Lancaster because

you had problems at home, you were running away. What kind of girls were you associated with in Lancaster?

Miss LABONTE. Basically, all types, prostitutes, people that were sent up for dope, people stealing cars.

Mr. McDONALD. With what kind of rehabilitative services and facilities did they provide you?

Miss LABONTE. I don't think they provided any.

Mr. McDONALD. Did you get counseling at all at Lancaster?

Miss LABONTE. Yes, there was counseling, but how can you be counseled and be locked up at the same time?

Mr. McDONALD. What kind of groups were they? Who gave the counseling to you?

Miss LABONTE. It was four counselors; like, everyone was assigned to a certain counselor and she saw them once a week.

Mr. McDONALD. Where was Lancaster in relation to your home? You were from Springfield or Westfield?

Miss LABONTE. Yes.

Mr. McDONALD. Where is Lancaster in relation to that?

Miss LABONTE. About 60 miles away from my home.

Mr. McDONALD. Mr. Hall, can you give us a description of when you first got into trouble with the authorities and for what offense?

Mr. HALL. When I first got in trouble I was about 13 years old. My mother took out a stubborn child complaint and they brought me to court for that. When they picked me up I had in my possession a hypodermic needle and dope. So they put a drug charge on me and I got sent to Lyman School at that time and I did 3 months in Lyman School, and there was no type of drug counseling up there.

What you did from day to day was sit in their rec hall or watch TV and go down and have your breakfast and lunch, regular schedule, you know. Once in a while you would get a little counseling, you know; but as far as reform, there was none.

Mr. McDONALD. Can you tell the committee a little bit about Roslindale? You were sent there. Tell us what year you were sent there. At the detention center you mentioned you had been in a number of times, can you describe for us what life was like at Roslindale? What did you do from getting up in the morning through most of the day?

Mr. HALL. Roslindale, mainly—I went there in 1967. My first time in Roslindale was probably 1967. And they had basically the same thing, you know. You come in and they write up what you go on, and your possessions, what you have, they take your personal belongings. You go to sit in the rec hall. You watch TV. Like their bathroom facilities were all dirty.

If you wasn't in the rec hall watching TV you were locked up. Like there was guys up there, sometimes beat your head against the wall, you know, brutality. Like if the kids got out of line or something like that for unnecessary reasons, there was guys up there would beat your head. I don't think that's no type of reform for any kids.

If they did something wrong, you know, it's not their place for them to take out whatever happened at home on the kids, you know, when they come to work. That's basically what Roslindale is all about.

Mr. McDONALD. Why were the fellows being beaten at Roslindale; do you know?

Mr. HALL. No particular reason. You know, like we had to go to bed about 9 or 9:30. Nobody wanted to be in bed about that time, so maybe the kids would make some noise and the guys came down one night and started beating kids on the head—just because they were making noise.

Mr. McDONALD. Tim, you told me before you were sent to Roslindale 15 or 20 times over a course of 4 years. Can you explain or tell them what Roslindale is, and why you were sent there so many times?

Mr. HALL. I was sent there so many times because I was messing around with drugs for 4 years. I was shooting dope for 4 years, from about 1967 until about a year ago. And in the course, in between that time, like I was doing a lot of things I wasn't supposed to, until I went to the rehabilitation center.

I was in and out of Roslindale, like, what sent me to Roslindale, I kept on getting busted for various things, like being on heroin and things like that.

Every time I went there, nothing would be changed. Like the same things would be going on, either the kids would be in the rec hall, and that's it. Like the gym, once in awhile. And like I say, the only thing I have seen about Roslindale that has changed—you know, it is just a detention center where the kids are held there maybe overnight. If you got arrested by the police on Thursday they held you over until Friday, the next morning, when you are arraigned.

It is like, really, the place is an institution that should have been closed a long time ago. It is no place for anybody to live.

Mr. McDONALD. How about Lyman Hall? You spent some time there. Can you explain the routine at Lyman; what was done for you as a young juvenile offender; what kind of rehabilitation you got there, if you got any at all?

Mr. HALL. There was no type of rehabilitation at Lyman School. It was more or less set up on the basis of Roslindale. Like you would sit in the rec hall, you know. Like they had a TV room. You could play basketball, you could watch TV. You had your choice, but as far as setting up educational and therapeutic things, they had school up there but it only lasted for something like 3 months and the kids only went if they wanted to. They weren't forced to go or anything like that.

It all depends on how you behaved up there whether you got the chance to go home, like they give 2-day passes or the 3-day passes. It all depends on your behavior whether you got one.

Mr. McDONALD. Explain to us how you got involved with First, Inc. and what that program is all about, including what it has done for you.

Mr. HALL. Well, I was out of jail for awhile and so the condition of my parole from Lyman School was not to use any drugs again. OK, so I came back home. I did start using drugs again. So I got it so bad my mother called my probation officer on me and he came with two officers to arrest me one morning and took me to Roslindale. I stayed up there for a week. Then I was sent to First, Inc., which is a drug rehabilitation center. That was a drug, more or less, therapy place where they had encounters, seminars, rap sessions, and different things like that.

Mr. McDONALD. Tell the committee about the facility itself; was it strictly for juveniles?

Mr. HALL. No, it was for anybody; no difference as to race. It was all kinds of races there; no difference as to age. All different ages, not just for juveniles. They have encounter groups, where you would go in discussion, like your past life with your family, different things.

Mr. McDONALD. Were there locks on the doors?

Mr. HALL. No, there was no locks on the door. When I first came there I really didn't want to stay, but I seen some of the friends I was with in the street and they were using drugs pretty bad and I said, "If they can do it, I can do it, too." I just stayed in.

If you got locked doors a person is going to want to think about getting out. But if you have open doors, and if it is just an institution or rehabilitation center, you know, they are going to think twice about leaving, think it is going to do me some good. It was a self-help program. If you didn't want to be there you didn't have to stay there, you know.

Mr. McDONALD. You were given a choice? When your probation officer came around to arrest you that time, he gave you the choice?

Mr. HALL. He didn't give no choice then. He just came and arrested me in my bed, he and two policemen, and took me up to Roslindale. I stayed up there a week before he would come to see me. When he did come up there he told me I couldn't go back home. He said I had a choice of going to Oakdale or halfway house.

I picked the halfway house, drug halfway house, because I was still on drugs.

Mr. McDONALD. Have you touched any drugs since that time?

Mr. HALL. No, I haven't. It has been 1 year and 2 months.

Mr. McDONALD. When was it you went to First, Inc.? When did you start that?

Mr. HALL. In March.

Mr. McDONALD. March of what year?

Mr. HALL. 1972.

Mr. McDONALD. Have you been arrested at all since that time?

Mr. HALL. No.

Mr. McDONALD. What are you are doing now?

Mr. HALL. I am working in Waltham, at Parke-Davis. I put together cardiographs.

Mr. McDONALD. In your own opinion, if you hadn't gone to First, Inc., if you had gone to Oakdale—

Mr. HALL. I probably would have still been on drugs.

Mr. McDONALD. Thank you, Tim.

Miss Bergeron, can you give the committee a description of when you first got in trouble; how old you were; where you lived at the time; and whom you were living with?

Miss BERGERON. I was 14 years old and I had got in trouble for stealing cars. My first time I got in trouble, I got probation. The second time, I got put under observation for 2 weeks in Westfield Detention Center, and from there I went home and got picked up again for loitering.

I got put away for violation in Worcester Detention Center; and from there I went to Lancaster Reform School; then from there I got

transferred to Lyman Reform School; and from Lyman, I went home.

Mr. McDONALD. Over how long a period of time was this?

Miss BERGERON. About 2½ years, 3 years.

Mr. McDONALD. How old are you now, Sue?

Miss BERGERON. Seventeen.

Mr. McDONALD. How was your homelife before you started getting in trouble? Were you getting along with your family?

Miss BERGERON. I wasn't living with my family. I was just living with friends.

Mr. McDONALD. Can you describe Westfield for us?

Miss BERGERON. It is a small building and it holds about 25 people. When I was there, my first time being there, you had to wear State clothes, and it was like the girls' side and boys' side, and you stayed on the girls' side and went to bed about 8:30 and lights out by 9 and you stayed in your room.

Mr. LYNCH. You indicated you weren't living with your family. Why weren't you living with your family?

Miss BERGERON. I wasn't; I just didn't like people telling me what to do.

Mr. LYNCH. Do you have brothers and sisters?

Miss BERGERON. Yes.

Mr. LYNCH. How many?

Miss BERGERON. Two other sisters and a brother.

Mr. LYNCH. Do they live at home?

Miss BERGERON. Yes.

Mr. LYNCH. Have they been in trouble with the juvenile authorities?

Miss BERGERON. No.

Mr. LYNCH. You said you were 14 when you were first arrested for stealing an automobile?

Miss BERGERON. Yes.

Mr. LYNCH. When you were first sent to a juvenile facility, what kind of treatment, if any, were you given there?

Miss BERGERON. Treated just like all of the rest of the kids. I was greeted when I came in and then searched. You couldn't have makeup, or any money on you, or anything like that.

Mr. LYNCH. Did you have any regular kind of counseling program?

Miss BERGERON. No.

Mr. LYNCH. Did adults deal with you in any particular kind of way? How did you relate to the adult correctional personnel there?

Miss BERGERON. You are talking about Westfield now?

Mr. LYNCH. The first correctional institution you were sent to. Is that Westfield?

Miss BERGERON. No, that would be Lancaster. Westfield is the detention center, like an overstay until you are placed.

Mr. LYNCH. What was the first institution you served any considerable period of time in?

Miss BERGERON. Lancaster.

Mr. LYNCH. At that institution did you receive any regular kind of counseling service?

Miss BERGERON. No.

Mr. LYNCH. What did you do there during the day?

Miss BERGERON. I farmed. I worked on a farm.

Mr. LYNCH. Did you go to school?

Miss BERGERON. Yes; I did.

Mr. LYNCH. How many hours a day?

Miss BERGERON. About 8:30 to 4.

Mr. LYNCH. When did you do the farming?

Miss BERGERON. It must have been in the summertime I did farming. It was in the summertime I did farming, all day.

Mr. LYNCH. How long did you stay in that institution?

Miss BERGERON. Three months.

Mr. LYNCH. What happened to you then?

Miss BERGERON. I went to Lyman Reform School.

Mr. LYNCH. Why were you sent to Lyman?

Miss BERGERON. They were just accepting girls. Lyman just started taking girls in.

Mr. LYNCH. How long did you stay in Lyman?

Miss BERGERON. Three months.

Mr. LYNCH. What happened to you then?

Miss BERGERON. I ran from Lyman.

Mr. LYNCH. Where did you go?

Miss BERGERON. I went home.

Mr. LYNCH. And what happened to you then?

Miss BERGERON. I was never caught. I was on the run for about a year and a half.

Mr. LYNCH. What did you do during that year and a half? What kind of life did you live. Were you committing crimes?

Miss BERGERON. Oh, no.

Mr. LYNCH. Were you getting into trouble?

Miss BERGERON. Yes. I never got picked up. I was still being myself.

Mr. LYNCH. That is not what I am asking you, whether or not you were picked up. Were you getting into trouble?

Miss BERGERON. Yes.

Mr. LYNCH. Were you going to school?

Miss BERGERON. No.

Mr. LYNCH. You were living full time with your parents?

Miss BERGERON. No, no. I went home to other people, like people I considered home then.

Mr. LYNCH. Were they adults or youngsters?

Miss BERGERON. Youngsters. Yes, about 25 and under.

Mr. LYNCH. Why are you here now? What eventually happened to get you back in the system?

Miss BERGERON. Then a year and a half later I got picked up for grand larceny.

Mr. LYNCH. Was that auto theft? Grand larceny auto theft?

Miss BERGERON. No. Money.

Mr. LYNCH. Go ahead.

Miss BERGERON. From there I went back to Westfield Detention Center for 5 weeks. Then I got interviewed by Genesis II halfway house.

Mr. LYNCH. Tell us what Genesis II is.

Miss BERGERON. Genesis II is an organization that has many halfway houses and has a school in Springfield. And it is just, they are just houses where kids live in there and get counseling.

Mr. LYNCH. How many other youngsters are there in that house?

Miss BERGERON. Eight others.

Mr. LYNCH. Is it all girls or girls and boys?

Miss BERGERON. It is co-ed.

Mr. LYNCH. Describe a typical day at that place, would you please?

Miss BERGERON. We get up at 8 o'clock and breakfast is at 8:30, and if you don't make it down for breakfast you don't get breakfast.

Mr. LYNCH. Who cooks breakfast?

Miss BERGERON. The counselor that is on in the morning. After breakfast, I go to school.

Mr. LYNCH. Public school?

Miss BERGERON. No, I go to Business Education Institute, key-punching school. And a couple of kids go to school, you know, a couple of kids go to work. Some of them are trying to be programed, go other places. After school I come home and there is usually something to do around the house.

Mr. LYNCH. For instance?

Miss BERGERON. Vacuuming, anything.

Mr. LYNCH. Chores?

Miss BERGERON. Yes; chores.

Mr. LYNCH. Are you assigned by the counselors to do that? How does it work?

Miss BERGERON. So many chores a week and the kids have their names by the chores.

Mr. LYNCH. You have certain assigned duties each person must perform?

Miss BERGERON. Yes.

Mr. LYNCH. What happens if you don't do your duties?

Miss BERGERON. That is mostly up to the kids. We have house meeting in the house and like all of the kids and all of the staff get together and we talk about, you know, say I didn't do my chore and we talk about something like that. What restrictions I get, or maybe not even any, because I might have a real good reason why I didn't do it.

Mr. LYNCH. How many people are on the staff at Genesis II?

Miss BERGERON. Fourteen.

Miss LaBONTE. No.

Miss BERGERON. About 12.

Mr. LYNCH. About 12. Those are all adults; is that correct?

Miss BERGERON. Yes; that is counselors and volunteers.

Mr. LYNCH. There are more counselors than there are youngsters in the program; is that correct?

Miss BERGERON. Yes.

Mr. LYNCH. When you finish your chores after the evening meal what kind of a program do you have? Do you have group therapy sessions? Do you have group confrontation sessions, things like that?

Miss BERGERON. Well, like the group thing would be like the house meeting, we have one of them every day, either before or after supper.

Mr. LYNCH. What is the purpose of the house meeting?

Miss BERGERON. To get out feelings, what you are going to do, just sitting down and talking about tension in the house, and stuff like that.

Mr. LYNCH. How long have you been at Genesis II now?

Miss BERGERON. I left Genesis II and came back. It has been about 4 months all together.

Mr. LYNCH. You left it and subsequently returned to it; is that correct?

Miss BERGERON. Yes.

Mr. LYNCH. Why did you leave it?

Miss BERGERON. I wasn't getting along at first, when I first went there.

Mr. LYNCH. You mean you walked out, in other words?

Miss BERGERON. Yes.

Mr. LYNCH. Why did you come back?

Miss BERGERON. Because I wasn't doing any good.

Mr. LYNCH. What do you think about yourself now? Do you look at yourself in any different way after your experience at Genesis II?

Miss BERGERON. Yes, I do.

Mr. LYNCH. Could you tell us in what particular way?

Miss BERGERON. I don't know. Like before I went to Genesis II, even when I was in Genesis II for the first time, like the counselors were on a different level about me. I didn't want them knowing anything like my private life. I didn't want to talk to them. Now, it is really good to sit down and tell them what is happening. They try to help you if you have a problem.

Like I am just not scared to go to anybody with a problem any more like before I was.

Mr. LYNCH. Do you have any idea now as to why you were getting into trouble before?

Miss BERGERON. No, I don't really have no reason why I got in trouble. I like driving cars and couldn't get my license and took a car.

Mr. LYNCH. Do you have a license now?

Miss BERGERON. No. I am going down to get my license.

Mr. LYNCH. Are you in a driver's training program?

Miss BERGERON. I am going down for my permit now.

Mr. LYNCH. Thank you very much.

Mr. McDONALD. Mr. Pollock, can you tell us how old you are and tell us when you first got in trouble?

Mr. POLLOCK. I am 17 and I was 8 when I first got in trouble.

Mr. McDONALD. What did you get in trouble for?

Mr. POLLOCK. I was robbing freight cars inside the freight yards over in South Boston.

Mr. McDONALD. What happened to you? Who were you living with at the time?

Mr. POLLOCK. I was living with my father in the D Street projects. I got caught. I went to court and they let me off on probation, but I got caught again for stubborn child, and runaway, and stuff like that. So at that time, I don't know, they got fed up with me or something. But I lived at the youth service board in Roslindale.

Mr. McDONALD. How old were you?

Mr. POLLOCK. Still 8 years old. I was in Roslindale for about 3 months, and then I got home, and I was there for 2 weeks. Then I went back to Roslindale. I got caught again for another charge.

Mr. McDONALD. What for this time?

Mr. POLLOCK. This time was running away, breaking into freights, stuff like that. They had me down for a stubborn child, I guess. I went back to the youth service board and spent about 4 months there. 5 months, somewhere along there. From there, I went to a foster home.

They gave me the choice of either going to a foster home or putting me in, like, as we call it, in "Blue," back in those days. Because if

you were in "Blue," as the saying is, you were committed there and you could stay there for any amount of time. At that time you could stay there for as long as a year. You know, sometimes even longer. And I didn't want that, so I went to the foster home. And I was at the foster home for about 2½, 3 years, and I got, while I was in school. I took a knife out on a couple of kids and cut them.

Mr. McDONALD. This was while you were living at the foster home?

Mr. POLLOCK. Yes, after I was there for 2½ to 3 years.

Mr. McDONALD. What was the foster home like?

Mr. POLLOCK. Put it this way: I am glad I am home right now because a foster home—first of all, you don't get the family care as you would with your own family. Second of all, they don't really care what goes on with you as long as you don't bother them, in so many words.

Mr. McDONALD. Did they care about what you were doing? Did they have any interest at all, other than making sure you weren't picked up by the police?

Mr. POLLOCK. Like, when they moved to, like out in the country, you know, and the way the people acted around there was like a real big crime if you committed, like a little skipping school or something, so you had no choice. Because they would be preaching to you, especially how they knew I was in Roslindale before. They always preached to you—we don't want you in trouble out here, or you will be in a lot of trouble.

So I guess it went to my head or something, so I didn't get in trouble for awhile. But I got fed up with it after awhile and I had a lot of things on my mind, and that is when those kids got sliced.

Mr. McDONALD. You were also sent to Lyman, weren't you?

Mr. POLLOCK. Yes.

Mr. McDONALD. How long were you there?

Mr. POLLOCK. The first time I was at Lyman I was there for about 3 months.

Mr. McDONALD. How old were you then, approximately?

Mr. POLLOCK. This was later on, though. This was when I grew up a little more. I was about 14. Somewhere around there. And I stayed at Lyman for about 2 months and I ran. I came back to Dorchester, stayed out for 4 months, 5 months, and I got busted again, caught for a stolen car charge and assault and battery.

So they put me back in youth service board for another 2 to 3 months, and I spent most of that time just sitting around doing nothing. But then they transferred me back to Lyman again. I was there for 3 months that time and then I went home.

That is when Jerome Miller took over the department of youth service, and like he had a lot of programs starting out then, and like I didn't get into any real programs, but I got a lot of help from a lot of new people working in them. And then they cared for you, you know.

Mr. McDONALD. Before you get into that, from approximately 8 to 14 years of age you were in and out of various institutions. What kind of counseling and rehabilitation did you get during that time?

Mr. POLLOCK. None.

Mr. McDONALD. None whatsoever?

Mr. POLLOCK. None.

Mr. McDONALD. Did you ever have any encounter sessions or talks with the counselor as to why you were having problems at the ages of 8 through 14?

Mr. POLLOCK. All they took was smoke. All it meant for us was smoke. It wasn't really worth listening to them. The way you really felt about it, the guys who were trying to tell you this, you didn't really think they cared so you don't really listen.

Mr. McDONALD. Could you tell us what you were arrested again for—assault and battery—you cut someone with a knife? Tell us how you got involved with DYS under Dr. Miller.

Mr. POLLOCK. This wasn't why I cut the kid. When I cut the kid, some other guy was in before Miller, so I just went to the same routine of Roslindale and Lyman again.

Mr. McDONALD. Explain how you got involved with the DYS and what they have done for you since the time of Dr. Miller.

Mr. POLLOCK. That is when I was discharged on January 7 of 1972. When I was discharged I went up to my parole officer to see if I could get some clothes because I didn't have no clothes, and so there I got to know my parole officer and people that worked there pretty good. And whenever I really needed money bad—I couldn't just go up there—but if I needed it bad, they would give it to me. Or if I had something to get off my chest I could go to my parole officer because he would more or less listen to me and try to help.

Mr. McDONALD. Why did you go to him in the first place, when you had all of the encounters with the authorities for about 6 years? What made you go to your parole officer this time and consider that he would even listen?

Mr. POLLOCK. I figured I was a little more grown up, and when I was young I didn't think of it. The first thing I thought of was just trouble.

Mr. McDONALD. And your parole officer did respond. What are some of the things he did for you?

Mr. POLLOCK. Let's see: He tried to get my license for me; he helped me out when I had trouble with my father and my father was in the hospital with a heart attack; and he helped me out by giving me money, driving me to the hospital when I needed it. More or less showing me consideration.

Mr. McDONALD. Was DYS more responsive to you? Did you feel you could go up to their office and talk to them at any time you wanted to?

Mr. POLLOCK. Yes, because the whole structure was entirely different, because people now, under Dr. Miller, you know, after Dr. Miller was in, they more or less, not on an adult-juvenile basis but on a person-to-person basis, and they tried to treat you like a young adult and with intelligence. I think you really need that to talk to somebody.

Mr. McDONALD. What are you doing now? Are you working?

Mr. POLLOCK. Yes. The department of youth service helped me get a job working with the department out of another building. I am working maintenance.

Mr. McDONALD. Thank you.

Miss Ruth, can you describe to the committee your experiences? First of all, how old you were when you first got in trouble?

Miss RUTH. I first got in trouble when I was 12, truancy from school. They gave me probation.

Mr. McDONALD. Continue please.

Miss RUTH. They brought me to court like several times for truancy. Then when I was 13, I violated probation and I went back. I was supposed to go down and see my probation officer, like no grounds to arrest me, they didn't have any warrant or anything, but they issued one after they put me in Jamaica Plains Detention Center.

Mr. McDONALD. How old were you?

Miss RUTH. Thirteen.

Mr. McDONALD. And this was basically for truancy?

Miss RUTH. Yes.

Mr. McDONALD. You were living with your parents at that time?

Miss RUTH. I was living with my mother.

Mr. McDONALD. You have a sister and brother?

Miss RUTH. Two sisters.

Mr. McDONALD. What happened at Jamaica Plains? What did they do to you?

Miss RUTH. I was there until November 4, and I thought I was going home because it was my first offense, and I was committed.

Mr. McDONALD. To where?

Miss RUTH. Department of youth services, and I was there until December 23, and went to Madonna Hall.

Mr. McDONALD. Can you describe to the committee what Madonna Hall is?

Miss RUTH. A convent school, run by the Sisters of the Good Shepherd. It was like a clean life. It was really strict. Never let you out of the building by yourself.

Mr. McDONALD. Were you locked in at night in your room?

Miss RUTH. You weren't locked in your room, but it was like between midnight and 2 o'clock the doors were locked and they had alarms.

Mr. McDONALD. When you went to Madonna Hall, had you already been to Lancaster?

Miss RUTH. I never went to Lancaster. I was there for 18 months.

Mr. McDONALD. At Madonna?

Miss RUTH. And then I ran.

Mr. McDONALD. What kind of life did you have at Madonna?

Miss RUTH. Going to school and going to church, and never going out. They let you go home like every third or fourth weekend of the month; that, after you had been there about 8 months. You had to be there a long time before you could even go home.

Mr. McDONALD. Did Madonna Hall do anything for you? What kind of rehabilitation did they have? Did they give you any counseling? You went in as a truant. Basically, that was your problem. What did they do to help you become more sociable?

Miss RUTH. Just up there. If you didn't study, if you didn't do your homework, they write out the white slip and for every white slip you lose two cigarettes. And for a number of them, you get more punishment. They wouldn't let you talk to your parents or anything. What almost everyone up there did was go to school to keep themselves out of trouble.

Mr. McDONALD. There were girls there that were committed, not by DYS, but by their own parents?

Miss RUTH. DYS and some by their own parents.

Mr. McDONALD. Had any of the girls committed violent crimes?

Miss RUTH. If they had, they started letting some girls in for like stolen cars, but when I first went up there it was like truancy. I don't think they let you in on any drug charge at all—Truancy and runaway.

Mr. McDONALD. Were you there for an indeterminate sentence?

Miss RUTH. Yes.

Mr. McDONALD. What was the criteria; what would they let you go for?

Miss RUTH. They really let you go when you were ready, and you look around and some girls have been there up to 4 years. You never knew when you were going to be ready. You could stay there like 4 years.

Mr. McDONALD. How did they define "ready to go back out?"

Miss RUTH. They didn't. I said, "I am ready; I am not going to get in more trouble," and they said, "You are not ready." And I said, "I am," and they said, "You are not." They just used to talk a lot of crap. They never made much sense.

Mr. McDONALD. Did you get any counseling?

Miss RUTH. You used to see a social worker like a weekday, but an hour once a week.

Mr. McDONALD. Did you feel like you were getting anything from the counseling session?

Miss RUTH. No.

Mr. McDONALD. What happened then?

Miss RUTH. Then I ran, like different times from Madonna Hall, and from there I came back.

Mr. McDONALD. Back to Madonna?

Miss RUTH. I ran. Like the last time I ran, I refused to stay, so they said, they used to always say, "If you don't smile, you go to Lancaster." That is all they say. Most of the time you are up there, they threaten "Lancaster." So I said, "Put me in Lancaster; I don't want to stay," and they wouldn't let me out.

So I made them call the youth service board worker and I went to Roslindale from there and then I got paroled to my aunt's house.

Mr. McDONALD. How long were you in Roslindale?

Miss RUTH. A month.

Mr. McDONALD. What happened when you started living with your grandmother?

Miss RUTH. I don't know. I didn't really like it. I couldn't really do anything there.

Mr. McDONALD. You mentioned once before you were living with a friend.

Miss RUTH. Yes. When I ran from my grandmother's, I went and stayed with this girl that I stayed with another time when I ran away. One day she was looking at the paper—I was at her house for a good 3 weeks—and they had in the paper that DYS persons can go down and won't be picked up for violation of parole.

We went down and they gave her temporary custody of me until they could find another place. They weren't working on it or anything. Places were not available. So I was there for about 6 months and then I went home.

Mr. McDONALD. Back to your grandmother?

Miss RUTH. To my mother's house.

Mr. McDONALD. Then what happened?

Miss RUTH. Well, like I was living with my sister sometimes and living with my mother sometimes. And everything was pretty good. I wasn't getting in no trouble. Then I was looking for a private school. I went to one and I didn't like it.

Mr. McDONALD. Which was that?

Miss RUTH. Windsor Mountain School.

Mr. McDONALD. This was under DYS; they sent you?

Miss RUTH. That isn't DYS placement.

Mr. McDONALD. But they sent you there?

Miss RUTH. Yes.

Mr. McDONALD. Could you tell the committee what you are doing now under the auspices of DYS?

Miss RUTH. I live in Boston and I go to school every day.

Mr. McDONALD. What school?

Miss RUTH. Newman Prep.

Mr. McDONALD. What dorm do you live in?

Miss RUTH. It is a private dorm for girls that go to different schools in Boston. Most go to art school; some go to finishing and career schools.

Mr. McDONALD. And DYS is paying your room and board. How much does it come to?

Miss RUTH. About \$2,000 a year.

Mr. McDONALD. Can you tell us about Newman Prep? What kind of school is that?

Miss RUTH. College preparatory school. It is a pretty liberal school. It is much better than the public schools in Boston. The classes are about 2 hours.

Mr. McDONALD. What kind of subjects are you taking?

Miss RUTH. I am taking sociology, history, and English.

Mr. McDONALD. Under DYS, couldn't you just be going to public schools if you wanted?

Miss RUTH. If I wanted to get off parole, I suppose I could demand to get off parole. I don't know. They don't really have to let you off no matter how old you are. But they are paying for everything. It is really stupid.

Mr. McDONALD. Stupid, for what?

Miss RUTH. To get off parole. I have straightened out a lot in the last year.

Mr. McDONALD. Have you gotten much counseling from DYS?

Miss RUTH. They are really good. You can go into the office any time now. There are other organizations, private organizations, in Boston.

Mr. McDONALD. If it hadn't been for DYS, the system as it is now, where do you think you would be?

Miss RUTH. I don't know.

Mr. McDONALD. Do you think you would still be going in and out of institutions?

Miss RUTH. If it wasn't for the new system? Yes; I would have been put in again for violation. I would be in a women's prison now.

Mr. LYNCH. Debbie, why did you begin to run away from home?

Miss RUTH. I didn't run away from home. I wouldn't go to school.

Mr. LYNCH. Why wouldn't you go to school?

Miss RUTH. Because I didn't like school. I wanted to go home and lay around all day.

Mr. LYNCH. You were 12 years old when that started?

Miss RUTH. Yes.

Mr. LYNCH. Do you have brothers and sisters?

Miss RUTH. Two sisters.

Mr. LYNCH. Who do they live with?

Miss RUTH. They live on their own.

Mr. LYNCH. At that time, were the three of you children living together with your parents?

Miss RUTH. No. One of my sisters was in a drug rehabilitation center and the other in a halfway house in Boston.

Mr. LYNCH. When you were 12?

Miss RUTH. About 12 or 13.

Mr. LYNCH. How old was the sister who had the drug problem?

Miss RUTH. One of my sisters was 16, 17, and one was about 18. They got picked up.

Mr. LYNCH. When did you start experimenting with drugs? How old were you?

Miss RUTH. When I was about 14, 14½.

Mr. LYNCH. Did you learn that from your older sisters?

Miss RUTH. No; I learned it at Madonna Hall.

Mr. LYNCH. At the time you were 12 and began to have truancy problems at school, were you living with your mother?

Miss RUTH. Yes.

Mr. LYNCH. And your father?

Miss RUTH. No.

Mr. LYNCH. Where was your father?

Miss RUTH. He died when I was real young.

Mr. LYNCH. And your mother had not remarried?

Miss RUTH. No; she had not.

Mr. LYNCH. Where do you live now?

Miss RUTH. In Haverhill.

Mr. LYNCH. Does your mother still live in Boston?

Miss RUTH. I am staying in Boston but I live in Haverhill. I go home on the weekends.

Mr. LYNCH. You see your mother now?

Miss RUTH. Yes.

Mr. LYNCH. What kind of relationship do you have with your mother now?

Miss RUTH. I guess a good relationship. We don't argue no more. I go in the house and she thinks of me as an adult. She lets me do more or less as I want. She doesn't hassle me any more.

Mr. LYNCH. In retrospect, do you have any idea why you began to get into trouble when you were a 12-year-old girl?

Miss RUTH. No reason.

Mr. LYNCH. Have you thought about it?

Miss RUTH. Yes.

Mr. LYNCH. Have you discussed it with your counselors?

Miss RUTH. You know, there really wasn't any reason. Probably because I wanted to be older than I was and wanted to be cooler than I was.

Mr. LYNCH. I would suggest that is a reason. How do you feel about that now?

Miss RUTH. That it was dumb.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Mr. McDONALD. Miss LaBonte, you stayed 13 months at Lancaster and now you are in Genesis II. Can you contrast the difference between the two approaches in juvenile corrections? What was your life like at Lancaster as opposed to what you are getting now at Genesis II?

Miss LABONTE. My life at Lancaster was really different. I was locked up in Lancaster. At Genesis II I live a normal life. I go out to work; I go to school. I have no locks. It is more or less like living at home with a family. I have some more things open to me now. At Lancaster, I didn't have these things open to me.

Mr. McDONALD. What did you get out of 13 months at Lancaster?

Miss LABONTE. Nothing, because I didn't have contact with the outside at all.

Mr. McDONALD. You were isolated?

Miss LABONTE. Yes.

Mr. McDONALD. You were locked up at night?

Miss LABONTE. Oh, yes.

Mr. McDONALD. Can you compare what you are getting out of Genesis II as opposed to Lancaster? If you were still in an institution like Lancaster what do you think you would be doing now; or if you had just gotten out of a school like Lancaster? LaBonte.

Miss LABONTE. I think I would be in pretty bad shape, to be perfectly honest with you. I know I would have gone back to the school.

Mr. McDONALD. Sue, could you tell us about your experience at Lancaster? Were you locked up at night, also?

Miss BERGERON. Yes.

Mr. McDONALD. Describe your feelings about being locked up at night? Just basically what it was like at Lancaster.

Miss BERGERON. It was bad. It was just, you know, like being locked up all of the time. Like most of the girls just really tried to think of a way to beat the system. You know, like how could they get an extra cigarette. You never did anything because you wanted to do it. You had to have a reason to do it. You had to be bribed to be doing something.

If you wanted an extra cigarette, you could do something else. If you wanted to go to the movies, you had to be good. You didn't have a choice. You couldn't really express your own feelings. You were just playing a game with them. If they wanted to see good, you gave them "good" while you were in there. This is what I did.

I did as much as I did behind their back, because you couldn't let your own feelings out. So you did everything privately.

Mr. McDONALD. How about at Genesis II, what is the contrast between Lancaster and Genesis II, from your own experiences?

Miss BERGERON. Genesis II is a really beautiful home. Like sometimes you get—like kids in there who have lot worse problems than you have and everything, but they explain to the kid, some kids need more help and all of that. It is more like a family. You never consider anybody just there. You know you have talked to them. You have talked to everybody about your problems, even the other kids. Like everybody tries to help everybody else in the house.

Mr. McDONALD. What happens if a kid comes in and doesn't want to buy it; he just reacts; he is violent? What is the procedure?

Miss BERGERON. That's the house meeting, see. And like we have meetings about—he gives out his feelings. Like he is being violent toward the house because he doesn't want to live there. Nobody is forcing him to live there and there are other things like foster homes and other halfway houses in Springfield. And if he is feeling that way, but he still wants to live at the house, I guess that is when a lot of the counselors take over there and try to talk to him, ask him why he is being like that.

Mr. McDONALD. Mr. Pollock, can you tell us what it means to go in and get a grant?

Mr. POLLOCK. That is when you are in need of some money for boarding or possibly clothes, or food, and you don't have a place to get meals at night. And you just go in, you talk to the guy.

Mr. McDONALD. Who is this you are talking to? Who do you get it from?

Mr. POLLOCK. It could be from one of many persons, like the parole officer, deputy commissioner, commissioner, or the regional supervisor.

Mr. McDONALD. How much can you get?

Mr. POLLOCK. Right now, I don't get any money, except my pay money. But before, like when I wasn't coming along too good I used to go in probably once a week and get about \$15 for some living expenses.

Mr. McDONALD. Mr. Hall, do you think you are going to go back on drugs now?

Mr. HALL. I feel as I won't go back to any drugs.

Mr. McDONALD. You think the program at First, Inc., is going to keep you off drugs?

Mr. HALL. Yes; because I have contact with the house, you know, like I can go there and give up my urine or I can go to there in counter-groups, if something is bothering me.

Chairman PEPPER. Mr. Mann?

Mr. MANN. Thank you, Mr. Chairman.

Debbie Ruth, how many delinquents are there in school at Newman Prep?

Miss RUTH. I don't think many people are delinquents. A lot of people are there on the GI bill, a lot of people much more older. Most of the people in classes, most classes, 20, 21. They range like, the students.

Mr. MANN. Where is Newman Prep?

Miss RUTH. In Boston.

Mr. MANN. Most of the students there are just straight people from the Boston area?

Miss RUTH. No. A lot of people didn't like public schools. There are some, I guess well-to-do families, that sent their kids there because it is a good private school. Other people are there on GI bills. A lot of old people. The classes are really good because people are paid to go there. So, you know, like they don't cause any trouble for them, because they just throw them right out.

Mr. MANN. You have no trouble getting along with anybody because you have been in trouble?

Miss RUTH. No.

Mr. MANN. Mr. Pollock, I notice you are working at a DYS facility

Mr. POLLOCK. Yes, I am.

Mr. MANN. Are you required to work there or are you under some probationary arrangement?

Mr. POLLOCK. If you consider that I am being forced in there, too, like keep away, out of trouble, no; I don't have to work there.

Mr. MANN. When you got into the last trouble, March of 1972—is that when it was?

Mr. POLLOCK. No. It was more or less around November of 1971.

Mr. MANN. What was your sentence? What did the judge and the officers, or the probation or youth services people, instruct you to do?

Mr. POLLOCK. It started out with the court and they instructed me—they didn't instruct me—they forced me into Lyman. I wasn't instructed nowhere.

Mr. MANN. Who got you out of Lyman?

Mr. POLLOCK. I done my time and I was not discharged, but paroled home, and I lived with my aunt. The department of youth services got in touch with me, or I got in touch with them, about how I was getting along in my house at that time.

Mr. MANN. That is how you got involved with the department of youth services?

Mr. POLLOCK. The first time I got involved with them, under Dr. Miller, is when I went up to see my parole officer. I think I mentioned it before.

Mr. MANN. Are you working full time at the place?

Mr. POLLOCK. Yes.

Mr. MANN. What are your plans?

Mr. POLLOCK. My plans for the future are to join the service, the Marine Corps. And that will be very soon.

Mr. MANN. How old are you now?

Mr. POLLOCK. Right now I am 17.

Chairman PEPPER. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman.

I notice in several of your testimonies, particularly the girls, you said they wanted to be treated like older people, or referred to as adults, but I wondered if they realized then, if they felt this way at the time they were 8, in one case 12, and the other case 14.

Miss BERGERON. I don't think it is the fact, you know, we just wanted to be treated as adults. In reform schools you are treated as though you are not—you are not decent, you know.

Mr. WINN. I meant prior to that.

Miss BERGERON. Yes. Everybody likes to be treated as an adult. You like to be talked to on the same level, don't like to be talked down to all of the time. Halfway house—well, the halfway house we are in we are not talked down to. You know, they talk to us like we can be helped. In reform schools, they talk like—you are never ever talked to. You are just told.

If you don't want to do it, you will be locked there all day.

Mr. WINN. In other words, in these institutions you are treated like a number?

Miss BERGERON. You know, you are just not treated.

Mr. WINN. Not treated like a human being?

Miss BERGERON. On a favoritism basis, too. If you were good you got more and if you were bad, and you weren't being helped when you

were bad, you were just being brushed aside. All of the good people got what they wanted and everything. You knew you had to be good. There weren't really any choices. You couldn't sit down and talk about it.

Mr. WINN. Going back prior to that, when we all started getting into trouble, I believe Mr. Pollock was 8 years old when he first got into trouble. The problem that bothers many people, many parents, is how do you sit down to discuss with an 8-year-old?

There is nothing wrong with being 8, but an 8-year-old usually thinks he should be 10 or 12, and maybe Debbie thought, when she was 12 and got into trouble, maybe she thought she should be talking and acting like she was 16 or 18.

This seems to be one of the tendencies or troubles in many cases. I just wondered what would happen when you all become parents. How you are going to talk to an 8- or 12- or 14-year-old person. I wonder if any of you ever thought about it?

Mr. HALL. I have a son.

Mr. WINN. Had you ever given any thought about how you are going to communicate with your children and not have them think you are talking down to them or not interested in them?

Mr. POLLOCK. Is it all right if I say something?

Mr. WINN. Sure.

Mr. POLLOCK. When I have my son—who knows when that will be—but—

Mr. WINN. It might not be a son, too.

Mr. POLLOCK. OK. I ain't going to be ashamed to tell them I was with the department of youth services and I had got in trouble, because I did learn by my mistakes. But in order that it might help my son at the same time, because I don't think the department is going to change that much more better than it is now. It ain't perfect now, you know, anyways.

I want to talk to my son, tell him I have been in trouble, tell him when I think he is doing wrong or doing right. And, you know, be more or less like a pal to him so he will listen to me at times.

Mr. WINN. I wasn't really talking about the troubles you have had. That is up to you, whether you want to tell your children.

Mr. POLLOCK. You said, how would you sit down with your son and talk to him—

Mr. WINN. Right, but—

Mr. POLLOCK [continuing]. When you are talking about crime.

Mr. WINN. I am talking about basic communications, because so many young people don't think they can communicate with their parents until it is too late.

Mr. POLLOCK. In a lot of cases, they are afraid the parents don't want to communicate with the son, either.

Mr. WINN. It is about 50-50. I am not going to get into statistics, but many times I ask the young people, "Have you ever tried? When did you ever try to communicate with your parents and on what subject and when do they turn you down?" And when you throw it to them like that, they really can't think of any one thing.

Maybe they developed an attitude, antiparent, or antiestablishment.

Another thing that really interests me, and I would like for any of you, if you feel you would like to, including Miss Keating, to tell me what, in the program, do they do, because I believe it was Debbie

who said that in some cases she couldn't do what she wanted to do. Well, I am sure that what individual young people want to do can vary quite a bit at the time maybe. But in the program, is there anything now that allows you to do what you want to do?

What do you want to do?

Miss RUTH. Yes. Like where I live, I can do just about anything I want as long as I can go to school. I can sign out any night I want. It is completely my liberty in this private placement.

Mr. WINN. Do they have any organized recreation? Whether young people actually realize it or not, they need, and most of them desire, recreation. If it is sports, or if it is dances, or if it is plays, if it is musicals. You can go on, and on, and on. What type of recreation do the individuals like?

Miss RUTH. They mostly are models and students. They live on a totally different level. They are always going out seeing their friends. It isn't a DYS placement. I guess I am the first DYS person that ever lived in that kind of dormitory.

Mr. WINN. You are meeting people from all different walks of life, all different interests?

Miss RUTH. Yes.

Mr. WINN. And in the past, in the institutions, you were meeting people from all walks of life with one basic interest, and that was the fact you had all been in trouble and you shared each other's problems?

Miss RUTH. Yes. But most of them were from like the same, like Jamaica Plains. Most of the people were from the same area. A lot of people knew each other on the outside. A lot of people like to go there because they meet a lot of friends they hadn't seen for a long time, Jamaica Plains, or the other places, just Boston.

Like the girls more or less come from the same type of background.

Mr. WINN. Going into the institutions again, do they have anything in the way of recreational programs for the girls?

Miss RUTH. Like Madonna Hall, they used to have movies on Sunday nights that you had to see. No one really wanted to see them.

Mr. WINN. You probably had seen them before?

Miss RUTH. No, they had good movies. They just didn't let you out and that is what the girls wanted to do, go out and take a walk. I was there like 14 months before they even let me out one time by myself to take a walk, except for going home on weekends.

Mr. WINN. Let's be practical about it. If they let you out to take a walk—

Miss RUTH. I would run away.

Mr. WINN. Yes. Some would run away. Some would get in more trouble.

Miss RUTH. When the girls got out, they ran away. Every time they went on a trip, they came back and said that so-and-so was missing. The girls did this all of the time. Until, like some girls found out if you broke the crank off the window and removed it, they had detention school, you couldn't—I think everybody tried.

Mr. WINN. In DYS you really don't have anything to run from, do you? You are not working behind somebody's back? You don't feel

you are working behind somebody's back, if you have the tendency to leave school, for instance?

Miss RUTH. Oh, yes. If I want to leave, I can leave. I couldn't run away if I wanted to.

Mr. WINN. But as I gather from your testimony, you have this feeling that you ought to continue to go to school, or else that you really want to go to school, or both?

Miss RUTH. I want to go to school.

Mr. WINN. What do you want to be?

Miss RUTH. I don't know.

Mr. WINN. What would you like to be? You said you always wanted to be older when you were younger. What would you like to be?

Miss RUTH. I don't know.

Mr. WINN. Would you like to be a model?

Miss RUTH. No.

Mr. WINN. No?

Miss RUTH. I am not about to go into that. I think they are pretty—the girls at my dorm, they are really different, the models.

Miss KEATING. Haven't you talked about wanting to work for the department of youth services?

Mr. WINN. Well, let's say some of them do, but to me, and I hope you don't take this the wrong way, you can't hire all of them in the department of youth services.

Miss KEATING. Oh, no.

Mr. WINN. So, let's say that Debbie or Tim, or whoever it might be, wants to go in the Marines. That's fine. I just wonder where they want to go. What their desire is now, what they want to be now.

I am trying to figure out if they really have an objective yet. I think they do, but I don't think they know how to express it.

Miss LABONTE. I want to be a counselor.

Mr. WINN. That is back with youth services, and that is very commendable. We certainly need that, but the society can't hire all of you to go back into youth services.

Miss KEATING. Nancy, tell Mr. Winn several of the different programs in the last couple of weeks you have mentioned you had interviews with for possible employment, and other training programs that you have been considering. Just the broad range on what you might do with those things in the future.

Miss LABONTE. Well, I thought about going to AIC College. I don't know, it is hard to really guess what you really want to do because I tried to volunteer over at Legal Aid and they didn't need anybody, it seems. I tried to get into a page program, which is for pregnant girls, and I couldn't because I didn't go to school on—

Mr. WINN. Do you feel in some programs that you might want to be in, you are blocked?

Miss LABONTE. No.

Mr. WINN. I mean that you are blocked because of your background. You don't think that is stopping you in any way?

Miss LABONTE. I don't think so.

Miss KEATING. Could you tell him a little bit about AIC?

Miss LABONTE. AIC is a 4-year college program that I was interested in, to get an education.

Mr. WINN. Your résumé says that you stated in some interview that you had a stable family life throughout your childhood and that you were not belligerent or unhappy with your family setup. At the age of 13, you started running away. I just wondered if that was because of something that happened at home. We don't like to get into personal problems as we could go on for months if we got into all of those. Was it just something that came upon you at the time, or was it because other young people that age were beginning to run away from home?

Miss LABONTE. No; I think it is more or less because I started hanging around with older people who could do more because they were older.

Mr. WINN. Had more independence?

Miss LABONTE. Yes.

Mr. WINN. At least, you felt they did?

Miss LABONTE. I guess so. I sort of followed them, doing dope and running away.

Mr. WINN. Do you think a lot of young people get into trouble because of their peers; because of the groups they run around with?

Miss LABONTE. Not necessarily.

Mr. WINN. We had testimony last week about a group that ran around together. The oldest one was 18 or 19, and there was one at 15. The other one at 15—the older ones had all been arrested many times—had never been arrested. We felt very shortly that the 15-year-old was going to be in trouble somewhere. The odds are, because of the group he is running around with, he is going to get in trouble. This happens in a lot of cases.

You all talked about the DYS program. Do you think other States ought to adopt this program? Would you be willing to help and go into other States to help testify and to talk to other people, young people that have been in trouble, if other States would adopt a program of this type?

Miss LABONTE. Yes; I think it would be really important that we had something like that and that they did close down institutions.

Mr. WINN. Do you think you can communicate with other people your age that have been in trouble?

Miss LABONTE. Yes. I have been. Sue and I more or less work with kids at the house.

Mr. WINN. I have no further questions, Mr. Chairman.

Chairman PEPPER. I would like to know how many of you attribute your having gotten in trouble to your home life, home conditions, family conditions?

Mr. HALL. I have.

Chairman PEPPER. Let's start over here with Miss LaBonte. Your family didn't have anything to do with your getting in trouble?

Miss LABONTE. They had a little bit to do with it, but not that much.

Chairman PEPPER. What about you?

Miss RUTH. I don't know. I got in trouble myself. I was the one. It was my fault. No one pushed me into it.

Chairman PEPPER. Miss Bergeron, what about you?

Miss BERGERON. You are asking about my family life?

Chairman PEPPER. Did your family life or conditions at home have anything to do with your getting in trouble?

Miss BERGERON. No.

Chairman PEPPER. What about you, Mr. Hall?

Mr. HALL. I think my family life did. Because, like, OK. Like they say, one might be bad out of the family. Like my sister, you know, like she gets into trouble, and my brother is doing time in Norfolk now. So, like the majority of my family found it hard to get along with my mother because my mother and father were separated when I was real young.

Chairman PEPPER. Yours was a broken home.

Mr. HALL. Yes.

Chairman PEPPER. Were your mother and father living together?

Miss LABONTE. Yes.

Chairman PEPPER. Yours?

Miss RUTH. My mother is a widow. My father died.

Chairman PEPPER. Are your mother and father living together?

Miss BERGERON. No.

Chairman PEPPER. And your mother and father were separated.

What about you, Mr. Pollock?

Mr. POLLOCK. My family had a lot to do with my getting in trouble. My mother was deceased and this was one of the main causes of it, I would say.

Chairman PEPPER. The next question I want to ask each one of you is, did your getting in trouble have anything to do with drugs, or was it related to drugs?

Miss LABONTE. A little bit of it did.

Chairman PEPPER. It was?

Miss LABONTE. A little bit.

Chairman PEPPER. Miss Ruth?

Miss RUTH. I never did dope until I was in the DYS placement. I was with DYS almost a year before I ever touched dope.

Chairman PEPPER. What about you, Miss Bergeron?

Miss BERGERON. No.

Chairman PEPPER. Mr. Hall, you did?

Mr. HALL. Yes.

Chairman PEPPER. What about you, Mr. Pollock?

Mr. POLLOCK. No.

Chairman PEPPER. You did not?

The next question concerns your education. You are going to be a counselor, Miss LaBonte. Do you intend to try to get a high school diploma to pursue your education?

Miss LABONTE. Yes.

Chairman PEPPER. Now, you are already going to Newman Prep. You will stay on to finish school; you realize now the value of an education.

Miss BERGERON. I notice you are going to work for the Monarch Life Insurance Co. How far did you get in school?

Miss BERGERON. Eighth grade.

Chairman PEPPER. Don't you think it would be helpful to you if you would go back to school in some way, night or some other time, and get your high school diploma and maybe even take an advance course in business, business training, secretarial training, et cetera?

Miss BERGERON. I am taking key-punch training.

Chairman PEPPER. Don't you think it would be helpful to you?

Miss BERGERON. Yes; it would be helpful to me.

Chairman PEPPER. All of you are very attractive people, and I am afraid you are going to be handicapped if you don't. Some people overcome it. You have a very good personality and very charming manner, and all of that, but I think it would be helpful, if you would get an education. You can go further, live a much better life, if you could get a little better education.

A very small percent, 5 percent, of the people in the labor market, are unskilled. I mean, there is only room for 5 percent of the working force in unskilled occupations. That is what it means. So you have got to get a job in that 5 percent, most of you, if you don't have education enough, training enough, to get up into a better job.

Mr. Hall, what about your education? Do you want to go on and finish?

Mr. HALL. I plan to go back to school in September.

Chairman PEPPER. What about you, Mr. Pollock? I know you have a job, too.

Mr. POLLOCK. Yes. I am going back to school.

Chairman PEPPER. How far did you get in school?

Mr. POLLOCK. Tenth grade.

Chairman PEPPER. How far did you get, Mr. Hall?

Mr. HALL. Tenth grade.

Chairman PEPPER. Well, now, the next thing is, do you think this youth program, you have been a part of, is about the best way you know of for public desire to try to do something about young people who get into trouble? Have you any suggestions as to what would make it better? We will start off with you, Miss LaBonte.

Miss LABONTE. No, I don't have any suggestions right now.

Chairman PEPPER. Miss Ruth, do you have any better program to suggest?

Miss RUTH. No, sir. DYS, they are really running good. They are really short on money. They aren't financed well enough. They could do so much more, but it is mostly lack of money. They don't really have enough.

Chairman PEPPER. You mean, the youth services program could do a little more if they had more money?

Miss RUTH. More money.

Chairman PEPPER. What do you think, Miss Bergeron?

Miss BERGERON. I agree with that, definitely. They need more money.

Chairman PEPPER. Have you any suggestions as to how this program could be improved?

Miss BERGERON. No.

Chairman PEPPER. Mr. Hall?

Mr. HALL. I don't have no suggestions on how it can be improved because I really don't have that much contact with the department. I am working on my own. They wanted to put me back.

Chairman PEPPER. You are now working on your own?

Mr. HALL. Yes.

Chairman PEPPER. Isn't it fun to be your own man again?

Mr. HALL. Yes.

Chairman PEPPER. Be free of drugs?

Mr. HALL. It is. It really is.

Chairman PEPPER. What about you, Mr. Pollock? Do you have any suggestions as to how the program could be improved?

Mr. POLLOCK. Well, I ain't going to say it is the best, but there is a lot better that could be made out of this, but it is a lot better than what has been. So I just leave it at that.

Chairman PEPPER. It is obvious to me that one of the reasons this program has succeeded as well as it has is because it individualizes and personalizes what it does for you. It is dealing with you as an individual. There must be pretty wise counselors. These are the people that are in the counseling part of this program and they try to find what your trouble is, what kind of a person you are, and what you will best respond to, what would be best for you. Don't they try to do that? Don't they try to individualize the program?

Mr. HALL. Yes, they do that.

Miss BERGERON. They do.

Chairman PEPPER. Whereas, in the big institutions where there are hundreds of thousands of people you can't do that very well. So it has an obvious advantage over the other.

All I can say to you folks is this: This is a great country we live in. It is an interesting world. There are so many wonderful things to do, so much fun to be had, and the like, but you know you have to be able to make your way or fit into society some way or another. There are a lot of things about it that ought to be improved, ought to be changed.

I have great sympathy for some of the problems of younger people growing up today in a changing world, changing society, trying to realize some of their dreams, aspirations, having their individual personalities, feeling they want to live that kind of life, and nobody can say for sure just what is the best life. But anyway, it is wonderful you have been able to get into a program where you are finding yourselves, every one of you, by what you said here today.

Miss Keating, they all indicate they have a new attitude toward life, they enjoy life. I believe all of you are getting much more fun out of life, aren't you?

Mr. HALL. Yes, much more fun.

Chairman PEPPER. That is wonderful. Are you, Mr. Pollock, enjoying yourself? Mr. Pollock already said he is having fun. You can tell, he has a big smile on his face. You have a great future ahead of you.

We appreciate your coming.

Miss Keating, I want to commend you on what you are doing. I can see the rapport you have with these young people and how much you mean to them, and that means you are touching a beautiful life and making it better.

Thank you all very much for coming.

We will adjourn until 10 o'clock tomorrow morning.

[Whereupon, at 3:45 p.m., the committee adjourned, to reconvene at 10 a.m., on Tuesday, April 17, 1973.]

STREET CRIME IN AMERICA

(Corrections Approaches)

TUESDAY, APRIL 17, 1973

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME.
Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., in room 311, Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Mann, Rangel, Steiger, and Keating.

Also present: Chris Nolde, chief counsel; Richard Lynch, deputy chief counsel; James McDonald, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order. I am sorry that some of our members are a little late this morning, but we have many very important witnesses and I want to give full opportunity for those witnesses to testify.

I see there are certain newspapers in the local area that write, every day, long columns about crime, yet right here in this room we have some of the best authorities of this country present to talk about how to curb crime and how to deal with crime, but they don't seem to manifest any interest in that, unfortunately.

Yesterday, people disclosed to us an entirely new system of dealing with juvenile offenders. They are at the beginning of the pipeline that produces a group of criminals, who are the primary offenders against the law in the country. We had a Harvard professor, plus Dr. Miller, who initiated the Massachusetts program, and the gentleman who is the assistant director of it at the present time.

Then we had five young people who have participated in the old program and are now participating in the new program. And we found out, for the interest of the taxpayer, that the new program not only provides less repeaters, less recidivism, but it costs less to the taxpayer than the old program, which I would think would be a matter of great public interest.

But any way, all we can do is try to find out what is the best thinking. That is what these hearings are about, to find out the best thinking in our country in dealing with the subject of violent crime; what can be done to curb it; to reduce it to a tolerable level.

We have dealt with the aspect of the police. Last week we had 12 of the outstanding police departments of the country represented here to tell about the innovative and imaginative programs that they had

initiated in their areas which have led to the reduction of crime, which we hope will be emulated by other police departments in the country.

This week we are dealing with correctional institutions, primarily putting emphasis upon the younger people. Because, as they say, they are the beginning of the pipeline. In the latter part of the week we will have two outstanding men, one from the American Bar Association, the former Governor of New Jersey, Governor Hughes; and another man, Mr. Skoler, who is also a very outstanding authority on the subject of adult penal institutions.

This morning we have two very distinguished witnesses, very knowledgeable and outstanding in this field.

Mr. LYNCH, would you proceed.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, I am privileged to present to you, Mr. Kenneth Schoen, the Commissioner of Corrections for the State of Minnesota. Mr. Schoen is a native Minnesotan. He holds both a bachelor's and master's degree in sociology from the University of Minnesota. He began his career in corrections as a parole agent in 1957. After that, he became superintendent of a 60-bed facility which dealt with delinquent adolescent boys.

Subsequent to that, he served as superintendent of the Minnesota State girls' school, and after that, he was an assistant commissioner of corrections for the State of Minnesota. He was appointed in January of 1973 as the commissioner of corrections.

As you will recall, Mr. Chairman, he is the successor to Dr. David Fogel, who testified before this committee last year, in relation to prisons in turmoil.

Chairman PEPPER. He made a very excellent presentation.

Mr. LYNCH. Mr. Schoen, if you have a prepared statement would you please deliver it at this time?

Chairman PEPPER. Mr. Schoen, we are very pleased to welcome you here today. Thank you for coming.

STATEMENT OF KENNETH SCHOEN, COMMISSIONER, STATE DEPARTMENT OF CORRECTIONS, ST. PAUL, MINN.

Mr. SCHOEN. Thank you, Mr. Chairman, committee members. Mr. Lynch: I would like to tell you something about the scene in my State. We feel in Minnesota that we have done some things that are interesting and have been effective in the terms that you, Mr. Chairman, have mentioned. We feel we have been effective in controlling some of the behavior to which the community objects to, and at the same time showing some worthy cost figures. But by no means do we feel we have arrived at the solution there.

I would like to give you a brief history of how things developed: In 1947 we saw the beginning of a real effort to do something for juveniles by the formation of the youth conservation commission—YCC—patterned after the California plan, which brought together juvenile institutions and probation parole services in the State. What it also did, really, was introduce the medical model, in which we diagnose an individual's problems at a reception center, and then attempt to fit the treatment to the individual.

I might get ahead of my story and say we since junked that model, but I will get back to that in a moment.

In 1959, we formed the department of corrections and two things followed that are significant. One is that we pulled together the adult and juvenile programs under one department. I think that is significant in a State the size of Minnesota, which is about 10 times the size of Massachusetts, geographically. Geography tends to kill correctional programs because you can't get to the people or they can't get to the services. This step toward combining the administration of these programs at least, makes some sense and it is in this direction we have been going since 1959.

At the same time, legislation was introduced to provide a probation subsidy in all 87 counties of the State. What this did was begin a trend toward the development of community services at the local level. These probation services were administered by the local county, involving all counties in Minnesota. The three large Minnesota counties were excepted for some reason. I think the reason was that they had extensive services already. But the result was that every single juvenile who came into court would have a probation officer at the local level. During the 1960's, we saw the rise and fall of institutional options. It was interesting in that the beginning of 1960 we opened the decade with one camp and two juvenile institutions. By the end we had three camps and three juvenile institutions. There was a great deal of interest in building a security facility for juveniles. Thank goodness that didn't come to pass; however, it came very near. The population was very high in the institutions in the beginning of the decade; toward the end they were down. Right now they are at an all-time low. Currently we have only one camp and there are plans in the legislature now to junk that facility also.

In the late 1960's, and early 1970's, we have seen the development of community alternatives beyond probation. Probation is certainly a community alternative, but beyond that there are halfway houses, group homes, and other types of facilities to extend the correctional-type programs into the community.

These were again largely operated by the localities as opposed to being operated by the State. This is in sharp contrast to other States around the country. It is our belief that we deliver a better service if it is operated locally and administered locally to respond to local needs. I will describe to you later a rather elaborate plan we have to implement that. In fact, I have to go back to testify on a bill today in the Minnesota Legislature. Hopefully, we will see that thing begin in the proper form.

The community alternatives were developed because there was a recognition of the chasm between the institution and probation. This chasm was just simply too great. It was no easy transition from an institution back to the community. We needed alternatives to the institution. And we were becoming quite aware, in the late 1960's that the institutional costs were quite high. Currently, they run as high as \$14,000 and \$16,000 per year, per bed; exceedingly expensive. About 75 percent of all our budget is consumed in institutions, which includes adult institutions.

Chairman PEPPER. What was the figure?

Mr. SCHOEN. About 75 percent. Our annual corrections budget at the State level is \$22-\$23 million; 75 percent goes into institutions, largely juvenile institutions. Those are the more expensive ones.

Another interesting thing is the great contrast between our juvenile institutions and the adult institutions. The adult institutions, I dare say, are just a disgrace.

Chairman PEPPER. Let me interrupt you just a minute. I visited Red Wing and no doubt you will mention that in your presentation. I was enormously impressed by what you are doing there and I hope that fine institution is going forward.

Mr. SCHOEN. Mr. Chairman, that institution is doing very well. That institution and the one at Sauk Center are particularly in contrast to the adult. In fact, we are finding at Red Wing that we are getting about 80 percent success of youngsters who have left the facility. Back in 1969, before the program that you witnessed began, it was about 50 percent. That is a dramatic change.

Chairman PEPPER. Who was the professor at the University of Minnesota that initiated that program?

Mr. SCHOEN. Two persons were involved there. Prof. Dick Clendenen and Harry Vorrath, who is now out in Michigan.

Chairman PEPPER. I met both of them.

Mr. SCHOEN. He is doing group work out there.

As I was saying, we saw an extension of options in the community in the late 1960's and they were largely group homes, regional detention—which is a thrust at some of the crummy jails we were keeping kids in—and community correctional programs got going.

The scene in Minnesota presently looks like this: We do have a few juveniles in security. We have not shut down our institutions like Massachusetts has, but what we have done is regionalize. Again, Minnesota is a large State. We have three juvenile institutions and we designated each of these to serve a different geographic area of the State. The idea here is to permit the staff and resources of the institution to relate to certain areas of the State, the people there, the law enforcement there, et cetera. This permits more of a relationship between what goes on in the institution and what goes on in the community. One of the institutions, in fact, even has cottages set aside for certain areas of the State.

We have seen populations go down in the institutions over the last 10 years, although we are finding currently they are leveling off, for what reasons we are not quite sure. We are also seeing whether a major change in the role of the parole agent can be implemented. When I started back in 1957 I had a large caseload. I would see my clients across the desk and spoke about their problems and hopefully there, I would say something eloquent that they would leave and go out and get better as a result of. I think we are finding that sort of thing not particularly useful. In fact, there was a survey done about a year and a half ago in Minnesota contrasting parole supervision and nonsupervision. We took a number of youngsters from the State training school at Red Wing and Sauk Center and put them out on parole. Some had agents and some didn't. It was an excellent, well-controlled study. The results showed that those who had parole agents did no better than those who did not have parole agents. In fact, if you didn't buy the statistics too critically, those who didn't have parole agents did a little

better. This would suggest that the activity the parole agent normally has carried on is really less than highly productive.

I would like to just describe briefly one program that I think has been particularly useful and has really been a model on which we are building a number of programs in Minnesota. It is a program called PORT in Rochester, and stands for "Probationed Offenders Rehabilitation and Training." It is a community-based, community-directed, community-supported, residential correctional facility for all ages. The age of the youngest in the program has been 12 and the oldest has been 47. It serves a three-county area including Olmsted County, in which Rochester is located, and two smaller counties. Its purpose is to provide an alternative to those individuals who would otherwise go off to both adult and juvenile correctional institutions.

PORT utilizes community resources to the fullest—public schools, vocational rehabilitation, mental health centers—many, many resources that exist in almost all communities in this country, as opposed to duplicating these in the institution in which such duplication becomes extremely expensive.

The program was really "hatched" by a couple of district court judges who felt that too often, when they were sentencing somebody, they really didn't have the option they wanted. They had probation which didn't work—which hasn't worked in the past, that is, in these cases we are speaking of—or they had institutionalization, which they felt was an overkill and frequently counterproductive. So this thing developed from that.

It was a program that is very much supported by the community. It is really, in effect, directed by the community. On the board of directors are the sheriff, the chief of police, and other elements of the criminal justice system. Of course, we are quite aware this system is anything but a system. In fact, they are generally warring factions who probably really have little in concert.

PORT is located in the community. It has served approximately 160 individuals, most of whom would have gone to a correctional institution if PORT hadn't existed. I think the really interesting thing is that since it began in October of 1969 it has taken in 160 people, the commitments to these State facilities from that three-county area. The nice part is that we can compare what it was before, after, and what the trends have been in the State. They have been down very sharply for adults, something like 78 percent. Just about the lowest commitment rate in the State.

Yet, the crime rate in the Rochester area is also down, whereas in St. Paul-Minneapolis, the recent FBI reports showed that it was up.

So it may be Minnesota's crime rates haven't been that bad. They were up in the Twin City area, but down in Rochester. This would suggest to these criminals in the community that otherwise be in State institutions are not increasing the crime rate. It is not necessarily cause and effect, but that is the situation nonetheless.

Also, the cost per day is substantially less than the adult institutions and remarkably less than the juvenile institutions. It rounds out a little less than \$10 a day. The adult institutions are running about \$16 a day and the juvenile institutions about \$35 a day.

PORT has what we call cost-effectiveness operating. It has a very small staff. They use college students who live in and serve as

counselors, roommates—just people that really add to the quality of the environment of the operation.

The beautiful thing is that these people do not have to be uprooted from the community. They continue in school and they are taxpayers; if they are working they support their families, so even the estimates I quote are very conservative because they do not include dollars we end up paying into institutions as fringe costs.

This is a program on which we are modeling a number of others. There is one going in Brainerd, Minn., which is up in the lake and resort area. This area had a very high commitment to the State institutions. There is one going in St. Paul, one in Columbia, Mo., and one expected to get going in Minneapolis.

We are trying to take these concepts and institutionalize them, if you will, by a subsidy bill something on the order of the California plan. Exactly what we are doing is computing a subsidy to go out to a county, provided they give us a plan. We then have a full spectrum of services operating in the county or groups of counties, if several wish to join together.

We set a maximum amount of money they can get, and it is based upon their crime problem as well as financial situation. Counties differ greatly on these two factors in Minnesota.

It says that they must bring all of their correctional services under one administration. That is an oddity because it means the sheriff will no longer operate the "old English" custom of his jail. It also means judges may lose what traditionally has been their bailiwick. I say that and defer to Judge Arthur who is here, because the discussions on this matter are rather lively discussions. But we are interested in trying this out; we think the business of having as high as ever jurisdictions operating a correctional service in the same county is nonsense. We end up consuming great amounts of money and at the same time really delivering very poor service.

We also see to it that the county is eligible for a fairly hefty sum of money. If they want to use State institutions they will pay for that out of their subsidy at the going rate of \$35 a day for juveniles and \$16 for adults, except for adults whose offenses are by statute in excess of 5 years. The rationale behind that is that we don't want to come into the situation where we are charging counties to send their severe criminals to a State facility.

We find that in our institution at Stillwater, the State prison, about 35 percent of the population falls in the category we are talking about. They have statutory maximums of less than 5 years. At the State reformatory about 50 percent fall in this category. We feel we can substantially reduce our institutional population and thus free up money to develop a spectrum of services in the context of the community.

We hope to get the bill flying past the State senate this time. It is in the State house currently. There is some opposition. As I said, I would like to try it. The beautiful part about it is it is not brick and mortar; not something we have for the rest of our days as we do in institutions.

With that, I would like to conclude my testimony.

Mr. LYNCH. Commissioner, you have, I believe, a centralized department of corrections in the State of Minnesota. Would you tell us what is your jurisdiction substantively as commissioner of corrections?

Mr. SCHOEN. Mr. Lynch, we have under the department, adult and juvenile corrections. Juvenile corrections includes a youth conservation commission, which is a paroling board, the juvenile institutions that fall within the department, which are the three large juvenile institutions, plus currently two camps. It also includes the field services, probation and parole services, operated by the State. There are local services, as I indicated earlier, which do not come directly under my jurisdiction.

Mr. LYNCH. I am sorry; I am unclear. When you say they are operated by the State, do probation and parole fall under your jurisdiction as commissioner?

Mr. SCHOEN. Parole falls under my jurisdiction; that is correct. If the court puts offenders on probation they are then under the local service; sometimes probation officers are on contract for services from the State. But they really are responsible to the court for probation, except in the case of an adult. This is what we are making a thrust at; it is very confusing. When an adult is placed on probation by the court in the 84 smaller counties, then it comes under my jurisdiction. If it is in the three larger counties, it then comes under the local jurisdiction. Also, we have the adult institutions and adult parole under the department of corrections.

Mr. LYNCH. In the interest of efficiency, and also in the interest of allowing you as commissioner of your department to track juveniles who are on probation, ought you have jurisdiction over juveniles on probation; in your judgment?

Mr. SCHOEN. Mr. Lynch, my feeling is no, we should not. However, we can track. I think that the department of corrections should be the funder to the local level, provide services there in accord with local needs, within guidelines, within enforced standards. Funds should be withdrawn if the quality of services at the local level drops.

Part of these standards includes tracking. I think the department has the responsibility, really of providing the technical services and computer service so we can track individually. Computers and the state of technology being what they are today, we can do a far better job than what we are currently doing. This is one of the major appeals I made before the State legislature.

Mr. LYNCH. On any given day, could you advise the Governor or the public exactly how many juveniles are on probation in your State? Do you have that information?

Mr. SCHOEN. If I asked for that at 8 a.m. in the morning I could have it by the end of the day; yes, sir.

Mr. LYNCH. Could you describe what you mean by subsidy? How does that subsidy work? Where do those funds come from?

Mr. SCHOEN. Currently we are spending at the State level about \$23 million per year. What we have in mind is changing the ratio from 75 percent of that to institutions, and 25 percent to the community or for management. We would then take approximately \$15 million from this budget, by the subsidy formula I briefly described a minute ago, and give this to the counties. This subsidy would match

up with the counties existing levels of expenditure. What we are setting up is a State subsidy to localities to operate programs. In other words, bring the money to the people, rather than the people to the money.

Mr. LYNCH. But those would be State funds?

Mr. SCHOEN. Yes, sir.

Mr. LYNCH. How does a juvenile in difficulty with the law get involved in the probationed offenders rehabilitation and training program, "PORT," as you call it?

Mr. SCHOEN. Mr. Lynch, it is optional on his part. Here is the way it generally works. He gets into difficulty and very quickly is on probation, although we have had some exceptions to that. The judge or his staff are looking for an alternative. Of course, this is a small area and therefore the people are very much aware of the program; so one of the options the judge may offer the youngster is the PORT program. Generally, the judge is at the point of saying you have exhausted your resources and traditional probation, your behavior has developed to a point at which we feel it is in your interest and the interest of the community to send you to an institution.

The PORT program would then be available and the choice open to the youngster. The same option is open to adults. A man goes up there and spends a couple of weeks looking it over—with the staff looking him over, too. If he chooses it, the judge sets it as a condition of his probation. He resides at the facility. The general length of stay averages 6 or 7 months—sometimes it is much less or much longer. Our experience is when it goes beyond a year it is not as effective.

As a short answer to your question: PORT is optional to the youngster and his family.

Mr. LYNCH. Commissioner, you indicated it cost \$35 a day, which, if my arithmetic is correct, is approximately \$12,500 a year to keep a juvenile incarcerated. Yesterday we heard the testimony indicated—that in some States, Rhode Island, for example—the cost may run as high as \$22,000; in New York, it was between \$18,000 and \$21,000 per annum; in Illinois, \$18,000; Massachusetts, between \$10,000 and \$15,000. How much does it cost to have the juvenile in a program like PORT?

Mr. SCHOEN. We are using annual figures, and I think you must bear in mind that if the length of stay were less than a year of course, it would be that fraction of the total of \$12,500. Although the length of stay in PORT is approximately the same as it is in the juvenile institution, around 9 months, PORT runs less than \$3,600 per year.

So it would be substantially less.

Mr. LYNCH. Approximately 25 percent of the cost of incarceration?

Mr. SCHOEN. That is correct.

Mr. LYNCH. Commissioner, how many juveniles do you have in your State who need to be incarcerated?

Mr. SCHOEN. That is always a very difficult question. And I think you really have to look at where programs are operated to give you some idea of how many.

If you go to an institution, particularly an adult institution, and ask what percent can make it in the street, the staff will say they don't know. This is because there is so much behavior that goes on in institutions that is merely a byproduct of living in the institution. As I

mentioned, some community programs have been developed that have reduced the load in institutions substantially.

The figure, I would guess, would be 10 percent. But again, I think that figure is so dependent on whether we have something more creative available to deal with the youngsters. Being dependent simply upon institutions alone, as a method of dealing with a residual youngster, is an old custom we have had. I think it is important that we address ourselves to some options. Then I would daresay it may go down to 5 percent or 1 percent if we really get some good programs.

Mr. LYNCH. For purposes of the record, at what age does the juvenile reach his maturity vis-a-vis the criminal justice system in Minnesota?

Mr. SCHOEN. Through the age of 17.

Mr. LYNCH. Through 17. The 18th birthday he is an adult?

Mr. SCHOEN. He is an adult. We have a youthful offender law in Minnesota, but in effect he is an adult at 18.

Mr. LYNCH. It goes up to what age?

Mr. SCHOEN. Age 21.

Mr. LYNCH. How many juveniles do you have currently institutionalized in Minnesota?

Mr. SCHOEN. We have two county institutions and we have three State institutions, plus an operating camp. I would say about 500 juveniles institutionalized, maybe 550, including the county institutions in Minnesota at the present time.

Mr. LYNCH. What kind of a juvenile gets committed to one of those institutions? What is the typical kind of offender that has been committed?

Mr. SCHOEN. For boys it is mostly for property offenses, car theft, burglary; although car thefts are going down principally because of the locking devices.

For the girls more than 50 percent we call status offenders. Their behavior is called delinquent simply because they are juveniles, that is.

Mr. LYNCH. Whereas it could not if they were adults?

Mr. SCHOEN. If they were beyond the age of 18 it could not.

Now, there is a bill before the legislature at the present time in Minnesota wiping out status offenses as a means of commitment to the State. Judges could still adjudicate them delinquent and deal with them at the local level. Others say that many youths could have been committed for criminal offenses but were merely charged with status offenses. I am not really sure of the accuracy of that.

Mr. LYNCH. What is a juvenile camp? Would you describe a camp for us?

Mr. SCHOEN. These got going in the late fifties. The notion was modeled somewhat after the CCC idea back in the thirties. They are generally smaller facilities, 40, 50, 60 residents. Initially they were forestry type located in the areas of the State where we had heavy timberland. The juveniles would clean up brush and this kind of thing. The notion was this was a good work experience and created a more intimate kind of relationship between staff and the boys. They evolved into vocational training facilities and all of them added schools.

The problem has been that as we have added such community facilities, the type of individuals who would be in these camps, with no

security to speak of, we have had a real problem keeping the populations up. I think this has been seen around the country.

As a result, the one residual camp we have now has had a population of only 10 and 35. When it gets down to 10, the legislature gets very upset because the cost is really quite high.

Mr. LYNCH. What kind of an offender goes to camp, as opposed to a regular kind of institution?

Mr. SCHOEN. Again, my experience does not indicate that the offense and type of behavior you can expect to see in an institution are highly related. The boy who goes there would be one who would not be a great behavior problem; who would probably not be a great security risk, and very likely would not commit some act that would be dangerous to the community, embarrassing to the department, that sort of thing.

Mr. LYNCH. How long does one get sentenced, if that is the appropriate word, to that kind of institution or a camp?

Mr. SCHOEN. The program in the one remaining camp we have, which is in the northern part of the State, around Hibbing, has a definite length of stay. I think currently it is 3 months. So the youngster knows when he goes there that it is going to be that long a period. The current program offered there is a type of outward-bound program. It is an outdoors endurance experience, in addition to a school program. Forestation has really become a minor part of the program.

Mr. LYNCH. As a correctional administrator, what is your view of programs like outward bound? Do they have a value?

Mr. SCHOEN. I think they do, yes sir; provided this isn't the whole program. What it does is offer them an opportunity to do the things that many kids have done by virtue of being a part of the mainstream. They begin to see themselves as competent individuals, particularly with physical skills. We have seen some good results of this program and I think it offers some real value. Massachusetts is doing it and a number of the Eastern States are using these programs. I think this is one we want to continue.

Mr. LYNCH. You have been involved with adult and juvenile corrections since 1957. I wonder if you could describe for us what your long-range plans are, especially regarding the juvenile correctional system in Minnesota?

Mr. SCHOEN. Mr. Chairman, Mr. Lynch, I hope we will see the day, particularly with respect to juveniles, although adults too, when we are spending our correctional dollars largely in the community to provide a full spectrum of services, and the opportunity for the individual to link up with services prior to being thrust deep into the correctional continuum.

For a moment, may I say that we tend to get in the correctional programs, the individuals who do not have access to power and resources. For the youngster who is reared in a home where this access is available, other diversions are developed by the parents—psychiatry, good lawyers, private schools, et cetera. And they generally work. So we don't see many of those people in the correctional system. This is not to suggest those kinds of kids don't commit delinquent offenses.

Mr. LYNCH. If I could interrupt, are those services generally publicly available to young people if the parents do not have the financial

wherewithal, are those kinds of things publicly available now in the State of Minnesota?

Mr. SCHOEN. Mr. Lynch, they are not readily available. To make them available requires money and persuasion. They are becoming increasingly available, but not nearly to the extent necessary. One of the things the PORT program does do is give options to the individual.

Mr. LYNCH. What kind of options? Could you explain that?

Mr. SCHOEN. It gives options. For example, the person needs a special educational program. There are two institutions that tend to break down most significantly with respect to the juvenile: The family institution and the school institution.

We need to build on these two, using the correctional dollar, with family counseling, psychiatry, mental health services, and special educational experiences. This is what we would like to see happen and this is where we would like to see our money directed.

The person who has money and access to power can provide these things; for example, private schools are not available to the poor. What happens is that the judge ends up just as desirous of providing the poor kid from the other side of the tracks with the same experience as the youngster who grows up in an affluent area. Thus he ends up committing the person to a State institution.

Mr. LYNCH. To what extent would the provision of those kinds of services cost more than the present treatment accorded under correctional institutions? Would it be more expensive in your judgment?

Mr. SCHOEN. In my judgment, it would not be. We project that we could provide all of the services that they need with our current level of spending. The only increases we would need would be due to inflation or population increases.

In our opinion, if we can pull together the fragmentation of the correctional services, or efficiencies, we can reverse the 75-25 ratio, directing our money toward the community. We could provide school programs that respond to alienated, dropping-out youngsters. There are some very excellent models for this. We could provide such programs without spending more money. Yet the productivity, the cost effectiveness would be exceedingly higher than it currently is.

Mr. LYNCH. Turn that budget around from 75 percent to institutions by doing what, by closing some local institutions and going to a regional correctional system?

Mr. SCHOEN. Mr. Lynch, largely by closing a number of the institutions at the State level. For example, we have a juvenile institution in the metropolitan area, serving Hennepin and Ramsey Counties—Minneapolis is in Hennepin County—St. Paul, in Ramsey County. They both operate juvenile institutions. Both of their institutions are half full. We operate a State institution serving approximately the same area, and ours is half full. Close them both up and immediately we would realize a saving of about \$2.25 million.

Mr. LYNCH. Your testimony was the approximate operating budget in your department is about \$23 million. How much money have you received within the past year from LEAA?

Mr. SCHOEN. Approximately \$2 million. I have to put a heavy emphasis on the approximate there. The department gets some money directly and some from the State through programs we either subsidize or we are interested in supporting.

Mr. LYNCH. What do you use the LEAA money for, sir?

Mr. SCHOEN. Primarily the development of new programs that we otherwise could not operate or develop, because of the need to continue what we are operating. That is a problem we have now. Just changing the reversal of the 75-25 ratio is very difficult. We have to operate parallel services. LEAA allows the beginning of new programs even though they are operating existing programs.

Once a program gets financed, and we get people into it, we can begin to shift funds. The PORT program and other models developed from an LEAA start. Once we get going we can begin to shift funds in those directions for good programs.

Furthermore, we have a chance to examine the programs and judge whether or not they are effective.

Mr. LYNCH. Do you have a planning development and research staff in your department?

Mr. SCHOEN. Yes. We are making a major reorganization in the department and one of the major shifts is going in that direction.

Mr. LYNCH. What is the state of the unit now?

Mr. SCHOEN. It exists, it does a fairly good job. But I would say it does only about 25 percent of the job it could do, with the talents we have, the knowledge we have, the technical capabilities we have in the State.

For example, we have a very sophisticated computer located in the State capitol. We do not have a terminal. I hope to have a terminal by the first of July, so we can really begin to determine such things.

There is a bill in the legislature saying it should be mandatory for a man to go to prison for 3 years if he uses a gun. We have somewhere in the community the knowledge of how many offenders used guns and their track record.

Mr. LYNCH. Under the 1970 amendments to the Omnibus Crime Control and Safe Streets Act, there were the requirements for partial funding that the corrections component of the State system produce, in a sense, its own mini 5-year plan for correctional forecasts. Did your department do that in the State of Minnesota?

Mr. SCHOEN. We are doing it. It is currently being done and is coming to fruition at the present time. We did it through a private corporation, Bush Foundation grant, being done through the Minnesota Correctional Services. It is going to be an impressive piece of research.

Mr. LYNCH. Can you tell us what forecasted plans are within that 5-year plan for juvenile corrections?

Mr. SCHOEN. Largely we plan to decentralize the juvenile institutions, as we have already done; to reduce their size and to move the resources to the community, setting up programs there.

Eventually, I'd say a 10-year plan is to go into what they call human resources programs in the community where they don't have departments of bad people, but human resources that respond to individual needs.

Mr. LYNCH. Commissioner Schoen, yesterday witnesses describing the Massachusetts system indicated to this committee that it was their feeling that frequently private organizations could perform more effective and more accountable correctional services in the juvenile field; their feeling was that you do not get involved in bureaucratic tangles

and, in fact, you can serve a contractual relationship with an independent firm much more easily than you can change a bureaucratic system. Do you in Minnesota contract out private rehabilitation programs for juveniles? If you do, how does it work? And if you don't would you like to have that authority?

Mr. SCHOEN. Mr. Lynch, yes, we do contract out. I support their findings in Massachusetts. This is a good way to go. And it does one more thing, it also begins to develop a constituency, where someone has to support the correctional effort. Other programs tend not to have this constituency.

We have contracted out primarily with LEAA funds, which is a great aid in this. One of the problems with State funds in Minnesota is that we budget on a line item basis and there is no incentive to save money. In fact, it is the other way around. The incentive is to spend all, and to come back and say, "Look at all of the money we spent, we need more."

I think at this time we are going to make a change in that so residual moneys can be utilized to operate programs and even allow for contracting.

I would say that percentagewise very little money is spent in contracts. We have a number of contracts operating for direct service and training grants. We are going to be moving in this direction and as we move toward subsidy programs, I would encourage communities to do the same thing.

The PORT is a contract program. It is a nonprofit organization operating in the community on a contract, really to the State and county because the State and county fund the program.

Mr. LYNCH. To what extent do you utilize the services of the juvenile justice volunteers, individual citizens who work with or under the auspices of your department?

Mr. SCHOEN. It varies quite a bit.

A gentleman by the name of John Conrad, who used to be with LEAA, a researcher from California originally told me Minnesota has a very high percentage as you compare State to State.

I was not aware of this, that our comparison with other States was on the upper end by far.

Hennepin County has an elaborate program with volunteers throughout the State. We are seeing the development of a great deal of volunteer input into the system. And of course, what it does, again, is to extend our services in many respects. The PORT program is an example of one in which volunteers offer the major input into the program. And again, it provides a great deal to corrections to have volunteers intimately involved. I am not talking about them bringing cookies or flowers or the nice things like that. I am talking about really delivering correctional-type services.

Mr. LYNCH. I take it you tend to favor the use of volunteers?

Mr. SCHOEN. Very much.

Mr. LYNCH. Do you have a training program or guidelines for the selection and training of volunteers within your department?

Mr. SCHOEN. Within the department we do. It is a unit that got started under an LEAA grant. As of July 1, we will be picking up on our State budget.

The Hennepin County court services was one of the first departments to get involved in this area. They have a very elaborate training program.

Mr. LYNCH. What kind of juvenile recidivism rates have you experienced within the past several years, Commissioner Schoen?

Mr. SCHOEN. They have declined since 1967 because we have made substantial improvements in our juvenile institutions. The Red Wing facility, especially, experienced a decline from about a 50-percent return rate to about 18 percent in 1972.

The facility at Sauk Centre, the one the committee chairman visited a couple of years ago, has been dealing with younger boys and girls of all ages. The girls are reporting approximately the same rate of failure as success.

Interestingly, with the younger boys, we do much more poorly. That is exactly what we found in the PORT program, too. The younger boy, 13 to 15, is the one who is much harder to get a grip on.

Mr. LYNCH. Why is that?

Mr. SCHOEN. I think because they have a higher level of impulsivity and also much more dependence upon people than we are able to provide in our institutional-type programs.

I think parenting plays an important role in that. We are going to be trying some special programs for that person now. We are thinking initially of creating a linkup with school and group therapy programs. Then the youngster who does not have a home would have a small group living situation. Then, perhaps, we could make a thrust at this problem.

The success of the PORT program, as we get into the older ages, goes up. If you look at the institution we put the older person in, this suggests we have the very worst there. But statistics indicate our chances of being successful at the age of 18, are much greater than they are as we get down to the younger ages. And the same is borne out in juvenile institutions.

Mr. LYNCH. What kind of public response have you received to the PORT program?

Mr. SCHOEN. It has been remarkably excellent. The question is, how long will it last? This has been the case since 1969. At the annual meeting they had at Rochester at the nicest hotel in town, where the right people go, they had an attendance of 300 people this past fall. It is a program that is very much a part of the community. It has a board of directors that is an impressive group, paralleled only by the Mayo Clinic itself.

Mr. LYNCH. I have no further questions.

Chairman PEPPER. Mr. McDonald, do you have any questions?

Mr. McDONALD. Thank you, Mr. Chairman.

Mr. Schoen, can you explain to us in more detail precisely what the PORT program entails and precisely what it does?

Mr. SCHOEN. First of all, it is a nonprofit corporation set up in 1969. It is an alternative to incarceration for the most part, and it is residential.

It uses two treatment technologies. One is group therapy, the type of thing used at the State training school in Red Wing. That was the first method used. Then they added a behavior modification scheme, a point system, where freedoms are earned by virtue of measurable be-

havior. This starts off with fairly tight controls on the individuals. It essentially says to a person, "We don't trust you, because you haven't given us reason to," rather than saying, "Everything is fine now, and all of your sins are past and forgotten, we are going to begin a fresh slate."

The group makes decisions on increased freedoms individuals living in a group will receive. Residents, and volunteers—college students—live in the same rooms together.

The individual may immediately participate in school or work. The experience has been that you can structure that well enough to insure the necessary control, bearing in mind that the primary goal in corrections is public safety and public protection. It must be cognizant of that. Otherwise the question Mr. Lynch asked earlier, "How is the public support?"—it is not going to last very long if the community is a hotbed of any kind.

As the individual shows the group that he can operate in several areas such as schools and finances, they give him increased freedoms. Eventually they receive the same freedoms in the program that individuals of that age would normally receive. A 15-year-old would have fewer freedoms than a 25-year-old for example.

Chairman PEPPER. Where do they go to school? Do you have special schools or do they go to the public schools?

Mr. SCHOEN. They go to the public schools. And if they are in the community from whence they came, which most of them are, they go to their own school. That eliminates the transition from the facility back into the school.

Mr. McDONALD. You mentioned before there is a mix at PORT adults, from the ages of 13 to 47 or 12 through 47. Does this work out? Is it good to associate young juveniles with older adult offenders?

Mr. SCHOEN. Your question, Mr. McDonald relates to problems experienced in adult institutions that bring in very young persons. Such facilities have experienced more problems than we do in Minnesota. The difference is here, PORT is a piece of the community.

If the value system, or the culture, or what is thought to be right and what is thought to be wrong, on the part of the individual who lives in the program, is normal and healthy, we have found that the younger residents even fare better. And the older guy does pretty well, too, because his behavior looks more ridiculous in the eyes of the youngster than it would with a bunch of guys living together like in an Army camp.

We found that with the young juvenile living in an institution, we tend to have sort of a perpetual boy scout jamboree, if you will. We then end up spending more time trying to control the youngster than we do getting down to the business of developing his strengths.

There have been no cases, where there has been what is clearly, explicitly, delinquent behavior as a result of that association. Generally, what happens, in fact, is that the older fellows and the younger kids associate with their own age group. Probably the biggest problem is that you do tend to see associations continue once the residents leave the program in the community. Sometimes these are not real favorable associations. Sometimes they are. But as far as the older guy having a negative influence, or vice versa, on the younger one, that has not been the experience.

Mr. McDONALD. What is the competence of the college-age students to counsel the older offender? Are they especially trained? How does the older offender take being counseled by someone perhaps half his age?

Mr. SCHOEN. The counseling is not a professional type of counseling. They attempt to help them with their problems in the sense of a deep insight. We picked the college age students, which are pretty young guys. They come from a junior college and are only 18 and 19, this presents some problems.

We have to pick those who are functioning in at that own age. We did try some who were having some dropout problems themselves—questioning the establishment and all that sort of thing. We found, that those cases, that we really ended up with more problems than we wanted. But I think generally that we choose the students well.

Good students and older guys will do better. The relationship is one of companionship. If the college student is a functioning individual, it is a good relationship. Furthermore, this kind of individual has his feet on the ground and his value system pretty well set. He is not going to be influenced negatively by the offender, but the offender is going to see, living intimately with him, somebody who can really cut the mustard and be a model for him.

The students also perform supervision of the building. Offenders perform the same function, if they demonstrate that they can be trusted. They also clean up the building together. There is no hierarchy in that respect.

Mr. McDONALD. No further questions, Mr. Chairman.

Chairman PEPPER. Mr. Schoen, has it been your observation that crimes are committed by relatively few people?

Mr. SCHOEN. I guess it depends upon how we want to define "crime." I guess we all commit crime to some degree.

Chairman PEPPER. I am thinking primarily about what we call serious and violent crime.

Mr. SCHOEN. One of the problems, of course, is that we know our statistics on crime is very poor. Most of it goes unreported and violent crime, the type where bodily harm is done, is confined to a relatively small number of people in a small area, generally within the towns and cities.

I would say that the individuals that are, in fact, dangerous people to our communities are confined to a relatively small number. That is correct.

Chairman PEPPER. That gives us a point of focus for the problem. If we could do something about those people we would materially reduce the volume of serious or violent crimes, wouldn't we, Mr. Schoen?

Mr. SCHOEN. That is correct.

Chairman PEPPER. What importance do you attach to the youth population, the teenagers, for example, in relation to the problem of crime?

Mr. SCHOEN. As I jokingly say, if we could eliminate everybody between the ages of—I am emphasizing, jokingly—13 and 25, we largely eliminate crime.

Certainly the youngster, the teenager, is the one who commits crimes most frequently. I can't say whether these are the most violent crimes. I think seldom, almost never, you see a person in our adult prison who we have not seen or been aware of as a delinquent youngster.

Chairman PEPPER. You mean who has not been delinquent in his youth?

Mr. SCHOEN. That is correct, Mr. Chairman.

Chairman PEPPER. In other words, as you say, the generation that is in the penal institutions, the so-called correctional institutions of the country, at some time before were a part of the juvenile system?

Mr. SCHOEN. Generally speaking that is correct.

Chairman PEPPER. That suggests the importance of programs attempting to do something about the problem of juvenile crime; doesn't that?

Mr. SCHOEN. That certainly does.

Chairman PEPPER. Therefore, the necessity for all possible emphasis of that part of our population.

Now, will you just take the case of a boy, let's say a boy of 16, 17 years old who is brought into the juvenile court, someone from your region in Minnesota, for the commission of a serious crime.

What happens to that boy? In the first place, is he sentenced by the court to a particular place, or is he put into the custody of your correctional system?

Mr. SCHOEN. Mr. Chairman, the judge has a number of options. Let's assume that it is a 16-year-old who has been in difficulty for some time. By the time he is 16 we have seen him for a while. And let's say he has been on probation to the court. At this point the judge just feels that he has exhausted the resources. We are, of course, as I said, seeing more options. But let's assume there are no other options, that he would commit him to the youth conservation commission, which is really a parole board for youngsters, and place him in one of the department of corrections institutions. He would then spend some months there.

Chairman PEPPER. Who would determine where he would go, and what sort of discipline he would be subjected to?

Mr. SCHOEN. If one of the local juvenile courts commits him to the State, the youth conservation commission would determine to which facility and which program he would participate in.

Chairman PEPPER. That would be after an interview with someone?

Mr. SCHOEN. He would go to our reception cottage at one of the institutions. There they would develop material for the commission. Then the commission comes there to hear the case, make a decision, and establish some information. This is a panel of two or three.

Chairman PEPPER. Let us just say this 16- or 17-year-old committed rape and murder. What would happen to him then?

Mr. SCHOEN. It depends. It again is up to the judge. He has two options on a very serious crime. He can commit him to the youth conservation system, as I indicated. He would then be sent to one of our open juvenile institutions. The judge would have to feel that he is not likely to commit the crime again, if he were to run away.

If the judge felt this individual was indeed very dangerous and felt it was questionable or irrelevant to try to rehabilitate him, he can

then bind him over to what we call Minnesota District Court, the adult felony court. He could then be tried as an adult and perhaps go to one of our maximum security facilities. Very likely he would go to the reformatory at St. Cloud.

Chairman PEPPER. Did you say under the law of Minnesota that people convicted of a serious crime must serve at least a 3-year minimum sentence in the State institution?

Mr. SCHOEN. Mr. Chairman, what I said is that there is a bill in the current session of the legislature which would require mandatory sentencing of 3 years for anyone who committed a number of serious crimes with a gun in their possession.

Chairman PEPPER. That would mean they would have to serve that time. They couldn't be paroled?

Mr. SCHOEN. That is correct. Neither the judge nor parole board could alter that.

Chairman PEPPER. It is a little beside a point of discussion, but would you care to express any opinion as to how desirable a long sentence is, even for a serious violent crime?

Does society gain by sending a man to prison for 40 or 30 years, or 20 years? I am asking whether or not it is possible that he may be rehabilitated under those circumstances.

Mr. SCHOEN. I suppose if you are saying 40 years, we could be sure he is not going to recidivate for a long time. However, nobody stays for that long a period. The average stay at Minnesota is 22 to 23 months, at the present time.

We do know that prisons are very counterproductive. There are some very good statistics, in fact there is an excellent study on this about juveniles just produced by a man named Lamar Empay of California.

Chairman PEPPER. What is the subject of the book?

Mr. SCHOEN. The book is entitled "The Provo Experiment." It is a long-term study done over a period of years. It compares, with the use of control groups, the youngsters who went to juvenile institutions with those who didn't go. He used controlled groups where the judge allowed him to move in after making his decision to put some in the community and some in the institution.

The ones that went to the institution clearly, some years later, continued to commit crimes in numbers and serious crimes. This gets us back to the point of your question; That is, everybody suggests that institutions are indeed very counterproductive.

Mr. STEIGER. How about the controlled group?

Mr. SCHOEN. One group went to the institution and the other was expected to go but didn't go. He then had the judge also put two groups on probation, one on regular probation and the other in an intensive group.

There were three groups in the community and one in the institution. The differences between the three community groups were there, as would be expected, but these were not too great. The clearest differences were shown by the group that went to the institution. The moral of the story is that no matter what you do in the community, the important thing is keep youngsters out of institutions.

Chairman PEPPER. You are trying to find a way to inspire these young people to get into a better course of life, trying to give them a

feeling that they would be happier. We had here five young people yesterday, and they all testified that they were enjoying life more, they were happy in this new program in which they were participating.

One boy had been on drugs, and was not on drugs now. He said he hoped to be in the Marine Corps soon. I guess you try to bring out the best.

I remember that remarkable institution of yours at Red Wing, the peer therapy principle it operates on, where they arouse in the boy the desire to help his fellow inmates. I heard one boy there tell a very interesting tale. Had been out for a while and then called back and asked if he could be permitted to come back for a week or two. He said he was getting, as he put it, scared of himself. He came back with this group, about a 10-person group, in that cottage. He said he wanted to be with his fellow associates again. And after he stayed there a week or two, he said, "All right, I am ready to go now, I think I am all right."

That brought out the desire within those boys to help one another. You appeal to that side of their nature, too, I suppose.

Mr. SCHOEN. Mr. Chairman, there are a couple of points you covered there. One is, when youngsters feel they have some control over their destiny and command over what is going to happen to them, this is extremely helpful where they have options. It is also important that they see the correctional program as being an aid to them rather than merely a punishing force.

The fact that the boy chose the institution would indicate that there is something in it for him.

I was down to Red Wing Friday of last week, and I can report to you that I had the same feeling. The kids look like there is something going on for them that is still there. I was very impressed with what I saw there.

Chairman PEPPER. Mr. Mann?

Mr. MANN. No questions.

Chairman PEPPER. Mr. Steiger?

Mr. STEIGER. No questions.

Chairman PEPPER. Mr. Rangel?

Mr. RANGEL. No questions.

Chairman PEPPER. Mr. Keating?

Mr. KEATING. No questions.

Chairman PEPPER. Yesterday, Dr. Miller, in testifying about the Massachusetts plan said there was difficulty, there was expense involved in transforming the system, and dealing with young people from the old institutional system to the new system that they were employing.

He thought it might be desirable for Federal funds to be made available to the States to make this transformation. He recited the fact it was a \$2 million grant from LEAA funds that made possible the alteration of this program.

Do you think it would be necessary for other States and your State to address this program, for other States to inaugurate this program which you seem to suggest is unmistakably desirable. Would it be desirable, or would it be necessary, for Federal funds to be made available to the States?

Mr. SCHOEN. Mr. Chairman, I am asking the State legislature for \$1.8 million to begin this transition. Minnesota has been willing to spend some money. I would say, however, that the direction we are going toward is largely a result of having Federal money. I guess the answer to your question is "Yes."

Some States have been very stingy in spending money for corrections. I think that where they have good correctional administrators with good desire, they often just don't have the funds. If you are locked in an old system, you simply can't get out of it unless you have some seed money, investment money, front-end load money, if you will, to make that change.

Chairman PEPPER. The last question is, what other States have adopted modernistic programs such as Massachusetts?

Mr. SCHOEN. Mr. Chairman, I think, Florida; some interesting things going on in Michigan, in Washington, certainly California has done a number of things out there, primarily because of the crunch of their population. They had to do something. Some very interesting things have come out of California.

We are seeing a proliferation around the country of some interesting programs. We are also seeing some of the old 1700 stuff still carrying on as though that were really productive.

Chairman PEPPER. Do you think, on a different scale, that we can apply the principles you employ in dealing with juveniles to the adult population in our institutions?

Mr. SCHOEN. I am convinced that we can do it with even greater ease. I think the juveniles are the ones who are much more difficult to rehabilitate. If I were betting money, or I had to say where my best investment was, I would always do it with adults because we have so many more things going for us with them than we have with the juvenile. The juvenile is dependent, impulsive, and much more difficult to get a grip on than the adult.

Chairman PEPPER. Do you think there is real hope if we employ the proper programs for the rehabilitation of many people in the adult penal institutions today?

Mr. SCHOEN. That is correct.

Chairman PEPPER. Mr. Nolde has some questions.

Mr. NOLDE. Mr. Schoen, regarding the LEAA funding to which you referred earlier, would it be wise to condition such funding upon a requirement that the State eliminate the old system if the money is going to be devoted to a new system, or a new approach such as the one you mentioned here?

Mr. SCHOEN. That is an interesting idea. I am responding, however, without a great deal of thought. One of the problems of LEAA money is that it started buying an awful lot of hardware. At the time college students were being obstreperous and I recall pith helmets and things being bought and sitting on shelves some place in buildings, and that sort of thing.

Yes, I think if we could say it is predicated on developing an expansion of services, with a minimum of brick and mortar, and provided that points of entry into the system could occur earlier. Also, it should provide that the elements of the criminal justice system, the police, courts, corrections, and prosecutors and defense, must sit down together and begin to develop a program for their community, rather than just

bad-mouthing one another, which I think is a very serious problem at the present time.

Mr. NOLDE. Would it be feasible to impose such condition, to eliminate a parallel situation that seems to be developing here?

Mr. SCHOEN. Politically, I guess you maybe know that one better than I do. I think it is very feasible. I certainly would, yes.

Mr. NOLDE. I have no further questions, Mr. Chairman. Thank you Mr. Schoen, for your fine testimony, and also for the excellent work you are doing. The State of Minnesota is fortunate to have such an outstanding Commissioner of Corrections.

Chairman PEPPER. Thank you very much, Mr. Schoen. We appreciate your being here. You helped us greatly.

We will take a 5-minute recess for the accommodation of the reporter and will resume with the next witness.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order, please.

Judge Arthur, will you come up, please.

Our next witness is Judge Lindsay Arthur of the Minnesota Family Court. He is also president of the National Council of Juvenile Court Judges.

Judge Arthur will testify and comment on the juvenile corrections problem from his vantage point as a judge and officer of the National Council of Juvenile Court Judges.

Judge Arthur, you have been very helpful to our staff in preparing these hearings and we wish to thank you for that, as well as for your kindness in coming before us today.

Mr. Lynch, will you please begin.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, Judge Arthur, as you know, is the president of the National Council of Juvenile Court Judges. Judge Arthur holds an A.B. degree from Princeton University and J.D. from the University of Minnesota. He is also a director of the Urban Coalition, the Boys' Club, Children's Health Club, and a number of other civic organizations. He practiced law in Minneapolis and became a judge of the Minnesota Municipal Court in 1954, and became a judge of the Juvenile Division District Court for the State of Minnesota in 1961.

Judge Arthur, if you have a prepared statement for the committee, would you please deliver it at this time.

STATEMENT OF HON. LINDSAY G. ARTHUR, JUDGE, DISTRICT COURT, JUVENILE DIVISION, MINNEAPOLIS, MINN., AND PRESIDENT, NATIONAL COUNCIL OF JUVENILE COURT JUDGES

Judge ARTHUR. Mr. Chairman. I heretofore submitted a statement in writing and, if I may, I would like to leave that with you and make an ad lib summary, if that would be permissible.

Chairman PEPPER. Without objection, your statement will appear in full in the record.

[Judge Arthur's prepared statement appears immediately following his testimony.]

Judge ARTHUR. Thank you, Mr. Chairman.

As was indicated, I come here kind of wearing two hats. Let me talk about them separately. Each of them is concerned with delinquency, in fact, each of them has almost exclusively juvenile delinquency as

its province, but each of them necessarily approaches it from a somewhat different point of view.

We have the National Council of Juvenile Court Judges. It is an organization about 35 years old. We maintain, and I think we can demonstrate, that it is the strongest organization of judges in the United States. Our membership represents some 1,500 judges, about half of the juvenile court judges in the United States, but these judges themselves come from jurisdictions comprising some 75 percent of the population of the United States. These are our active members. Fifteen years ago we had a budget of about \$1,000 and now our budget is passing three-quarters of a million dollars, and we expect it to cross a million dollars next year.

Chairman PEPPER. Where do those funds come from, Judge?

Judge ARTHUR. As a guess, about 60 to 70 percent are private funds, basically, from the Fleischmann Foundation in Nevada, some from various other foundations, the rest is basically LEAA funds.

We have recently developed a staff of highly trained experts. I would hold them second to none in these skills for which we have secured them.

This National Council approaches the problem of juvenile delinquency from a different point of view than the individual court. We say the most important factor in reducing delinquency is to train the people dealing with the kids in the establishment. Basically to train the judges of the juvenile courts so they can understand what kids are about, acquainting them with the behavioral sciences, to training them as to juvenile law both before and after the *Gault* case. We also train them on available dispositions and treatment programs, what is being used effectively around the country, so the judges themselves can do a better job. There are very few places in the United States where you can go to school to be even a trial judge, much less to learn the very high specialty of the juvenile court. We have opened a college in Nevada with Fleischmann funds where we have already trained over 2,000 judges.

But I think we are just tapping the surface. I think we need to go into it much more voluminously than we have. Our ultimate goal is to make it possible that no judge would touch a juvenile case until he had a minimum of 2 weeks' highly intensive training and at least 3 or 4 days a year of refresher training. Juvenile court is a demanding specialty. It should require intensive training to get into it.

Similarly, our right arms, our probation officers, we think they should be trained. Many of them now have M.S.W. degrees, but we think they need to be trained in some of the practical aspects of the applications of the juvenile court approach. Our council is beginning to use our funds to train these key people to try to bring them into even a higher degree of skill than they now have.

But, as I say, we are only tapping the surface with our present budget; we are not anywhere near where we should be. But we will provide this training because it must be provided.

The second thrust of our organization is services to our members. We have a law digest we think is very good. It analyzes the appellate cases dealing with juveniles. We have a quarterly journal, usually used for articles of interest, as a forum, if you will, for discussion of ideas. Every now and then we take an issue and use it for a single

purpose. You have an example of both these publications, as they are included in the folders provided to the committee.

We would like to develop statistics as to juveniles. We have almost none now and we think they are almost not in existence. HEW has some very rudimentary figures, the FBI has arrest figures, sometimes rather misleading as to actual juvenile delinquency.

We would like to develop statistics on our own basis. The figures should be based, not on the reason for the arrest of the child, but on what he admits or is found guilty of. The police do make mistakes and often their cases don't come to our courts, and often the child is not guilty of anything or is guilty of a lesser included charge in some form or another.

We would like to assemble a manual of all of the things that have been tried around the country. We are trying to assemble this. But we are able to do it now by only one judge in Michigan, Eugene Moore, trying to put it together on his own, with his own staff. Obviously, an impossible burden for any degree of completeness.

We are looking for funds to do that. I think we will find them. It is a question of getting the job done and making available to each of us the successes of the others. And, I would quickly add, also making available to each of us the things that did not work, so the others don't have to follow and make the same mistake.

We would like to assemble data, caseloads, salaries, the various bits of information that are so useful to operating any kind of an organization such as our courts.

We need a placement service. Right now, I am looking for a director of Court Services and I can only go on whom do you know and whom can I call up and ask. This is not a very scientific basis, there is no personnel service, the N.C.C.D. has kind of a want ad section in its publication, but other than that there is no effective place for service.

We would like to look at the architecture of juvenile court. Right now we usually inherit a building designed for an adult court and if they fit the particular needs of a juvenile hearing, it is a coincidence and a very rare coincidence. We would like to design the court around the impact it would have on the child, rather than forcing the child to fit into the architecture.

Lastly, we are trying to set up some standards to judge ourselves so a judge can look at his court and say, "I am good at this, and bad at that," based on objectively measurable national standards.

Judge White from Chicago is trying to work out some of that without any outside funds; using only our funds.

The third big thrust of the National Council of Juvenile Court Judges is research. It is nonexistent on some of the way-out frontier areas. We are trying to put together a project in Pittsburgh right now, and I think we are going to be successful. Judge Cahill is looking for about a half a million for a few years demonstration until we can get this thing self-supporting. It looks like foundations in Pittsburgh will assist us. We have not asked for public funds nor Government funds of any kind for this project. We hope it can be financed without tax funds.

Let me then describe some of the programs in Hennepin County. Minneapolis is the center of the county. Minnesota has a population of almost 1 million people. The juvenile court holds about 14,000 hear-

ings a year involving basically maybe 5,000 children. On FBI figures, I think our crime rate is well below the national average per capita basis, for whatever reason.

Our juvenile court operates on two basic premises. The first, of course, is to rehabilitate children. We are not interested in punishing them for what they did in the past because we don't think it will do any good. We are trying to rehabilitate, to find why the child did this, to try to correct the causes so far as the court is able to marshal the resources to do that. If we can rehabilitate the child, if we can eliminate the causes, then we can eliminate the crime far more effectively, I think, than just using prisons and fear psychosis. We will use disciplinary approaches where it is indicated, and we do, but we are trying to rehabilitate a child; we are not trying to punish for the past. We are trying to look to the future.

Our second premise is diversion. We want to keep kids out of court if we can. We urge the police to screen kids out of the court. If they can take a child home and the home will take care of the situation, there is no need to bring them to court. If nothing else, it wastes the taxpayers' money.

If the police can take him to a youth service bureau and this will accomplish the purpose, we urge the police to take him there. The police say they divert from us somewhere around two-thirds of the cases. We think this is healthy.

We urge other organizations around the community to provide for children without coming to court. We have, of course, the usual organizations which operate very effectively: the Boy Scouts, the YMCA, the organizations that are well-known.

The YMCA and the Boys' Club have developed an activity called "Detached Workers," street workers if you will. They are a rather horrendous group of people to look at because they dress like the counter-culture, with the long hair and costumes, and so forth, like that. They are very effective at getting to the turned-off kids and we think they do a remarkable job of getting at these people, out of court, without the need for the court; probably better than the court could ever do because they are getting at the child immediately, right in his own bailiwick; they are not using the threat of court to get at them.

We have our own intake division in the juvenile court. Every case that comes to us, whether from the parents which are one of our main sources, or the police or the schools, are all screened by the intake division. They do not apply treatment, because they become involved before there has been due process. Instead they refer the child out to a treatment program or they send the child back home or they send him to the family psychiatrist, if there is one. Sixty percent of what comes to the court is screened out by the court's own intake division. The court doesn't see these people. As well as you can ever measure such things, only 8 percent of the kids screened out by intake came back into court, which is a remarkable rate of return.

We have a standard for the intake division: If the child can and will be rehabilitated elsewhere, the case should not come to court. It should come to court only if authority is needed. If the child is unwilling, or the family is unwilling, or if there is nothing available to them without the court, then the case is to come to court. This is the method we use to screen out some 60 percent of the kids.

We have developed some other local programs. One is called Operation De Novo program. Its mission is to pick up the hard-core kids before they get to court, sometimes for the upteenth time.

Operation De Novo picks up these kids that are outside the regular culture, the kids that are rebelling if you will, the kids that are on the edge of militancy. So far it has a remarkable rate of reaching these kids on a highly intensive basis, often using people who have been through the mill themselves. It is a good program.

Our adult court has developed a program of getting people out of jail by screening the people coming into jail, and releasing everyone they possibly can without bail, those who are going to come back without the bail. Our jail population has gone down rather radically because of the program. It is good.

When people do come to court, we have various resources available to us. The one we are proudest of is the right of speedy trial. The child—or an adult—who comes to our court has had his first court appearance within 2 or 3 days; within 2 or 3 days more he has had his arraignment appearance; his trial would normally come in 2 or 3 weeks. If he wants it sooner we will provide it sooner. If he is found guilty or pleads guilty and is in jail, we have the sentencing in 2 weeks. We are trying to obviate the need for our jails, trying to cut down the jail population, which is such a stagnant place to put a human being.

Obviously, in all courts, we rely heavily on probation, one-to-one counseling. One officer talking to one child, or one officer talking to one parent. This is the backbone, I guess, of any service. This, I am sure, the committee is quite familiar with. We do have supportive things that go with this. On one hand, the disciplinary approaches for the child for whom it might go in one ear and out of the other, who says all I got was probation. He gave me a lecture and that is it. To get his attention we have to do something stronger: Take the kid's driver's license away if he is middle or upper middle class. We may tell him to go out and work for free a few hours a week. It is useful in some cases.

Conversely, we have some activity programs. One, the "flying" program involves a group of pilots who came to us, private pilots, and said, could we take some of your kids and we will teach them aerial navigation, take them up in our planes and fly them around and show them how to navigate. The kids they took, obviously, began to realize it is important to know how to read, it is important to know how to do mathematics, it is important to know how to work in a team. The final examination is to plot a triangular, three-city course. The pilot says, "I'll follow your results unless it looks like fatal results could occur." It is quite a successful program; it has been going on for quite a few years.

We increasingly do group work; an LEAA grant started us on this, but we are doing more and more. Groups of kids and parents, groups of kids, groups of parents, encounter groups, as well as the normal discursive type of group work.

We have various foster homes, and never have enough. We have some group homes, treatment group homes, six of them in Hennepin County, are called "Home Away," developed around the same encounter group. They go to their regular school or job. When they are

not in school or on the job they are back at the home where they have their group work by way of helping themselves, getting the strength that can come from the group.

We have a "PORT" project, which Mr. Schoen indicated is about to start. They took a building I had planned on using for my court and my referees. Now it is going to be a PORT authority and I think it has a better use for that than the court.

Necessarily, we have institutions. Mr. Schoen alluded to the three State institutions. There are also two county institutions. I think it should be made clear, for the record, that there are quite a few other institutions in the State besides the State and the county ones which we use. There are private institutions operated by various religious orders or operated under other charitable structures, for the emotionally disturbed child, but most of those children have come through court as a delinquent or a status-offense type of child. It would be unfair statistically to say we only have the three State institutions and the two county.

Our institutions, once more, every one I have seen, and I tried to visit them regularly, are definitely not warehousing institutions, not the juvenile jails. We have shifted. Now we build a mix: The child comes out and in a couple of weeks he works out his own negotiated treatment plan with the social worker, and they both kind of contract. The social worker promises to be accountable for providing it and the child promises to accept the program. We are trying to provide them with so many options we can individualize the treatment plan for the particular child.

We had a meeting last week to begin the first stages of consolidating the programs of the two largest counties with the State services to consolidate programs, close institutions if they are not needed, or use the resources to better advantage, possibly get less use of the private institutions since their per diem cost is higher.

We have heavy reliance on volunteers, both in our institutions and our programs. About 4 years ago, somebody came and said, "Let's try volunteers," and I was dead against it. How could you bring in volunteers: We need professionals. We have just passed the 400th volunteer and are still going. I favor the volunteer program very strongly. If the volunteer is properly trained—and that is a big "if"—and if the volunteer is properly supervised—and that is another big "if"—then the volunteer can do wonderful work, actually rehabilitating and helping kids.

I hope I haven't overtalked my time.

Chairman PEPPER. Mr. Lynch.

Mr. LYNCH. Judge Arthur, you now have served approximately 12 years as a juvenile division judge. Based on that experience, and in your capacity as the president of the National Council of Juvenile Court Judges, could you describe for us what effect the *Gault* case has had on your operations and the operations of the juvenile courts in general?

Judge ARTHUR. I guess that depends on which juvenile court judge you ask. In my case, I almost had the feeling the U.S. Supreme Court came to my court, looked at it, and said, "All of the rest of the country should do the same thing." It had no impact on my particular

court except to make it possible to get more public defenders and one more court reporter.

A lot of judges resist it. The judge feels, "I am a lawyer, I can protect the child's rights while he is in my court." I would say in the smaller jurisdictions, this is the general feeling.

One of the difficulties a juvenile court faces is that it is very hard to appeal our decision. The kids haven't got any money to appeal; the parents are less than interested most of the time in appealing; LEAA does not supply appeal money that I am aware of; our country doesn't want to supply it. I know my decision is final in all too many cases.

I wish we could find a way to appeal; then maybe we could bring in the better impact of *Gault*. However, in defense, may I urge that a juvenile court proceeding is in two parts. One is adjudication: is the child guilty or not guilty. This is *Gault*, and this is full due process, and this I believe in very thoroughly. A child is entitled to all rights of an adult. But the juvenile court proceeding is something more than that. It is always a disposition act, and the U.S. Supreme Court has said to us, "Due process does not apply at the dispositional level." All we insist on is a fair hearing and I think we give them a fair hearing. *Gault* applies to a small number of our cases because so many plead guilty and don't go to trial. I think the impact of *Gault* is greatly overrated.

Mr. LYNCH. How many judges did you say?

Judge ARTHUR. Myself and five referees, who are subject to my appointment. I like it this way. I like the referee system. We are consistent. We may be consistently wrong but we are consistent.

Mr. LYNCH. What do they do, sir?

Judge ARTHUR. They take any case I assign to them. In fact, they take every case, except that I take all sensitive cases or cases that might be appealed, or cases where the public is worried, or where there is a difficult point of law. I try to take everything tricky, hard, and interesting.

Mr. LYNCH. The referees to whom you assign cases, I assume when you say you assign cases to them, they have them from start to finish. Are they attorneys?

Judge ARTHUR. They don't have them from start to finish. They rotate calendars considerably. He may have an arraignment calendar. It is too complicated in a mass production count to follow a case. Two of them are attorneys and three of them are not. The two who are attorneys handle most of the *Gault* aspects—the trials, the arraignments, this type of thing. The two who are not—ex-probation officers—specialize in the dispositional aspects of the court. The other man is basically for administrative purposes. He is the business manager of the court.

Mr. LYNCH. How do you track or followup the juvenile who has appeared before you and whom you have committed to an institution, or to probation, or whatever? How do you know, as a judge, whether or not your sentence, your treatment, has been effective?

Judge ARTHUR. Every time we make a disposition we order a progress report. It may be in a week, it may be a month, 3 months, 6 months. It has to be in at least a year. That progress report must come in writing to us, unless we refer the child to the State, at which point our authority ceases and the youth commission takes over.

Mr. LYNCH. You get no feedback on that?

Judge ARTHUR. There is no feedback. We are told sometimes several years later he has just been discharged, and that is about all we hear.

Mr. LYNCH. Would you like to have feedback on children who have appeared before you and have been committed to the State Department?

Judge ARTHUR. Yes, very much. And what we started last week, the three metropolitan counties working closer with the State, can develop that. I think the State would not be adverse to this.

Mr. LYNCH. Would it be useful on a national basis to have all juvenile court judges receive data on children who have appeared before them to find out what has happened to those kids?

Judge ARTHUR. I sincerely think so. The judge needs to know that. When I use this type of a program or that type of program, these succeed or those didn't. If nothing else, this may guide the judge in his future dispositions.

Mr. LYNCH. I guess it would be a good training device for the city magistrate or judge. Is this something that any juvenile court judge that you know of has applied to LEAA for funding for?

Judge ARTHUR. There are several answers to that, Mr. Lynch. The city of St. Louis, as I understand, is trying to develop a kind of social profile of children. The last I heard, they developed about 485 different profiles and then they were trying to compare the disposition and the recidivism with the profile and try to say that if you get profile No. 379, probation is apt to work, but an institution won't; that type of thing. St. Louis is underway. We had a program like that in Hennepin County, we applied for a LEAA grant, we received the grant on a tentative basis the day before they went from discretionary funds to State block funds and our grant got lost in the shuffle. I don't know of any place that is doing a computerized analysis as thoroughly as I think it should be done.

Mr. LYNCH. But your testimony is it would be desirable this would be done?

Judge ARTHUR. This is the type of thing we would like to get out of our Pittsburgh project. We would like to know an awful lot more about what works and what doesn't work, and what are these kids about. We resist answering on the basis of what do you do with a murderer or rapist. We are trying to say what do you do with a child who comes from a broken home and can't read and is a minority. Let's take the factors that force them into delinquency—or don't keep him away from it—instead of looking at outward symbols such as type of offense.

Mr. LYNCH. Was it your earlier testimony, on new programs, innovative programs, desirable programs, that more or less you and your colleagues who are juvenile judges hear about those inadvertently; there is no organized, comprehensive system for the dissemination of information?

Judge ARTHUR. That is correct. We do have the "bull session." I guess that is one of the best things we have. We have our annual conventions. A lot of time will be spent around the beer table. This is where I will learn a great deal. My own State also has State judges meetings. The bull session is obviously one of the valuable parts of it.

Mr. LYNCH. I would infer from what you are saying, it would be desirable that there be a clearinghouse.

Judge ARTHUR. Perhaps.

Mr. LYNCH. Perhaps, a national clearinghouse describing and evaluating programs in this field.

Judge ARTHUR. We have applied to LEAA for a grant for that, but we have been told not to get our hopes up at all.

Mr. LYNCH. Why were you told that, do you know?

Judge ARTHUR. We applied for all kinds of grants, and I think they kind of said you are only entitled to this much and some of the others get higher priority. I am just guessing.

Mr. LYNCH. You say "we"?

Judge ARTHUR. Meaning the National Council of Juvenile Court Judges.

Mr. LYNCH. Judge, during your opening remarks you said that you viewed it as your task, or your goal, to correct causes of delinquency insofar as the court is able to marshal the resources to do that. Do you have those resources in Hennepin County?

Judge ARTHUR. I think we have them. I think we have them more than most counties. Our taxpayers have been very liberal and I thank them publicly for it. We do not have what we need on several programs. Part is just the basic research of knowing why the child is doing this and I think the behavioral scientist at the university needs some grant projects. This again is our Pittsburgh problem—let's do research further on the child. But we need the programs.

Chairman PEPPER. I am sorry to have to interrupt you. There is a quorum call on the floor and we have to run over and vote. We will just take a brief recess.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order, please. You may proceed, Judge.

Mr. LYNCH. Judge, just before the recess, I had asked you about your statement that juvenile courts try to correct causes insofar as possible with the resources at hand. Then I had asked you, in fact, what resources you have at hand for referring young people in trouble, for treatment, or whatever. I wonder if you could describe for us, very briefly, what kind of agencies are available, and to what extent you and your referees make use of those agencies.

Judge ARTHUR. The basic agency we use first for diagnosis is the probation officer. We allow him 2 or 3 weeks to make a diagnosis of the child, to talk to the child, the parents, the school, and so forth. Then he prepares a report, a diagnosis, a prognosis, for us, which is the basic document on which we make our decision—even though we may or may not follow his recommendation. He has accessible to him a psychologist and psychiatrist, if he needs them. We would like to have a little more of that type of service, but we are managing. He has available a mental health clinic, if that will be of some value to him.

So as far as the resources of the court allow, in deciding what we should do, we use heavily the 1-to-1 probation approach. We have a county home school and that has a varied approach; fortunately, underused because of community resources.

Mr. LYNCH. I wonder if you could venture an opinion, in your capacity as president of your association, as to whether or not juvenile court judges on a national basis have an adequate number of resources, in your term, subsidiary resources, both public and private to whom

they can refer young people who may not need incarceration but who desperately need treatment of some kind. How do judges do that? How do they find out about those agencies that are public or private and can serve? Is that done in a systematic way? Are there referral handbooks? How does the judge get that information?

Judge ARTHUR. That is kind of a funny thing. I think the honest answer is that each judge will develop his own chain of resources and sometimes won't tell anybody else because that would fill up the beds that are available. But I have nightmares, thinking I have a child who needs a bed in a particular type of institution, and I know there must be some institution somewhere around the United States and I don't know it exists, and in the meantime it may be going bankrupt because there are not enough kids coming into its particular type of service.

One of the things we would like is kind of a national computer service on beds available for children, for treatment around the United States. This is for the emotionally disturbed child, among other things. Very specific types of treatment are available, but we don't know what they are. I know what they are in my area, you would know what they are in your area, but we have no way of knowing what they are around the United States.

Mr. LYNCH. That information could be put in a data bank?

Judge ARTHUR. Yes.

Mr. LYNCH. Again, I infer from what you are saying that it would be desirable if we did have such a data bank, with that kind of data in it.

Judge ARTHUR. Very much so.

Mr. LYNCH. Which would be made generally known to judges, especially juvenile court judges, and other people within the criminal justice system.

Judge ARTHUR. It would be an expensive thing because it is obsolete the day it is done. So many things are coming up and other things are dying down and the emphasis is changing. So it would be an expensive thing to put it together and keep it current, keep it disseminated. It should be done.

Mr. LYNCH. I understand on a national basis it might be expensive. There is at least one State that I know of that keeps a looseleaf referral handbook which is updated every 3 to 6 months, and supplies it to literally thousands of people within the juvenile and adult criminal justice system.

You testified, Judge, that you handle 14,000 cases per annum, roughly.

Judge ARTHUR. Hearings.

Mr. LYNCH. Hearings. What is the difference between a hearing and a case?

Judge ARTHUR. Well, this is not 14,000 different children. A child may have a detention hearing and an arraignment hearing, a trial, disposition, or redispotion.

Mr. LYNCH. Approximately how many individual juveniles does your court see in a given year?

Judge ARTHUR. In the deliquency area, I would estimate around 5,000.

Mr. LYNCH. Of that 5,000, how many are people who, if they were not juveniles, we could otherwise characterize as real criminals?

Judge ARTHUR. You mean the status offenders?

Mr. LYNCH. Yes.

Judge ARTHUR. For girls I would estimate that probably about half, maybe a little more than half of the girls are here for status offenses; the boys, it would be somewhere around, I would guess, again, around 15 or 20 percent are in court for status offenses.

Mr. LYNCH. These are children who have, in fact, committed common law or statutory crimes. About 15 or 20 percent, if I understand you correctly, have stolen automobiles—

Judge ARTHUR. I was putting it the other way. As for boys, I would say 15 percent of the boys are in court on status offenses. About 80 percent for offenses which would be criminal for adults. But for girls, it is about half and half.

Mr. LYNCH. To what extent do you see the 80 percent of the young men who come before you who have, in fact, committed crimes or seriously delinquent acts; to what extent can you determine whether or not they are what we would otherwise characterize as first offenders?

Judge ARTHUR. It is hard to say, particularly in the system I was describing, because they may have been before the police and the police may have released them. So, if they do come back, they are already second offenders. They may have been before our intake and intake may have released them. They may have been before our court. We do not carry adequate data. I have a very strong feeling that recidivism is a very badly used term. It is too easy to say the child was before us in 1969 for an offense and before us in 1973 for an offense, so he is a recidivist. These are police-style figures, they are not ours.

Mr. LYNCH. Does the police department, does the intake division or unit, keep records of the fact the youngster had appeared before them and was summarily discharged?

Judge ARTHUR. Not summarily, but at least released. Yes, we do have the figures. We are trying to feed them into the county's computer, but it is not functioning very well yet.

Mr. LYNCH. You do not, as a matter of course, get that information. The young man appears before you. He may have had five previous contacts with the police?

Judge ARTHUR. Well, as an individual child I would have most of that before me at the time I see him. Not necessarily all of the police releases, but I would have all of the things for which he has been referred to the court.

Mr. LYNCH. On a typical young man who appears before you for auto theft, for breaking and entering, for that kind of crime, do those people frequently have lengthy prior records of any kind?

Judge ARTHUR. The word "lengthy" could be misleading. They do have prior records. I would say that, as a guess—I wasn't prepared for the question but I should have been—not more than five or six priors. After this point we may begin sending them to the State.

Mr. LYNCH. That would be five or six prior incidents which did not result in appearance before you or another juvenile judge?

Judge ARTHUR. I am sorry, I may have missed your previous question. We keep them in court possibly, as a rough figure, for maybe five

or six offenses before we refer them to the State facility. The kids whom we see, yes, some of them have been to intake, we know some have been released by the police, we know some we have seen ourselves previously. I am only aware of the ones that have been to court previously.

Mr. LYNCH. Let me give you a hypothetical case. A young man, 16, 17 years old, who appears before you and the charge is, let's say, burglary. The same charge could also be grand larceny. He has no prior record of any kind. You make a determination that he has not before been seen by the police, has not been through any kind of juvenile division intake proceeding. How do you handle a matter like that?

Judge ARTHUR. We almost disregard the fact it is burglary or grand larceny. What we try to find out is why did he burgle or steal, what got him into the situation. Was he having trouble at home, which is so predominant? Is he having trouble in school; is he having trouble reading? We try to find out the causation, what got him into the mess, so we can correct that.

Mr. LYNCH. Based on your extensive experience in this area, is there a typical causation factor involved? Is there one that crops up more than others?

Judge ARTHUR. This is a funny response to that. It is everything, from television on down the line. It is very hard to generalize. I would not, other than to say that frequently it is a problem inside the family, and I don't mean by this the parents are always at fault, this kind of thing. Another thing is axiomatic: Juvenile delinquents have a reading problem. Maybe this is a cause, maybe it is a symptom.

Mr. LYNCH. What does your court do about that?

Judge ARTHUR. In our county home school we have about 12 teachers—which is one of the reasons per diems go way up when you put a child into an institution—you have to provide teachers. About 11 are reading teachers.

Mr. LYNCH. When you have the youngster, boy or girl, before you charged with a serious offense, and you make a determination that there is a serious problem in the family, what authority do you have seeing to it that that youngster gets counseling; what authority do you have to also see to it that the family participates in that counseling?

Judge ARTHUR. The Minnesota statute, which is a little bit unique in this, says if I put a child on probation I can make reasonable rules for his conduct and his parents' conduct. So, riding a truck through that loophole, the "reasonable rules for his parents' conduct," I can do quite a few things.

Mr. LYNCH. Do you as par for the course require the parents to participate in counseling and/or other kinds of treatment?

Judge ARTHUR. On various occasions we put the parents on probation, not the child.

Mr. LYNCH. How does that work?

Judge ARTHUR. They don't like it.

Mr. LYNCH. Do they generally follow your probationary rules?

Judge ARTHUR. Yes, they do. This amounts to the fact the probation officer will see the parents every 2 weeks and try to work with the parents on how come Johnny is in this situation? What have you done or what can you do?

We have a program called the family education center, which meets on Saturday mornings. This is where parents and kids come together as a group, sometimes 100 or so of them. It is rather carefully structured without appearing to be, and we order the parents to go to three of those sessions. You can keep going after that if you want to. There are various family counseling services in our area, as I am sure there are in others. The parents may be given the option to go pick up a private social worker, they can afford it.

Yes, we do require the parents to use whatever resource we have available, if we think it is useful.

Mr. LYNCH. Have they been evaluated?

Judge ARTHUR. The family education center has been evaluated and we think it is quite effective. The others: It is the same problem, how do you evaluate a program, find out its effectiveness. I don't know. Until we develop better figures on recidivism, we won't know.

Mr. LYNCH. Doubtless you have juveniles in trouble before you who have been picked up by police in the early hours or late hours in the evening, as the case may be. I assume you see those youngsters after what, after the intake proceeding?

Judge ARTHUR. If the kid is picked up and put in our detention area he must come to court within 1 court day, within 6 business hours after the arrest; if this is what you mean.

Mr. LYNCH. Are there mental health or other social services operating in your metropolitan area that do not close their doors at 5 p.m.?

Judge ARTHUR. In our detention center itself, there is the intake officer, a master of social work. He is there all night long, 24 hours a day, the man who makes the decision on whether to hold or not, whether to send them to the general hospital for mental, and who makes the basic decision of the first impact on the court's authority.

Mr. LYNCH. How adequate are those staff resources? Do you have enough people?

Judge ARTHUR. In Hennepin County as of today, yes. I shouldn't say that. I should be an empire builder; but, yes, as of today, we are adequately staffed.

Mr. LYNCH. Why do you predicate "as of today"?

Judge ARTHUR. Because a year ago we weren't, and I don't know about next year. Our county board is beginning to pull in its horns a bit.

Mr. LYNCH. Are you seeing more juveniles than you did, for instance, 2 or 3 years ago?

Judge ARTHUR. No, I think our caseload is going down as we press more and more of this intake screening, of diverting kids away, as facilities such as Home Away get going, kids go there without going to court. I think the diversion is cutting our caseload down.

Mr. LYNCH. Does your diversionary unit send youngsters to private as well as public agencies for treatment of various kinds?

Judge ARTHUR. Frequently, if the family has money or some kind of health insurance. Most health insurance policies, as I understand it, will pay for psychiatric or social work therapy.

Mr. LYNCH. No further questions.

Chairman PEPPER. Mr. McDonald, do you have any questions?

Mr. McDONALD. Yes, Mr. Chairman. Thank you.

Judge, from your position as president of the National Council on Juvenile Court Judges, obviously, you have an overview of the nationwide quality of juvenile court judges. First of all, what is the quality; do you think it is good or it needs to be improved; and, if so, is it being improved?

Judge ARTHUR. I think I would answer, Mr. McDonald, on a population basis. If you go to a county such as some we have in Minnesota, with 3,000 or 4,000 total population, the juvenile court judge may see a case or two in the course of a year and he has no special expertise, and you probably are not going to get him to get any expert training. He may be just a guy dedicated, but not skilled, in the business. If you go up to the larger cities you are going to get people who make their life work out of it and they are anxious to go out and get the extra training. I would say, in my mind, the criterion of a good judge is just how much expert training he has received in his particular forte.

Mr. McDONALD. Obviously, in Minnesota, you have a large urban population, but if you go into some of the smaller States, rural States, do you have youth coming before persons serving as juvenile court judges who actually have no training?

Judge ARTHUR. Yes. Again, in the smaller communities, there is another factor that works against us. In many States, if not most, the juvenile court is a court of lower jurisdiction rather than a court of general jurisdiction. In Minnesota, except in the two major counties, it is a court of tertiary level and if any of those judges become expert and they are offered a job on the court of general jurisdiction, the salary is enough higher they are going to take it and we lose them in the juvenile field.

One of the outstanding examples is Judge Tilman from Atlanta, who moved from a lower court into a higher court. He loved the juvenile field and was trying to make his lifework out of it. But when he was offered \$5,000 or \$10,000 more a year he couldn't turn it down.

We would like to become a branch of the general jurisdiction, carrying the prestige of that court, the salary of that court, and I would go on and say we would also like combat pay.

Mr. McDONALD. You alluded to various approaches, rehabilitation, disciplinary. Can you tell us if there is a place for discipline in the juvenile court system?

Judge ARTHUR. I think so. The story on that may be like the farmer out in Missouri, who observed his neighbor hitting a mule over the head with a 2 by 4 and said, "That's a terrible thing you do to your mule. Talk to him, rub him behind the ear and be nice to him and he will do what you want him to."

The farmer hit him once more and said, "I'll do that as soon as I get his attention."

I think with some of the kids we see, first we have to get their attention, and there is nothing more attention-getting than telling a middle or upper middle-class suburban kid that you need his driver's license for a month or so. It takes them 2 or 3 minutes to get that license across the table to you.

Mr. McDONALD. That is discipline, not locking them up in jail?

Judge ARTHUR. We don't lock them up in jail. We do not use the detention center as a dispositional method.

Mr. McDONALD. I have no further questions.

Chairman PEPPER. Do you use in any case the jury system with regard to the juvenile offender?

Judge ARTHUR. We do not in Minnesota. Under the Supreme Court ruling, I guess we could if we wanted to, but it says in our statute, specifically, no jury in juvenile.

Chairman PEPPER. And you haven't had any trouble with the Federal courts on that?

Judge ARTHUR. No, sir. No one ever asked for a jury in my court that I am aware of. I have had no request for it. As I understand, in the States where jury trial is available in juvenile court, it is rarely asked for.

Chairman PEPPER. What Federal funds, so far as you know, Judge, are available for use in this juvenile field, either juvenile delinquency or juvenile court system, or correctional system, or any aspects dealing with youthful offenders?

Judge ARTHUR. Our National Council receives—and I am guessing now, I should know it—somewhere around \$200,000 a year, in various smaller grants that would total about that amount, going into our various programs. My own court has about \$150,000 a year coming out of our local State crime funds for various things.

Chairman PEPPER. LEAA money?

Judge ARTHUR. LEAA money; yes, sir. The money is available.

Chairman PEPPER. Is that sort of money being made available to juvenile courts all over the country?

Judge ARTHUR. Not as much as we would think appropriate, Mr. Chairman. I think, as the previous witness indicated, a lot of it has gone into police hardware and I think it would be better if more would go into the judiciary field.

Chairman PEPPER. Do you know any other Federal funds available for any aspects of the youth program?

Judge ARTHUR. Apparently, some HEW funds may be available in the noncorrectional aspect, such as for the neglected child, that type of thing, or into educative programs, to the tutoring programs. We have not been able to tap those successfully, although we understand they are available.

Chairman PEPPER. You heard me ask Mr. Schoen whether he thought it best, in order to induce the States to put into effect the most innovative programs for juvenile offenders they can discover, to have Federal funds. What do you say about that and, if so, what percentage of the cost of an innovative program should be borne by the Federal Government?

Judge ARTHUR. That is quite a question, Mr. Chairman.

Yes, I think Federal funds should be used as an inducement to move the States into the rehabilitative-type program rather than the warehousing-type programs that have been used in the past, the Charles Dickens type of approach. I would urge that it be done in such a way that you don't phase the old out until you have the new phasing in, so you don't have to take some child who is a very dangerous person and do nothing with him because you have neither the new nor old.

Chairman PEPPER. You know Mr. James, no doubt, who made a survey for the Christian Science Monitor of juvenile correction institutions over the country?

Judge ARTHUR. Yes, sir.

Chairman PEPPER. And the film he directed is going to be presented here before this committee later this week. He gave me the horrifying information that, I believe he said, 15 to 20 percent of the girls that were in these institutions generally were there because they were runaways and they were runaways from home because they were sexually assaulted by their stepfathers or fathers. Have you found any material frequency of that sort of offense?

Judge ARTHUR. We get some incest cases and, curiously, they came to the juvenile court because the girl would not testify against her father in a felony case. Why, I don't know. They come in as contributing to the delinquency of a minor, which comes to juvenile court. I get maybe one a year of such cases, which is not a substantial number.

Chairman PEPPER. And you can't do anything to the father because the girl is unwilling to testify against him?

Judge ARTHUR. No, sir; I have a case on appeal right now where a father sexually assaulted all three of his girls on a regular basis and the mother stood by. She was asked, "How come you let this go on?" And she said, "He might divorce me if I take them away." Finally, she took the children away from him and he was extremely upset and demanded she return the children. And I have this on appeal.

Chairman PEPPER. Was he prosecuted for that offense?

Judge ARTHUR. No, sir; the prosecutor felt the girls' testimony would not stand up. They were very young.

Chairman PEPPER. And the wife will testify for the husband?

Judge ARTHUR. The wife left the State and we are not quite sure where she is.

Chairman PEPPER. Now, Judge, according to your observation, what percentage of the boys and girls who get into your juvenile court later wind up in adult penal institutions?

Judge ARTHUR. I should have anticipated this question, Mr. Chairman. I don't know. I am sorry; I don't know.

Chairman PEPPER. We had testimony from one of the juvenile judges in Florida, Judge Orlando of Fort Lauderdale, and my recollection is his estimate was about 50 percent; and I heard others use some similar figure.

What about school dropouts? What percentage of the boys and girls who come before your court are school dropouts?

Judge ARTHUR. In Minnesota, they can't drop out until they are 16. Prior to that time, the school will bring truancy petitions into the juvenile court. But if you take the status of offenses out of the juvenile court—and there is a national movement to do that—then there will be no enforcement of this at all. You will be repealing the compulsory school attendance laws if you do that. The schools do bring us truancy cases where the child drops out before age 16, and we do what we can.

After 16, the child can drop out, and under the curious law of Minnesota he can drop out whether the school likes it or not and whether the parents like it or not. The child makes his own decision.

Chairman PEPPER. Those who drop out before they graduate from high school, have you any figures as to the percentage of the young people coming into your court who drop out before they get through high school?

Judge ARTHUR. I have no figures and I would hesitate to guess. We do know the kids we see all have an educational problem, basically a reading problem.

Chairman PEPPER. Would it be likely that most of your students that you deal with are dropouts?

Judge ARTHUR. I would question whether it would be most, but it might be close to half. But that is a guess.

Chairman PEPPER. Did you say that they have reading programs; that is, you find that boys and girls have a serious reading problem and you do try to give them some reading instruction?

Judge ARTHUR. First we try to work through the school system to find a reading program that will fit them, with some of the numerous special programs they have. If they don't, we will try to use our own resources, and if we institutionalize a child in our county institution reading is one of the main thrusts of the program.

Chairman PEPPER. I learned in California recently, when we were having hearings out there, in one school, which was in the suburbs of San Francisco, there were two or three classes of students who were in the eighth grade whose reading level was not above the third grade.

Judge ARTHUR. I can believe that, Mr. Chairman.

Chairman PEPPER. We have a shocking reading problem in many of the schools of the country, don't we?

Judge ARTHUR. I had a child before me recently, Mr. Chairman, who was a senior in high school and was listed in the 102d percentile of reading, which implies, the school said, that 102 percent of the children in that school can read better than he can. I questioned their mathematics.

Chairman PEPPER. That is pretty good.

One other thing, in respect to this whole problem of dealing with people who commit crime, what influence do you think incarceration has as a deterrent to the commission of crime?

Judge ARTHUR. Zero, I guess. If the person who is committing the crime knows he would be caught, and they always assume they won't, every criminal I ever questioned in sentencing has felt, in effect, "I was too smart to get caught." Of course he did get caught. But if he knew that he would get caught, then I think incarceration might be a threat. But they don't expect to be caught.

Chairman PEPPER. As to whether a man gets 20 years, 30 years, 40 years, or 5 years, do you think it makes any difference as a deterrent to the commission of crimes?

Judge ARTHUR. I would support the statement that the longer he is kept in prison the more apt he is to commit a major crime when he leaves.

Chairman PEPPER. That was also testified to here yesterday by Dr. Jerome Miller.

Judge ARTHUR. I would think as to most of these people, instead of holding them for a period of years, the courts should do as we do in our juvenile area: Hold him until he is able to live in society again, however short or long that may be.

Chairman PEPPER. Do you favor judges imposing indeterminate sentences, the release date to be determined by the correctional authorities, or the judge giving a fixed number of years as a sentence?

Judge ARTHUR. I would favor leaving it to the people who get to

know him and see the change in the man's personality as the years go by. In other words, let him be released when he is able to make it in the community, however long it may take.

Chairman PEPPER. I am inclined to agree with you, although some say that has a frustrating influence upon the individual, because he can see no hope. He has got his own destiny in his hands, if he chose rehabilitation.

Judge ARTHUR. We had a program in my county school where they went for 6 weeks and that was it, and we had other programs which were indefinite, and the staff said the kids worked much harder on their problems when it is an indefinite thing because they know they wouldn't get out until they had solved their problems.

Chairman PEPPER. Are you familiar with the legislation proposed by Senator Bayh?

Judge ARTHUR. There are two bills. He is interested in one, S. 5613, and the other is H.R. 45, something of that nature. Yes, sir, I am familiar with them.

Chairman PEPPER. Senator Bayh is going to testify here tomorrow on his legislation, at 10 o'clock in the morning, and we probably, sometime during the week, will also have Representative Railsback, who with the cooperation of this committee has been initiating some juvenile court legislation in the House of Representatives.

Judge ARTHUR. I understood Senator Cook has joined Senator Bayh on that bill that you mentioned.

Chairman PEPPER. Very good.

Judge ARTHUR. And Senator Percy has shown considerable interest in it.

Chairman PEPPER. Judge, how much time do you spend in Washington? Do you spend most of your time at home?

Judge ARTHUR. In my current job as president, Mr. Chairman, I seem to get around the country. I am gone from my State about a day every week. But this will slow down. I do get to Washington four or five times a year.

Chairman PEPPER. When we come to the preparation of our report, if we do so, we want to consult with you to get your advice and counsel on it.

Judge ARTHUR. I would be very honored.

Chairman PEPPER. Thank you.

[Judge Arthur's prepared statement follows:]

PREPARED STATEMENT OF LINDSAY G. ARTHUR, JUDGE, DISTRICT COURT, JUVENILE DIVISION, MINNEAPOLIS, MINN., AND PRESIDENT, NATIONAL COUNCIL OF JUVENILE COURT JUDGES

Mr. Chairman, may I thank you and the Committee for devoting your time and your energy in seeking means of helping America's children in trouble. The need of course is great. But the satisfactions of helping children are greater. New and promising techniques are being tried and proven methods which obviate and complement the Juvenile Courts; new community resources are being developed to open and supplant the institutions. I thank you for the opportunity to describe the activities of one Court and to express the views of the National Council of Juvenile Court Judges of which I have the honor to be President.

I. NATIONAL COUNCIL OF JUVENILE COURT JUDGES

Perhaps I may briefly describe our National Council. We believe that we are the strongest membership organization of judges in the United States. The Courts of our *active* members have jurisdiction over more than seventy-five per cent of the children of the United States. Fifteen years ago our budget was less than a thousand dollars a year, now it is nearly three-quarters of a million, mostly from non-governmental sources, with every promise of substantial further growth as we become more and more recognized as the principal vehicle for improving the juvenile justice system. We have assembled a highly qualified staff. We have fashioned a college for advanced professional training. We have developed publications which up-date our information and concepts, and provide a forum for interchange of ideas. We think we have a place in the future for helping judges to help children, reducing delinquency and crime and broken homes.

A. TRAINING

The principal thrust of our National Council is training: Over two thousand judicial personnel and over one thousand of their staff have been exposed to our instruction and materials, mostly at our college in Reno, but also at institutes and training sessions in and about the country. Our ultimate goal is to provide *every* Judge and Probation Officer with at least two weeks of intensive formal training *before* he becomes involved with his first case, and with at least one week of refresher training every year thereafter. It's an ambitious goal, but it will be met because it must be met. Juvenile justice personnel require and must have access to a specialized expertise if they are fully to realize their potentiality for substantially reducing crime.

B. SUPPORTIVE SERVICES

A second thrust of our Council is to provide services for juvenile court judges. We have an excellent law digest, providing every month, notes on the latest juvenile law cases. We have a quarterly which is used both for issues containing various articles of interest and issues designed as handbooks on a particular subject. We intend to develop further services. On too many of them we are only making a start:

Statistics.—There is a crying need for statistical data. Current crime and delinquency rates are based on police statistics. They include cases that are never referred to court, cases where the defendant is guilty of a lesser charge, or not guilty at all. They treat any second offense as recidivism, however distant in time, dissimilar in nature, or different in seriousness.

Treatment Manual.—There is a great need for a manual of treatment methods so that each judge can profit by the successful . . . and unsuccessful . . . techniques of his conferees. Similarly there is need for a national clearing house of resources, rather than, as now, leaving each court to its own resources which may be too meager, or too duplicative.

Date.—There is need for comparative data on caseloads, salaries, costs.

Placement Service.—There is need for a placement service for staff persons, presently we must rely only on a word-of-mouth, whom-do-you know basis.

Architecture.—There is need for study of court facilities and buildings to determine how to achieve maximum rehabilitative impact, even from furniture and fixtures, fitting the courtroom to the child's needs rather than the child to the judge's comfort.

Accreditation.—There is need for objective standards by which juvenile courts can grade themselves and find and correct their deficiencies. Nothing such now exists. We intend to supply them for our members.

C. RESEARCH

The third thrust of our effort is for basic research. We are currently seeking to assemble private funds in Pittsburgh for a center for this purpose, where various and varying experts can be brought together for intensive and pragmatic consideration of the multitudinous frontiers of knowledge needed to expand the effectiveness of Juvenile Courts in their rehabilitative efforts to protect the public and help the children.

We are a young and strong organization, dedicated to a single purpose, with proven expertise, with ability to help judges help children and reduce crime.

II. JUVENILE COURT FOR HENNEPIN COUNTY, MINNESOTA

I wear another hat today: as Judge of the Juvenile Division of the District Court for Hennepin County, Minnesota, a jurisdiction of almost exactly a million people, a Court which holds about fourteen thousands juvenile hearings each year, hearings which involve about five thousand children. We are in a continuous state of ferment, constantly trying to improve the protection which we try to give to the public and the stamina we try to give to the chairman.

A. DIVERSION

Our guiding principles are rehabilitation rather than punishment and diversion rather than authoritative judicial process. We recognize that the Court is an instrument of authority, which should only be used when authority is necessary. The Court process is expensive, it is traumatic, it may generate more hostilities than it resolves. If a child and his family can and will obtain needed help voluntarily, the help may be more effective. But if the child or the family cannot, or will not, obtain the services which are needed for the child's rehabilitation and the public's protection, then the Court must intervene to require submission to help.

Community Services.—The community in Hennepin County has generated numerous resources which forestall or divert delinquents and potential delinquency. There are various academic options within and without the school system, since reading and educational deficiencies are surely an important cause of crime. There are Youth Service Bureaux and crisis centers and Scouts and church programs and neighborhood centers and minority-oriented activities. Among the most effective in reaching the children who have left our world for drugs and revolt are the Detached Workers of the Boys Clubs and the Y.M.C.A., people who go inside the counter-culture at considerable sacrifice to themselves in order to be needed and available.

Police Diversion.—The police in the area try to resolve what they can within legal and constitutional limits, referring possibly a third of their contacts to parents or to community resources for help. The children they divert, do from time to time become involved in further illegal activity . . . as they do to any other agency.

Court Diversion.—The Court maintains an "Intake Unit" which screens all incoming cases, studying the police reports, conferring with the families, consulting with the prosecutors. They are able to refer some sixty per cent of the cases away from the Court, with a remarkably low return rate. Other cases, both juvenile and adult, are screened by "Operation De Novo" which looks for tough and hard core delinquents. Over the few years of their existence they have developed a considerable skill in reaching these people with whom nobody else has succeeded. Somewhat similar is a screening service by the criminal Court's own staff to release without bail every adult who can be relied on to return; they have gambled heavily on human nature and won, our jails are considerably less populated but few of those released have been absconded.

b. Resources Available to the Court

Speedy Trial.—Both the adult Criminal Division and the Juvenile Division maintain their calendars so that an arrested person is brought to Court within two business days of arrest. If he pleads not guilty, his trial is within three weeks, unless he requests either a longer or shorter time. If he is detained his sentencing is within two weeks of this trial or arraignment. These times are possible only by careful scheduling and considerable cooperation among the judicial personnel.

Individual Counselling and Supportive Services.—While the principal non-institutional method of rehabilitation is and will remain the one-to-one counselling of a skilled Probation Officer with a child or a parent, it is not a panacea, and it often needs supportive services: devices such as unpaid work, driver's license suspension, monetary contribution to charity, to convince the child that the public reacts to violations of its laws; and counselling often needs programs to attract the child's interest and motivate him into useful and instructive activities. As an example, some local pilots have for several years taken on groups of boys, teaching them the glamour of aerial navigation, and incidentally teaching them the need for mathematics and reading and perseverance and teamwork.

Groupwork.—We have also developed and are continually refining groupwork

techniques, working with groups of children on either a discussion or an encounter basis, or working with parents who need skills in raising small or adolescent children or, with much promise, working and counselling with groups of families.

Community Homes.—Children frequently need to be removed from their homes for cooling off periods, for learning to live with others, for care for special needs. There are never enough such homes, except for neglected or abandoned infants. In addition to seeking out regular family style homes, we have developed a few homes for the unskilled, the unmotivated, the fearful-hostile children. Our community has developed a chain of "Home Away" group homes, where children keep their jobs, attend their usual schools, but spend their evenings and weekends in the encounter group milieu, deriving support and understanding from their peers until they have the skill and strength to stand alone. The program has been so successful that we have closed down one-third of our institutional beds. A similar program for young adults, "Port" has been successful in Rochester, Minnesota, and is about to open up in Minneapolis.

Institutions.—There are of course institutions . . . and I believe there always will be: There are some children and adults who won't stay around for help: they must be kept in security to ensure that they receive the treatment they, and the public, need. There are some children and adults whose delinquent attitudes are too infectious to leave them with the innocent. There are some children and adults who are violent, or who are compulsive thieves, or who are just plain lawless, and who must be locked up for public protection.

All institutions should be rehabilitative and not merely warehouses or turnkey operations. We have numerous different approaches in our county and state institutions, we are constantly trying to revamp old and devise new methods, all in an attempt to individualize: to diagnose each child's needs and to put together a treatment package which will meet those needs. The catalog of our county and state institutional methods is long. We think we are at least as effective as others around the country.

Once again, Mr. Chairman, may I thank you and the committee. The rehabilitation of the young is America's best hope for reducing crime and for increasing responsible citizens. I am proud to be a part of the effort. I am proud that my Congress is also involved.

We will take a recess until 2 o'clock this afternoon.

[Whereupon, at 1:05 p.m., the committee recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

We are very much pleased to have with us this afternoon the director of the Florida Division of Youth Services, the Honorable Oliver J. Keller, who has done a magnificent job in Florida and has been commended by many knowledgeable of treatment in this field throughout this country; and of whom we in Florida are very proud. We are very grateful for Mr. Keller for coming and giving us, for the benefit of the Congress and the country, his experience and his counsel in this critical area relative to not only youth crime but crime in general.

Mr. Lynch, will you please present the witness and question him.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. CHAIRMAN. Mr. Keller, who is now involved in reforming and modernizing the Florida system, was educated at Williams College, received a master's degree from Northern Illinois University, and is the former chairman of the Illinois Youth Commission. Mr. Keller is an author of the book entitled "Halfway Houses," and as you know, now serves as the director of the Florida Division of Youth Services.

Mr. Keller, I believe you have a prepared statement to present to the committee. Would you do so, please.

**STATEMENT OF OLIVER J. KELLER, DIRECTOR, STATE DIVISION OF
YOUTH SERVICES, TALLAHASSEE, FLA.**

Mr. KELLER. I have submitted a prepared statement. I would prefer to do what Judge Lindsey Arthur did this morning, if I could—

Mr. LYNCH. That is fine. Would you do that.

Mr. KELLER [continuing]. And just talk informally for about 15 minutes, if I may.

[Mr. Keller's prepared statement appears at the end of his testimony.]

Mr. KELLER. I think the Florida youth corrections system is quite unique in the country, in that the Governors of our State, two of them, and the State legislature, have seen fit to develop a unified system of youth corrections, prior to this kind of organization being recommended nationally.

Now, here in Washington, in January, the National Conference on Criminal Justice met. One of their major recommendations was that corrections be a State responsibility rather than a local one. The rationale simply is that corrections as a profession needs to be centralized and unified in a State system, and that the past experience of fragmented county corrections programs has not been successful at all.

So over the course of the last 5½ years, the Florida Division of Youth Services has moved from a program of three training schools to a program which encompasses the whole spectrum. By law, this agency is responsible for the prevention of delinquency. We are also responsible for the intake of all children to Florida's juvenile courts. Thanks to Federal funds of a couple of years ago, matched with general revenue money, the division of youth services was given responsibility for juvenile probation and intake, as well as parole which it had back in 1967.

The agency operates the State training schools. It operates community-based programs which we are particularly proud of, Mr. Chairman: The halfway houses, the group foster homes for delinquent children, the START centers, the TRY centers, which I will explain a little bit later on, and we also contract for service. Comparatively recently, the legislature authorized our moving into the detention field. The bill passed by the Florida Legislature at the 1972 session mandated that, by 1978, detention of children awaiting court action in Florida will be a State responsibility.

I think the kinds of questions that people want answered are: "Does it work? Does it pay off? I think the answer is "Yes." Florida is a boom State; it is one of the fastest growing States in the country. Just in the time I have lived there, the population has increased by a million people. We are over 7 million people now.

Our prison system is in serious trouble as far as overcrowding is concerned. There is a crisis with respect to too many people for the Florida prison system. In contrast, the youth corrections program, thanks to the legislature's putting it all together, actually has empty beds. Our training school populations are the lowest they have been in years and years.

We are actually, through administrative transfer, taking young men from the adult prison system. We are moving people from prisons

into the youth corrections agency administratively. The commitments from the juvenile courts are down because we are diverting children to other resources. The failure of young people on juvenile parole is down.

Some of the things we are doing with intake and probation, I think, are important to recognize. Before there was a consolidated State system, some counties had probation and intake service. Others did not. The poor counties often had nothing. When the judge had a young person before him, he was virtually compelled in some instances to send that youngster to a training school because there was no other resource at hand.

Since the State system of intake and probation went through, every county in Florida, regardless of its wealth, has the same level of intake, probation, and parole service. We are able to divert as many young people as we can from the official system.

I believe they should be kept out of our system wherever possible. We are permitted to do "consent supervision," which means the young person who has been in trouble, and his parents, agree with our intake worker on a course of action that is planned. The parents and child agree to go along with the plan for a limited period of time. The case does not have to go before the court.

We are making considerable use of citizen—what shall I say—citizen labor. These are people who volunteer. They are not paid. We have over 800 people now who simply are adult friends to young people who need that kind of relationship. The volunteer probation program, where we assign a businessman, or a housewife, or a college student, to work on a one-to-one basis with young people in trouble has been notably successful.

I think that in treating kids with problems with the law, we have to recognize, Mr. Chairman, the need for a variety of programs. That we now have in Florida. For young people who cannot live satisfactory on probation, we are placing more and more of them in group foster homes.

I would like to point out that you can find good people, reputable people, who are willing to take somebody's problem child into their home, if you look hard enough, if you screen them carefully, and if you pay them enough so they do not lose financially themselves.

One of the things that Florida is known for nowadays, of course, is community-based programs such as the halfway houses. A halfway house is simply a large residence, with 20 or 25 young people living in what may have been a motel, or former nursing home, or an apartment building. They attend public school; they hold jobs; they live a relatively normal life; and it works.

We don't have to put many of these serious delinquents into institutions. They can be treated less expensively, and I believe more effectively, in community programs.

I mentioned that we have a program called the start center and a program called a try center. These are names taken from the State of New York—from the New York Division for Youth. The start center is simply a halfway house which has its own educational component, its own classrooms. These programs are for young people who are so far behind in the public school system they need a special catchup effort.

So we have a school program in the start centers. The try center, another name taken from the State of New York, is a program where kids still live at home, but appear early in the morning at the treatment center. They are there all day, either undergoing group treatment, which I will get into a bit later, or they are working, or they are going to school.

I should emphasize that community based corrections truly work. We have 25 of these programs now going in Florida. Initially, the reaction of the neighbors to the establishment of a halfway house or start center was negative. People are highly anxious. They are afraid their property values will be destroyed and that hoodlums will be released in their midst. It doesn't work out that way.

The programs have been sufficiently effective—and I knock on wood as I say it—that many neighbors who were previously hostile are now our biggest boosters. I will give you an example.

At Fernandina Beach, a small town north of Jacksonville, the people were extremely frightened when they heard we were starting a program for delinquent boys. Within the period of a year, the townspeople became so close and so fond of these young people, that, at the town's expense, they built a one-room school building for our boys on State property, gave it to the State. It was a very generous gesture from people in that community.

Now, let me point to the cost. The cost per day in a community-based program in Florida is considerably below that of an institution. We are able to serve young people for \$13 or \$14 a day in a halfway house program, as compared to \$20 to \$30 a day in an institution. We are able to find "white elephant" pieces of property on the real estate market, property that other people don't want. It could be an abandoned church, it could be an apartment building, or old nursing home. We can use it.

So far, all of our programs in the State are distressed pieces of property that we have picked up and renovated and moved into rather quickly. We avoided heavy capital outlay. I think the reason these programs work is because of the quality of staff—young and energetic people that have empathy for kids with problems.

I am a strong believer in groups. Mr. Chairman, this morning during a break in the testimony, you described very well, I thought, the program at the Red Wing School, of Minnesota, where kids help one another in groups. I would be happy to have you substitute Florida for Minnesota if you like. We, too, discovered that delinquent teenagers, if treated with dignity and kindness can respond maturely; can make reasonable, sensible decisions; can face their life situations; and try to reckon with those situations.

I really mean this. We have so-called bad kids in halfway house programs in our State. Thanks to this group approach, where these kids get together for 90 minutes every day, 5 days a week, they are some of the nicest people you will meet. They are open; they are friendly; in the local school system they are looked upon by the school authorities as some of the nicest members of the student body.

You have to see it to believe it. I think that, through this approach, where the kids help one another, friendships develop; young people who have only hurt one another now care for one another; and they can learn to make responsible decisions. I think that correctional ad-

ministrators are fighting a losing game unless they can change the attitudes of the people they work with.

The reason corporal punishment doesn't do any good is that it works only so long as you are watching the individual. As long as you watch him, he may be fearful of being beaten. They used to use straps in our schools in Florida. We don't use the strap at all any more; we don't need it. It is only when you are changing the person's ideas about himself and his attitudes that he is going to change his behavior. Then you don't have to worry about watching him. The trouble with training schools—and I won't belabor this because we have many people I think are excellent employees, working very hard in our training schools—is that our boys' schools are too large. If you are going to change people who are delinquent or criminal, I think the change generally takes place through personal relationships.

If you have a 16-year-old boy who is turned off from the world, who looks upon himself as a loser, and looks upon the world as being rotten, the only way he is ever going to be a reasonable, decent citizen, I think, is if he establishes a relationship with someone he knows cares about him and respects him. Then he can respect himself in turn.

The problem with large institutions is it is difficult to get that kind of personal relationship established. The schools are too big. You don't have time for really knowing what someone is like.

Also, the larger a school is, the more you go by the system. It is the system that becomes important rather than the young people who are in that system. You begin to follow a routine. You go by formal written regulations. This does not help change people.

Recognize, too, that in a large institution, the people with the best training end up as administrators. They are the ones that are in the front office. The people who really are "where the rubber meets the road," who are where the kids are, are often people who are inadequately paid, possibly \$5,500 a year or \$6,000 a year, such as cottage fathers. Some of these people, I want to point out, are excellent in spite of the terrible pay, but there are other cottage parents in such institutions who could care less about the young people they are supervising.

I think the role of the training schools in our country in the future is that they should be kept small. By that, I mean 100 or 150 young people at the most. They should be reserved only for a very small percentage of young people who demonstrate they cannot live in the community. I believe that 70 to 80 percent of the young people are committed as delinquent kids can "make it" satisfactorily in a community-based program. There are some that bomb out. They run away; steal a car. When the community won't tolerate their presence at that half-way house, you have to move them. But they are a comparatively small percentage.

I would like to see the day when our training schools are truly intensive treatment institutions for a very small percentage of children. Recognize that these institutions, if they are to be intensive treatment experiences, will be expensive. The training school is like a small city. You have residences; you have administrative headquarters; and you generally have a chapel, a school, maintenance shops, and sewage systems. It is like a little village. To keep all of that going, and at the same

time have as good treatment program as it should be, it has to be an expensive operation.

We have an institution, Congressmen, in Florida, which we are proud of. We took a gamble on it. It is called the Howell Lancaster Young Development Center. It is our institution for our "mess-ups," kids that are our worst kids. The only way a young person gets to this place is to fail in another program. But it is a coeducational school, and it is an open school. There are no fences or gun towers. Kids wear their own clothes. In other words, it is not a uniform-type operation.

We have only 16 boys or girls to a cottage. It is one of our best facilities, and yet it is supposed to be for the worst kids we have. Why does it work? Because the kids are treated as human beings, because of the groups, which I think are crucial to changing of delinquent behavior, and because the place is small. The staff and young people all know each other well.

Chairman PEPPER. Are they locked in?

Mr. KELLER. No, they are just there. And we have very few run-aways from that facility. Let's address the questions of sex activity, Mr. Chairman, because people say we must be crazy putting delinquent kids, boys and girls, together in the same institution. We have discovered the kids act more like ordinary kids on the outside. We occasionally have some sex problems. I would be lying to you if I told you every now and then we don't have a problem. I don't think we have as many problems as the ordinary public school does, the average high school does.

And through the groups, kids respect one another. There is a feeling of concern and respect for one another which is worth seeing.

On the issue of staff, I am not hung up on the idea of Ph. D.'s and M.S.W. degrees. My own feeling is that correctional administrators should search hard to get people who like other human beings. One of our most successful halfway house superintendents is an ex-alcoholic, whom I met at Sumter Prison.

He wasn't in prison, but he was an AA from the outside, talking to AA convicts at Sumter. This man is a black man with 2 years of college. He is one of our best halfway house superintendents. He not only has great concern for the young people, but they know it. They know he really cares about what happens to them.

Chairman PEPPER. Mr. Keller, may I interrupt you. When I visited Red Wing, Minn., Mr. Olson, who is in charge there, told our committee that when he took over under the new program, I think they let all of the psychologists and psychiatrists go but one, maybe one of each, I don't know. And they did just what you said. They put in charge people that know how to handle boys. It is a boys' school. And they said the best man they had on the campus was the fellow who ran the shoeshop. He could do more with those boys.

You know, we have Art Barker at Fort Lauderdale, who is in charge of Seed, some of our members here visited the Seed, he is a reformed alcoholic. That fellow has a knack of some kind or other for dealing with boys or girls. He is a genius.

Chairman PEPPER. What you are saying is you don't care about their technological qualifications, but you want people who know how to deal with boys and girls.

Mr. KELLER. Mr. Chairman, I say the first thing you look for is warmth for other people. If you can couple that with a college degree, with some knowledge in the behavioral sciences, that is a great big important plus. I am not knocking the professions.

Chairman PEPPER. Of course. I am not, either.

Mr. KELLER. But what I am saying is that I think we can use those people to train group leaders. My own discovery has been that the State simply cannot afford psychiatrists, in numbers, for these training schools. I really don't believe most delinquents need that. I believe young people who really are in bad shape mentally should be treated by a competent psychiatrist through contract. If the young person needs psychiatric help, then contract for it. The administration can employ help from the outside. My own experience with some institutional doctors has not been too good. The State often doesn't pay very well, and, consequently, it gets what it pays for.

I think one of the stumbling blocks correctional administrators run into is—unfortunately, although I would like to employ more people like the man I described at our halfway house in Tallahassee—the tendency of government is not to be flexible. As pay grades and job specifications are set, these are almost invariably tied in with advance degrees. You don't get paid well unless you have a master's in something or other.

That is too bad, I think. I think there needs to be greater flexibility.

Mr. RANGEL. Mr. Chairman?

Chairman PEPPER. Mr. Rangel.

Mr. RANGEL. I share your concerns. I don't know how closely you are related to the drug rehab programs, but most of the communities felt that the victim did not really need full-time psychiatrists and psychologists, or social workers, but rather people that had an understanding of the problem, the result being that many of the programs merely justified they had to be approved because they were staffed by former addicts.

I recognize that you have to have more flexibility in the civil service system, but to get the type of talents that you and the chairman described, to get this type of talent and dedication, what would you think is needed by agencies such as yours?

Mr. KELLER. I think the job specs should be written in such a way that, somehow or other, they would take into account the individual's past experience, what he had to offer. It might include street experience, Congressman, other than academic steps. Very often, you know, coming back to the academic business, there are people that are super-bright, who shouldn't be working with human beings. They don't help people.

They can knock off a Ph. D., but they are not helpers. And then there are other people who can move through the academic world, but don't know what the bricks are like. They have never been there. They don't know what the hard life is like. It is ridiculous for this kind of middle-class person to be telling the individual in trouble how it is.

Mr. RANGEL. I know. We have the same type of public servant that just doesn't like people but he has degrees. On the other hand, my problem is that the person that just comes from the street, he is hired by people who come from the street and we really don't know whether

he is a part of the problem, rather than someone who can assist in the solution of it.

The answer is someplace in the middle. I was just wondering if you did have the flexibility that you want.

Mr. KELLER. We are getting less flexible, I am afraid. As the job specs are specifically laid out in our State, it is going to be harder and harder to employ people like the man I described.

Mr. RANGEL. And like Mr. Barker, who the chairman described. Have you had a chance to look at the Seed program?

Mr. KELLER. I know Mr. Barker and I have been to the Seed for a visit. We have quite a few children in that program.

Another stumbling block, if I may move to it, that concerns me in the people-helping field is the requirements of the Federal Wage and Housing Act. These are being enforced very strictly in our State. Obviously, the reason they are there is because people were abused in the past. People were worked fantastic hours, were not compensated for it, and weren't given time off. The sad thing now is that there are people who would like to work with kids, but when their 8-hour day is up, they have to leave. They have to get out. The only way we can avoid that in our State is to get the pay grades at a high enough level so they then become "exempt." Over a certain pay range, the person can work at night or any time. But there are lower echelon people who really enjoy working with kids. They have got to leave at the end of their stint. They may be in the middle of a conversation with a kid. The rule is enforced so rigidly that the people who will question the employees say, "Did you hang around for 10 minutes after working period?"

Mr. RANGEL. Who enforces it; the union? The shop superintendents?

Mr. KELLER. There is a gentleman with the division of personnel whose job it is to go around and find out from people what their working hours are.

Mr. RANGEL. Can't they come back as volunteers?

Mr. KELLER. No; unless it is in a totally different field. For example, a secretary could offer to be a Boy Scout leader, but a house parent cannot. A house parent might want to take kids to a ball game, because he would like to see the ball game himself. But he can't, he is on overtime if he makes that trip.

I am strong for contracting for service. We are doing some of this now in Florida. We have four marine institutes that are under contract. This is where we put boys on boats. Florida doesn't really have any mountains, so we can't have an "outward bound" experience.

Chairman PEPPER. Excuse me. Mr. Keller, I am surprised that you are so uninformed of our geography. We have mountains that tower up into the sky as much as 300 feet.

Mr. KELLER. They are beautiful hills.

The marine institutes are not-for-profit corporations. We contract with them to put boys on these boats, where they learn ship handling, where they learn scuba diving. If they don't know how to swim, they teach them how to swim, obviously. Also repair. When these kids get through with this course they are very much in demand as far as jobs in our State are concerned, because we have so much maritime business.

This is the kind of program that really turns on an adolescent boy. Just being on a boat, going out to sea, for example, on a yawl or ketch.

We also contracted with the Jack and Ruth Eckerd Foundation. This is a not-for-profit foundation, which operates a "wilderness camp." They have two wilderness camps now, the Eckerd Foundation does. The State is going to have a camp created for delinquent boys in west Florida, over near Pensacola, in the Black Water River State Forest. They have from 400 to 700 acres of land. It is really wild land. The central camps consist only of a small administration building and the dining hall, which is known as the Chuck Wagon, and there are some showers and toilets there. But the rest of the camp is all in the wilderness.

There will be a camp of 50 kids, five subunits, with no buildings in the subunits; nothing but tents which the kids make themselves. If it rains, they have to fix it. Half of their meals each week are prepared out there in the wilderness. They cook their own food, plan their own menu, and the other half of the week they come up to the Chuck Wagon. You don't want kids to do nothing but cook and prepare food all of the time.

But it is quite an experience. I have seen kids who failed in everything else really turned on by their wilderness camp experience. They go on canoe trips, pack trips. The school program is related to the camping experience. That is, the boys determine we need to order so much food; let's figure out how much food we need. How many of us are there? How many loaves of bread do we get, and that kind of thing. As far as English is concerned, that would be done in planning for the trip they are going to take. After they have taken the trip—for instance, coming down the Mississippi on a raft—they write up what their experience has been. They write back to the people they met on the trip.

We also have contracts with Florida Atlantic University and the University of West Florida. These universities work with our boys on the training school campus. We actually have branch universities going at our institutions. And, at Okeechobee, just north of the lake, there are 60 young men and women from Florida Atlantic University living in trailers at the boys' school. They go to class right on the grounds of our boys' school.

Twenty hours a week, the university students are devoting themselves to their own academic work. The other 20 hours, they work for us as teacher aides and recreation aides. And I think it serves two purposes: One, these university students are young enough they can really relate to the teenage kids in that training school. There is a difference of maybe 4 to 6 years between the students and the kids in the training school. Then, and most important, we are developing future teachers who have skills in working with delinquent kids, and are not afraid of these behavioral problems when they find them in the public schools.

We need to do a lot of this kind of thing in conjunction with public schools.

The newest program the State has moved into is detention. Mr. Chairman, we in Miami are operating Youth Hall now, and we are also in the Panhandle. The panhandle of Florida runs from Pensacola almost over to Tallahassee.

But the 10 counties in the panhandle are served by only two detention centers. We have a system of open, nonsecure shelter homes, and a system of home detention, which allows kids to go back to their own homes under intense supervision. This is a program that was started by a gentleman named Paul Keve, who used to work for Judge Lindsay Arthur.

This program in Florida follows a State plan worked out by the John Howard Association. Mr. Rowan, of course, will testify later. What Rowan is saying to the State of Florida is:

You don't have to build any more lockups. You don't need it. Use the existing two secure detention centers that the counties have, and, instead of building any more lockups, use open, foster-type homes for kids who don't need to be locked up.

Then, also, send kids home, but make sure they are closely supervised by home detention workers.

Here is how that works. You don't look for a guy with a fancy degree. You find somebody whose references check out okay; maybe just a guy with a grade school or high school education; that's all. You give him the responsibility for making sure that five boys, who have to come before the court, stay out of trouble until their court date.

Now, it makes sense, considering the adult system. In the adult courts a really bad hoodlum can be bonded out until his court date simply because he can come up with bail bond. He can pay the dough. Doesn't it make sense in the juvenile field to do something better? Let the delinquent kid—or you think he is a delinquent kid because he is coming up before the court—go home, but have him supervised every day by an individual who isn't paid a big fat salary, but whose job it is to be sure his five kids keep the court date, and stay out of trouble.

The cost of this State detention system, according to Mr. Rowan, is going to be just about what the counties that are presently operating detention centers are now spending. Remember, there are 20 counties out of 67 counties in Florida that have detention centers. These are lockups. What the counties are presently spending to keep kids in those 20 lockups is what the John Howard Association believes the State of Florida can spend to operate an entire State system where you minimize lockup; you allow kids to be under home detention, or in open shelter homes.

Mr. RANGEL. Mr. Keller, what happens to those people who are employed under the present system?

Mr. KELLER. Congressman, they transfer to the State system. This is what happened when the title IV-A moneys and LEAA moneys of 2 years ago were matched with State general revenue, when we took over what had been the county responsibility of intake and probation. The State operates all of that in Florida. Those people came over to the State system. On the whole, they worked out well.

Believe it or not, we only dismissed one individual on a morals charge. Some are better than others, obviously, but we recognized when we moved into that area that we weren't going to fire people. We actually couldn't. They gave us a 6-months' period when we could

unload people if they were bad, but we found most people were pretty decent.

Mr. RANGEL. But you are talking of hiring a different type of person, say, for the custodial care, to insure that the alleged juvenile delinquent gets back to court.

Mr. KELLER. That is right.

Mr. RANGEL. You wouldn't have any civil service status job for someone like that?

Mr. KELLER. You see, what has existed so far, and this is true throughout our country, is just lockup care. We are going to continue to operate most of those security detention centers, or lockups, and the people who are working there will continue to work there. What we are saying, in other words, is that we agree with Mr. Rowan of the John Howard Association. We don't have to build a lot of lockups elsewhere.

What we are going to do, instead, is to pay Mr. and Mrs. McDonald to take three to five kids into their home, shelter cases, until their court date. We will pay McDonald \$7 or \$8 a day per child. Also, Mr. Lynch, who has been recruited now as a home detention worker would have the responsibility of just making sure the five kids stay out of trouble.

So these programs obviously are far less costly than lockup care. Lockup care costs about \$27 a day per child. You have to have 24-hour supervision and 8-hour shifts, and so on. This other nonsecure way costs us about \$7 per day per child.

The next area that I am concerned about, and want you to hear about, is that staff training efforts for agencies of our type are often neglected. It is very hard to sell legislatures on giving money for staff training. A lot of people don't understand it. We are asking for a little bit more than 1 percent of our budget for staff development. I think that staff training is crucial, if we are going to do the job right, because we are a big agency now in Florida.

We have 3,000 persons working for this agency. We process 110,000 kids a year through intake. We have 16,000 children on probation or parole. It is crucial that the people who work with this agency understand the philosophy of the agency, and that they are motivated, and feel they are a part of a growing, vital, energetic system. Staff training is crucial, I think.

Also, the whole business of public education. What we are doing right now and what this committee is doing are crucial. The public really needs to hear what your deliberations result in, because so many people still think the iron fist is the way to deal with troublemakers. They don't realize the traditional method of dealing with offenders produces a more dangerous offender.

You Congressmen have heard firsthand the testimony about what happens to people in prisons and large institutions. You know that when those people come out of that kind of a prison experience they may be truly vicious. I have talked to convicts who said they would kill a guy for a pack of cigarettes, if a person got in their way. They had gotten to the point that other people's lives just didn't amount to that much.

I think we have a public education job to do, which is to make clear to the public why people do become offenders, what steps should

be taken to correct them, and then emphasize the importance of citizen involvement. I am a former broadcaster who didn't get into this field as a so-called professional until I was 37. I used to work as a volunteer with kids that were in trouble. I know I helped some kids.

I did it, because they knew I cared about them as people. There are people willing to work with kids all over this country if they are recruited and plugged in. There are all kinds of such people.

One of the most effective volunteers we have in Florida is a police officer in the Clearwater area who not only took charge of a 13-year-old boy who was getting in trouble, but ended up being a substitute father for all of the children in that family. This sounds like one of those soap opera things, but it is really true.

The mother of these children died of a hideous cancer. She was deserted by her husband. She had five children. Before she died, she wrote the local chief of police—and it appeared in the newspaper—a letter about what this policeman had done for her and her children by substituting for the father that wasn't there.

Agencies like ours, if they are ever to do anything except slam the door when the horse is gone, must do more in public relations. We need to work closely with public education. I am an old school board member. I am about to slam the public schools, since I was a part of the public education system for 6 years. The school systems contribute heavily to the delinquency.

I saw a newspaper cartoon which was based on the Mad Queen in Alice in Wonderland. It showed the queen with her crazy hat on, and she was saying, "If you don't go to school, I'll kick you out." Which, of course, is what we do in this country. If the kid is a truant, we send him from school. Kids are driven further and further away from the system and more and more toward the criminal setup.

We need to do a lot of work with the schools.

Finally, the legislators in our State asked me: "How good are your programs." This year, for the first time, we did come up with some very gross information, just gross facts: that is, commitments are down; failure rate is down; and so on. But, as far as any real hard evaluation of programs is concerned, that is another thing that is tough to get money for it.

We even made it our No. 1 budget priority a couple of years ago. We said we really needed to get a few people in the research bureau so we could actually demonstrate whether we were doing a good job or not. But it is hard to sell people on that. You can get money for a new sewage system in an institution, or for new roofs, or halfway houses, too, because our legislators believe in that, but things like staff development, or educating the public as to their responsibility in the whole delinquency scene, or evaluation of programs, it is tough to get money for those.

Just to conclude: We were using title IV-A money until recently—title IV-A of the Social Security Act. It was great while it lasted. We had \$10 million coming from title IV-A, which we were using because so many of our young people are the children of families on public assistance. The intake-probation program, which is now a State operation, and which guarantees service to kids no matter where they live in our State, would not have been possible if it had not been for the Federal money.

The thing that upsets people like myself is that the money has dried up. Title IV-A is almost a lost cause, and the stuff you have to go through to get any of it now bogs you down in paper.

Congressman, I am concerned that they changed the rules in the middle of our game, which is our fiscal year. Under the old guidelines our program of counseling kids on probation and parole was eligible. We were receiving the money. Then they changed the rules and decided the old guidelines would no longer continue. That really throws State agencies a curve, because then you are right in the middle of the fiscal year. What are you going to do?

There is a crisis now in Florida with regard to the social service agencies. People say: "Well, after all, the State has some money over here. Why don't they use that?" One reason is that, obviously, different people in the State have ideas as to where the money should go. The great thing about the IV-A money, while it lasted, was that it was money earmarked for social security programs. We were able to use that money for a period of time.

I think the two pressing issues that have bothered the American public have been the war, which is now behind us, or I guess it is behind us; and the other issue has been crime in our country.

If crime is now the No. 1 concern to the public, which I think it is, I would ask that Congress think very seriously about the kind of money needed to do the job properly. We need to do so much in the prevention area.

Mr. LYNCH. Mr. Keller, you were talking about title IV-A money. That money was in fact a limited fund, isn't that correct; the way it formerly worked it was on a matching basis, dollar for dollar, no ceiling?

Mr. KELLER. There was no ceiling. And I am not saying there should not be a ceiling on it. I think all of a sudden the Office of Management and Budget realized there was an open faucet.

Mr. LYNCH. How much money did your department receive?

Mr. KELLER. We got \$10 million from that source in 1 year. All sorts of good things happened. Now, of course, with that dried up, we have tried to reach here and there and to get the State legislature to keep the programs afloat.

Mr. LYNCH. You mentioned that it is difficult to get the public to think about, or the public is unaware that, programs such as community based programs are more successful, are less expensive, than institutionalizing in prison kinds of settings.

To what extent do you, as a correctional administrator, advertise that fact?

Mr. KELLER. Well, Mr. Lynch, I talk it up all the time. Any time I get interviewed, or have a chance to speak to a group, I am generally carrying the same message.

We have a bureau of community services which is supposed to be responsible for the whole State as far as prevention efforts are concerned. It has five people in it. They do a whale of a job with five people.

They are the ones that got the volunteer program going in conjunction with our probation-parole people. They are out there recruiting public interest and public participation. I think the more and more people we can work into the system, such as the university students

who now have firsthand knowledge of what delinquents are like, you realize the delinquent is generally not an ogre. He is generally a kid who looks upon himself as a failure. A kid who doesn't like himself.

Mr. LYNCH. The reason I asked that question is this morning the chairman of this committee indicated he was somewhat perplexed by the fact that during this week of hearings, when we were talking of juvenile corrections and about new approaches, more successful ones, a very small number of gentlemen from the press showed up, whereas last week when we were talking about police programs, the room was relatively crowded. I take it, in a sense, you are saying the same thing.

Is it, in your judgment, the fact this is not newsworthy or it is not exciting enough for the public to be interested?

Mr. KELLER. Mr. Lynch, I am the son of an old newspaperman, so I am going to stick up for the press. I really think the press generally finds corrections a field of real interest. They give us good coverage in Florida. And it isn't something we are seeking for. We will get telephone calls from AP and UPI about our programs, and from Martin Dyckman, who has done tremendous things in corrections in Florida. We have a number of newspaper people who realize people do read about corrections.

Before I got into this business, I found the whole business of prisons, training schools, and jails kind of morbidly exciting. There is press copy there.

Mr. RANGEL. Is this reflected in the legislative priorities? I served in the New York State Legislature and it is my opinion that U.S. Congressmen are politically insulated from direct voter reaction on national priorities, since our jurisdiction is so broad. I would hate to see what would happen to correctional programs in New York State where we have the rural areas controlling the political influence on priorities. And unless Florida is a different kind of State, the major problem we have, whether we are dealing with powerless children, or powerless people, or powerless prisoners, or powerless senior citizens, is what you pointed out; that is, legislators relating to the priorities set by those that are politically powerful. So notwithstanding the interest indicated by the press in Florida, what effect does this have on your State legislative body when they determine their budgetary priorities?

Mr. KELLER. I agree with that. I think the press is important, but I think the reason things have happened in Florida is because—this sounds like “butter”—we really have a first-class legislature, on the whole. We do have people in that legislature who want something to happen. There have been a few key legislators who have made it their particular crusade to improve the corrections picture. That is their bag. And they happen to be powerful legislators.

One, specifically, is State Senator Louis de la Parte from Tampa, who has been chairman of the senate health and rehabilitative services committee, chairman of the senate ways and means committee, and is now president pro tem of the Florida Senate. He is not only respected by his colleagues, but he is very persuasive. And, if you have a few people in the legislature that want change to come, it will come.

You have to have a champion; that is true.

Mr. RANGEL. Assuming that your Governor doesn't impound. Assuming you have no impoundment power problems in Florida from the executive branch—

Mr. KELLER. Frankly, the Governor has been for the detention program. When the State detention bill was passed a year ago, and we thought Federal funds would be available, there didn't seem to be any problem.

The Governor feels there is now a problem about expanding detention over where it presently stands, which is in Dade County and the 10 counties in the Panhandle. That money was authorized a year ago. He is wanting to hold the money at that stage. But Senator de la Parte is saying: "We are going to go ahead and have it now." He is pushing it. The senator is pushing to go ahead anyway.

Mr. LYNCH. Senator de la Parte's bill would, in effect, do away with correctional institutions by 1978?

Mr. KELLER. No; first of all, the legislature passed a bill authorizing State assumption of responsibility for juvenile detention to be completed by 1978. De la Parte has introduced two bills, the first to prohibit the placement of any young person in jail after December 31, and concomitant with that is the other bill, which says, effective on December 31, 1973, the counties are out of the detention business.

The State will operate a network of detention facilities tied together with automobiles. It will consist of those things we talked about: the existing lockups, shelter-type care, and home detention care.

Mr. LYNCH. Do you support the concepts of those bills?

Mr. KELLER. Absolutely, I sure do.

Mr. LYNCH. You indicated, Mr. Keller, that your department processed on an intake basis 110,000 youngsters a year. Will you explain what you mean by that? What is intake?

Mr. KELLER. The policeman takes the child who has been arrested, and the school authority takes the child who is creating problems in school, to somebody. Parents take their problem child to somebody. The problem child, himself, might even walk in to somebody. That somebody is an intake worker, who has a very heavy responsibility to decide whether the matter can be handled informally, or whether a petition needs to be filed.

If a petition is filed, if the intake worker feels a petition should be filed, it goes to the State's attorney's office, which would move ahead, and bring it before the court.

Mr. LYNCH. So the 110,000 are not all people who have been referred by any element of the criminal justice system? It could be family, friends, schools, what have you, at that stage?

Mr. KELLER. Most all our referrals, frankly, are by the police. I recall this, because I presented the charts to the appropriations committees the other day. About 70 to 80 percent of our referrals are police referrals.

Mr. LYNCH. You also indicated that you have approximately 16,000 juveniles under probation or parole.

Mr. KELLER. That is right.

Mr. LYNCH. What happens to the difference between the 110,000 and the 16,000?

Mr. KELLER. Well, many of them are handled informally or dismissed.

Mr. LYNCH. What would an informal handling include?

Mr. KELLER. Well, possibly consent supervision, which means the young person and the parents agree they will make restitution, or the

child will behave. Suppose he has been bothering a neighbor. That was the reason for the arrest. They agree he won't go there anymore. He will leave those people alone. And it can be handled that simply.

We want to keep as many young people as possible out of the official system.

Mr. LYNCH. Mr. Keller, you also indicated that one of the reasons that these new small groups worked so well, is because of the influence that the kids exert upon one another, peer pressure of some kind, peer confrontation and what have you.

I suppose it is a commonly held view one reason a lot of kids get into a lot of trouble is the same reason?

Mr. KELLER. That is right.

Mr. LYNCH. As someone with expertise in this field, how do you explain that? What happens? Why is there the change?

Mr. KELLER. Well, starting one of these halfway houses from scratch is tough, because the group leader, who is the adult, has to take a group which is delinquent, and in trouble. He has to turn them around so that they no longer are interested in stealing, using drugs, and so on.

But the good group leader can do it. Once he gets the group turned around, and has this nucleus that has changed, then he can feed in more delinquents. Not all at once. It is a controlled process. You had better feed in only one or two kids a week into a halfway house program because it is important to maintain the "culture," which is the expression they use.

If you have a halfway house program with a positive, healthy culture, the delinquent kid comes into it, and his first attitude is he has got himself an "easy go." He didn't get sent away to a training school, and he figures he is going to con his way through the program.

But the other kids won't let him con his way. They are like him. They have been there, too. When he begins to lie and blame other people for everything, they say, "Wait a minute man. We are not going to accept that."

Mr. LYNCH. So a healthy adult model acts as something of a catalyst?

Mr. KELLER. That is right. When we began Criswell House, our first halfway house program, it was tough to get the culture going. But when it got going—and it has been going for years—it became well accepted in the community. The kids are part of Tallahassee's life. They are active in the community and go to school there. When we start a new program we may take a kid from Criswell House and add him to the staff. He helps to start the new program.

We call them "seeders." You take some kids that really have changed. They convince other delinquents they can change.

Mr. LYNCH. How do you actually go about selecting the appropriate kind of person to be a group leader, a foster parent? What criteria do you really use?

Mr. KELLER. The Congressman asked me questions somewhat like that a few minutes ago. Here is my chance to answer it.

I think what you do is get the right guy for what I call the bureau chief. Congressman, you are from New York, are you not?

Mr. RANGEL. Yes, sir.

Mr. KELLER. We raided your State. Your State has been wonderful to us. Milton Luger, who is a personal friend of mine, and, I think, one of the great people in the corrections field, helped us get started

in Florida by allowing me to raid your system and take Richard Rachin from your Shepherd House program in Manhattan. Rachin, in my book, is one of the top people in the country in doing groups. Rachin knows whom to pick. He knows who it is that relates with kids. It can be an exconvict. It doesn't have to be. It could be an exconvict, an MSW, a psychologist, an alcoholic. You build a team.

Mr. LYNCH. There is no objective test, in other words.

Mr. KELLER. That is right. There is no objective test. Maybe there will be someday, although I have yet to see the objective test you can count on that much.

Mr. LYNCH. Your marine institutes it seems to me are counterparts of our outward bound programs.

Mr. KELLER. Right.

Mr. LYNCH. What kind of kids do you send into that program?

Mr. KELLER. Serious delinquents. Our halfway house programs take kids, just like the ones that go into the institutions, and this is true of the marine institutes program, too.

Mr. LYNCH. When you say serious delinquents, these would be children—

Mr. KELLER. Robbery, breaking and entering, car theft, assault.

Mr. LYNCH. How many children do you have in Florida who are incarcerated?

Mr. KELLER. In institutions now, we have about 1,100. We have 300 in halfway house programs. That will raise to 500 by this fiscal year. We have 50 young people in group foster homes, which we need to expand. Foster care really works. It is one of the least expensive of the residential programs.

Mr. LYNCH. And the institutions in which the 1,100 young people are incarcerated, is it appropriate to call that incarceration, or are these holding institutions?

Mr. KELLER. I won't play with words. We don't like the word "incarcerated," because I think that if you were to visit the programs, they wouldn't give you that feeling. They look like regular school campuses. There aren't any fences or anything.

Mr. LYNCH. Is it your intention to maintain those institutions?

Mr. KELLER. What I would like to do is gradually reduce the training schools so that eventually Florida may have only one or two institutions. These institutions would have small populations of 100 to 150. I think the legislature in Florida will have to recognize it will be costly in such programs, because if you are really going to operate an institution that has special vocational training and has a connection with the University of Florida's J. Hillis Miller Medical Center, it is a lot more expensive than a community program.

Mr. LYNCH. Have you comparable data on recidivism rates, institutions as opposed to halfway houses?

Mr. KELLER. We discovered at the halfway houses that they do as well as at the institutions. Where the halfway house shows benefits is that the cost per day is less. Also, there is virtually no capital construction. You simply rent a place, or buy it far cheaper than you could build something nowadays. Young people then move through the program quicker than in a training school. Our average length of stay in an institution is 7 to 8 months. The average length of stay in the halfway house program is only 4 months.

Let me speak, if I may, about the issue of recidivism. The judge earlier mentioned that recidivism, of course, is going to continue to be one of the chief measures of judging a correctional program. In some ways it is unfair. I told Mr. Pepper that I have seen kids leave one of our halfway house programs who really wanted to do right. The guy had really a new set of values, but if he has nothing to return to except the same rotten situation he had come from, he returns to delinquency. We couldn't put him somewhere else. The time was up for him to leave, so back he went to a ghetto in St. Petersburg, or Miami, or Jacksonville, or Tampa. He was exposed to all of the old forces again. Maybe he still got hassled. The policeman who may have been his enemy before is again on him. Maybe when he tried to go back to school, the attitude there was: "We don't want you here." That is why it is so important to get the public educated. For example, if people look upon the marine institutes as coddling kids—"My kid doesn't get out on a boat, and have all that fun and so forth"—if people see it that way, I think they are mistaken.

Because, if I can take a kid who is turned off of the world, and turn him around so that he sees himself in a new light, so that he has some positive things he can be proud of, then the cost is worth it.

And the success rate, by the way, for the marine institutes is still excellent. Their kids really do seem to stay out of trouble.

Mr. LYNCH. Better than the halfway houses?

Mr. KELLER. They are somewhat more selective in the kids that go into them—certain intelligence level, and so on.

Mr. LYNCH. It is more difficult to be placed in the marine institutes; is that what you are saying?

Mr. KELLER. There are only four of them. Boys also have to live in that area. They are not residential programs. There is one near Ft. Lauderdale. You have to live around Ft. Lauderdale to get in that program. Boys live at home and go to the institute during the day.

Mr. LYNCH. Are they under your auspices through private contractors?

Mr. KELLER. It is an outfit known as the Florida Marine Institute. We have a contract with them.

Mr. LYNCH. How about the success rate in the wilderness camps?

Mr. KELLER. We are just beginning that program. The reason we did it was that the Eckerd people earlier took kids into their camp without any payment from us. They were our probationers. The Eckerd Foundation accepted them into the camp just to be nice. We don't find that very often.

We don't find very many private outfits that want to handle delinquent kids. They are scared of them. The Eckerd people are not.

We said, "Look, you are doing a good job with our kids, and you are actually taking them 'for free.' Suppose we create a camp for you in west Florida, and we will pay you to run it."

Mr. LYNCH. What does it cost you?

Mr. HELLER. About the same thing as a halfway house, about \$13 a day.

Mr. LYNCH. Which is still approximately half, or less than half, the cost of institutionalizing the child?

Mr. KELLER. That is right.

Mr. LYNCH. No further questions.

Chairman PEPPER. Mr. McDonald.

Mr. McDONALD. Thank you, Mr. Chairman.

Mr. Keller, you mentioned there were 1,100 juveniles in institutions, 300 in halfway houses, and 50 in group foster homes. Is that the total amount of juveniles in your DYS jurisdiction, approximately 1,450?

Mr. KELLER. Don't forget the 16,000 on probation and parole.

Mr. McDONALD. I am sorry. What is the upper age limit under DYS?

Mr. KELLER. 21.

Mr. McDONALD. How many juveniles between the ages of 17 and 21 are committed in adult prisons in Florida?

Mr. KELLER. Mr. McDonald, I don't have a figure on that. In our State, if you are over 17 and you commit a crime, you are in the adult system.

Now, we do have 17-year-olds who were sent to the prison system. I mentioned the Florida administrative transfer. If the prison system feels this young person ought to be out of prison, because of what can happen to a person of that age in prison, they send him to us administratively. We get together and arrange transfers which go on all the time.

There is talk of changing the age of juvenile court jurisdiction to 18; to move it up a year. I am in favor of that. That is going to have an impact on us in sheer numbers. That 17-year-old group is a major part of the people in difficulty. It is a high commitment age. We are interested in taking these. Also, I am in favor of the youthful offender bill, which would allow us to even take people up to the age of 21.

Mr. McDONALD. But as it stands now in Florida, you can't initiate bringing that youthful offender from an adult prison to, say, Criswell House?

Mr. KELLER. The director of the prison system and I work pretty closely. He told us he would give us the names of all 17-year-olds he had in the system. We could interview those boys. If we thought we could work with them, he would be glad to hand them over to us.

Our prison system is overcrowded.

Mr. McDONALD. Is Criswell rated as one of the best halfway homes in Florida?

Mr. KELLER. I think it is.

Mr. McDONALD. It occurred to me when I toured it, people mention it every day, every week, many people are being brought through Criswell House. Is Criswell House the best because it is in Tallahassee? Are there other houses throughout the State that equal Criswell House?

Mr. KELLER. Yes. Criswell House was put there deliberately. I needed a place in the capital, where I could take legislators, and have them see it work.

For Congressmen who haven't seen one of these programs, you really have to see it; it is the only way you will be convinced yourself.

Here is a totally open program with kids about as open, responsive, and friendly as young people, as you would meet any place. I think they discard a lot of the defenses you find with average adolescents in high school. Our kids at Criswell House don't bother with that non-

sense. They come forward, tell you who they are, and ask if they can help you. They are nice kids.

Mr. McDONALD. Why would Criswell House be so effective as opposed to others in the State?

Mr. KELLER. I think they are about on the same level. It isn't that Criswell House is so unusual—for instance, Jim, when you came to Florida, it was very convenient to take you right from the airport to Criswell House.

Mr. McDONALD. One of the young people had come from another group home and said it just didn't work. He was happy to be at Criswell House. My question is, do they get more funding at Criswell House?

Mr. KELLER. No. A good thing about a halfway house program is that, if a guy isn't making it at Hillsborough House because he doesn't like the guys there, we move him where he can find some friends.

I can remember when I was a kid, my folks sent me to boarding school. I wish I had been out of that school and someplace else. Sometimes you don't fit in a particular place.

The same thing is true in a halfway house. You may get in Pinellas House, and run into a bunch of guys you don't click with. If we move you over to Tampa to Hillsborough House, you might find some buddies over there.

Mr. McDONALD. Thank you. I have no further questions.

Chairman PEPPER. Mr. Keller, how is Criswell House operated.

Mr. KELLER. How do you mean, Mr. Chairman?

Chairman PEPPER. It is operated under the direction of youth services?

Mr. KELLER. Yes, sir.

Chairman PEPPER. You own the house?

Mr. KELLER. The State owns the house.

Chairman PEPPER. Did you build it or rent it?

Mr. KELLER. Again, we haven't built anything. All of our programs are things we have purchased. It was a white elephant on the real estate market in Tallahassee. It was used as the Florida Sheriffs Association's training academy. When the Florida Sheriffs' Association went out of that particular business, and turned that job over to the department of law enforcement, the building stood empty, which was good for us.

Chairman PEPPER. How many boys does it house?

Mr. KELLER. About 25. We also have a graduate program. Florida State University gave us a house they didn't need. We moved it to our grounds. For some of the boys who have no place to go home when they finish Criswell House, they can move into the graduate program, where they have to support themselves.

Chairman PEPPER. What would be a typical day in the life of those boys?

Mr. KELLER. Get up about 6:30, with all of those chores to do in a place like that. They have breakfast about 7; catch a schoolbus, which comes right to the house; and then they engage in the regular school program at Godby High School. When they return in the afternoon to Criswell House, there are chores to be done. The place has to be neat. Boys get different assignments. One guy takes care of the bath-

room; somebody else helps out with the cooking. After supper, they go into the groups.

The groups are the big thing. Nothing interferes with that. The kids realize the groups are the focus of the program.

Chairman PEPPER. They rap together, they have discussions, movies?

Mr. KELLER. No movies. It is just talk. It is the kind of thing you saw at Red Wing, exactly.

Chairman PEPPER. What Federal funds are you receiving in Florida for the group services?

Mr. KELLER. We find LEAA has been a lifesaver for us. That is important money. There has been a pitiful amount of money from YDDPA, the Youth Development and Delinquency Prevention Administration, amounting to \$100,000 a year per State. That was never funded, really. Congress never put any money into it.

Chairman PEPPER. Do you recall how much you are getting from LEAA?

Mr. KELLER. Yes; we will get about \$1.2 million from LEAA this year. Compared to the former title IV-A money LEAA was a poor relation. IV-A was great, while it lasted.

Chairman PEPPER. Mr. Keller, from your experience, if you were designated by the President and the Congress of the United States to curb crime in America, or be responsible for curbing crime anyway you could, what would you do to carry out that mandate?

Mr. KELLER. Mr. Chairman, I would change some of our national priorities. I think I would put heavy emphasis on the whole criminal justice problem. I am convinced—my viewpoint is biased, because I am in this business—it is the No. 1 problem of this Nation.

I think that the people in any kind of power position must realize we sort of reap what has been done before. We pick people up after they should have been helped earlier. I favor programs that would improve the living conditions in this country.

I am really talking about spending big money. I can recollect what it was like living in Chicago and seeing the slums of that city. They are horrendous slums. They are scary. You see them as breeding grounds for delinquents and criminals. It is a fearful way of life.

I lived on the South Side by the university near scary neighborhoods. Those are pockets in our rich society that are just producing criminals.

I think major efforts need to be made to change conditions like those. I think major efforts need to be made to improve schools. The schools must have programs that are relevant to kids' needs.

I feel sorry for the school people. They have so much to do. More and more things are being given to the schools to do. But if it isn't done at the school level the kids are going to end up with me, and that shouldn't be.

All that time the young person is in school is when he really needs the help, not when he is 14 or 15 and has become a "bomb-out" and turned off of society. These kids get more and more alienated and hostile. They fail at home; the police arrest them; they get kicked out of school; they begin to experiment with drugs as a method of escape.

By the time we get them it is not too late, but it is sad that it's that way.

The great thing about kids, or about people, is that you can see people change if they are placed in circumstances where they get some kind of opportunity and some kind of respect, and have a chance to make it.

I am very strong, by the way, on participatory management. I believe correctional administrators ought to listen to the people they are serving. We had a conference, Congressmen, a year ago, in St. Petersburg, where we brought staff and kids together for a day and a half.

The staff was from different levels of our agency. We had administrative types like myself, and we had houseparents, probation and parole officers, intake workers, and group leaders. We also had about 25 kids. The staff, frankly, outnumbered the kids 2 to 1, but that was because I was trying to train the staff.

The kids will level with you and tell you whether your programs are any good or not. If a kid doesn't see a program as helping him, then it is not helping him. If he thinks it is a lousy, stinking program and it isn't any good, then it isn't any good for him.

The reason I say that is because I sort of know which of our programs are better than others. After all, I live with this agency. When you have a good treatment program or vocational program which is really teaching kids something, they will tell you it is great. "I am really learning something in this program. I am really being helped."

The honesty of kids is one of the things that attracts me to kids, because they will tell you how they think.

Chairman PEPPER. May I ask you a question? In that position, if you were asked the question, "Do you think crime would be more effectively curbed by improving all our correctional institutions in this country, the correctional program for youth and adults, and improving the court system of the country and giving summer jobs, recreational opportunities to children, particularly disadvantaged children as to whether that or reimposing the death sentence for the committing of violent crime or heinous character would be more effective in curbing crime," what would your answer be?

Mr. KELLER. Mr. Chairman, I don't think the death penalty stops crime at all. Let me be candid on that. There are crimes committed, such as the Manson murders and the Speck murders. My first reaction is to eliminate such murderers immediately. I would like to wipe them out.

But that doesn't deter people from committing crimes of that type. The people who commit those crimes are sick individuals, twisted individuals, who come from generally rotten situations.

I read the case histories of the kids that come to this agency I am responsible for—the life situations of these people are often hideous. You mentioned the girls who have been molested by their own relatives. I have known kids that have been brutally beaten over and over again. You don't live through something like that without having it affect you.

If I could make an analogy: People seem to understand how a guy going through the Vietnam war can come out acting a little funny. They say, "Gee, consider what that guy went through. He was over there in the Hue campaign for 3 months." Now the delinquent: Think of the campaign he has been going through for 15 years. That is why he is like he is.

The death penalty just does not deter people if they feel like killing people. I would like to see people like Charlie Manson done away with. But, the way our system has worked, the only people who get done away with are the poor. If you have the money, or if you have a celebrated case, you will get an outstanding attorney who will generally keep you away from the chair.

Chairman PEPPER. I understand your answer to be that we could do more to curb crime, including heinous crime, by these things we are talking about now—improving the school system so as to make the school program more stimulating to the students and improving our correctional institutions, programs for juveniles and adults, and other programs—to make life more meaningful and significant to individuals.

Mr. KELLER. Mr. Chairman, the answer to that is yes.

What you are really talking about is restructuring the Nation's priorities; where you put your money.

Chairman PEPPER. You know, what you and these other gentlemen who told us about these innovative programs are really doing is offering opportunity to live more or less a normal life for a lot of people who haven't had that opportunity.

There was a young lady here yesterday, pregnant by a young man she was living with, who seems to have found herself under a new program. She wants to be a counselor in one of these youth program institutions. She didn't have any family problem, apparently. She didn't have any estrangement between her mother or father or any poverty or turmoil in the home, that seemed to disturb her.

But for some strange reason when she was about 13 years old she began to run away. I guess there are those peculiar manifestations on the part of individuals. By and large, these students that come into these juvenile court programs and into your program are students that ordinarily haven't had an opportunity for such as your wilderness program or had respect and dignity, and had not the type of environment or stimulating life they found in your halfway houses and the like.

You are really offering them something that is a new experience. They come out of the ghetto; they come out of environments which are discouraging, frustrating, and disappointing; and into contact with people who are stimulating and inspiring and the like. You are really offering them privileges that they have not actually enjoyed, if they have enjoyed any at all in their former life before they came there. That I think is one of the basic reasons for the success you have had in influencing the future lives of these individuals.

Would you see some elements of truth in that?

Mr. KELLER. I would.

Chairman PEPPER. One other thing. This committee held six hearings last year on drugs in the schools, starting in New York, then Miami, Chicago, San Francisco, Kansas City, Kans., and Los Angeles. We discovered the serious nature of the drug problems in the schools. In general have you observed that the tendency on the part of the school authorities has been to kick them out?

We have been talking about the Federal Government assisting these schools that have a financial crisis, helping them to put in these programs you told about, to make the school life more stimulating.

I remember we had a school supervisor in, I believe it was, San Francisco. He said his objective was to make each of his students experience one interesting thing every day. Well, now, you are not going to get so many dropouts if you have that kind of a school program, are you?

Mr. KELLER. That is right.

Chairman PEPPER. I wish you could counsel the schools and help them to devise a program that would keep more students coming to you.

Mr. KELLER. Let me grab that one for just a moment. We can, and the law in Florida says we should. Our problem is that when the money is divided up, legislatures generally don't see the importance of prevention. They have been very good to us with regard to improving correctional programs, community-based programs, and so on. But, if the groups work with these so-called bad kids in halfway houses and training schools, they will surely work in the public schools.

A number of our field services people, on their own initiative, are working with teachers to teach them how to "do groups." Instead of throwing kids out of school, get them together, and get them to talk the way they do in our institutions.

Let me be very specific about the results we have seen in our training schools. In the Florida institutions, in 1967, the way they kept control of the kids was to beat them. I have a leather strap in my office from the old days. That isn't necessary when you get people to talk things out.

Our runaways are way below what they used to be. We don't have the sexual attacks, the gang rapes that used to take place—which is what used to happen in the old days. We don't have the terrible racial problems we used to have. Our schools were torn apart at one time by racial conflict, because we were about 50-50. The kids now relate to each other as people. You never hear anybody talking about the black-white friction at these schools anymore. If that can happen in State reform schools, where the groups, frankly, are not as intense as they are in the community-based programs. These intense discussions can help the public school systems.

Chairman PEPPER. That is stimulating. This committee hopes we can make recommendations that will be helpful to you people who do have a vision of the future, a vision of what can be done.

The Federal Government can help the State and local communities in putting in these innovative programs. We are just proud we have a man like you in Florida.

Mr. Mann?

Mr. MANN. I would like to inquire further about the group foster home. How does that work?

Mr. KELLER. Right behind me, you will find Mr. Joseph Rowan. He is a walking encyclopedia on foster homes. It is simply a matter of good recruitment. You can advertise; you can put an ad in the paper telling people you are willing to pay them \$8 a day to take care of someone's youngster.

If you take six of these kids into your home, in the course of a year's time, you will make \$14,000. You need to check the references of foster parents closely because you have all kinds of people who will answer ads of that type. But you will find, if you do careful screening and

background checking, you can get excellent people who really like children.

The tragedy of so many of our foster home programs is that we haven't paid them enough so they can at least break even. A lot of people don't want to take a child into their home, with that terrific responsibility, if they are actually going to lose money on the deal. On \$8 a day you don't lose. It is worth your time. Obviously one's social life is going to be inhibited considerably if you have five or six kids with problems in your home. Although you are going to be pretty much of a homebody, this would not prevent you from working. You could still go to work. The kids would be at school. You and your wife would have the pleasure of having these youngsters with you in the evening.

Mr. MANN. I guess to a large degree it depends on the home?

Mr. KELLER. It does.

Mr. MANN. How do you arrive at the best number of youths in the home?

Mr. KELLER. Well, there certainly isn't any hard research on it. We are going for six kids per home for this reason. The rationale is there are a lot of teenage kids who don't want to be the only kid in somebody's home. One child might find it difficult to accept you and your wife as substitute parents. But when you put five other kids there, who have also had problems, there develops a certain "we-ness." You have a group of kids. They do not feel alone, and you don't pretend to be their parents. You are the people who are in charge. You are kind, and so on. Again, it is the peer situation which is so important to teenagers. Mr. Lynch pointed out that a lot of kids get in trouble because they belong to a group, peer pressure, "Come on, man, you are afraid to go. You are chicken." The peer group pressure can get a kid turned around if the motivation is right.

Chairman PEPPER. Mr. Rangel?

Mr. RANGEL. No questions.

Chairman PEPPER. Mr. Nolde?

Mr. NOLDE. Do you agree with Mr. Schoen's view expressed this morning that juvenile programs such as we have heard about today can just as easily be transferable to adult centers?

Mr. KELLER. Yes.

Mr. NOLDE. Could you elaborate on that?

Mr. KELLER. I think in some ways the adult offender might be easier to work with than kids. Most adults are conscious of what life calls for. They may not know how to cope with life, but when you get somebody in his twenties, he is beginning to think about what he is going to be, or whether he is going to get married, and whether he is going to hold a job.

A 14-year-old doesn't care about that at all. A 14-year-old, in being a kid, is interested in having a good time. So, I think in a group that involves adults, you are more likely to get serious, responsible thinking about problems and what they are doing with their lives.

As I told Mr. Pepper a while ago, just from having known many offenders personally, I have been lucky because I haven't known many I considered vicious. I have known a lot of people in trouble, and a lot in institutions, but only a few I would describe as vicious people. They have done some bad things, but the reason they have is that most of

these people are very inadequate. They don't know how to cope with life. They don't know how to manage their finances; they are impulsive. They want something so they go out and buy it on time. When the payments become due they can't meet the payments and they become frantic. The "man" is there to take the furniture away or repossess the car. They don't have a job that will pay money to make those payments. So they do something.

Mr. NOLDE. What about the many offenders who have shown such a vicious pattern of criminality by the time they reach adulthood?

Mr. KELLER. Well, I am afraid at that stage you are dealing with people who must be put away and behind bars—if they really are that dangerous as individuals.

So here comes the youthful program administrator, putting in a special plug for his programs: I think, if you are going to reach people in trouble, you must reach them early and try to change the crime pattern.

If you can get a young person turned around, so the boy of 14 or 15 doesn't look upon himself as a criminal, then you have done something. Crime can become a lifestyle for some guys. By the time they get to be in their 20's or 30's, and have done a lot of institutional time, the people in the institutions are their friends, not those on the outside.

You may have read a book called "The Joint," by a man named Jim Blake, which is about Raiford. Blake said that after a while a confirmed criminal is more comfortable in prison than out because all of his friends are in prison.

Mr. NOLDE. Could you give us an estimate of how many offenders really need to be locked up, both juveniles and adults?

Mr. KELLER. I will throw out the same figure I did before. I think 70 to 80 percent of the delinquents I work with can be treated very successfully in community programs, which would leave 20-30 percent for institutionalization.

Mr. NOLDE. Do you have an estimate for adults?

Mr. KELLER. This is just a wild flyer. I would say maybe the same. I don't work in the adult field, so I shouldn't try to pass myself off as knowledgeable about a field where I haven't been. But my hunch is that a great many of those now in secure institutions could do fine in a more open program.

Mr. NOLDE. Thank you, Mr. Keller, for your excellent testimony. I have no further questions. Mr. Chairman.

Chairman PEPPER. Mr. Keller, we thank you very much. I know you came here at great sacrifice and out of consideration for this committee and what it is trying to do. We want you to know we are very grateful to you for doing it.

Mr. KELLER. I appreciate being asked to be here, Mr. Chairman. Thank you very much.

[Mr. Keller's prepared statement follows:]

PREPARED STATEMENT OF OLIVER J. KELLER, DIRECTOR, STATE DIVISION OF YOUTH SERVICE, TALLAHASSEE, FLA.

Thanks to two governors and legislators who have considered youth corrections primarily a state, rather than local, responsibility, the Florida Division of Youth Services represents very closely the model recommended by the National Conference on Criminal Justice only three months ago here in Washington. It is a unified system, with responsibility in one state agency for delinquency

prevention, citizen involvement, juvenile intake to the courts, probation and parole, training schools, community-based programs, and contractual service, such as foster homes. Just a year ago, legislation was passed, whereby responsibility for the detention of children before the courts will be shifted from the counties by 1978. If legislation, introduced by one of the Division's chief supporters, Senator Louis de la Parte of Tampa, passes this year, the entire process will be accelerated, with the transition taking place in the 6-months from this July to December, and guaranteeing that no child will be held in any jail by the end of 1973.

The pay-off from this unified system is already evident. In a state where the population has climbed by a million new residents in the last 5 years, and where the state prison system is bursting at the seams, the Division of Youth Services has empty beds in its training schools, is actually reaching for young offenders from the adult system, and has reduced both the number of court commitments and its own failure rate. This is significant in that the rate of juvenile population growth in Florida is higher than the over-all population rate.

The single state-operated intake, probation, and parole program assures every county in Florida the same level of service, regardless of the county's financial situation. Wherever possible, children are diverted from the official courts and corrections process, with parents and child given the option of non-official "consent supervision." Working with professional staff is a growing army of volunteers, people of all ages and backgrounds willing to work on a one-to-one basis with children feeding adult friends. The impact of these unpaid citizens in helping children with family and school problems has been phenomenal.

A major premise of the division is that delinquent children, and those "in need of supervision", have a variety of problems. Hence, the Division must offer a variety of programs to meet these needs. With 11 group foster homes now authorized by the legislature, the Division has discovered that children with serious problems can be rehabilitated in private homes, provided the foster parents are carefully selected, and provided they are paid a reasonable sum to take somebody else's problem child into their home.

For children with more serious problems, the Division is gradually expanding its network of staff-operated group treatment homes, halfway houses, START centers, and TRY centers. The group treatment home, serving up to seven younger delinquents, is a conventional residence, but manned by a trained husband-wife team and a relief houseparent, rather than by foster parents. The halfway house may be a small apartment building, an old motel or nursing home, or a converted church. It houses from 20 to 25 typical delinquents, all of whom attend public schools or hold jobs in the local community. The START center (using terminology borrowed from New York's Division for Youth) is much the same as a halfway house, but it has an educational program to serve delinquent children too far behind academically to fit comfortably into a conventional school. The TRY center is also within the community, with a program comparable to that of a halfway house, but it lacks the residential component. The young people live at home, coming to the TRY center for all-day programs of treatment, school, or work.

With 25 state-operated community-based programs now in existence, the Division of Youth Services has proven that serious delinquents can be treated successfully in open, non-secure buildings fitting in with the structures around them. Although neighborhood anxiety has initially been high in some areas, the good conduct of the young people has, in every case, turned the majority of doubters into supporters. Local people have been extremely generous, inviting the young people into their homes, sponsoring recreation trips, and even donating funds and labor to build a one-room school building at one START center.

The key to the success of Florida's community-based programs has been the combination of intelligent, energetic staff with a form of treatment known as reality therapy or guided group interaction. Very simply, a "guided group," bring delinquent children together every day five days a week for 90 minutes of intense discussion. In these discussions, no holds are barred. Young people can pour out their anxiety and hatreds under the guidance of a staff member who says comparatively little, letting the young people deal with one another, who keeps the conversation on target, and who diverts the discussion if a particular young person needs temporary relief. These guided groups demonstrate that teen-age children in trouble can be made to examine what they are doing to their lives and can learn to act in more responsible fashion. In so doing, the group members develop strong friendships and invariably become more open and

friendly in dealing with other people. Where they attend public high schools, the so-called "bad kids" of Florida have been praised by school officials as among the most courteous and friendly in the student body.

The "groups," as they are known in Florida, have also changed the atmosphere of the training schools. A few years ago the most difficult children were controlled in Florida's open, unfenced institutions through severe beatings with leather straps. Corporal punishment now plays no part in the institutional programs. Once young people are given the opportunity to talk honestly about whatever bothers them, run-aways go down, assaults on staff and one another diminish, and destruction of state property hits a new low. As the young people change, even old-line staff soften, confessing they no longer favor "the strap." When the atmosphere within a training school changes from one of repression, it then becomes possible to motivate young people with academic and vocational programs teen-agers recognize as relevant.

The major problem with too many training schools in our country, and this certainly holds true of Florida's two institutions for delinquent boys, is that they are too large. Changing anti-social or even criminal individuals to "good citizens" depends in large measure on the relationships established with staff and with each other. The larger the institution, the less likely a genuine treatment relationship will develop. The larger the institution, the more likely the system will become the primary consideration, rather than the welfare of the young people in it. Large institutions are often characterized by routine and written regulations, with little flexibility possible to meet individual circumstances.

In large training schools, the best-trained personnel are the administrators who rarely have the opportunity for close, personal contact with individual young people. In truth, the persons with the greatest influence on delinquent children in most training schools are those at the bottom of the status ladder, poorly paid, and possessing only a bare-bones education. While some excellent employees function at this level, others are shallow, rigid personalities with little interest in adolescents. Under these circumstances, rather than confronting his problems, the institutionalized delinquent wants merely to "do his time and get out of this place."

Considering the present state of knowledge, training school for delinquent children will still have a role to play for a good many years to come. While 70 to 80 per cent of young people in trouble with the law can be successfully treated in community-based programs, some simply refuse to stay there. They run away occasionally stealing cars or committing other acts that arouse communities. Until our human sciences reach higher level than is now the case, such children must be removed and placed in training schools. But these institutions should be small, not more than 150 children, and with ample staff to do the job. In Florida, for example, where the institution for the most difficult youthful offenders has a population of only 150, the young people are housed with no use of barbed wire fences, guard dogs, and gun-towers. In fact, the Howell Lancaster Youth Development Center is an open institution, co-educational, and with only sixteen young people to a cottage. The secret of its success is the group program, plus sufficient staff to provide close supervision.

In discussing staff, the PhD and the MSW are not the first essentials. What is essential is an individual with genuine affection and understanding for young people, willing to work long hard hours. Naturally, if he has a good background in the behavioral sciences, he is that much more attractive to the recruiter. But it is the person, not the degree, that should come first. Some brilliant people, able to earn the very highest degrees universities can offer, should never work with human beings. They simply have no concern or empathy for other people.

Part of the tragedy of governmental systems is the inflexibility of state personnel requirements, where adequate pay levels are tied to advanced degrees, with little or no consideration given to other qualifications. Another sore point is the federal wage and hour requirements which force people ready to work with young people beyond an eight hour day to leave the institution grounds, either because overtime has not been authorized in advance by some superior, or because the institution budget is too limited to allow for overtime payment. The present situations, of course, are the products of previous abuses, where totally unqualified persons were given jobs for political reasons, and where employees were worked 70 hours or more per week, with no time to themselves. Still, from the point of view of the young delinquent who needs to talk with a

trusted employee, it is hard to understand why the conversation must be abruptly terminated at 4:00 p.m., and postponed until the next day.

In Florida, the goal is to gradually reduce the training school populations, ending with one or two small, intensive treatment institutions, serving only that small core of delinquents who are consistent failures in community programs. Legislators must understand that for this select group of young people, the cost per day per child will be high—as much as \$30 a day. Close supervision and high quality academic, vocational and treatment programs are crucial. As for psychiatric staff, the very best assistance should be obtained on a contractual basis for the comparatively limited number of delinquent children requiring such help.

The Division of Youth Services is making ever wider use of contractual services in broadening its range of programs for young people committed by the courts. In order to provide a masculine, demanding experience to adolescent delinquents, the Division has contracted with the Florida Marine Institutes. In four areas of the state, this not-for-profit corporation places boys on boats, where they learn ship-handling, marine maintenance, fundamentals of oceanography and ecology, and, at the same time, develop self confidence, based on their ability to swim, to scuba-dive, and to face the open sea in a yawl or ketch. For somewhat younger children, a similar program to improve self-concepts has been developed in conjunction with the Jack and Ruth Eckerd Foundation. Fifty young people live in a "wilderness camp," which consists of smaller units at considerable distance from one another, scattered over several hundred acres of wild terrain. In each subcamp live no more than ten children under the direction of two college-age counsellors. The 10 to 14 year old children build their own tents, fashion many utensils and other items from their surroundings, prepare at least half the week's meals over open fires or in clay ovens, and undergo an "adventure trails" experience through pack trips, canoe expeditions, and constant contact with the outdoors. Children unreached by any other programs begin to show dramatic improvement in the "wilderness camp."

The Division holds the view that much more work must be done with troubled young people while still in the public schools. Suspensions and expulsions are not the answer. In addition to working on a limited basis with a few public school systems to give teachers and administrators greater confidence in handling behavior problems, the Division has contracted with both the University of West Florida and Florida Atlantic University to operate "branch campuses" on the grounds of the two large boys' training schools. At Okeechobee, 60 young men and women from Florida Atlantic live on the training school campus, attend classes in the institution, and work half-time as teacher aides and recreation aides. A somewhat similar program exists for twenty-five West Florida students at Marianna. In addition, both universities place an equal number of students in the Division's probation and parole offices. Here, too, the university students are valued assistants. Not only does the age of the university students make for easy rapport with the delinquent boys, but the FAU and West Florida students are learning how to deal with boys most teachers shy away from. Upon graduation, they will be able to work either for the Division of Youth Services or in school systems where many teachers feel totally unsuited for coping with problem behavior.

The most recent Division progress has been in the field of juvenile detention. As state funds have been provided, and with the financial cooperation of county governments, the Division is now operating detention service in the greater Miami area and in the ten counties composing Florida's Panhandle. Based on a state plan prepared by the nationally known John Howard Association, the Division hopes to build no more secure lock-ups for children. Instead, by using existing county facilities, by placing "detention cases" in open homes, and by allowing young people to return home under the extremely close supervision of a "home detention" program, the Division believes it can avoid placing many young people behind thick walls or steel while awaiting court appearances. Furthermore, the state plan points out that, when the system is fully operating and tied together by a transportation unit, the total cost for the state of Florida will be approximately the same sum now spent by the 20 counties (out of 67) offering secure detention care other than the county jail.

Relatively neglected areas in Florida at present are staff development and public education. As the state agency has grown larger, it is increasingly important that employees share a common philosophy and skills in dealing with young people in trouble. Not only must Division personnel learn from one another, but

they must also know how young people feel about the Division's programs. Participatory management sessions must be more frequent, permitting employees from various levels within the agency to come together with the young people committed to state care. Division personnel must hear from them whether or not the agency is perceived as hurtful or helpful. Only if the young people perceive what is happening as relevant to their needs will Florida have a youth corrections system worthy of the name.

In the area of public education, the average citizen, and notably the schools, must understand their roles in creating delinquents and in their reformation. Very often a young person will leave a Division facility with a genuine desire to "turn over a new leaf." Unfortunately, nothing in the home community may have altered. He may still be looked upon as a thief and an outcast. Under such rejection, the young person can soon return to his old ways. The public must understand that relief from crime of any kind can take place only when there is understanding of why people get into difficulty, and acceptance of new methods of treating offenders. If a marine institute program is looked upon as "coddling criminals," no progress will be made. If community-based programs are resisted with venom and threats, the country will continue to live with its old institutions so frequently productive only of more dangerous offenders.

The most serious threat to correctional improvements in the juvenile field has been the drastic cut-backs this year in federal funds. For example, under the old guidelines, the Division of Youth Services was using \$10 million a year in Title IV-A funds of the Social Security Act. Traditionally, state youth corrections agencies deal with the children of the poor. A large percentage of the Division's young people come from families that are either present or potential recipients of public assistance. The Title IV-A funds, coupled with state general revenue dollars, made possible the consolidation of intake and probation with the already existing juvenile parole system. The consolidated system then made possible services where little or nothing had previously existed, and permitted the Division to reduce commitments and failures.

In the middle of the 1972-73 fiscal year, however, the "rules of the game" were suddenly altered drastically, causing all of Florida's social service agencies to find themselves in a severe financial crisis. Had the Social Security funds been permitted to continue under the old guidelines, the combination of federal and state dollars would have accomplished many objectives previously out of the question—genuine delinquency prevention efforts in cooperation with the schools, a vastly expanded program of citizen volunteers and public education, a staff development program able to train and motivate 3000 employees, and a research and evaluation unit to provide the sort of data legislators request, but seldom obtain on correctional programs.

The worst aspect of the federal cut-back, certainly, is that states do not know whether or not they can count on federal funds. Instead of coinciding with the state fiscal year, federal guidelines are apparently subject to change at any time. When the last change occurred in the Title IV-A regulations, chaos ensued in state agency budgets, including the Division of Youth Services.

I appreciate having had this opportunity to be heard.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order, please.

Mr. Lynch, will you proceed.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, the next witness is Mr. Joseph Rowan, the executive director of the John Howard Association.

Mr. Rowan was formerly the chairman of the Minnesota Youth Conservation Commission and prior to that the director and consultant to the National Council on Crime and Delinquency. He holds a B.A. in criminology, a master's degree in correctional administration, and a master's degree in social work.

The John Howard Association, under his direction, has been conducting an intensive study and evaluation of juvenile programs in Florida, Wisconsin, Michigan, Maryland, and several other States.

Mr. Rowan, I wonder if you could address a few referatory remarks to the committee at this time.

Chairman PEPPER. Mr. Rowan, we are very pleased to have you here. We know the splendid record of the John Howard Association and what you are doing is certainly in the public interest. We are very grateful to you for being here with us.

STATEMENT OF JOSEPH R. ROWAN, EXECUTIVE DIRECTOR, JOHN HOWARD ASSOCIATION, CHICAGO, ILL.

Mr. ROWAN. Thank you very much, Mr. Chairman.

Mr. Keller covered very capably what has been developing in Florida over the past several years, and I would only like to touch upon a few points.

Florida was the 16th State in the country to adopt an overall comprehensive, continuous program for the handling of juveniles, in which everything from detention all the way through probation, institutions, aftercare, including many other adjunct services, are all operated, administered, and financed, by the State.

One of the sad situations which we have in this country is right today, while we are sitting here, juveniles are not getting as good probation services as adults, nationally. One of the major reasons is the unified development of statewide probation standards and a program for financing.

We have 37 States that administer and finance adult probation. We only have 16 States which administer and finance juvenile probation.

We are very happy to say that in Illinois, all of the dissident groups during the past year and a half have been a part in helping pull together and have agreed upon the package of legislation which went into the hopper last week to develop a State-administered, financed probation system.

Judges are supporting it, probation people are supporting it. So are legislators, and we feel it will go. So Illinois, hopefully, will be No. 17 to follow this approach for juveniles and No. 38 for adults.

Mr. Keller talked about the effects of guided groups interaction, or positive peer culture in Florida, and you witnessed the program in Minnesota—Red Wing. I was meeting with some top house and senate leaders of Virginia just the other day, Thursday of last week, and one of their senators was commenting the same way about his impressions about the guided group interaction program in Florida.

He visited the Marianna Institution. What Mr. Keller talked about from the standpoint of reducing racial tensions is very true not only in Florida but in Minnesota, and Michigan where the guided group interaction or reality-based-concept approach is being developed.

I had the opportunity of talking with some people in the panhandle of Florida, the public school system, and they told about how they saw the reality-based counseling program working so effectively with delinquents that they asked the fieldworkers if they could sneak in a few nondelinquents.

So after a while, the program, the staff that Mr. Keller was responsible for, started working with nondelinquents. The testimony from the teachers in the public school system has been a real tribute to the program of the division of youth services because this real delinquency prevention has not only been able to help calm down the schools from

the standpoint of problems caused by delinquents but this has extended into the nondelinquent category, which is going to have to be done in a lot more places in this country.

Mr. Keller touched upon the concept of home detention. St. Louis is where this concept was developed in September of 1971. Under home detention you take those youngsters who have been determined by intake and by the judge at the detention hearing, within 24 hours, that are not good risks. You put them back out into the community under intensive supervision, three eyeball contacts a day. One with the youth, one with the parents, one with the schoolteacher or employer. I would like to back up a minute.

Mr. Keller and others talk about intake. When the police arrest a youngster, he comes to the detention home where they should have intake workers on 24 hours a day, or at least as Florida has developed, the only State in the Union I know of that has 24-hour intake services around the clock throughout the entire State.

Now, all of this intake is not onsite. But I can assure you, and we have developed a major 5-year master plan study in Florida, if they can't afford and don't have the business for an onsite worker, he gets up at 2 in the morning, dresses, goes down to the jail and talks to the youngster, eyeball to eyeball.

The practice was started several months ago. This has had a drastic effect on reduced rate of detention there, approximately half in Miami and approximately half in Jacksonville.

Getting back to St. Louis, where they have got some serious problems, crime and delinquency: they have some serious ghetto problems and problems of financing juvenile and criminal justice programs. This home detention concept is the best one that I have seen since I started in the business many years ago. It has been the best thing since the wheel, so to speak, in our field.

First, the police bring the youngster into the detention home. If intake feels he is not a safe risk to be released back to the community, he stays. Then the next day the judge reviews the case and he makes a second determination of whether he should be released back to the community. It is after intake and the judge have determined that this youngster is not a safe risk to be released to the community that he is released under home detention, under intensive supervision. At least one contact a day with a streetworker, and these streetworkers, some cannot read or write, have to give a verbal report. There are no educational requirements. They are paid the same salary as the child-care worker at the detention home.

The job which they are doing can be verified by talking with law enforcement and other people in the community, as we have done.

In St. Louis, with 308 unsafe risks released to the community, not one ran away over 13 months. While at the same time 10 youngsters escaped from the secure detention home where they were behind lock and key. There are a lot of morals to the story, which gets into what Mr. Schoen, Judge Arthur, and Mr. Keller talked about earlier. The volunteers get 10 days of training, minimal wages and some of these are on welfare. There are good people in the ghettos that don't have the degrees, but they can render a "we care" service. The most important ingredient as far as I am concerned from the time I have been in the

business—I have a few masters degrees to defend that statement and that is the only reason I mention it—is “we care.”

When a youngster, regardless of how difficult he is, gets “we care” service, he responds. They do screen out murderers and the real serious cases with long records, but remember, the home detention cases are cases that are not determined to be good risks by intake and the judge during two previous screening contacts.

So just think what this would do by extending this concept of home detention to the probation field. In Minnesota, when I was there, from 1962 to 1967, we had caseloads of 35, a well-disciplined system, but time studies showed that with these caseloads per probation officer they cannot give any more than 50 minutes a month to both the youngster and his family. But under home detention, they get an hour or so a day.

Talking about probation: In California today, they are using probation in 84 percent of their dispositions. This is on the adult level. When you get down into the juvenile level, which your committee is more interested in this week, California is committing 30 percent of the kids to State training schools.

But you have to discuss both of these at the same time to put them into perspective. California has doubled the use of adult probation in the last 6 to 7 years. They have reduced the commitments down to 30 percent for juveniles.

All during this time, with the rising crime rates in many States, California has been able to reduce the crime increase from 22 percent down to less than 5 percent. We predict it is going to level off.

It must be kept in mind that California still has some major problems of population—but they are progressing.

Chairman PEPPER. In crime generally or in the juvenile area?

Mr. ROWAN. The crime rate across the board. They don't know whether it is adult or juvenile. That is the reason why you really have to discuss both at the same time. It is part juvenile, it is part adult. I was in California in March 1972 for a 3-day conference with law enforcement and research people, and some of the get tough boys were saying: “We are using probation too much. Look what has happened, our rising crime rate.” But if they got out the FBI Uniform Crime Report, which they helped fill in as far as these statistics are concerned, they would see that the crime rate in California has dropped from 22 percent 7 years ago to less than 5 percent.

In Wisconsin, considering all convicted persons, they have 91.5 percent of all of the offenders in the State on probation, after care and parole in the adult level. Only 8.5 percent are in institutions. Here again it is a combined system like Minnesota. Wisconsin has an extremely low rate of institutionalized offenders. I want to cite another example of what I talked about earlier.

Wisconsin has the best adult probation system in the country. Both the National Council on Crime and Delinquency and we, have expressed comment on this publicly. And yet in Wisconsin we just finished a survey and they have one of the most undeveloped juvenile probation systems. Adult probation is operated, administered, financed by the State, and juvenile probation is a hodge podge. Some of it by the State on a free gratis basis, really. Some by welfare operated by the State;

some by welfare operated by the counties; some by the county courts themselves. It is basically a county system.

Ten out of 10 judges in Wisconsin said: "We have better probation services for adults in my county than we do for juveniles." So the moral of the story is, basically, in this country, they say the government is best which governs closest; but it really doesn't hold true in corrections.

State administered and financed probation has worked best for adults; basically it works best for juveniles in the States as we have shown.

Mr. Keller and others talked about group homes. We are very happy to say Wisconsin has 45 family-operated group homes. Florida has developed approximately a dozen in the past 6 months. Ramsey County, St. Paul, Minn., has 32. In 1962, they had zero.

Welfare departments said you can't find any group homes for delinquents. Minnesota, overall, now has 57, a number of them operated by the State, by Mr. Schoen's programs of 1957. Benton Harbor-St. Joseph, Mich., has developed seven family-operated group homes since last September.

In this country many of the corrections departments, unfortunately, have gone too professional. They have paid a lot of money, up to \$14,000 a year, to take care of a youngster in a staff group operated group home or halfway house. About 85 percent of our delinquents, and the most difficult ones in the system, can be cared for in well selected, trained, and staffed family-operated group homes. Good, healthy, average American parents.

Two hundred dollars per child a month and a high success rate, Wisconsin has a 4-year research project. The worst delinquents in the system, over a 65-percent social deterioration compared to 15-16 percent social deterioration, where the kids went back to their own homes, and yet 28 percent fewer kids that were in the family-operated group homes went back to institutions and delinquency compared to the better kids that went back to their own homes. This is 4 years of research. No rent, no real estate, no petitions to keep halfway houses and State-owned and State-operated facilities from existing.

Getting back into another area, my first testimony before a congressional committee was basically regarding Cook County Jail, which got worldwide attention about 5 years ago. I testified before two congressional committees on it. National media carried stories on it. Electric refrigerators in cells of Mafia members. About 18 to 20 people unaccounted for from the standpoint of why they died inside that jail in 1967. They had eight suicides in 1970. We are very happy to say, and on a positive tone, in these presentations this week that they have had two suicides in Cook County Jail in approximately the past 2 years and 3 months. That is a far cry from 8 deaths in 1 year, 20 deaths in 1 year, most of them unaccounted for.

Cook County Jail does take care of youngsters 14 years of age and up that cannot be handled in the juvenile detention home. This is why I brought up this positive development—and it really is one.

As far as citizen volunteers are concerned. I strongly recommend Lafayette, Ind., if it hasn't been called to your attention. It would be good to have one of two women who got that program started, with the help of Howard James from the Christian Science Monitor, to

testify here. They asked Howard James to testify, or to talk in town, and he said, "I am not going to talk in town unless you can get 100 people agreeing basically, and unless you are going to do something about it."

In the last 2 years they have gotten 23 priorities accomplished and it is phenomenal what they have been able to do in mobilizing that community, a pattern which we feel needs to be extended all over the country. They have a youth service bureau started, a 30-bed private treatment institution volunteers in probation started which has existed in many places throughout the country. They have tutoring programs and minority studies in the schools. They have tax reforms brought about for special education programs, and I could go on and on for about 18 more priorities.

This was done through volunteer citizen effort.

In Minnesota, we took the worst 18 delinquents we could find in Minnesota in 1965 and when I proposed this idea to the commissioner, he said, "You are going to have to get a majority of the officials in this community to support it because I think it's risky."

So I met with the two sheriffs, the two judges, the two chiefs of police, and two county attorneys or their top representatives. We got six of the eight officials to support it. Two said they wouldn't support it publicly but they wouldn't criticize us publicly if it failed.

The idea was, if we could help 2 or 3 out of these 18 and stop them from crime, we could work with any youngsters less sophisticated.

All of these youngsters had two prior institutionalizations; one had nine. These youngsters came right off the streets, within 30 days, from Minneapolis and St. Paul, for offenses including armed robbery and serious assault. None of the eight officials vetoed our plan.

This program was research in 1972, 5½ years later. Of these 18 cases, the worst in the system, 15 never went into the adult field. They stopped as juveniles. Only three are presently in the adult system.

The six that were discharged at the end of the 6-month intensive reality-based group counseling program never violated later. This pioneering project laid the foundation for the guided group interaction concept that followed later.

Another aspect of that program—we had the parents of these delinquents meet every 2 weeks. The first request in Minneapolis, the second request in St. Paul, was "We want to meet weekly because we are getting help out of these sessions." During this 6 months, one or both parents attended every one of the group counseling sessions. Only one youth missed a session.

So I do not buy what a lot of people say is fact: That parents don't care. No parent wants to be a poor parent from the standpoint of raising delinquents. If we offer the help they will take it up and accept it.

The upcoming Juvenile Court Act by the National Council on Crime and Delinquency is going to remove truancy, incorrigibility, and run-away from the juvenile court, and we are long overdue on this. You asked a question earlier, Mr. Chairman, about the first thing I would do. I think the greatest impact in this country will be when truancy, incorrigibility, and runaway are removed from the juvenile court. We have propelled many youngsters into the prison systems that we have today. Half of the kids in Florida, half of the kids in most other

States, that are in training schools, reform schools for delinquents, are not delinquent.

They have been incorrigible and truant. Louis Wille, Pulitzer Prize winner for the Chicago Daily News, pointed out, right down the middle of the ghettos we have a high dropout rate in one school district, a low dropout rate in another school district, and from our standpoint we have been beating parents too long in this business, and from my standpoint and a lot of other professionals in my business, about half of the problem in the delinquency stems from inadequate educational systems.

When we remove either compulsory education laws or remove truancy from the criminal end of the juvenile court we are going to make major advances in this field.

As far as LEAA is concerned in this field, there is a tremendous lack of research. We are very happy to see research being developed in Florida, Wisconsin, Minnesota, Washington State, California, and a few other States. But basically, there isn't much research in this country of hard-fact nature with control groups and so on. Major amounts of money have been given out in this country. Wisconsin is a prime example. We are starting in a week or so the first major research project with LEAA funding in that State. Other States are the same way—they're just starting—awful late.

A lot of moneys have been spent, but no research to really know what we are doing. As far as long-range planning is concerned I can cite Maryland, Florida, Michigan, Kansas, Virginia; five States where we have been involved. Really, the only five States I know of that have had comprehensive long-range master plans developed which had outside professional involvement.

Sure, every State has to have a 5-year plan, but they are not comprehensive. They are not really detailed. They don't involve subjects in the system as Mr. Keller talked about, and we have seen a million dollars poured down one vocational training program and nobody ever asked the blacks whether they wanted to go into the tailoring business. They have since closed that business. Why? The black said, "This is a woman's job." And if you studied black culture this is true—this is the way they feel. So you have to involve subjects in the business.

As far as staff training is concerned we are very happy to say Minnesota and Washington State are spending at least 10 percent of their budgets on staff training. Over a million dollars in Minnesota, and yet in some States, Maryland, where we made a long-range study, \$70,000 was being spent on training, for comparable budget, comparable staff, \$70,000 versus a million dollars.

The last item, and then I will be glad to open up to any questions. We have got to involve the subjects in the system a lot more. I have been involved in about 500 studies of institutions and programs since 1955, and never once have I seen youngsters or adults lie on a pattern basis. I will say for the record here, having been in the survey business since 1955, inmates have been more truthful than staff as to how the programs are from the standpoint of caliber, qualitatively and quantitatively.

Mr. LYNCH. Mr. Rowan, I was remiss in not asking you to do this earlier. Would you very briefly describe what the John Howard Association is, how it got into the corrections business?

Mr. ROWAN. Thank you very much.

John Howard Association was founded in this country in 1901, patterned after the English John Howard Society in 1726, extended into Canada, the British Empire, and so on. We spent our first 50 years studying prisons and jails, trying to upgrade them, found out it was a pretty fruitless job.

You have to get started earlier, so most of our work is concentrated in the juvenile field, including prevention, upgrading the educational system, and getting started earlier in the community.

Mr. LYNCH. Under the former office of juvenile delinquency and youth development in the Department of Health, Education, and Welfare, moneys were made available for juvenile justice planning. Can you give us your judgment as to how effective those plans were and could you tell us whether or not they have been implemented on a nationwide basis?

Mr. ROWAN. Unfortunately, most of these have been in-house plans, and with in-house plans you can develop good results; but, also, they are mainly operational in nature, not involving strategic and tactical versus planning.

Mr. LYNCH. What do you mean by "in-house plans"?

Mr. ROWAN. Developed primarily by top administration in these various programs. And I say to you an outside consultant, including our agency, cannot go into a State and develop a long-range plan and hand it to you on a silver platter. There has got to be a combination of both the inside and outside. Like Maryland, we helped train the top 21 staffs for 25 hours on long-range planning. We believe in talking ourselves out of business by training the staff in these States to do long-range planning, to keep the plan current, so they don't have to call us back in.

Mr. LYNCH. Have you had an occasion, has John Howard Association had occasion to examine the State law enforcement plans, which, as you know, are required under LEAA for Federal moneys? Have you done a survey of the plans of all of these 35 States and jurisdictions?

Mr. ROWAN. No, we haven't. We have worked in various States: Michigan, Florida, Kentucky, Wisconsin, and Illinois. Those are basically the States we worked in the last several years.

Mr. LYNCH. When you indicated there were five States you knew of, you did not mean to indicate that that was the result of comprehensive surveys that you had done?

Mr. ROWAN. No; but from discussions with other national agencies, those are about the only five that are in existence as far as we know.

Mr. LYNCH. I would commend to you the State plan from New Hampshire, Mr. Rowan, which is very long range and very involved with juvenile programs.

What, in your judgment, is the state of juvenile corrections on a nationwide basis? We heard some remarkable programs yesterday from Massachusetts, today from Florida. Are these people on the frontier or is this a common thing across the country? What is the national status?

Mr. ROWAN. Probationwise, as I mentioned earlier, adult probation is better than juvenile probation nationally in most States, quality and quantity. As far as other programs are concerned, basically, as I testified before other committees earlier in my life, we have had more brutality in juvenile institutions than adult institutions and it is probably true today.

Mr. LYNCH. The question really was. Are we to regard the programs we have heard described from Massachusetts and Florida as at the forefront of the juvenile correction field? Are they leaders?

Mr. ROWAN. Yes, definitely. Those five or six States that have been mentioned, are.

Mr. LYNCH. You mentioned, I think you said 16 States had statewide juvenile probation systems. Why is it desirable to have a State system?

Mr. ROWAN. It is easier to develop corrections in one system than 102 counties like Illinois, or 70-some in Virginia, and 67 or 66 in Florida. Continuity, coordination, developing minimum standards, staff training, recruitment, and keeping politics out of the system. Those are the major reasons why local systems are not developed.

Mr. LYNCH. It goes to an issue of quality as well as efficiency?

Mr. ROWAN. Right, both.

Mr. LYNCH. Your association, I believe, has been doing an evaluation of programs in Florida. Is that correct?

Mr. ROWAN. Yes; we have.

Mr. LYNCH. What programs have you looked at in Florida?

Mr. ROWAN. We made a statewide study and rendered the report on the 15th of February regarding juvenile detention and related programs. Earlier, our first study was for the House committee on criminal justice regarding the adult area, and that study compelled us to go back to the House committee and say, "If we are going to study the adult area, we feel we had better study the juvenile area," which we did, and that is when juvenile probation and intake became State functions. That was our No. 1 recommendation.

Chairman PEPPER. House of Representatives of the Congress?

Mr. ROWAN. House committee on criminal justice in Florida.

Mr. LYNCH. What were the salient findings and recommendations in that study? If you could, relate them to us.

Mr. ROWAN. The No. 1 study was that if prisons were to be stopped from the standpoint of admissions, you would have to start back in the juvenile area. While we were hired to make a study of the prison and probation and parole situation adultwise in Florida, in 1971, after the riot at Raiford, after a month and a half of study, we said we should concentrate on the juvenile area.

Chairman PEPPER. Mr. Rowan, I am sorry, we have to take a 10-minute recess to go over and vote.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order. Please proceed, Mr. Lynch.

Mr. LYNCH. Mr. Rowan, before the recess, we were discussing the state of corrections on a national basis. I wonder if you could summarize that testimony for us in regard to what level of progress is being made in the several States in improving the juvenile correctional system. Do we have a reason to hope?

Mr. ROWAN. Basically, in response to your question, the answer is "Yes"; the States that have been represented here, in Florida and Minnesota. We have talked about developments in Washington State, California, and Massachusetts. These are the cream of the crop, so to speak. This is not the picture throughout the country. And in many areas we have adult corrections which are far better than juvenile. Probation is the main one.

Institutions alike, as far as the lack of brutality. So in the juvenile field, they stuck to tradition to such a great extent; namely, institutions, institution, institutions; but I was happy to hear the tenor of discussions here today. A small percentage of the youngsters ever need be cared for in institutions. And even the worst ones, as we saw in that offender project involving 18 youths in Minnesota, do a lot better in the community.

Mr. LYNCH. Is that the view of the John Howard Association, that that is a correct posture, that only a very small percentage of juveniles need to be incarcerated?

Mr. ROWAN. Juveniles and adults both. Only a small percentage. I forgot to mention, Michigan, where we are involved in an overall master plan study for the legislature there. We are very happy to say, like in Pontiac and Ann Arbor, less than 10 percent of the kids are kept in juvenile detention pending a court hearing. Less than one-half of 1 percent of the kids are committed to State institutions, and that is the lowest we have run across in the country.

Chairman PEPPER. Where is that?

Mr. ROWAN. Michigan. Michigan has got some very good pockets, metro-urban communities, where they are using diversion to a great extent, more than any I have ever seen in the 18 years I have been in the survey business. One-half of 1 percent of the kids arrested get committed to State institutions. Less than 10 percent of them are detained, pending disposition by the court. Most places will run 20, 30, 40 percent.

Mr. LYNCH. But it is your testimony that is not the case in the majority of the States?

Mr. ROWAN. No. Kids are kept in jails in the majority of the States. The high rate of detention which will run 20 to 40 percent in most places I have studied since 1955. Probation, 90-95 percent of the use of the probation is the one-to-one counseling approach that merits about 10 to 20 minutes a month per kid, instead of 20 hours a month through the group process, group counseling, like goes on in Florida and Minnesota. There are only a handful of States that are using that approach.

So in the juvenile field, they just really have gotten going with these concepts that have been discussed here today.

Mr. LYNCH. Based on your experience as a professional in the correctional field, and your many years of doing surveys, would it be your judgment that in the larger number of cases that incarceration is harmful rather than helpful for juveniles?

Mr. ROWAN. Absolutely. The kids come out worse than they went in. They are criminalized.

Mr. LYNCH. Can you venture, Mr. Rowan, an opinion—it seems to me this is a commonly held view in the correctional world now, that

perhaps a small body of professionals who work in this field generally agree on this issue—as to why it is that the States are not moving in this direction? Why do we still have juvenile prisons, as it were?

Mr. ROWAN. Public attitudes prevail, right or wrong, and the greatest single need in this entire field of delinquency and crime handling is for better informed and involved public, which will then support sound policies and provide the tools to do the job properly.

Four out of five administrators in our business do not tell their story to the public about the good things as well as the bad. This is a major problem in this country. Corrections is 15 to 20 years behind mental health as far as public understanding is concerned. That is why I am very happy to see the committee doing what it is doing and getting the word out to the public.

Mr. LYNCH. Who should bring to the public the knowledge that you have been discussing, Mr. Rowan; whose function is that?

Mr. ROWAN. Correctional administrators need training very badly in public and citizen involvement, informing and educating the public, both the problems and needs, as well as the positive aspects of their programs. Through the LEAA programs it has been recommended by our agency that no grants be given unless representative citizen advisory committees work with them on the State as well as the local basis. But they really exist symbolically only, not real involvement by agriculture, business, industry, labor, laws, and news media. So it is a combination that is necessary.

LEAA, I think, needs to take more leadership and have some requirements with grants. No major grants without research components being built in. No major grants without a strong representative citizen advisory committee being built into the project.

Mr. LYNCH. You would strongly advocate that juvenile justice programs, I take it, be designed with the assistance of, in fact, juvenile delinquents?

Mr. ROWAN. Absolutely. Again, no long-range or short-range planning should be carried out without full involvement of the subjects.

Mr. LYNCH. Mr. Rowan, we had a very thoughtful and articulate young policeman from Kansas City the other day, who in response to a question told us that the problem as he saw it was not one of solutions, it was one, in fact, of understanding what the problems were. Do we understand what the problems are in juvenile corrections?

Mr. ROWAN. Not very well from the standpoint that I mentioned earlier. I only know five States, and you mentioned New Hampshire as the sixth State, with real in-depth, comprehensive, long-range planning. In order to have that you have to start with a determination of missions and goals. Most planning starts with operational planning, budgets, year-to-year.

So determining mission and goals first, which is strategic planning, tactical planning, which means determining objectives and then you determine programs to implement objectives and goals. Basically, we don't have that except in a handful of States. We don't know, really, what the goals and objectives should be.

Mr. LYNCH. There are juvenile justice or juvenile help programs in a myriad of Federal agencies. Do you think that the Federal Government has fulfilled its responsibility to provide guidelines and goals, priorities, in the juvenile justice system?

Mr. ROWAN. I feel that the same lack has existed in the Safe States Street Act as in the OEO. There weren't enough long-range planners around with any background in this business. We sort of trained them in our field—not in colleges and universities. It has only been within the last year or so I have really seen more emphasis on the long-range planning, and encouragement to States to get in independent bodies to do this on a teamwork basis, involving subjects in the system, involving staff, and not just administrators.

Mr. LYNCH. Thank you, Mr. Rowan.

I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. McDonald, do you have any questions?

Mr. McDONALD. Thank you, Mr. Chairman. I have just one question for Mr. Rowan.

As you know, this week we are emphasizing the positive programs throughout the country, what is being done, what innovative programs are being implemented throughout the country. From your position with the John Howard Association, you have an overview. Can you give the committee an idea of what States would benefit most by reading the testimony being heard in these hearings?

In other words, what States are far behind? Can you elaborate on that, if you would.

Mr. ROWAN. Yes. If you obtain from the National Education Association their study, which I think is 1970, of the number of ninth graders who eventually graduate from high school and start from the bottom and work out, that will be a pretty good correlation with developments that we have in the juvenile correction field.

Minnesota, which was represented here today, has the highest number of youngsters that graduate from high school and the lowest number of dropouts. Iowa ranks second, California ranks third. California is the largest State with the lowest number of dropouts. They really pump moneys into the educational system there.

Illinois, Michigan, Florida, Maryland, where we have worked, are down the list too far. And not to pick out regions, but you will find a concentration of the power States, the Southern States, with very high dropout rates: a low rate as far as completion of high school. Unfortunately, many kids that don't finish high school end up in reform schools, training schools—a better name, they are still reform schools. Many of them end up in prisons after that.

Mr. McDONALD. What is the status in those Southern States and perhaps Texas? What is the status of juvenile correctional institutions?

Mr. ROWAN. In Texas, 254 counties, each operate their own probation department. Basically, there is no State juvenile probation system. The high rate of commitment is to the Gatesville Boys' School, which is made up of about eight institutions. I had the opportunity of studying it a couple of years ago very briefly. You can go on and on and on, and I would say probably 40 States would fit into this category. Heavy, heavy use of institutions and underdeveloped juvenile probation.

Mr. McDONALD. Is there a high incidence of brutality in those States?

Mr. ROWAN. Yes, we encountered in this Gatesville Boys' School use of radiator brushes, use of corporal punishment. And I wanted to state earlier, which I think indicates some of the predicaments we are in, if you talk with many professionals, they say you can't believe kids, but I strongly support what Mr. Keller said and I will repeat.

In all of these studies, around 500 studies I have been involved in in institutions and other programs since 1955, I have never yet seen kids lie on a pattern basis. The Federal courts upheld the kids in Indiana on that appeal regarding brutality there. One of the Eastern States, one of the smaller ones, the attorney general's office ran polygraph tests. When we use a lie detector test, inmates and kids will be telling the truth when staff aren't.

Mr. McDONALD. What is the problem in those States? Why are they lagging so far behind?

Mr. ROWAN. The public demand is for punishment—lock them up, throw the key away. We were beating the people in the mental health business. We beat the devil out of them. It was the way of curing mentally sick people many years ago. Thank God, we have gotten away from that, but we are still doing it in the delinquency field in too many places.

One of our studies—I am not going to mention the State because we haven't verified it—showed they are beating kids in juvenile detention. We exposed this in Chicago in February with our report on Audy Home and our next report, issued soon, we will show that the beating has stopped. We put the spotlight of attention on Audy Home in Chicago, as we did several years ago. They have made improvement there.

Mr. McDONALD. Thank you very much.

I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. Mann?

Mr. MANN. No questions.

Chairman PEPPER. Mr. Rowan, just a few questions. What would you, if you were a member of this committee, do with your knowledge of the importance of this juvenile problem in the country and its relation to crime? What would you recommend to the Congress and the country that the Federal Government do? And we can also make recommendations as to what the States should do. What sort of recommendation would you make?

Mr. ROWAN. None of the Safe Streets moneys should be put into programs which do not have a research component built into them before the grant is given. The research component has got to come in with the grant application.

Secondly, representative citizen advisory committees of at least 15 citizens from a distribution of agriculture, business, industry, labor, law, and news media.

The third factor would be that administrators in this business have got to be trained. They are not doing it anywhere in the country. We are going to start with help from the Johnson Wax Foundation, the first training program in this country for correctional administrators I know of, on citizen involvement and public education. That is going to be a five-State pilot program, at Wing Spread, in Racine, Wis.

We recommended this to LEAA several years ago but they never followed up on it. None of the States I know of have ever trained administrators on public involvement, how to work with the news media, and so on. Until we do that, we are going to be talking to ourselves.

Chairman PEPPER. There are no programs now for the training of juvenile administrators?

Mr. ROWAN. Not on how to work with the public, how to work with newspapers, how to develop citizen advisory committees. I never got it in school and I don't know of any universities that are training in this area at all. We have public communications schools, sure. We have journalism schools. But they are not training correctional people.

So, in LEAA, the best dollar investment could be to train all of the 50 State administrators in how to work with the public. Do what Mr. Keller is doing. He came from the news media field. He knows.

The legislature—and I saw the legislature in Florida—reacted to his program. They believe him. He knows how to get the story out. He doesn't lie; he tells the bad along with the good; and he doesn't pull any punches. But few administrators, 9 out of 10, don't know how to do this. Even when they have a lot of good things to tell the public they don't go out and tell the public.

Chairman PEPPER. Everybody, including the President, the Congress, and the legislators, proclaims they are very much concerned about crime and they want to do something to curb crime. How important in the curbing of crime do you consider this juvenile justice program that we have been talking about?

Mr. ROWAN. It is urgent.

The juvenile delinquency and dereliction we have in the country is the most urgent problem. I agree with Mr. Keller, it is the No. 1 public problem, domestically, we have in this country. It is the most urgent because it affects our system of values, it affects our future as far as the adult crime picture is concerned, and the eroding of our value system. So I say it is No. 1 in this country.

Chairman PEPPER. Would you include in such a program an effort to try to reduce the number of school dropouts?

Mr. ROWAN. Yes. I think that the urgent need is to support the new Standard Juvenile Court Act, which the National Council on Crime and Delinquency will soon issue. There is going to be a lot of opposition to it. Judge Arthur alluded to it today. If that one single act is supported, that could be the greatest stroke for juvenile justice in this country.

Then it would force educational systems—and here again we are talking about the public—to put the spotlight on educational systems, to make them more imaginative. One principal said, "I work with the best and forget the rest." Well, this is what many educators feel. So, along with inadequate home situations has to be placed inadequate educational systems, as Pulitzer Prize Winner Louis Wille from the Chicago Daily News pointed out.

Chairman PEPPER. Who will be proposing that act?

Mr. ROWAN. The National Council on Crime and Delinquency which is the biggest national standard setting agency in this country, founded in 1906. I worked with them for 7 years. They are one of our competitors.

Chairman PEPPER. A private agency?

Mr. ROWAN. Private agency. They will be coming out with a Standard New Juvenile Court Act removing truancy from the juvenile court.

Chairman PEPPER. When will that act be available?

Mr. ROWAN. It is supposed to be 1973, within the next several months.

Chairman PEPPER. We certainly hope to see it as soon as it comes out. I would be very much interested in it.

Mr. ROWAN. Mr. Milton Rector is the executive director.

Chairman PEPPER. He is going to be testifying before this committee on Thursday.

Mr. ROWAN. Excellent.

Chairman PEPPER. So we will be able to get advance information on that from Mr. Rector.

Mr. ROWAN. Right.

Chairman PEPPER. Have you any figures you could give us that show the significance of the necessity of proper treatment of juvenile delinquents or the juvenile perpetrators of crime, to the overall crime problem? Would you say most of the people who are in the penal institutions for adults are people who have juvenile crime experience? How can you relate the one to the other?

Mr. ROWAN. There isn't any hard research to back this up, but from our studies of prisons, where we interviewed prisoners, the majority of people in adult institutions started out as juvenile delinquents. Eighty percent of our crimes are committed by repeaters, and so it is an endless cycle. It goes from dependency and neglect to delinquency, to crime. It is a well-worn path.

Chairman PEPPER. Do we assume from what you said that relatively few people commit most of the crimes?

Mr. ROWAN. Yes; 90 percent of our problems will come from 10 percent of the people, basically.

In the Bradley Buell study many years ago, when you look across, like in St. Paul, Minn., and I forgot where the other cities were, welfare, mental health, corrections, all of the way across, 90 percent of the problems from all of those agencies come from less than 10 percent of the people.

Chairman PEPPER. When I come to fully grasp the significance of it, that, to me, is a fact of enormous importance. It gives us place to concentrate instead of scattering our shots everywhere; if we can just concentrate on that problem of trying to prevent the recidivism we now have it would enormously reduce crime in the country; wouldn't it?

Mr. ROWAN. It would, and I think Milt Rector, when he testifies Thursday, will cite a study in Michigan—I haven't read it yet—but kids that are not brought into the juvenile justice system, even though they commit a delinquent act, were found by, I think, professors at the University of Michigan in a research project, to be better off than kids that were brought in the system. So getting caught is the first start of difficulty with many kids. They are brought into a system by well-intentioned people and they end up in prison, eventually.

We talk—and it is a paradox—about developing services for early detention, early referral, early diagnosis, early treatment. Yes and no, we have to evaluate it. In this country, according to the latest statistics, 45 percent of the kids nationally reported to HEW from the 50 States are still handled formally by judges. Our feeling, our agency recommends, at least 75 percent of the kids that come into intake, referred by the police, never need to go to the judge.

I was glad to hear Judge Arthur today say he feels as many kids as possible should not come into the juvenile court. Now, he has changed

his mind more toward my thinking in the last 5 years, since I haven't seen him that long.

Chairman PEPPER. How do we get them into the youth services authority without them going through the court?

Mr. ROWAN. Well, what is happening in Florida today, is Mr. Keller's staff interviews the youngster right away and talks with him and they see if they can give him help without formally going through the court system. So in Florida they are screening about two-thirds of the kids.

Chairman PEPPER. How do they know of the arrest of the child?

Mr. ROWAN. The police will arrest them and bring them down to the detention home and intake staff will interview them and the intake staff will screen them out and the judge will only see those that end up down here after the funneling process.

Chairman PEPPER. But does the judge refer them to the youth services administration?

Mr. ROWAN. The judge doesn't get at them until later. In other words, the police arrest them tonight; they are taken to the detention home; they are screened within 24 hours by the intake staff in Florida, which is the only State I know that has it statewide; and if that youngster is referred to a private agency or goes back to school, the intake staff may make some contact with the family. The judge never sees them. The judge has no involvement.

Chairman PEPPER. What is the authority of the youth services administration to do that?

Mr. ROWAN. The State law. The State laws allow this in most States. The legislature has passed the laws in Florida and other States saying that cases can be diverted at intake without going formally into the court. So 55 percent are handled this way nationally now.

Chairman PEPPER. By the way, what is the nature of the institution for youth at Marianna, Fla.? That used to be the main home for youth care? What sort of institution is it now?

Mr. ROWAN. It is a big institution, but you would have to really go there to see and feel this climate of the guided group interaction program.

Chairman PEPPER. Are they required to stay there by force?

Mr. ROWAN. Yes. It is an open institution, but the interesting thing is when we were in Florida this summer they went for several weeks with zero runaways from most institutions.

Chairman PEPPER. It is not a security institution now?

Mr. ROWAN. It is still the institution as before, but no kids are running away from it.

Chairman PEPPER. But they are not locked in? They are not confined now?

Mr. ROWAN. As you develop the guided group interaction program, doors are unlocked as they were at Red Wing. In other words, better staff and that group counseling, the peer pressures, take the place of the locks and the keys.

Chairman PEPPER. That is very good. I am pleased to hear that.

Mr. ROWAN. That is the same thing that happened in St. Louis under the home detention program that I mentioned earlier, which may have been lost in the discussion. But 10 kids escaped from the security

detention home with the lock and key, while of 308 kids out in the community not one ran away.

Chairman PEPPER. You said you need training programs for youth services administrators in certain areas. Do we need training programs for juvenile judges in the country?

Mr. ROWAN. Yes. Judge Arthur couldn't speak as frankly as I can. He is the president of the National Council of Juvenile Court Judges and one of the best in the business. What he was saying does not contradict what I say. They are woefully inadequate. The training is direly needed for juvenile court judges throughout the country. Nobody wants to be a juvenile court judge.

I am overemphasizing to get across the point. But judges rotate on the juvenile bench. They don't rotate other places. Nobody wants to be a juvenile court judge, and I say that from years of experience in the business and talking with juvenile court judges.

It is too hard on them. The Saturday Evening Post, about 15 years ago, ran a special article on "Why Judges Don't Sleep." But if they had training they could sleep better.

Chairman PEPPER. In Florida, we just have two kinds of courts for the trial of cases. One is the county court and the other is the circuit court, which is a court of general jurisdiction.

Mr. ROWAN. Yes.

Chairman PEPPER. For the major civil and major criminal cases. So the county judges perform juvenile judge functions. They have to be lawyers and qualified as judges. And the circuit judges may also dispense that sort of justice.

We do have a training program for circuit judges, trial judges, in New Mexico, I believe it is. So we ought to have training programs for juvenile judges.

Mr. ROWAN. Very much so. It is direly needed. There is training in other areas, but in the juvenile court area, not much. Maryland just formed a juvenile court judges association on our recommendation. That was one of our recommendations and they organized that in December or January.

Chairman PEPPER. The last question is. What in your opinion would be desirable for the Federal Government to do in respect to the provisions of funds? You say that will be set out in the bill that is coming from the National Council of Juvenile Delinquency and Crime?

Mr. ROWAN. Yes.

Chairman PEPPER. If you didn't hear it, you heard some of us say that Dr. Miller yesterday spoke about using the \$2 million LEAA grant to get the new system inaugurated in Massachusetts. Other witnesses have indicated the States would need some empirical help from the Federal Government to transform the system from the old to the new.

Would you recommend Federal financing as highly necessary or desirable?

Mr. ROWAN. The National Council on Crime and Delinquency and our organization both support the concept for the time being, until community-based programs are developed, that no more moneys be put into new institutions, adult or juvenile. Sure, we have some terrible institutions throughout the country, but much more terrible community-based programs or not at all. So I support the same approach

that the National Council does, that LEAA moneys for the next several years should not go into bricks and mortar.

Chairman PEPPER. But you don't apply that prohibition to programs such as Mr. Keller described?

Mr. ROWAN. right.

Chairman PEPPER. Essentially, as they have in Massachusetts?

Mr. ROWAN. Staff and institutions, yes, and moneys in community-based programs; but no bricks and mortar moneys for the next 5 years. It will take at least that long to develop programs in institutions, which will mean staff and then community-based programs.

Chairman PEPPER. The prohibition of any funds, State or Federal, to build any huge State incarceration institutions, such as the things we have at Attica, and Raiford, Fla. I said publicly the best thing that could happen to those institutions would be to burn down.

Mr. ROWAN. Right. Bulldozed.

Chairman PEPPER. Bulldoze them so we can start anew. I wonder if it wouldn't be desirable for the Federal Government to propose to States that they would pay half of the cost of building these small institutions—I am talking about for adults now, the ones that need to be incarcerated in the security institution—not to exceed 300 population; and put them in the cities where the inmates come from, so they can see their families there and get jobs there when they become eligible for employment and the like.

Would you say that is desirable from the viewpoint of adult institutions?

Mr. ROWAN. Yes. The Federal Government can best help from the standpoint of setting standards and guides, and providing special services which States cannot provide. That is the major role the Federal Government should be doing. And here, again, we and the National Council agree that the Federal Bureau of Prisons really should get out of the prison-building business.

I know I will inherit some more enemies from this discussion, but the Federal Government, we feel—and by “we,” I mean the National Council on Crime and Delinquency, Mr. Rector can speak for himself—oppose the development of the Federal Detention Center in Chicago; also Miami, they are going to build one; New York, also.

We feel the Federal Government can best use its money in local facilities and get out of the business of building Federal prisons in places like California, where they have closed six institutions or parts of them, and yet the Federal Government is building Federal prisons out there.

Chairman PEPPER. Do you recommend the Federal Government use the local facilities?

Mr. ROWAN. Right. Definitely. I think the Federal Bureau of Prisons should get out of the prison-building-and-management business and lend support from the standpoint of standards and practices and guidelines and all the rest along that line—none for mortar and brick.

Chairman PEPPER. And the Federal Government would pay the local authorities for the handling of their personnel?

Mr. ROWAN. Right. It would be a lot better. I know their argument Norman Carlson spoke before the board of directors and wanted to rebut the director of N.C.C.D., who spoke earlier and said the State

programs don't meet standards; we don't want to put Federal prisoners in them. That is the chicken and the egg argument. The Federal Government can put money in the programs and develop them so they will be good enough for all prisoners. State as well as Federal.

Chairman PEPPER. That is a good idea. It is a good way to induce the Federal Government to do it. It certainly is.

Mr. ROWAN. The same with juveniles. The Federal Government doesn't prosecute many juveniles because they don't want to get into that type of institutional program. They can do the same for adults, get out of that a. ea.

Chairman PEPPER. Mr. Rowan, we may be calling on you to help us with our report.

Mr. ROWAN. We would be very happy. I feel there would be no better time that I can spend than in that area.

Chairman PEPPER. We certainly thank you for the contribution you made here today.

The committee will adjourn until 10 o'clock tomorrow morning.

Mr. ROWAN. Thank you.

[Whereupon, at 5:40 p.m., the committee adjourned, to reconvene at 10 a.m., on Wednesday, April 18, 1973.]

STREET CRIME IN AMERICA

(Corrections Approaches)

WEDNESDAY, APRIL 18, 1973

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 311, Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Rangel, Wiggins, Winn, and Sandman.

Also present: Chris Nolde, chief counsel; Richard Lynch, deputy chief counsel; James McDonald, assistant counsel; and Leroy Bedell, hearing officer.

Chairman PEPPER. The committee will come to order, please.

We would appreciate it if the witness, Dr. Sarri, will come forward.

Mr. Lynch, will you proceed, please.

Mr. LYNCH. Yes. Thank you, Mr. Chairman.

Mr. Chairman, Dr. Sarri, with the University of Michigan, is the codirector of a project called "National Assessment of Juvenile Corrections." She also teaches in the School of Social Work at the University of Michigan, and holds a Ph. D. in sociology. Paul Isenstadt, who is accompanying her this morning, is the senior field director for the National Assessment of Juvenile Corrections at the University of Michigan.

Chairman PEPPER. Thank you. You may proceed.

STATEMENT OF DR. ROSEMARY SARRI, CODIRECTOR, NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS, UNIVERSITY OF MICHIGAN, ANN ARBOR, MICH., ACCOMPANIED BY PAUL ISENSTADT, SENIOR FIELD DIRECTOR

It is obvious to nearly everyone that the juvenile justice system is falling short of its dual objections: Serving the best interests of individual youth while contributing to public safety by controlling and reducing youthful crime. The reports about substantial increases in crime among juveniles has resulted in mounting pressures on law enforcement, judicial, and correctional personnel to do something about adolescent lawbreakers. Just what the public wants done, however, is not clear for two contradictory demands are heard. On the one hand, those who officially deal with delinquents—police, juvenile court judges, probation and parole workers, and correctional officers—

are told to get tough, to remove law violators from the community, and to punish in order to teach wayward youth a lesson, and to deter potential violators from committing delinquent acts. Simultaneously, they are also told to reform the delinquent, to treat him with humaneness, fairness, and justice, and to remove him from the community only as a last resort. Because the punishment message from the public has been stronger than rehabilitation message, and partly because juvenile courts have punished while intending to reform, official responses to delinquency most often have resulted in stigmatization, locking-out, punitive coercion, and education in crime. Instead the emphasis must be on increased opportunity for legitimate success, development of personal resources and the inculcation of pro-legal identifications, images, and associations. The most visible manifestation of such patterns is institutionalization of a juvenile in a public training school, often by means of questionable legal or quasi-legal procedures and often for acts that would not be violations of the law if they had been committed by an adult.

It is frequently asserted that children are the most valuable resource of this society, but with millions processed through the juvenile justice system in ways which inhibit their ability to function effectively in the society, one inevitably questions how this resource is treated. Necessary as the efforts are to strengthen and broaden law enforcement, drastic improvements are needed in education, employment, housing, race relations, and opportunities for youth to participate meaningfully in the society if we are to ameliorate the conditions that generate pressures toward crime. Apprehension and physical removal of the lawbreaker from the community may eliminate his or her ability to commit crimes, but these efforts are not likely to have any permanent positive impact unless societal conditions associated with crime are modified. The policy implication is that prevention of delinquency or criminal behavior must be the primary target for change. Until now we have focussed almost all effort on delinquents who are already apprehended and processed through the system, while recognizing that they commit only a small proportion of the total amount of juvenile crime.

The winds of change, however, are apparent in juvenile corrections due to the convergence of several factors: Discontent among juvenile correctional personnel with the relative ineffectiveness of their efforts thus far; advancements in knowledge about new approaches to correctional rehabilitation; high and rapidly increasing costs of incarcerating—public institutional care as high as \$36,000 per child per year in some States—and last but not least, more widespread concern about justice, due process, and protection of the rights of juveniles in the justice system processing. One of the significant constraints on innovation and change is the lack of readily available knowledge about the operations of the system as well as a lack of systematic and ongoing research evaluation of programs.

The national assessment of juvenile corrections is a research effort supported by a grant from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration. Its objective is to complete a systematic assessment of existing organizational patterns and service delivery, of legal provisions, of alternative programs, and of general offender career patterns. As policy-related research it aims to point out contradictory values and to

increase public awareness that attempts to pursue rehabilitative and punishment goals simultaneously often become self-defeating. Within this context, the project is attempting to identify the range and variety of policies and programs, their relative effectiveness, and how specific, more effective changes can be brought about. The principal policy issues related to dispositional alternatives that are being studied include:

1. What are the relative merits of different traditional and innovative correctional programs for (a) developing positive change in juveniles during their participation in the program, (b) protecting the community in the short run, (c) providing humane living conditions, and (d) enhancing subsequent nonviolative behavior in the community.

2. Under what conditions—type of offense, characteristics of offender, type of community, type of State—should different dispositional alternatives be employed?

3. What kinds of results can be expected from varying levels of expenditure among alternative programs?

To formulate a better defined basis for categorization and study, we have developed a typology of the major functions performed by different agencies within juvenile justice systems—a typology that can be substantiated or modified by empirical observations. Organizations are distinguished in terms of their primary functions: Prevention and social control, for example, youth service bureaus and community diversion units; identifying and nominating youth as offenders, for example, police and school referral units; processing and referring offenders, for example, court intake, diagnostic services; adjudicating offenders, for example, juvenile courts; containing and controlling offenders, for example, detention facilities, jails, custodial institutions, some probation and parole services; treating offenders, for example, some probation services, community-based programs, some rehabilitative institutions; and, reentry for offenders, for example, some parole services, work release, job placement, some ex-offender organizations. This typology facilitates differentiation between units having the same general labels, but who may employ contrasting technologies or whose intended purposes are clearly different.

TRENDS IN JUVENILE CORRECTIONS: STATUTORY CHANGE

The first trend that we wish to call to your attention today is of particular interest to legislators—that is, State statutes which govern the processing of juveniles into, through, and out of the juvenile justice system. One of the first activities undertaken when the national assessment of juvenile corrections began was an investigation of juvenile law in the 50 States and District of Columbia as it pertained to the definition, processing, disposition, and rehabilitation of juveniles. We needed to be better informed about juvenile statutory provisions governing courts and correctional units in order to design methodologies, procedures, and instruments for the assessment of service units in the various States. A second reason for the study was to determine the extent to which statutes changed in response to the requirements formulated by the Supreme Court in the *Gault* decision of 1967. We learned that between 1968 and 1972 a total of 33 States made major changes in the juvenile codes; many of these changes pertained to due process provisions to court structures and to age definitions.

The juvenile court was created primarily to serve the interests of the child by invoking protective power of the State and by providing treatment and rehabilitation rather than punishment. In theory, the juvenile court was to intervene for rehabilitative rather than punitive purposes, to avoid stigmatizing labels, and to seek to treat each child in an individually helpful way. We surveyed the statutes to determine the extent to which they actually reflect this societal mandate for without it one could not expect consistency in the types of programs provided and in the processing procedures. Our findings from examination of statutes of the 50 States and the District of Columbia indicate that there is great variation among the States in most of the major dimensions that we studied: jurisdiction of the juvenile court, definitions of delinquency, prescribed and proscribed procedures for legal processing of juveniles from initial arraignment through post-dispositional decisions; court structure and staffing; detention; specification of offenders' rights and, due process provisions; disposition alternatives, and the limits of discretion. These variations extend within the States in several instances where there are variable provisions and structures in different counties.

Decisions of the U.S. Supreme Court have left to the States to decide the crucial question of who is a child and therefore who can be denied full constitutional protections and who cannot. It is not surprising that federalism has produced dramatic differences. Here we can only discuss a few of these differences. For example, which children will be processed in the juvenile court and which will go through the criminal system as adults is basically the function of three statutory variables: age, seriousness of offense, and grounds for transfer to the criminal system. In 34 States and the District of Columbia the maximum age for children is 17; in 10 States it is 16, and in the remaining 6 it is 15 years. But age is only one aspect of the definition. Some States retain sex differences even though they are now of questionable legality; others have complex and elaborate stipulations governing transfer procedures; others exclude certain serious offenses from the court's jurisdiction. Very few States have clear and unambiguous provisions necessary for the effective administration of justice in courts which are overwhelmed by large numbers of referrals and limited staff resources.

Another area that highlights some of the problems in juvenile statutes in the States today are the provisions governing the detention of youth. Most statutes recommend against placement of juveniles in jail, but in only five States is there an airtight prohibition. The kind of facility in which a juvenile is detained is determined, in large part, by State statutes, so if the State places strict prohibitions on the placement of juveniles in jails or lockups, counties will be forced to provide alternative detention facilities or not detain children at all.

The majority of States have statutes that permit the detention and/or jailing of juveniles although they recommend against overuse of such provision. Because of the loopholes and broad provisions, it is not surprising that nearly half a million children are held in detention within a year in the United States and more than 100,000 spend time in jail. In fact, in a number of States children may even be sentenced to jail as a disposition. Few juvenile codes contain provisions guaranteeing that a detention hearing must be held within a specified period of time after detention or that probable cause or likelihood of court appearance are to be the primary factors in determining whether

or not a juvenile is held. Thus, it is not surprising that in many States research has shown that status offenders, especially females, are detained more often and for a longer period of time than are males or juveniles who are charged with property offenses or crimes against persons. Obviously, if justice is to be administered equitably and under conditions where accountability is to be maintained, statutes must be more explicit and delimited in the discretion that is permitted.

Perhaps the juvenile code provisions that result in the greatest miscarriage of justice are those which define the areas of behavior that the juvenile court may regulate. All 51 jurisdictions bring into the purview of the court conduct which, if engaged in by an adult, would bring legal action. But, in addition, all the States also permit the court to intervene with behavior that is not illegal for adults—i.e., truancy, incorrigibility, running away, immorality, disobedience, promiscuity, or even just "idling." While all States have status offenses, as these latter behaviors are usually termed, there is considerable variation as to how they are treated legally. Recently, many States have adopted special legislation governing the processing of these "children in need of supervision" (CINS). Twenty-six States now have special categories for these juveniles, many of which require that they be referred for service outside the juvenile justice system—i.e., the State social services department. It is debatable, however, whether these provisions are sufficient to divert youth from the system for there is often some way of transforming them from a status offender to a delinquent after the second or third misbehavior. In one State with a separate category for status offender, 80 percent of the institutionalized girls were truants, runaways, or ungovernables. In another nearly 70 percent of all institutionalized girls were status offenders. Furthermore, it was not unusual to observe that females had longer periods of institutionalization than male juveniles who had committed more serious offenses.

In 41 jurisdictions there is no requirement that there be separation of dependent and neglected children from delinquent children in the detention facility. At disposition 17 States allow delinquents and dependent and neglected children to be housed together. Because of vague provisions in the definition of who is a delinquent and governing the separation (of delinquents) from other children with social problems such as dependency and neglect, it is not surprising that they are found together not only in detention facilities and jails but also in private institutions and training schools. In several States large numbers of mentally retarded children were observed in the same institution with delinquent youth, with little or no variation in their program experience.

The most glaring feature of the juvenile codes is their ambiguity and deliberate grants of unlimited discretion. This permits gross inconsistency in the administration of justice. Although well-drawn statutes cannot insure the appropriate processing of juveniles in the justice system, it is unlikely that improper practices will be eliminated on a consistent basis without explicit statutory requirements. Many of the definitions and provisions contained in the recently introduced S. 821, the Juvenile Justice and Delinquency Prevention Act of 1972, are of the order of specificity to constrain inconsistent practices and the overuse of criminal sanctions.

Overreach of the law and overuse of criminal sanctions continue in many States despite their relative ineffectiveness in achieving the goals desired and in spite of the fact that they tend to have negative sec-

ondary and tertiary consequences. Many years ago, Roscoe Pound expressed grave reservations over the extent to which the education, health, and morals of youth have come under the jurisdiction of the juvenile court. When these problems are written into statutes as a basis for State intervention, parents, neighbors, schools, and social agencies are encouraged to avoid or refer their problems rather than to try to solve them.

Many students of juvenile justice have also recommended decriminalization not only of status offenses, but also of victimless crimes. In few States, however, have we observed any concerted drive in this direction for juveniles. In fact, there is some evidence that far more is being accomplished in decriminalization of behavior for adults than juveniles when a convincing argument could be made that decriminalization is even more urgently needed for juveniles. The objective of the system must be to minimize negative labeling, overuse of criminal sanctions, and intensification of State intervention.

INSTITUTIONALIZATION

A second trend, which is readily observed in some States and frequently discussed in most, is the reduction in institutional commitment, particularly commitment to public State facilities. Our research is concentrated on 16 States which were selected probabilistically, taking into consideration changes in admissions to State institutions in 1966 and 1971, along with several other factors. Admission rates were selected as criteria because we assumed that they provided the best indicators of statewide practices. Moreover, changes in these rates encourage attention to questions of diversion from the justice system and alternatives to incarceration.

It is generally thought that there has been in recent years and continues to be a substantial reduction in the institutionalization of juveniles. Fortunately, data about admissions to State institutions were available from the U.S. Children's Bureau for 1966 and from a LEAA-sponsored study for 1971. Admission rates were obtained by computing the numbers of admissions as a proportion of the juvenile population 5 to 17 years in each State. Findings from this analysis revealed marked variations among the States. The total number of admissions in 1966 varied from 9,158 youth in one State to 60 in another State. By 1971 that State with the largest number of admissions had dropped to 8,751, and the State with the lowest number admitted 50 youth. When rates (per 10,000 youths 5 to 17 years of age) were calculated, we observed a variation for 1966 between 2.71 and 30.90 in the lowest and highest States. The corresponding statistics for 1971 were 2.45 and 39.66. Thus, the lower end showed relative stability, but there was a substantial increase in admissions in the highest rate State.

States were then arrayed to ascertain the national pattern and difference scores were calculated. Rate changes in admission were found to vary from an increase of 15.96 to a decrease of 12.14 per 10,000 youth in the highest and lowest States. These rate changes indicated the direction and velocity of change in the 5-year period. In ranking the States to determine increasing or decreasing rates of admission to State institutions, certain arbitrary points were established since we wished to differentiate those States which were relatively stable with respect to admission. Thus, those which had rate change from +1.5 to -1.5 were considered "neutral" or stable, while those with

positive change (greater than +1.5) were increasing and those with negative change (below -1.5) were considered as decreasing in admissions. The final ranking indicated that 15 States had increasing rates of admissions; 15 States remained the same; and 20 States had decreasing rates of admissions to State institutions. Thus, the national picture is one of decreasing institutionalization, but the change is neither radical nor precipitous. Our field observations indicate that there continues to be a reduction in admissions in many States, but others are reporting increases, so it is probable that the pattern would be essentially the same if it were duplicated today.

It must be emphasized that these changes in admission patterns apply only to public State institutions. There is widespread use of local public institutions and of private institutions, so we cannot state for certain that there has been a reduction in the total amount of institutionalization of juveniles. The patterns suggest that there is a shift to the use of local facilities that permit families to remain in closer contact with their children and make it possible for the program to be more closely related to the culture and interests of the youth who are served in such agencies. Large congregate facilities in rural areas far from the homes of most of the institution's juveniles increasingly are being eliminated as dysfunctional for the rehabilitation of urban youth.

DIVERSION

A third trend, which we have observed in all regions of the country, is an increase in programing directed toward diversion from the juvenile justice system or "minimization of penetration" into the juvenile's life. Such efforts to direct youth from the criminal justice system reflect growing recognition that stringent intervention into the lives of youth will only stigmatize and further entangle them into deviant identities and associations. In several States that have agencies with broad mandates to deal with social control of juveniles the following tripartite plans have been designed: (1) Delinquency prevention programs aimed at the entire risk-prone adolescent population; (2) diversion services for predelinquent youth and status offenders; and (3) rehabilitation programs for those adjudicated for law violations.

We have just completed some research that examined diversionary effort after initial court contact and prior to adjudication. We recognized that the bulk of diversion has been and will continue to be by police because they select out for further processing only a small proportion of the juveniles with whom they have contact. Their utilization of counseling, informal recording of juvenile contacts, direct intervention with families, and ignoring of incidents results in the identification only a small proportion of juveniles for any further intervention.

Our examination of diversion activity began at the point of court contact because that is a crucial threshold with long-term consequences. Two characteristics stood out in the several communities in one State in which this study was completed, and we have no reason to believe that these findings were unique to that State. Diversion is an ambiguous and ill-defined term whose meaning not only varies between States, but within States and within communities. In the communities in which our observations were made rarely did even a minority of the probation officers within a unit agree as to what diversion is all about. Some referred to it as exclusively in the intake process; others defined

it as occurring anytime up to adjudication, and still others referred to diversion in conjunction with disposition. Some interpreted referral to an ancillary community resource as representing a failure on the part of their court's services. All agreed that intake officers exercised great discretion in the choice of diversion "tracks"—home, school, social agency, police, and so forth.

Ideally, diversion means referral out of the system to a person, group or organization that can provide services needed and desired by the youth. But many communities lack alternative service programs; intake officers are not knowledgeable about community resources; therefore, the usual pattern of response is "Counseled, Warned, and Released."

Our research, although incomplete, indicates that there is a pressing need for the study of careers of juveniles who are diverted. Information is woefully lacking about the similarities and differences between youth who are held and those who are diverted. If diversion is generally quicker, cheaper, and more humane, why does traditional processing of youth continue at the same level in so many communities? Local agencies we observed kept no records about those who were diverted; thus, any information about outcomes or recidivism were sheer guesses.

The faddist nature of diversion has resulted in a proliferation of diversion units within and without the juvenile court. But, no one has taken a close look at whether or not the juvenile subject to this effort is receiving a better deal. Participating personnel merely may have revamped terminology and procedures without seriously altering what happens to a juvenile.

In communities where the youth service bureaus and similar agencies are linked closely to the juvenile court, the linkage mechanism may lead to the involvement of many youth in a quasi-legal experience for behavior which would not have been acted upon in this manner had this interorganizational arrangement not existed. If diversion is going to accomplish the objective of referral out of the juvenile justice system, then it is probable that there must be a clear separation of the agencies providing diversionary services from the court. Our research also indicated the frequent use of informal probation for pre-delinquent behavior. It was achieved through an informal type of plea bargaining whereby the youth and/or his parents agreed to certain service requirements in return for not being formally processed. However, the utilization of informal probation lacked any adherence to the rights of youth and instead implied an adjudication of delinquency without any formal adjudication procedure. In fact, the original charge was held in abeyance contingent upon the juvenile meeting the often varied expectations of probation staff. Expectations ranged from tight controls inherent in formal probation supervision to noninvolvement with the juvenile unless he became engaged in deviant behavior. Court staff showed little concern about the rights of these youth or about the long-term consequences of this decision should the youth subsequently get into further difficulty.

COMMUNITY-BASED INTERVENTION

Disenchantment with institutionalization of juveniles in training schools is widespread, as we pointed out earlier, and has led to substantial reduction in institutional population in a number of States. This

disenchantment has led to a less than critical acceptance of noninstitutional alternatives as more effective despite the lack of evidence about community treatment programs. Much more needs to be known about the comparative outcomes of different models under different community conditions and with different types of offenders. We are seeking to meet this need at least partially by carrying out comparative studies of the nature, operation, and impact of a variety of community-based programs.

The concept community-based treatment is also ambiguous and means different things in different locations. Community treatment has been applied to probation, which is, in fact, the type of service program in which are found the largest numbers of adjudicated juvenile offenders in all of the States. Also included under the community treatment umbrella are aftercare and parole programs which bridge the gap between the institution and return to one's role in the community. However, probation and aftercare, often replete with large caseloads, continue to utilize fairly traditional approaches to working with offenders.

Community treatment has also become semantic trivia for locally based residential programs whose philosophies and treatment technology are representative of the traditional training school-institutional model, but whose physical location is in an urban community, the sole determinant in identifying the program as community based.

Within the past decade, there has been considerable innovation in what we are calling local intensive intervention programming. Both residential and nonresidential day treatment programs would fall in this category, including units referred to as group homes, halfway houses, community residential treatment, day care, group foster care, and semi-institutional or open cottage living. The essential defining characteristic is that there be frequent and continuing interaction with elements of community life appropriate for the particular age group in the unit.

We are now at the halfway point in the study of a sample of local intensive community programs, and have completed a census of the programs in the 16 sample States where extensive field data are being collected. Because these States were selected probabilistically, we have reason to believe that their programs are representative of the 50 States. Ultimately, we expect to prepare a census of the programs throughout the United States. Our research indicates, first of all, information about these programs is lacking within and between States, despite their popularity at the present time. Second, community-based programs are not randomly distributed throughout the States. We have identified a total of 288 local intensive intervention units for juvenile offenders in the 16 States. Of these 43 are day treatment, nonresidential programs, and 245 are group or foster homes and various types of residential treatment, with the former the larger number of the two types of residential units. Although there appears to be a notion that local community programs are small and relatively intimate, our information indicates that they vary widely in size. Day treatment units varied between 10 and 85 youth per unit with a mean size of 25. Residential programs (probably because they were dominated by group and foster homes) are slightly smaller with a mean size of 6 and a range from 3-54. These community programs

are concentrated in a few States, for in the sample of 16 States, there were 9 States which did not have any day care programs and 1 which did not have a residential community program. The average number of day treatment programs was just under 3 per State, whereas the average number of residential programs was slightly over 15, but the range was from none in 1 State to 55 in another State.

Great variation exists in the type of program and in the auspices under which they operate. The foster group home and the group home, as previously noted, normally represent the smaller residential facility. The foster group home may house one to four individuals, while the group home accommodates a population normally not exceeding eight residents. (The exact size is primarily determined by State licensing statutes.) The philosophy of the group home or foster home is often designed to create "a stable family life setting" supportive to individual residents, and permitting them to engage in varied community activities, that is, school, job training, employment, and recreation. Although States may operate numerous group home and foster group home programs under a uniform legislative mandate, the treatment philosophies, custodial philosophies, and utilization of community resources in reality are not uniform.

The group home or group foster home, by nature of minimal program design, minimal staffing needs, and minimal financial allocations, appears to be the first program design initiated by States with no existing community-based programs for juveniles. Since many foster group homes and group homes are located in rural areas and suburban areas, and most delinquents are from urban areas physically and culturally distant from the placement, ties with family, relatives, and significant others are widened. With the termination of legal jurisdiction, the juvenile is often forced to leave the foster or group home, and return to his home and associations without any preparation for reentry. For the urban minority youth, who compose a disproportionate number of our juvenile justice system, the lifestyle is often incongruous and only makes reintegration into the urban world more difficult. Race or ethnic origin often prevent the urban youth from remaining in the location of his placement after discharge since minimal educational or vocational opportunities exist there. It is increasingly important that group foster homes and group homes be located in urban areas when placement in the juvenile's own home is not feasible. Obstacles such as zoning limitations, neighborhood concerns, and school resistance must be dealt with. The utilization of neighborhood personnel in the planning and operation of group homes, as is the case in model cities programs, is a developing trend which openly breaks down community resistance.

The community treatment facility with the most publicized historical precedent is the halfway house or group care facility. The halfway house or group care facility normally will accommodate 8-30 youths. Although initially conceived as "stepping stone" between the institution and the community, a recent trend has evolved which identifies it as a diversification program for individuals who normally would be committed to a traditional State training school program, but who are felt capable of being maintained in the community. Strong involvement with community services, that is, school, work, and recreation are often coupled with programs within the residential facility utilizing various treatment technologies.

Halfway houses and group care facilities operate under State, local, and private auspices. Federal matching grants, such as title I, Omnibus Crime Control and Safe Streets Act, become a source of initial revenue, although State, local or private bodies must eventually assume total fiscal responsibility for program operation. The initial growth of both proprietary programs, as well as nonprofit corporate facilities, exists disproportionately in States which are able to purchase services for juveniles identified as State wards.

Group care facilities and halfway houses are more often located in urban and suburban metropolitan areas. Depending on budget allocation, the treatment program may range from a loose, unstructured program whose major emphasis is facilitating youth movement into school, work, or other legitimate roles, to highly structured, residential programs with treatment technologies so structured that admission criteria often are highly selective. Often excluded are aggressive or mentally retarded youth who, by lack of alternative placements, are committed to traditional training school programs ill-equipped to deal with their behavior. It also appears that group care or halfway house facilities are primarily located in States which emphasize a strong community orientation to juvenile corrections, and who openly recognize the limitations of the traditional State training school concept.

The semiinstitutional or open cottage living program often represents the largest community-based program, possibly numbering as many as 50 residents. It is this program which often develops an ancillary day treatment program for juveniles who are able to function at home, but whose behavioral problems often relate to school, or vocational, performance. The philosophy of avoiding the depersonalization of any residential placement for youth who can be maintained in his home is a basic premise in the operation of these and other day treatment facilities.

There is much discussion about the feasibility of an agency operating both residential and nonresidential programs under the same administrative structure. Staff effort and program impact are often directed primarily toward the residential population, with the result that the day treatment participants are labeled as second-class citizens. Separation of day treatment programs from residential programs seems desirable if greater impact is to be made in program planning for the particular needs of these youth. The fact that 9 of the 16 sample States have no day treatment programs indicates that this type of intervention is greatly underdeveloped; yet, it is relatively inexpensive when compared with residential programs and provides the opportunity to deal continuously with the problems which have contributed to the delinquent behavior.

Community-based programs, residential and nonresidential, are developing rapidly, but only in a limited number of States. Moreover, in no case, are they sufficient in number at the present time to handle all of the juveniles who are available for referral to such programs. Many States and communities have encountered considerable public hostility about community-based programs. They need knowledge about strategies and techniques for overcoming resistance and securing community support.

STATE-LEVEL JUVENILE JUSTICE

The fifth trend pertains to the design and organization of juvenile justice programs at the State level. As a foundation for assessment of the effectiveness of all types of correctional programs for juvenile offenders, we have obtained extensive information from and about all States' juvenile justice systems, codes, trends, programs, and the like, under both State or local government and private auspices. We have also conducted reconnaissance or State-level field visits to 25-30 States to meet with senior State officials—and citizens—responsible for juvenile justice in those jurisdictions. A reservoir of comparative information that exists nowhere else has been developed, but our understanding of these matters is far from complete, partly because of major gaps in official and other information within every State, and partly because of difficulties in making comparisons across States, which differ in so many respects, including their fiscal reporting systems.

Our experience and preliminary findings to this date, however, allow some forecasting of what the full findings may eventually reveal. Some of the main lines of these findings are relevant to the concerns of this committee:

1. To a very large extent among most States, juvenile justice is basically localized, and is only partially guided by State policy directives or administered and financed directly through State agencies and revenue funds. No State has yet moved to a truly comprehensive State-administered or supervised system for juvenile justice. There are some notable exceptions but it appears that about one-third of the States are performing their juvenile justice responsibilities essentially through decentralized and largely autonomous local agencies, while in the remaining two-thirds many crucial components of juvenile justice are subject to varying degrees of State policy and administration.

We are not yet ready to offer any concrete recommendations about the kinds or degrees of State centralization and consolidation that would be desirable. But our evidence indicates the extent to which juvenile justice is essentially marginal to all but a very few State governments * * * in the level of resources allocated to service programs, in accountability to regulatory requirements and State statutes, and in priorities for State planning. Some argue that policies and decisionmaking about youth in trouble ought to be made locally by those closest to these youths, as in public school districts. But this comparison is questionable for at least two reasons: Youth in trouble have few, if any, parent organizations or other concerned groups supporting their needs, interests and rights; and a not insignificant proportion of youths in trouble are committed to State facilities, thus simultaneously sending them away from their home locales and incurring high per diem charges against State funds.

2. The diversity of States in their population, economic, cultural and geographic characteristics led us to expect significant differences in their governmental arrangements pertaining to juvenile justice. But not as broad and diversified as we have actually found. States that are very similar in other respects demonstrate major variations with regard to statutory provisions, administrative structures, and policy di-

rections. And these variations appear as much the result of tradition or happenstance—or the occasional leadership of State officials—as of any other factors. Underneath these obvious differences, however, almost all States reveal a high fragmentation in services to young offenders, and awkward relations between governmental units among which these responsibilities are divided. Given the rather low level of concern about these matters in many States, they seem to find it extremely difficult to mesh or coordinate policymaking and program planning or service delivery for youth in trouble among State agencies, State and county or local governmental jurisdictions, as well as those concerned with broader services for children and youth. The State planning agencies that are mandatory under LEAA funding requirements are potential vehicles for bringing greater coherence, consistency and standards into planning programs for juvenile offenders, as are movements in many States toward consolidation of State agencies into larger administrative units. But the planning agencies are frequently preoccupied with law enforcement or criminal justice priorities that minimize the young offender populations, and amalgamation of State agencies does not necessarily result in greater cooperation or coherence.

3. Again with notable exceptions, the States generally evidence serious deficiencies in the extent and quality of basic information needed for sound juvenile justice policy planning and service administration. The lack of reliable State-level information is partly due to the marginality of these services, and partly to the tradition of localism, as we have noted. But even where very large State revenue funds are involved, few States have yet developed comprehensive information systems that can provide them with reliable data for monitoring programs (especially at the local level), for maintaining standards and quality control, for charting trends, and for forecasting. The relative absence of adequate information, of course, encourages polemical argumentation about “philosophies” of juvenile corrections and impedes rational policy development. Comparative information about other States—particularly those which States select for reference purposes—is even more deficient. State officials may hear about promising developments or trends elsewhere, but personal visits seem to be the only way that they can obtain first-hand knowledge for use in addressing their own situations. A number of States are, very much concerned about their information problems and are working toward new systems. Unfortunately, these are unlikely to be compatible with those in other States, and there seems little that States can do alone to build better bridges between themselves.

4. We are searching very hard to discover fundamental juvenile justice (or corrections) trends that might be considered as broadly characteristic of the Nation as a whole. The differences and diversities we have already reported, however, appear at least as great as the similarities. We must be very cautious at this point in our research, but believe that we have identified some lines of movement appearing in enough States to suggest that they may eventually characterize much of the Nation. We will cite these as best we understand them, keeping in mind that there are numerous exceptions among the States:

One—there appears to be more and more concern about high cost programs for young offenders, particularly those involving substan-

tial capital investments. Despite the evidence that some States have not plateaued their rates of commitment of young offenders to State facilities, much information indicates that costly new facilities are being met with growing skepticism;

Two—more and more of the committed youths are being handled in programs other than the large, geographically isolated State “training schools,” once the keystone of State juvenile corrections. Some of these facilities are still being built or are on the drawing boards, but more and more youths are being handled through an increasingly broad array of diversified programs;

Three—the range and varieties of noninstitutional programs for young offenders is growing rapidly, but the States themselves show time lags in their acknowledgement of the emerging variety of these newer programs, and have difficulty keeping track of them;

Four—although the States have less than complete knowledge about the full range of noninstitutional correctional programs now emerging—including halfway houses, innovative probation services, group home, et cetera—they do know with confidence that they are more economical or more effective than are parallel institutional facilities. To the best of our present knowledge, no State has developed reliable bases for predicting which types of programs will prove most effective with their total offender youth populations * * * although all are understandably reluctant to assign the most serious or experienced older youths to the low security programs.

Five—an increasing number of States are attempting to “normalize” the social environment of their correctional facilities. One evidence of this is the increasing number of coeducational programs in nearly all areas of the country. Other manifestations include innovations in education, in program foci, in the involvement of family, and in the participation in decisionmaking by offenders and exoffenders.

FEDERAL ROLES IN JUVENILE JUSTICE

Thus far we have confined our efforts to State and local level issues and characteristics. Obviously the Federal Government has a number of crucial roles to play if effective juvenile correctional programs are to be developed and to continue in many States. Among these roles are several in which it appears that the Federal Government has unique or special responsibility:

(1) Comparative evaluation research on both organizational processes and outcomes is urgently needed to provide bases for policy change and development, for program planning, and for engineering new technologies. The National Institute of Law Enforcement and Criminal Justice has supported significant research of this type, but it has been limited by the resources available to it. Many of the problems requiring research and demonstration transcend State boundaries; thus, they will have to be done with Federal support if they are to be done at all.

(2) Technical assistance must be provided to States in policy and program development, in the selection of technologies, in evaluation, and in the design and implementation of effective information systems. All of these are generally not available in juvenile corrections.

(3) Dissemination of objective, reliable, comparative information for policy and program planning is also needed. To be useful, such

information must be obtained and analyzed nationally and then disseminated to the States and regions. The U.S. Bureau of the Census provides one model of a critical national agency whose products are essential to social planning in many sectors.

(4) Training of correctional manpower is another priority need. Our impressions to date indicate that the training of personnel for juvenile justice has a very low priority. Moreover, where there are training programs, they often tend to be very parochial and reinforcing of the organizational practices in operation in that State. Thus, inadvertently, policies and practices that need to be changed are reinforced through training.

(5) Innovation in corrections is very evident in many States and communities, but far too often these innovations tend to be faddish, not well planned or implemented, and seldom are they evaluated effectively. Both evaluation and innovation must be encouraged and supported for they are long overdue in almost all areas of corrections. But, these activities must be supported in ways that add to knowledge development for juvenile justice throughout the United States.

Mr. LYNCH. Thank you, Dr. Sarri.

I wonder if you could tell us how your project is organized, how much money you received from the National Institute of Law Enforcement and Criminal Justice, what your staff complement is, and how you go about the task of doing this survey in the several States.

Dr. SARRI. We have a staff complement of approximately 20 persons, who are largely located at the University of Michigan, with our field staff going out from there to the various parts of the country.

We have a grant with a plan for continuing support for 5 years, dependent upon the usual renewal procedures. We are funded at the rate of approximately \$400,000 per year, which covers most of the major activities of the research effort.

Mr. LYNCH. You have a 5-year commitment for funding?

Dr. SARRI. We have a 5-year plan for the completion of the research and an informal commitment that this will be supported, but it is contingent on renewal of grant applications.

Mr. ISENSTADT. The field aspect of the project itself will be completed within a 3-year period of time, that is evaluation of correctional units in the field.

Mr. LYNCH. If something should continue for 5 years, is it your intent to follow juveniles who have graduated from various programs in order to adjudge the effectiveness of these programs?

Dr. SARRI. Yes, we are anticipating following juveniles in some of the programs where we have already done field investigations.

Mr. LYNCH. Mr. Isenstadt, I understand, is your senior field director, is that correct?

Dr. SARRI. Yes.

Mr. LYNCH. I wonder if you could tell us, Mr. Isenstadt, what do you do when you go into a State, who goes with you, what kind of people are on your staff, what do you look at?

Mr. ISENSTADT. Our levels of entry into a State are variously faceted. In our 16 sample States that were discussed, we are also looking at and conducting probability samples regarding community-based, or the

LII unit, as well as the institutions, as well as subsequently juvenile courts and probation services, detention services. At the present time our policy has been to enter the States with the juvenile justice agency within that State, the juvenile correctional agency that the State operates, for meetings with State officials regarding the overall program within that State.

We then, with the permission of State officials, when the program is a State program, will conduct what we refer to as advance evaluations of sample selected units, either community-based or institutions, at which time we will develop a contract with that unit for ongoing field evaluation. Subsequently then, we send a field team. Our field team is made up of staff at the University of Michigan who are experienced in the area of juvenile corrections. They conduct a multi-phased field effort directed at use of the staff, organizational patterns, fiscal dates, and major program issues within each particular unit.

Mr. LYNCH. How much time do you spend in a given State?

Mr. ISENSTADT. The initial entry into the State itself is 3 to 4 days, although in some States, by nature of size, we spend a longer period of time. The advance is a process of approximately a day and the intensive field evaluation has ranged from 3 days in small units to an entire week in the larger programs. Especially in the institutions, we anticipate spending approximately 7 days in each institution to get a full picture of the entire lifestyle of youths in that program, not just during the traditional working-hour day, but during the evening and weekend periods.

Mr. LYNCH. How many man-days would that represent? How many people would you take with you?

Mr. ISENSTADT. We will take a minimum on each team of three personnel; for large institutional programs, we anticipate five or more. The total man-days will average 10 for the small units and 35 for the large units.

Mr. LYNCH. Are you limited to 16 States, or is this sort of the first go-round, or what does the number 16 represent?

Mr. ISENSTADT. The number 16 was selected through our probability sample. Yes, for the full evaluation we are limited to units within the community based and institutions within the 16 States.

Dr. SARRI. I might point out, we also have, in addition, selected 100 counties of the United States. Again, on a probabilistic basis for obtaining information about the operation of the juvenile courts. So we have a whole series of samples in order to permit us to get at different aspects of the programs. We knew we couldn't do a comprehensive research evaluation study in all 50 States, so we have developed different kinds of samples for the different types of programs we want to look at.

Mr. LYNCH. I understand that from a statistical point of view, but would it not be desirable for a completely comprehensive analysis, if you had your choice, wouldn't you be doing this in every State in the Union?

Dr. SARRI. If we had our choice?

Mr. LYNCH. If you had your choice. Or was this your choice to pick 16 States?

Dr. SARRI. It was our choice to focus on a sample of 16 States, which were carefully selected to represent the country. I think we felt it was important to do an indepth intensive study rather than a study of 50 States. We were interested in doing more intensive work and felt it was better concentrated, and if States were selected randomly with certain kinds of controls, we could generalize to the country as a whole.

We are doing a census of all programs in all 50 States. We analyzed the statute in all 50 States. We are doing a sample of courts. So by various means it will permit us to say something about the entire country.

Mr. LYNCH. But your judgment would be, the programs you are subjecting to field evaluation, research, would represent programs from all of the 50 States?

Dr. SARRI. Yes.

Mr. LYNCH. Could you enumerate the 16 States for us? Do you have that information available?

Dr. SARRI. Georgia, New Hampshire, Ohio, Pennsylvania, Tennessee, Wisconsin, Florida, North Carolina, California, Colorado, Massachusetts, Maryland, Montana, New York, Nebraska and Oklahoma.

Mr. LYNCH. Have you to date reached any conclusions about programs in the States of Florida and/or Massachusetts?

Dr. SARRI. No. We have not reached any conclusions about the programs in any of the States. We did complete in one State a study of diversionary programs.

Mr. LYNCH. Could you tell us what you have done to date in the States of Florida and Massachusetts?

Dr. SARRI. In the State of Florida we have recently completed the State-level entry and the interviewing of the various State officials in Tallahassee. We also completed the advance preliminary research in several local units?

Mr. ISENSTADT. There are seven units in Florida.

Dr. SARRI. They are located in all different parts of the State.

Mr. ISENSTADT. Both State and private units.

Mr. LYNCH. What do you mean by "unit," when you use it in that sense?

Mr. ISENSTADT. I am referring to a specific field unit, either a community-based program entity or institutional entity.

Dr. SARRI. There are seven of those in the State of Florida, and those all have had the preliminary onsite research. We are now engaged in the actual collecting of the intensive field data in Florida. In the State of Massachusetts we have not done any fieldwork thus far.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Mr. McDONALD. Dr. Sarri, from your list of 16 States, you did not mention any from the deep South, other than Florida.

Mr. ISENSTADT. Georgia and North Carolina.

Mr. McDONALD. I missed that. How about Texas? Have you had any dealings with Texas?

Dr. SARRI. We have done reconnaissance work in Texas. It is not a State that is in our sample. In a number of other States, approximately 25, we have actually been in for purposes of the field visits, but not for a systematic data collection.

Mr. McDONALD. Mr. Isenstadt, when you go into a State, basically, they know you are doing a survey of their juvenile correctional pro-

gram. Do they cooperate with your teams or does that depend on their relative status or stage of advancement, whether they are moving along the line toward community-based programs or whether they are still back in the Dark Ages, so to speak?

Mr. ISENSTADT. I think our process is such and has been standardized that we deal in various echelon levels with entry into a State which consists initially of phone calls, of communication, and very clear delineation about our policies, our grantor relationship, the issues regarding feedback, the issues regarding confidentiality. These important types of foundations we lay before we even physically arrive in the State itself. So we have had ongoing correspondence with all States involved in our sample extensively before we even send our first team into the State. They are very clear as to all their moves and steps and whoever we will be talking to in the State. And as such it has worked out very well for us.

Mr. McDONALD. But in some States I am sure you expect to be critical of some of the programs you are going to look at. In those States do you anticipate problems in evaluating their programs?

Mr. ISENSTADT. I think certainly we are there to, in a sense, be critical. They are cooperative as far as access. So far as we have had no difficulty in regard to direct approach of State officials. It becomes very much our position and our professional scope to analyze and identify all issues, both overt and latent in the programs themselves, and, as such, we attempt to study the programs thoroughly enough to see this. But in terms of initial access and availability, we have had no difficulty.

Mr. McDONALD. Dr. Sarri, I am sure you are aware of Senator Bayh's bill, S. 821, where the age for juvenile delinquency is lowered from 18 to 16. Can we have your comments on that aspect of lowering the age from 18 to 16?

Dr. SARRI. Well, I suppose one has to say it is a mixed blessing. There are certain obvious kinds of advantages because of the denial of certain due process procedures that are inherent in most of the juvenile statutes, so the 16-year-old would have the advantage of certain kinds of due process benefits he would not have otherwise.

I think, however, there are some potential disadvantages, and I would suggest, particularly if we think about the population of juvenile delinquents, the bulk of juvenile delinquents are poor, disadvantaged, jeopardized youth. If the processing into the adult system means that the consequences are further disadvantage at an earlier age, then I think this would be unfortunate. I think this seems to be happening in some of the States where they have lowered their age limits. A 16-year-old sent to an adult maximum security prison—and this is happening—cannot benefit from that experience.

In those States that have the benefit of having programs for each age group, certainly then the handicap is far less. But many States do not have that and it means juveniles will end up in programs with adults. So it has to be seen as a dilemma.

Mr. McDONALD. You stated before that it seems only the grapevine is the mechanism for communicating new programs and new ideas in juvenile correction. What do you see as an alternative or solution to the grapevine?

Dr. SARRI. I think, first of all, what we need to have is much more adequate information systems. There is relatively little accountability and relatively little formal communication. One often can find out how many delinquents are in a system in a given State. With regard to institutionalization, one of the important facts is to know how many juveniles are incarcerated in all kinds of programs—public, private, lockups, detention facilities, et cetera—and for how long, and with what kinds of consequences. The communication of this kind of information is essential and it needs to be formalized through some type of State and Federal mechanisms so there is some way to inform people of what has taken place.

In the past, I think, the Children's Bureau frequently did communicate with the various States and communities about different types of programs. There has been less of this in the past decade, perhaps, and I think there needs to be more formal communication. Most of the States have little way of knowing except, as I mentioned, the grapevine, journals, magazines, et cetera. No systematic input exists as to what is going on from other areas.

Staff are eager to learn. I think that does characterize many people in juvenile corrections today. They are willing to change. Most staff are dissatisfied with the state of affairs in their programs and want to have new ideas, new suggestions, but often don't know where to get them.

Mr. ISENSTADT. We have found this so in our movement into States, much interest into what we are finding out nationally, and a desire to obtain results.

Mr. McDONALD. You stated juvenile programs have normally very, very low priority in the various States you visited. Juvenile delinquency has been in the public attention for many years. How do you attribute it still rates very low priority in the various States?

Dr. SARRI. That is a difficult question to answer. I think it is probably again a dilemma of the United States that we consider children one of our most valuable resources, and yet we seem to be unwilling to provide children the opportunity to grow up in a way in which they can become well-educated, mature, responsible adults. I think there is a notion that somehow it is more important to spend money on adult programing than on juvenile programing because the problem is more serious, there is a greater threat to society, et cetera. Perhaps we think that if we just sort of ignore the juvenile problem it may go away, despite the headlines it gets.

So we have a dilemma in this society. We talk about children being important, a youth-oriented society, and yet in education, in medical care; for example, one of the things that really stands out in my visiting of many correctional programs is the gross lack of medical care, health care. These are children being jeopardized by lack of medical care. If the commissioner submits a request to the State legislature for additional money in this area, it is frequently turned down.

Mr. LYNCH. When did you begin to study? How long have you been at it?

Dr. SARRI. Nearly 2 years, about 18 months.

Mr. LYNCH. Based on what you have done so far, what is your overall view of juvenile corrections in the United States? What kind of shape are we in?

Dr. SARRI. I would say that there are two trends that are evident and I certainly hope the one doesn't overcome the other. There is a strong effort toward rehabilitation, innovation, community programming, and that effort in many States, I am sure, will go forward regardless of what happens. In others there is at the same time a rather deliberate law and order effort which many States are having difficulty in dealing with—public requests to “get tough.” “teach them a lesson,” particularly because of the violence of the crime of certain juveniles. That effort then is working toward punishment. So the two efforts exist side by side.

I think many States will not move away from their basic thrust toward a rehabilitation-treatment strategy. I think other States which have not had a strong emphasis in this area may have difficulty really getting that effort under way now, unless they get a lot of help, support, and encouragement. In many cases there is little encouragement to be rehabilitative. Look at State budgets in terms of how much money is spent—I recently examined data from one State in terms of the institutional programs. Approximately 75 percent of all of the money spent in the institutions went for salaries; and of that, 65 percent went for maintenance and custodial staff. So you had 10 percent to spend on the whole treatment-rehabilitation effort. That means not much can be accomplished when that is occurring.

Mr. LYNCH. I take it the two trends you mentioned, the former is the professional trend of people who work in or who are on the fringes of the system; the second is more in the nature of a political problem, would that be accurate?

Dr. SARRI. No, I don't think the latter is just a political problem. I do think most people, the lay public at large, value their children greatly. Nearly everybody somehow wants juvenile delinquents rehabilitated.

Mr. LYNCH. What I am asking: Is there any quarrel in the professional correctional world over the rehabilitation model?

Dr. SARRI. Rehabilitation is widely accepted as the goal.

Mr. LYNCH. Who are the proponents of the model which you characterized as a law and order model?

Dr. SARRI. I think some of the law enforcement personnel, I think it comes from certain public attitudes which have variously evolved in the past few years. It comes because of a great deal of concern around the street crime and violence in the cities. Out of desperation, the public law enforcement personnel think that if we remove persons who commit these acts from the community, then the community will improve. I think there is a basic fallacy in this.

Mr. LYNCH. It may be a basic fallacy. I would ask you, as a person who has been engaged in surveying correctional programs across the country, would you adhere to the view that there is perhaps an underdetermined or given percentage of young people that need to be incarcerated?

Dr. SARRI. I don't think anyone would quarrel with the fact there are young people who need to be incarcerated and need to be incarcerated in institutional programs. We don't have any technology which would say otherwise at the present time. But that does not mean that the kind of incarceration cannot have rehabilitative consequences. It need not be only custodial, as it is in many cases, just a holding opera-

tion. And for the public notion that people are educated for crime, I think this happens because people are just sort of held for long periods of time in wholly unsatisfactory situations.

Mr. LYNCH. You indicated that the cost of incarcerating a youngster can run as high as \$36,000 a year. Do you know what State that is? Can you tell us?

Dr. SARRI. I prefer not to, because we have assured the States that during the process of the research we will maintain confidentiality.

Mr. LYNCH. I understand. But your testimony is that costs can run that high?

Dr. SARRI. Right. And that exists in more than one State.

Mr. LYNCH. \$36,000 in more than one State?

Dr. SARRI. Right.

Mr. LYNCH. You also indicated a high proportion, especially of females, in the juvenile justice system end up being detained through what you refer to as "status offenses." I trust you mean by that, things which if they were not children would not be crimes?

Dr. SARRI. Yes.

Mr. LYNCH. What implications does that have for their future lives? What happens to those children?

Dr. SARRI. Well, particularly with regard to females, most of these problems center in relationships with their families, because most of female crime is interpersonal crime and the difficulty centers around family situations and family interpersonal relationships. If they are institutionalized and away from their family, and oftentimes hundreds of miles away from their families for months and years, it is very unlikely the problems which existed in that family are going to be solved through that particular technique. So the problem has to be dealt with directly.

Obviously, the other alternative is to see that this is a problem for other types of agencies, not the criminal justice system.

Mr. LYNCH. Is this a common situation in the States you have examined?

Dr. SARRI. Yes. The institutionalization of female offenders for status offenses is a relatively common practice.

Mr. LYNCH. What kind of alternative would you recommend?

Dr. SARRI. Well, I would think that certainly no one should be institutionalized, incarcerated in the criminal justice system for an act which if committed by an adult or a male juvenile would not be a violation. Females are incarcerated for promiscuity, but boys of the same age who apparently also engage in the same behavior are not incarcerated. It seems to me with regard to status offenses there is really very little validity for incarcerating such individuals in the criminal justice system. They may need help and very often need service, but it should be provided through child welfare agencies, mental health agencies, family service agencies, rather than defining such individuals as delinquents because of their behavior.

Mr. LYNCH. On Monday, Dr. Jerome Miller, who is now in Illinois, but was the commissioner in Massachusetts, and the deputy director of the department of youth services, testified about the Massachusetts system of, in effect, closing or at least not using old existing institutions and of going to group homes and foster homes, to handle youngsters

who are delinquent, who have in fact committed crimes. What is your view of that? Is that the direction in which States ought to be moving?

Dr. SARRI. The total elimination of institutions?

Mr. LYNCH. Yes.

Dr. SARRI. I don't see it as possible.

Mr. LYNCH. Well, that is not the question. The question is, Is that the direction in which we ought to be moving, whether it is possible or not?

Dr. SARRI. I would say no, not total elimination, but rather substantial reduction. I think we are going to have some institutional treatment for juveniles.

Mr. LYNCH. For what kind of juveniles?

Dr. SARRI. For those juveniles particularly who commit serious crimes against persons. I think we do not have any effective technology at the present time which would indicate that none would not need to be institutionalized.

Mr. LYNCH. If we could discount the young lad who is a serious offender, who committed rape, murder, heinous crimes, eliminate those and the obviously mentally deranged, should we be putting into jail other juveniles for less serious offenses?

Dr. SARRI. No. I think one has to have a very serious reservation about any convictions under which a juvenile should be placed in jail.

Mr. LYNCH. As you know, Massachusetts does reserve the right and still is, in fact, incarcerating very serious juvenile offenders. So I guess the real question is, Is putting those people aside, putting them away so they cannot harm society, is Massachusetts heading in the right direction, in your judgment?

Dr. SARRI. I think that the trend toward movement away from institutionalization is evident in a number of States, and it certainly is highly desirable. Also, the trend is evident in Massachusetts in the development of a wide variety of different types of programs which permit adaption to different cultures, different community conditions, and so on. It is evident in many States, and certainly seems desirable in terms of the data we have in terms of effectiveness.

Mr. LYNCH. Has any State gone as far as Massachusetts in that direction?

Dr. SARRI. We don't really know. The data we need regarding Massachusetts pertains to the total number of children that are incarcerated. There are children being held in county training facilities.

Mr. LYNCH. I believe it is 60.

Dr. SARRI. There are private institutions, local training schools, and detention facilities in Massachusetts. I suspect, although I don't have the data on Massachusetts, that it would be surprising if the total number incarcerated were as low as 60.

Mr. LYNCH. When I say 60, I mean delinquents who have in fact been sentenced to incarceration, not delinquents who are being detained for a week or overnight awaiting adjudication.

Mr. ISENSTADT. But the possibility of delinquents being placed in private residential facilities still would exist under service agreements, which would not be indicated in that figure.

Mr. LYNCH. You would advocate a complete centralized State-run department of youth, services, or youth bureau, or whatever you want to call it?

Dr. SARRI. I would not advocate a single model of State organization of youth services. I think there needs to be much more direction, support, and assistance at the State level, and in some cases greater centralization than presently exists. I suspect what we are going to find, after the research is completed, is that there are a series of different models which, given certain kinds of cultural conditions, organizational development, and certain economics, the findings will indicate that one model is preferable to another model, I think, by and large, there is more localism at the present time than is desirable, if you really want to have an effective system in a society where there is a great deal of mobility. If from one county to the next, the juvenile court in fact, operates under different statutory provisions, and the programs are entirely different, and yet youngsters and families move back and forth across the county boundaries, it becomes a very difficult system under which to socialize young people. We have run across counties where the laws are really quite different and the law enforcement procedures are quite different and juveniles have a great deal of difficulty in adapting to these differences.

Mr. LYNCH. Would it not therefore be desirable to have a central youth services board, bureau, department—whatever you want to call it—with overriding authority, but a good deal of flexibility?

Dr. SARRI. I think that would be desirable.

Mr. LYNCH. Are States doing that now?

Dr. SARRI. Some States are centralizing. On the other hand, you have a State like California, with a probation subsidy plan that is well known. California for a long time had considerable centralization, and has moved to a form of decentralization which is appropriate for its circumstances, and the kind of program development it has.

Mr. LYNCH. It is my understanding a central State authority still maintains an overriding control of that. They can track people in the program; can they not?

Dr. SARRI. Not any longer in California. They cannot because of the discretion that operates at the county level. They are only responsible for those who actually become wards of the youth authority. But the bulk of funding now in California is going to the probation subsidy to the counties, and there the State does not follow and have the same degree of control over the program.

Mr. LYNCH. I infer from what you have been saying that in going to a given State it is very difficult for you, as field researchers, evaluators, to even make a judgment as to how many children in the State are serving in various institutions or are under various probation or parole authorities. Is that correct?

Dr. SARRI. That is very difficult, and therefore we have been developing some techniques. Whereby we can get an accurate picture of at least the major programs that have youngsters. There are things like lockups and so on which are very, very difficult to study. These may be the places in which the most problematic experiences are had by juveniles.

Mr. ISENSTADT. Local jails and lockup facilities.

Mr. LYNCH. Mr. Isenstadt, in selecting States, did you utilize comprehensive law enforcement plans that are required under LEAA legislation?

Mr. ISENSTADT. Yes, we have; and we have received copies from all of the 50 States.

Mr. LYNCH. How many States include comprehensive juvenile justice descriptions and programs within those comprehensive State plans?

Mr. ISENSTADT. That would be difficult to say.

Dr. SARRI. A very small proportion.

Mr. ISENSTADT. We said approximately 10 to 11 percent of funding under the block grants that we have seen so far in these States has been allocated for juvenile-type services.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. Wiggins.

Mr. WIGGINS. Thank you, Mr. Chairman.

What is the objective of the National Assessment of Juvenile Corrections?

Dr. SARRI. Our objective ultimately is to develop empirical criteria, which can be used as standards for the assessment of a variety of different types of juvenile correctional programs. The secondary objective is to characterize and to assess programs which are operative in the various States of the country at the present time.

We are attempting to be able to assess and characterize the whole range of programs, not merely the innovative or the new programs, so we have a picture of what the juvenile justice system is.

Mr. WIGGINS. What are you going to do with the report?

Dr. SARRI. We are already in the process of disseminating reports. We have adopted the strategy that would be desirable to get information out about different segments of the research, as soon as it is prepared. So two of the reports have been and are being widely dispersed at the present time, and others will be coming out sequentially throughout the research period. There will be prepared at the end of the research a comprehensive report which will be submitted to the Federal Government, and we assume will be printed as a comprehensive overall report.

Mr. WIGGINS. That report will be an assessment of the effectiveness of existing juvenile programs in the States which you have selected. Will they receive a copy of the report?

Dr. SARRI. Yes; in establishing the contract with the various States which are engaging with us in the field research, we have assured them of feedback of information about the work we are doing in the State. For example, a State like Florida, which has seven units in the study, will get direct feedback information about those different programs as well as generalized summary information about the country.

Mr. WIGGINS. Do you propose to recommend to these States a model for them that they might wish to adopt?

Dr. SARRI. I think we will make recommendations. I doubt we will recommend a single model, but again, multiple models that seem more appropriate. I don't think there is a single effective model. There are many models which are appropriate to achieve the ends that are desired. The choice is depending upon do you want to pay, you can achieve a level of effectiveness. Ultimately it comes to be a political or administrative decision rather than a research decision.

Mr. WIGGINS. If anything comes out of this study, it will be because of the willingness of the States to adopt your recommendations?

Dr. SARRI. Yes.

Mr. WIGGINS. Would you think that the Federal Government ought to use its powers to compel the States to adopt suggested models?

Dr. SARRI. No; at least personally, I think it would be much wiser to support the States where they need additional resources, to move ahead in this direction. I think it is our observation thus far that, in the overwhelming majority of the States, there is a very sincere desire and considerable effort to wish to develop more effective programs. They lack resources, they lack support, they lack training and know-how. This kind of help can be provided. I would be skeptical about the value of compelling conformity in this regard.

Mr. ISENSTADT. But providing them with various models based on the specifics of that particular State socioeconomic, geographic, urban-rural makeup, and such.

Mr. WIGGINS. That would be providing them with information upon which they could act if they wished to.

Let's assume the Federal Government wishes to provide financial support to juvenile programs within each State. What vehicle do you suggest to accomplish that?

Dr. SARRI. Well, there are certain advantages in terms of the State planning agencies for certain types of funding. I think also those States which have State youth service or youth authorities, child welfare agencies of various types, in which the juvenile correction program is located, could receive funding support for extension of their programs.

It seems to me one of the things that the Federal Government might do would be through the use of grants to encourage the development of certain kinds of programs. For example, a State that might not have an extensive development for private and local community resources, and this kind of effort could be developed through the provision of grants that might be administered through the State agency.

I think if it was solely just the funding of State-level agencies we might not get the kind of innovation and change we wanted. So the use of the grant device does provide some flexibility and encouragement of innovation in the ways where just outright support to the agency, without any stipulations, might not achieve that result.

Mr. WIGGINS. Let's suppose that we agreed with your suggestion and created a system of categorical grants to States that submitted plans which held some promise. What agency of the Federal Government should evaluate it?

Is it a Justice function?

Dr. SARRI. It depends upon which aspect of the juvenile justice system we are talking about.

Mr. WIGGINS. I can't answer that, because that would be dependent upon—

Dr. SARRI. If you are talking about the correctional program, the provision of services, it seems to me that it's much more appropriately lodged in one of the agencies of the Department of Health, Education, and Welfare rather than a Justice function. If we are talking about certain operations of the juvenile courts with respect to due process and adherence to legal statutes, then, in those areas there may be a Justice Department responsibility for evaluation, or an interdisciplinary committee, such as exists at the Federal level where it is necessary

in a problem like juvenile delinquency to have interdepartmental arrangements for handling problems that transcend departmental lines.

Mr. WIGGINS. Well, there has been a suggestion in some legislation that there ought to be a new Federal agency that focuses primarily upon the problems of juveniles and all of its interrelated problems, and that agency be funded with the power to provide grants upon submission of applications by appropriate agencies. How does that idea strike your fancy?

Dr. SARRI. Well, I haven't thought about it for some time. There was, a number of years ago, a proposal for that. I think it has certain kinds of advantages. I am not sure at the Federal level if we want to extract children from their families. That is why some of the values with the Department of Health, Education, and Welfare permit you to handle the problem of the youths and handle also the problem of the family and the community. So I think there are some advantages.

However, I think it is a potentially mixed blessing in that you would need to have certain kinds of linking mechanisms to other departments that also are concerned indirectly with the problems of youth. So just by having the Department of Youth you can't center all of the problems of children and youth in one particular location.

Mr. ISENSTADT. We see that on the State level. There is still a high degree of localism in the fact the State system does not know where many of the youth are located, and I am concerned about that, too.

Mr. WIGGINS. If the Federal role is a funding role, the mechanism for supervising that funding is a complicated problem because of the mixed nature of the problem. It is not just a criminal problem, obviously. It is a social problem; it involves family consideration; and the Federal Government is not presently structured to look at that total problem, at least through one set of eyes.

Let's go to another problem. A youngster, who either has a problem or who is involved in one not of his own making, is brought to the attention of government in a variety of ways, as you know. It may be that a youngster is initially brought to the attention of a policeman. It might be that he is referred from a doctor. It might be that a social welfare agency or institution sees a problem.

Most of the people involved in this field have felt that government should respond in a variety of ways, based upon the individual needs of that youngster. A few would disagree with that. Government should have the capability, at least, to replying in accordance with the individual problems.

That requires the intervention of considerable discretion. My question is: Who should exercise that discretion, given the multiple ways in which the problem is brought to the attention of government?

Let's take specific cases. If a policeman observes misconduct which may or may not be a crime if committed by an adult, should that policeman have the discretion to refer the youngster into the appropriate channel which would be able to respond to that child's problem as perceived by the policeman, or should there be some other agency which makes that judgment?

Dr. SARRI. I certainly think the policeman should respond, as many people in the community should respond. Let's say, for example, the school truant. It seems to me rather than taking the school truant

to the juvenile court, where he may even be held—some juvenile courts hold in detention facilities as many as 40 percent of the children for truancy. Rather than taking the juvenile to court, processing through that system, there needs to be a mechanism in the school system to respond to that particular problem, or a modification—if society is changing with regard to compulsory school attendance—of the law in that regard. But the problem is relating to the school, the social institution of the school. It seems to me handling it through the criminal justice system is likely to aggravate the problem rather than to solve it.

Mr. WIGGINS. I can understand that, and agree with at least the objectives here.

But let's suppose the child does not wish to respond to this offer of alternative treatment. Don't you find often that there has to be some compulsion involved to move this child into the direction in which society thinks is in his best interest?

Dr. SARRI. Well, I suspect that is true in some cases, but I think in many cases we have moved almost immediately to the compulsion, rather than trying to facilitate the movement of the person back in the school. I happen to have done a great deal of research on school dropouts and tracking careers of children through secondary schools and found that many of those children who drop out subsequently get into delinquency—are very often the children who have been suspended and who have had a great deal of difficulty in school. The problem is not only this reluctance and hostility with regard to the school, he also may be a "pushout."

I think you are correct in what you say in some cases, but I also think that we often intervene too stringently with some compulsory techniques rather than offering to assist, and to focus on reintegration of the person back into viable roles. Granted, that if offers of help are not received favorably and this effort continues, and it is a violation of the statute, then there is only one alternative. But I think greater effort is needed toward the whole diversionary strategy at the present time. A whole series of other alternatives are available, so that the problem does not have to enter the criminal justice system.

Mr. WIGGINS. These other alternatives would have to be agreed to by the child, because if we are going to compel that child to surrender a portion of his liberty, his freedom to go some other direction, then we are going to have to accord that child some due process.

Dr. SARRI. Yes.

Mr. WIGGINS. And I speculate it is going to take the court to accord them.

Now, we may call that court part of the criminal justice system, if you wish, or we can call it something else. But the fact is, it is a judicial proceeding.

Dr. SARRI. Yes, but I do think we have examples in other countries. In England, in Scandinavian countries, they have developed community committees where there have been attempts to get community people to focus together on the problem of, if you will, status type offenses in the community and to insure due process through a quasi-legal procedure, if you will, and focus on reintegration of the juvenile back into the normal life of the community.

Mr. WIGGINS. They did not have judgment to adopt a constitution like ours, and accordingly we are not in a position to assure due proc-

ess through a community organization in this country. If a youngster asserts a denial of due process through such an ad hoc committee, he is going to have a judicial review of his claim.

Dr. SARRI. Right, and then it is going to have to go to the juvenile court. All I am suggesting is there are probably a series of earlier alternatives which could be explored and developed far more fully, rather than immediately saying the first alternative is to say we will have a formal hearing, a formal processing.

Mr. WIGGINS. I understand that, and I am sympathetic with the goals. But as in all things in life, there are many contradictions here. We would like to provide the maximum flexibility in dealing with the youngster, but society's judgment must be brought to bear against that youngster for his own best interest, as society sees it. It may take the intervention of some formal body, which will be, in fact, a court. It doesn't have to be known as the juvenile court, it doesn't have to have criminal jurisdiction necessarily, so that it possesses a stigma of an instrument of the criminal justice system.

But my guess is that the youngsters on the street still call it juvenile court and they will possess that social stigma, whether we wish to so label that court or not.

I don't have great solutions to these difficult problems, but it just seems to me that judgment has to be exercised, discretion has to be exercised, for the benefit of the child who is in trouble, or who has been catapulted into trouble by perhaps his parents. And in the nature of things, I suspect that that judgment is best exercised by a court, call it what you will, a hearing officer, but part of the justice system rather than a bunch of well-intentioned individuals—without government direction and supervision—seeking to impose their will upon children.

Dr. SARRI. I don't have any quarrel with you. What we are suggesting is what needs providing are more service alternatives to help the people. By and large the system of intervention we have at the present time tends to result in overfocus on detention, punishment, control, rather than provision of mechanisms whereby the person can be reintegrated.

The only other concern I might mention is with regard to discretion. I think discretion in many areas needs to be optimized with the due process potentials. However, when we know, for example, that discretion in certain areas inevitably leads to continuing abuse—for example, the fact that more than 100,000 children are jailed each year in this country—it seems to me there is a need in the statute to have far less discretion about the use of jails, because they become an easy alternative when you can't think of anything else.

Mr. WIGGINS. I would suggest, Doctor, the answer is not to limit the option of jail because there will always be, as you state it, a youngster who ought to be institutionalized in a confined environment; but rather to give the court exercising that discretion greater alternatives and to make them viable options.

Dr. SARRI. Yes.

Mr. WIGGINS. But I still tend to think the person who ought to make that judgment ought to wear a black robe and be a very wise man, rather than a very well-intentioned community worker.

Mr. ISENSTADT. We are even seeing in the case of some court practices related to informal probation where individuals are in fact in a quasi-court role, where they have not been formally adjudicated, they in a sense are maintained on a quasi-probation status with the idea being if they violate they will then go before the court on a petition. This is a problem in that it is not fully encompassed under the court's authority, but the youth is often made to feel it is the court's authority.

Mr. WIGGINS. Somebody is going to attack that one of these days and disrupt the whole system.

Mr. ISENSTADT. It has the plea-bargaining concept of the adult system wrapped into it.

Mr. WIGGINS. Thank you, Mr. Chairman.

Chairman PEPPER. It is obvious that in this area, as in so many others, we have to balance interests, one against the other, to try to determine what course we will pursue when we do evaluate different interests or even conflicting interests. In latter years the courts have quite properly taken recognition of the fact that young people are citizens, that they are entitled to the protection of their constitutional rights, and that the fact they don't know enough to ask for the protection of those rights doesn't necessarily mean they don't have them and they should not be given an awareness of the fact they do have them. Adults are given the information to the effect they have such rights they may claim.

However, I share the view that in general these programs must be under the jurisdiction of the courts, because when you take the custody of an American individual and transfer that individual from his lawful parent or parents, or lawful guardian, into the authority of some other person who has the power to affect the physical disposition and the fears of that individual, there has to be, obviously, either knowledgeable consent, or there has to be the imposition of sufficient public authority.

However, it should be an administrative duty for the courts to try to work informally as much as possible, too.

It might well be all of these referrals to a State youth service agency, for example, should come through the court, whether there be a record made or not. The court should actually see that individual and consent or acquiesce to the referral of that individual to the supervisory agency. The court, of course, if told to do so, could relegate the individual to a court of general jurisdiction, where the individual would be tried for the commission of a serious crime as an adult: or the court could simply say, "I think this is a case where we should try to rehabilitate the individual and see if we can do something in that direction."

But the important thing is that we should give to these young people who have fallen into crime some sort of care, some sort of attention, and some sort of help that will aid them into taking a course in life that will lead them away from the commission of crime, instead of making them hardened criminals.

I find in these programs, such as are being administered in Massachusetts and Florida, and I understand in California, the provision of assistance to young people that they didn't otherwise have. For example, you take a boy out of a ghetto home, that kind of an environment, who turns to crime because of parental neglect, because of bad

conditions that prevail there, bad conditions he has among his associates, and then a wise judge, as my colleague said, permits him to be referred to an able, adequately funded, and knowledgeable service program for youths. That boy in a little while might be enjoying recreational opportunities, a new kind of environment, new associations, a new inspiration that he never knew before. He has access to a world of which he has not been a part.

We heard yesterday from Florida's youth services director, Mr. Keller. He told about some of these plans. They have "Operation Wilderness" where a lot of these boys go into a wild area, and camp, boat, and they talk and do one thing and another. They have an interesting and exciting experience, the kind of things boys like to do. It is an adventure for them. It is stimulating them to a new kind of life.

We saw five young individuals, two boys and three girls, here at that table this week, who are in a new Massachusetts program. Those youths were looking at life entirely different. One girl now wants to be a counselor in one of the youth services organizations. A boy, who had been on drugs, had a smile on his face and had quit drugs, and was now going to work and looking forward to going into the Marine Corps. Every one of them said they had gotten a new outlook on life, a new feeling about life, a new sense of its importance to what it could mean to them to live different; a better type of life as we call it.

I know in the Miami area, until relatively recently, we didn't have these progressive programs. Boys and girls were locked up in a dirty jail, crowded in with one or another, or into a youth corps or youth camp, and it was degrading to them rather than uplifting and stimulating.

What I hope you are going to do, Dr. Sarri and Mr. Isenstadt, and all of you who worked together, is to advise the country as to what you find from your inquiries is the best and most effective program. I hope that you recommend that the Federal Government should have a larger share in these programs.

The Massachusetts youth program was made possible by a \$2 million grant from LEAA. That is one of the best things I have heard of LEAA doing. I wish they had done more of that, rather than putting a lot of money in brick and mortar or certain kinds of capital equipment as they have done in the past.

But I personally think that we can find—either an agency consisting of personnel from HEW and from Justice—a Federal agency to evaluate the State plans. I personally think that the Federal Government ought to make funds available to the States that submit a program which shows that they are going to improve their situation materially. I don't favor large institutions. I think all large institutions ought to be discontinued. I like the home programs they told us about here, where they put them in private homes, small institutions, and facilities where they pay somebody to look after them and supervise them, rather than building a big building.

You said some States are spending as much as \$36,000 per child. Look at what you could do with the \$36,000. As one of the witnesses pointed out, you could pay people so much a week in foster homes, you could provide clothes and other things for them.

It seems to me that you can perform a very valuable service, and I am pleased that you had Federal aid in your program. But don't be too hesitant to advise the public what you think is best.

I wonder if you would care to make a general observation, as to what are your conclusions so far, from examining the systems in 16 States. If this were a congressional committee that had authority to give approval to a Federal program, what would you tell us, if you were writing the law you think, in the light of your investigation, would be best?

Dr. SARRI. Our observations would be in agreement with your observations about the value of diverse small-community programs located close to the home and the community of the youngster who is a target of the intervention, so that it can be adapted to the very different cultural needs. If there is a possibility of rebuilding family relationships, school relationships, employment, et cetera, that these can be built when they are contiguous to each other. Certainly, it seems to me, that pattern is to be supported. It certainly looks, from the information we have available, it is viable.

It is also desirable this be encouraged under various types of private as well as public auspices. While we want to be sure the public participates in decisionmaking when we are making status changes so that due process rights of individuals are protected, this does not mean the service cannot be provided through the private, voluntary, and full range of different types of organizational structures and models. I think that is to be encouraged.

Chairman PEPPER. Do you also agree it is desirable to have overall authority and supervision by a State agency?

Dr. SARRI. Yes, so there is accountability and there is direction, support, encouragement. I think that is essential.

Mr. ISENSTADT. But that a private agency not be in any way penalized by the nature of its auspices in terms of receipt of funds for innovative and new programs?

Chairman PEPPER. Certainly not. I think it was the Massachusetts plan where they will pay a private agency and are glad to get them. They say private people will respond if you pay them a reasonable price.

Dr. SARRI. Some of the most innovative programs have taken youngsters who have been in correctional facilities for long periods of time, so-called hardened juvenile delinquents, and have, in very creative ways, worked very effectively with these youngsters in the problems of reintegration. Some of those problems are some of the most difficult. These again have been small-community programs. They have been able to handle the whole operation in ways that were seldom done in the past.

Chairman PEPPER. The correctional system we are talking about, whether court or administrative institutions, nevertheless we are taking what society has pushed into them, as it were. They come from the schools, where they have been guilty of derelict conduct; they come from the community, where they were dropouts, where they have been guilty of criminal conduct. In other words, we don't get any chance to keep them from coming there. The correctional system has to take what they can get, like the penal institutions.

Has your study made any inquiry into what you could recommend to keep young people from getting in a career of crime that is not now being done?

Dr. SARRI. We talked a little bit earlier about diversionary programs and I think that this is a way of really stopping the inevitable delinquent career at a very early point. Because what very frequently happens, if there is an apprehension for some kind of mild misbehavior, school truancy, incorrigibility, and so on, the individual is socialized into a delinquent career because of associations he makes. There can be diversion through the provision of services to such youth rather than just judicial processing.

Chairman PEPPER. How about the schools? What can the schools do to prevent crimes among young people?

Dr. SARRI. Well, one of the things that can obviously happen, modification of school disciplinary procedures that are operative in some communities whereby, if a youngster is caught smoking, he is suspended from school for a week, and such action starts a kind of problem for him. If there can be ways in which indefinite suspension of 9-, 10-, 11-year-olds from schools can be prohibited, then I think you want to climb that way.

Chairman PEPPER. You are saying it would be desirable to have effective programs in the schools to deal with those who begin to indicate tendencies toward delinquency?

Dr. SARRI. Inevitably, a lot of the problems have to be solved in the family and the school sector if we are going to prevent crime. It is not by apprehending criminals or delinquents that we will really reduce the crime, but rather by getting at the problems that exist in the neighborhood and trying to see these kinds of problems are solved.

Chairman PEPPER. Take, for example, the boy or girl who is about to become a dropout. Once that boy or girl becomes a school dropout, he is a pretty likely candidate for the juvenile court and correctional system, isn't he?

Dr. SARRI. Yes. The research there is really quite clear. It really indicates that is what really happens to a substantial number.

Mr. ISENSTADT. He is continually confined.

Chairman PEPPER. There is one of the last chances to save a boy or girl from the criminal system—if you can do something at that time to find out why that boy or girl drops out of school, what is responsible for his not keeping up with the class, why they are not enjoying the school. Is it the curriculum, is it some sort of defeat that they have?

Dr. SARRI. There is one other area which we haven't really looked at in this society, and that is employment opportunity, work opportunity for adolescents. There is a good deal of research that indicates there is a very strong relationship between unemployment and crime, particularly the adolescent.

Chairman PEPPER. They would work part time and particularly summer involvement for a lot of the young people. You think that would probably reduce their getting into crime?

Dr. SARRI. It appears so, particularly for those crimes that might be called utilitarian crimes, such as theft. I am not saying violent crime against a person is likely to be prohibited by employment opportunities, but much of the crime is theft and robbery. This could be reduced by more employment opportunities.

Chairman PEPPER. I want to ask you one last question. How do you evaluate the importance of dealing effectively, if possible, with the problem of juvenile crime or juvenile delinquency in relation to the overall crime problem?

Dr. SARRI. The problem of juvenile crime? I think it is at least as important as the adult crime problem. In many ways more important, because these are young people who are going to live in the society for 40, 50, or 60 years, and we would like to think they can contribute meaningfully to the society.

Chairman PEPPER. Thank you. You have given us very valuable testimony.

Mr. Rangel.

Mr. RANGEL. No questions. Thank you, Mr. Chairman.

Chairman PEPPER. Dr. Sarri, we want to thank you and Mr. Isenstadt very warmly for your coming here today and giving us the benefit of these very valuable studies you made. Thank you very much.

[The following was received for the record from Dr. Sarri:]

[Excerpt from NAJC "Sampling Plans and Results," March 1973]

SELECTION OF STATES

The discussion of this and all following selection stages is developed in accordance with the topics introduced above, namely, (1) the definition of the population to be sampled, (2) the substantive requirements of the selection procedure, and (3) the computation of the sampling probabilities or the actual sampling strategy.

DEFINITION OF THE POPULATION

All 50 states constitute the population for the selection of states, thereby excluding the District of Columbia and the U.S. territories from the sampling. These are sufficiently different from the rest of the nation as to justify their exclusion at this point in time; if the resources of the project are sufficient, they will be considered at a later phase.

SUBSTANTIVE SELECTION REQUIREMENTS

The following requirements were stipulated by the RDS for the selection of states in accordance with the substantive orientation of the project as a whole:

- (1) Select each state proportional to its population 5-17 years of age.
- (2) Select at least three states from each census region of the U.S. (because of overspecification in the RDS [p. 69] this criterion had to be relaxed from four to three states).
- (3) Organize the states according to their change in admission rates of 5-17 year olds to public institutions for delinquents and select a specified number of states from those with increasing, neutral, and decreasing rates of change (see below).
- (4) Classify the states according to their juvenile justice systems and select a specified number from each type.
- (5) Sixteen out of the 50 states are to be selected. Requirements (3) and (4) above call for some explanation.

Control for Change in Admission Rates

The reason for employing admission rate changes to public institutions for delinquents for sampling purposes has been elaborated in the RDS and merits repetition at this juncture. Focusing on admission rates has several important advantages:

It can be drawn from the most reliable data already available; it provides the best single indicator of state-wide practices; and it encourages attention to questions of both *diversion from* the justice system, and *alternatives to incarceration*—both highly salient issues in policy and program planning. Reliance on admission rates avoids the problems associated with using the less reliable and more volatile police arrest or court processing

statistics. State admission rates tend to absorb both state-level and local-level (county or municipal) processes because in all but a few situations state funds are, directly or indirectly, the predominant resource supporting institutionalization costs—including those of most private facilities handling delinquents. Although the delinquent youths committed to institutions typically constitute only a minority of all those involved in juvenile corrections operations, each state's volume of institutional admissions serves both as a constraint on (or stimulus to) prior stages in juvenile processing and as a precondition to most aftercare services. (RDS, p. 66)

The rates of change were computed for the years 1966-1971 and are based on public documents. The admissions during fiscal year 1965-1966 were obtained from the U.S. Children's Bureau publication, *Statistics on Public Institutions for Delinquent Children: 1966* (Washington, D.C.: U.S. Government Printing Office, 1967; admissions during fiscal year 1970-1971 were obtained from prepublication results of the LEAA-sponsored, U.S. Census Bureau study, "Juvenile Detention and Correctional Facilities Census." The same questions as were used in this mailed questionnaire completed by every institution were used in the 1966 Children's Bureau study. As with 1966, separate data were obtained for each institution. The rates were computed per 10,000 youths 5-17 years of age. The significance of this statistic is spelled out in the RDS as follows:

In states with *increased* institutional commitment rates it would be desirable to find out whether there have been corollary increases in the use of alternative correctional programs, how institutions have been expanded or adapted to accommodate larger numbers, and how the greater costs have been supported. In the states with *decreased* institutional admission rates we will be even more interested in how offenders are being handled through non-institutional programs, whether and how juveniles are being diverted away from the corrections system, whether expenditures have also decreased, and how costs compare with states that have increased admissions. In the states showing *no rate-change*, it would be desirable to examine how the patterns have been stabilized, the consequences for other units within the juvenile justice systems, and how their costs compare with the other categories. Aside from what can be learned about these questions through direct study of sample service units, we will be constrained to rely on state reports and available data since the project has insufficient resources to collect full-scale information about these state patterns. (pp. 67-68.)

These rates were found to vary from +15.96 to -12.14 per 10,000 youths 5-17 years of age over the years 1966 to 1971. Using rates instead of absolute numbers is better in studying the occurrence of an event across different populations because rates are standardized for different sized populations. However, rates of change are a somewhat more complex statistic and hence more open to misinterpretation. These rate changes must be read properly; they do not indicate the absolute frequency of institutionalizing juveniles but only the direction and relative velocity of change during the past five years. Indeed smaller numbers may conceal a more conservative attitude than do larger ones—it all depends upon where a state was in 1967. In order to determine the most appropriate cutting points to form strata of states with decreasing, neutral, and increasing admission rate changes, three different sets of states were formed by choosing ± 2.0 , ± 1.5 , and ± 1.0 as partition criteria, respectively. Three samples were then selected in order to study the effect of choosing different cutting points.

As soon as these three samples were selected a battery of distributions of relevant variables (sex, race, degree of urbanization, etc.) were run in order to compare the similarity of the three samples with the nation as a whole. *Only* these distributions and *not* the names of the selected states in the three samples were submitted to the senior research staff in order to determine the most appropriate cutting points. On this basis it was decided that ± 1.5 would produce the most desirable set of sampling states. Hence states with an admission rate change of +1.5 or larger constitute the stratum with increasing rate changes, those between +1.5 and -1.5 are called neutral, and those with -1.5 or less make up the stratum of states with decreasing rate changes. Table 1 displays the changes in admission rates stratified into increasing, neutral, and decreasing strata. Six, two and eight states were to be selected from the increasing, neutral, and decreasing stratum, respectively.

TABLE 1.—Rank order of States by changes in rate of admissions to State juvenile correction institutions, 1966-71

	Rate change
Increasing:	
Alaska	15.96
Delaware	9.81
Rhode Island	5.49
Nevada	4.87
Arkansas	4.49
Mississippi	2.81
Wisconsin	2.76
Tennessee	2.74
Alabama	2.49
Georgia	2.19
Ohio	2.12
New Hampshire	2.12
Maine	2.05
North Dakota	1.67
Pennsylvania	1.61
Neutral:	
Wyoming	1.26
North Carolina	1.25
South Dakota	1.20
Idaho77
Michigan26
Florida22
Connecticut17
Kansas	-.29
Vermont	-.65
Missouri	-.67
Indiana	-.77
West Virginia	-1.26
Kentucky	-1.34
Texas	-1.34
Virginia	-1.36
Decreasing:	
California	-2.22
Washington	-2.30
Nebraska	-2.31
New Mexico	-2.82
Iowa	-3.28
Oklahoma	-3.33
New York	-3.36
Arizona	-3.56
Minnesota	-3.79
Massachusetts	-4.01
Hawaii	-4.05
Montana	-4.28
Utah	-4.48
South Carolina	-4.99
Colorado	-5.40
Illinois	-6.29
Maryland	-6.97
New Jersey	-7.01
Louisiana	-7.80
Oregon	-12.14

Control for Justice Systems Types

The need for controlling the sample selection by means of justice system structures becomes apparent as soon as it is realized that these structures and their component units are not similarly distributed or ordered among the states. It is therefore important to examine whether administrative patterns resulting from different structures influence the operations of direct-service units. Extensive literature review suggests that controlling for the degree of consolidation of juvenile justice systems with other service agencies (e.g., with agencies for adult offenders or with agencies serving the mentally ill), and for the degree of centralization of probation, would help us to study the effect of this critically important systemic variable.

Centralization of probation and consolidation of the juvenile justice system were defined as follows: Probation services are considered to be centralized if there is a single state agency which is given complete or partial responsibility for administering these services. In most states this is not a clear either-or situation, rather it is by "central tendency" that we code each state in such a dichotomous fashion. On the other hand, a state's institutional and after-care services are considered to be functionally consolidated if these services for juveniles are administered by an agency that also administers other juvenile services (e.g., Children In Need of Supervision [CHINS] or mentally retarded, etc.) or services for adults or some combination thereof. Consolidation and centralization are by no means the only two criteria available for assessing the administrative patterns of juvenile justice systems, but they are believed to be of importance in studying organizational effectiveness and efficiency. They are not only in the theoretical mainstream of organizational analysis but also lend themselves reasonably well to operationalization and measurement prior to field entry. Table 2 presents the typology of states resulting from cross-tabulating consolidation of the juvenile justice system and centralization of probation. It was stipulated that the sample had to be drawn in such a way as to produce at least one state of each type from the above typology. This was accomplished, but recoding after the sample was drawn moved Pennsylvania from cell VIII to cell VII, leaving cell VIII empty.

Given these sampling requirements a sampling strategy had to be chosen that would meet all these requirements and still result in known probabilities. Controlled selection was the obvious choice.

TABLE 2.—DISTRIBUTION OF STATES WITHIN JUVENILE JUSTICE SYSTEM TYPOLOGY

	No juvenile plus adult, no juvenile and other	Consolidation			
		Juvenile and adult, only	Juvenile and nther, only	Both juvenile and adult, and juvenile and other	
Centralized probation....	I—Alabama, Connecticut, Mississippi, New York, North Carolina,	II—Indiana, Louisiana, Minnesota, New Hampshire, North Dakota, Rhode Island, Tennessee, Vermont, West Virginia, Wyoming,	III—Arkansas, Florida, Georgia, Idaho, Kentucky, Maryland, Oklahoma, Utah, Virginia.	IV—Alaska, Delaware, Maine, Wisconsin.	28
No centralized probation.	V—Massachusetts, Missouri, Ohio, South Carolina, Texas.	VI—Arizona, Colorado, Illinois, Montana, Nebraska, New Mexico, South Dakota.	VII—California, Iowa, Kansas, Michigan, Nevada, Oregon, Pennsylvania.	VIII—Hawaii, New Jersey, Washington.	22
	10.....	17.....	16.....	7.....	50

SAMPLING STRATEGY

The constraints on the sample outcome were formidable because the three control variables (regional distribution, admission rate change, and juvenile justice system types) generate a 96-cell typology ($4 \times 3 \times 8 = 96$ cells). There are only 50 states to fill this three dimensional typology and only 16 are to be selected. Moreover, each state is to be assigned a probability proportional to its youth population. Finally these proportional probabilities are to be computed for each stratum of admission rate changes in such a way as to assure that 6, 2, and 8 states will be selected from the increasing, neutral, and decreasing stratum of admission rate changes, respectively. States with increasing or decreasing admission rates over the five year period are more densely represented in the sample than states without any significant change in admission rates because we expect to learn more from the former in terms of program planning and policy making. Similarly, states with decreasing admission rate changes appear more informative for NAJC purposes than states with increasing admission rate changes. For this reason the former were favored in the sample composition.

In order to meet all these requirements it was practical to select the states in two steps. The first step took care of the proper distributions across regions and

strata of admission rate changes and produced a set of 40 qualifying states. (Owing to successive subtraction of probability values, 10 states dropped out in the course of this step.) These 40 states were then used as input into the second step which resulted in the selection of the final 16 states properly distributed within the juvenile justice system typology.

This procedure is rather tedious and time-consuming but nevertheless straightforward. An example may be helpful: Each state starts out with a probability proportional to its youth population 5-17 years of age, controlled for its position on the admission rate change variable.¹ North Carolina, for instance, is a "neutral state" (i.e., $<|1.5|$ rate change per 10,000 for 1966-1971) and qualified for the second step. It had a probability of .314 of falling into the final selection. A series of samples—each consisting of 16 states and meeting all constraints—were drawn in such a way that each state appeared in the series as many times as was necessary to account for its entire probability value. Thus North Carolina showed up in .314 samples of the series and failed to do so in .686 samples of the series. But since a state as an indivisible entity at this stage either shows up in a specific sample or fails to do so, it is necessary to allocate to each sample in the series a probability which would determine its chances of being selected as the final sample. Thus if the first sample of 16 states in the series is given a probability value of, say, .094, all states that belong to this specific sample had their original probability reduced by .094, whereas nothing was discounted from the probabilities of those states that did not appear in that specific sample. If North Carolina fell into the sample, its new probability would then be $.314 - .094 = .220$. This process was continued until the probability values of all 40 states reached .000. Thirty-five samples were necessary to use up all original probabilities. And all of these 35 samples met all the requirements specified above. The probabilities of these 35 samples were then used to form a cumulative frequency distribution ranging from .000 to 1.000. Finally a random number between 1 and 1.000 was chosen to determine which of the 35 samples would be chosen as the final selection.²

Appropriate officials in all selected states have been contacted and informed about their inclusion in the study in order to gain their full cooperation and participation in the data collection. Also given in Table 3 are the original and the normalized probabilities of each state based on their youth population 5-17 years of age controlled by their position on the admission rate change variable. The probabilities in Table 3 will constitute an ingredient in computing the selection probabilities for the counties and service units to be selected. These probabilities are subsequently used to compute the sampling error, a topic to be discussed later in this paper. Now we turn to the selection of counties—the second sampling stage according to the *Research Design Statement*.

Chairman PEPPER. We will take a 5-minute recess for the reporter.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order, please.

Mr. LYNCH, will you proceed?

Mr. LYNCH. Yes, Mr. Chairman.

Mr. Chairman, the next witness is Dr. Robert Harder, who is the State director of social welfare for the State of Kansas. Dr. Harder holds a doctor of theology degree from Boston University. He was a former member of the Governor's staff in the State of Kansas and served in the State legislature from 1961 to 1967.

Dr. Harder, if you have a statement, would you give it at this time?

¹ The probabilities were separately computed for each stratum of admission rate changes by dividing the youth population of that state by the youth population of all the states falling into that stratum and multiplying this value by the number of selections to be made from that stratum. The 1970 population in each state between ages 5-17 was obtained from the U.S. Census publication *General Population Characteristics: Final Report*, PC(1)-B.

² For greater detail see Leslie Kish, *Survey Sampling* (New York: John Wiley & Sons, Inc., 1965), pp. 488-495.

**STATEMENT OF DR. ROBERT HARDER, DIRECTOR, STATE
DEPARTMENT OF SOCIAL WELFARE, TOPEKA, KANS.**

Dr. HARDER. Thank you very much for the opportunity of being here this afternoon. I have prepared a statement and I will not read it. I am submitting it as a part of our total report from Kansas.

Chairman PEPPER. Without objection, Dr. Harder's statement will be incorporated in the record.

[Dr. Harder's prepared statement will appear at the end of his testimony.]

Dr. HARDER. What I would like to do is summarize basically what is in that report. Kansas is a small State. We have an overall population of about 2.3 million, so some of these things I am talking about this afternoon related to Kansas would not necessarily be appropriate to many of the other States throughout the country.

Over the last 5 or 6 years, there has been a great deal of concern in Kansas about how you work with the older delinquent.

Chairman PEPPER. Excuse me. You have a good State, although it might be a small State. You certainly have a fine Governor. He is a good friend of mine.

Dr. HARDER. Thank you.

Mr. Chairman, another gentleman you may know is Mr. John Montgomery.

Chairman PEPPER. Yes, sir; a great pleasure. One of the dearest friends I have. You took him away from Florida.

Dr. HARDER. He has made a valuable contribution to our State.

In Kansas over the last 5 or 6 years there has been a great deal of discussion about how you work with 15-, 16-, and 17-year-olds. In many ways the question is not resolved. It is a question not dissimilar from many other States.

In the recent session of the legislature, after a year's study, a legislative interim committee reported out that the State of Kansas, while it had previously embarked on the idea of building 10 regional detention facilities—each facility accommodating approximately 50 boys—was to start immediate construction on 3 of those 10 facilities at an overall cost in excess of \$3 billion, the interim committee made a recommendation that construction be held in abeyance. Instructions were given to the State board of social welfare to develop a plan that would emphasize the use of the community-based homes and, additionally, there would be some type of research evaluation program conducted at the same time in the interest of the legislature and the Governor having some material out of which they could make a policy decision.

Chairman PEPPER. I certainly want to commend your State upon that wise decision.

Dr. HARDER. Thank you, sir. I will convey that back to the proper people.

Additionally, when all of this was moving through the legislative mill, at the same time the Governor submitted a reorganization order, the first under a new constitutional amendment, to reorganize the State board of social welfare into a secretary position, and the secretary will have overall responsibility for the programs of vocational re-

habilitation, the social welfare, and hospitals and institutions, which additionally covers the juvenile facilities for delinquent boys and girls.

So that became a second important piece of our overall design, because it opened up the door to general planning.

The third legislative thing that happened was that the legislature and the Governor agreed to State administration and State financing of the welfare program. So this gave us a first opportunity to divide the State of Kansas into regions and operate our welfare program, our social service program, on a basis other than 105 counties.

That is the background against which we are presently operating.

I will be talking with you about really a philosophy we want to promulgate within our State. We hope we can get it transmitted out to all of the regions so we have people thinking along the same lines.

When we turn our attention to the juvenile, we have certain goals in mind. I should add that in Kansas at least some of us think that, while we talk about this kind of a goal or program in relation to the juvenile, we think it is also appropriate to the mentally retarded, and a person with a mental illness.

What we want to do is to insure that: No person is lost in the shuffle; each person achieving to his highest potential; a continuum of care—to which I will return—progressive steps; and hopefully the return of the individual to independence.

In the past there has been too much warehousing of people. When governmental agencies get involved in some of the social problems we face, one solution that often comes up is let's build a building and put the people in a building. The minute you build the building and put the people in, either juveniles, mentally retarded, mentally ill, it also means that society in many ways is excusing itself from that particular problem. The youth population coming up in Kansas and across the Nation is too great, the problems are too severe; we cannot possibly build institutions fast enough to cope with the problem. We are of the opinion an alternative strategy has to be developed.

When we talk about a continuum of care, we mean progressive steps of care leading to independence. We think a lot of this happens now, but it happens on a potluck or a chance basis. With the legislative background we have, we think we now have the door opened to us to really develop a total kind of concept to provide care, not only to the child or youth in trouble, we have a concept here we think will provide care also to the mentally retarded and to the mentally ill.

The earlier witness mentioned at times the mentally retarded get mixed in with the juvenile delinquent. We think under this kind of system there will be an opportunity for the right kind of diagnosis, so if a child is mentally retarded we won't run the risk of that child ending up in a delinquency-type facility.

What we have starting at point A is a "call for help." The call for help may come in a variety of ways. Maybe it is a kid in school that has lost interest in school. We view that as a call for help. A school official would pick up that call. He would get in touch with other people within the community to work with the child at an early age.

From the standpoint of intervention, we would first place emphasis upon support to the family.

We don't think the kid should be jerked out of the home as a first piece of governmental intervention. We think there should be

an effort made to provide support to the family in the interest of trying to keep the child in the home. If you look at it just from an economic standpoint, the cheapest place to rehabilitate people is still within their own home. That is part of the philosophy that is involved here.

If that doesn't work, the next point would be foster care, outpatient care, depending on what kind of problem we had. We think there are many instances when the child simply can't make it in the home. Maybe it is a situation where there are eight kids in the home, perhaps the mother and the father can cope with four of those kids, but they need some relief with the other four. We would see boarding care for the four kids temporarily.

Maybe there are other instances when the kids have to be taken out completely. That would be the next step in our continuum. If that doesn't work, we move to step D, and we talk in terms of small group homes. This is the kind of philosophy that is not new in Kansas. We have used the community-based home for the last 20 to 25 years. We have felt all along that there should be a delicate blend of many kinds of resources, and that there should not be an overemphasis of one against the other. Granted, at one time too much attention was directed toward detention facilities, but at least they are not being built at the present time.

Then step E, if necessary, institutionalization. We think there are boys and girls who have certain kinds of behavioral problems that simply can't be handled with any small group setting of this sort. They would be too disruptive. There is the chance of them being harmed or harming someone else. In those situations we would see them going into what we call in our State the Girls' Industrial School and the Boys' Industrial School; the girls' school, with fewer than a hundred capacity, the boys' school running about 195.

In Kansas we have not had to face the problem of shutting down large institutions, we simply never had them in Kansas. Our problem now is to make sure our services blend together in a continuum, so we get people fitted into the right place at the right time.

Then we would say at point E, after the behavior has stabilized, return the same route; institutionalization, and perhaps into some kind of sheltered living, outpatient care support and then independence. If we are really going to cope with the youthful population, we really have to think in terms of many of these kids getting to some point of independence. We cannot develop a public policy of an increasing number of kids now in some way dependent upon government as their means of existence. It is of critical importance that we keep that idea in mind in the interest of getting the kids out of institutions, out of the community-based homes, and away from even having to have some support from a mental health center or a social worker.

How do we see all of this happening? Another way of diagramming our continuum of care would be as follows: While it looks like a kind of a jumble, we think it is all significant. We start with the home. Perhaps there is some breakdown in the home; there is an entree here to community service programs. There is an entree to the school, because certainly, in all efforts, we would emphasize the importance of staying in school. If the problems get severe, juvenile court and the welfare departments stand ready to provide certain kinds of services.

Perhaps at this point, it is determined they need some additional help; foster parents, group homes, or in some instances, institutional care.

Let me emphasize, in this kind of a concept if it is going to succeed it is going to succeed because we made it work at the community level.

We are interested in the deemphasizing of a State agency. We think a State agency has to have overall responsibility, they have to provide supervision, they have to provide guidelines for the kinds of programs we want to carry out, but we don't think the State department of social welfare in its services to children and youth should be running community-based programs.

Chairman PEPPER. How about the division of funds that are made possible in the programs. How much of that is State and how much is local?

Dr. HARDER. We think it is important to blend all of the kinds of financial resources available to us. LEAA helps in funding some of our community-based homes. They provide some seed money, some bloc grants, to help purchase a home and to do some early staffing so they can get up and get going.

Then through services to youth in the State welfare department, we start purchasing service on a youth-by-youth basis, so the home can start counting on continued support. We are paying from \$310 to \$450 a month, depending on the kind of program and the kind of facility.

Additionally, in our services to children and youth, there is a certain part of the money that comes from aid to dependent children for foster care. So the Federal Government is involved in financing that part of it. Also, through title IV-B of the Social Security Act, direct child welfare services, another piece of money is made available, and we use it in purchasing some of the boarding home and group care which we are talking about in this kind of plan.

I brought this map along to indicate to you, while presently we have 105 counties, with the passage of the State administration of the welfare program, we will be dividing the State into six regions, as you see on this particular map. Within each region we will have at least one person on the regional staff who will be a specialist in services to children and youth. His responsibility will be to work with the schools, juvenile courts, and with other agencies that are involved with kids in the interest of developing some kind of a regional concept for providing services within these geographic areas.

In the larger population areas, which would be Wichita, Topeka, Kansas City, or Johnson County, we obviously will have more than one staff person. The function of that regional person will be to coordinate the resources. Additionally, we see with this kind of a concept and with great variances in population, through a regional concept we can blend our resources together.

Under our concept, we would see several counties going together to establish a community-based home or service. Then the kids from those particular counties would have that as a resource; the juvenile judges would have it as a resource; and the social workers would have it as a resource. We think there is merit in this kind of a concept.

With that kind of opening statement, I will stop. If you have questions, I will be glad to answer them.

Mr. LYNCH. Dr. Harder, what in your judgment is the appropriate role of a State government in the area of juvenile delinquency and, indeed, in the larger area of youth services in general?

Dr. HARDER. I think the State government's responsibility is to do overall planning, to do monitoring, to run program surveillance, to stand accountable for actions being taken that are department actions. It has the responsibility for helping communities finance the kind of projects talked about earlier.

I don't think it ought to run community-based homes. I think it has the responsibility to have the backup facilities, the State institutions, the boys' industrial schools, the girls' industrial schools. I don't think that is an individual community responsibility, because it provides a service to all kids regardless of where they are in the State. Anything below that, the State has a supervising and monitoring responsibility.

Mr. LYNCH. The first item that you listed was the responsibility for planning. Do you in the State of Kansas actively engage in long-range planning, vis-a-vis the juvenile justice system? If so, what long-range plans do you have?

Dr. HARDER. It would be misleading for me to say we do long-range planning at the present time. We think the legislation as now passed and with the vehicles available to us through this kind of legislation, have the mechanism for doing some long-range planning. We have a good and close working relationship with the Governor's Committee on Criminal Administration.

Mr. LYNCH. That is the State law enforcement planning agency?

Dr. HARDER. That is right.

Mr. LYNCH. Is your department represented on the governing board of that agency?

Dr. HARDER. We are represented on the committee that deals with juvenile programs. We are not on the governing body.

Mr. LYNCH. But you do have an input on juvenile matters into the State plan itself?

Dr. HARDER. That is correct.

Mr. LYNCH. Could you tell us what in your judgment is the relative cost of providing intensive social services of various kinds to kids in community-based facilities? Is that terribly expensive?

Dr. HARDER. In the homes that we are talking about sometimes we will spend \$4,000 to \$5,000 a year in maintaining a child in that kind of a facility. In contrast, if the boy or girl finally ends up at the boys' industrial school or girls' industrial school, our expected expenditures there would be between \$9,000 or \$10,000 a year.

Mr. LYNCH. So it is probably half of the cost of institutionalization?

Dr. HARDER. That is correct. Of course, another phase that we will be emphasizing under our new State administration, will be placing more emphasis upon working with the kids in their home communities, even apart from their getting involved in the community-based home.

Mr. LYNCH. You indicated the cost is approximately half. How about the level of effectiveness? Have you been able to make a judgment as to how well the homes do as compared to institutionalization?

Dr. HARDER. No; we have not done any kind of systematic study in that area. We have asked the legislature for \$15,000 to do evaluation on the group home concept. If that is approved, we will have \$15,000 to do a systematic job of evaluating a sample of kids in different kinds

of facilities and then reporting back to the Governor and to the legislature our findings.

As I understand it, Achievement Place, who you will hear from this afternoon, has done fairly systematic studies on work in one given facility. We don't have anything at the present time on a statewide basis.

Mr. LYNCH. But it is your intention to get that data eventually?

Dr. HARDER. Yes; we don't think we can go back to the legislature apart from giving them hard information as to cost and effectiveness.

Mr. LYNCH. You also indicated, in describing what the appropriate role of State government was in this area, the task of coordinating, if you will, monitoring programs. In your judgment can a number of public and private agencies perform services for juveniles on a cooperative and effective basis?

Dr. HARDER. Yes. We are not completely happy with the mechanism we have in Kansas at the present time, but in view of the fact we have some 40 homes in operation and these are run by either community groups or by private agencies, we think it is testimony to the fact that it can be done. We don't think it has been planned out well enough. We don't think the linkages have been made as they should have been made; but we think it is possible.

Mr. LYNCH. I find your concept of the continuum of care, which is the term you used to describe it, an interesting one. Is that something that could be easily adapted to other States?

Dr. HARDER. I think it could be adapted to other States if they set their minds to wanting to do it. It can be adapted to different kinds of problems we have to work with in this whole area of social programs. One of the great faults we have had in the past, those of us who have worked in the area of social services, is that we have not put together a good system; and because we haven't, we have been accused of being tenderhearted and softminded. In the plan under discussion, the basic data would be on a computer tape. By this means we can start to keep track of the people who are calling for social services in the State of Kansas.

Our overall goal would be to hook in all of the kinds of services; mental health, mental retardation, the juveniles involved in the juvenile justice system, and the predelinquent. We hope to have the system develop in such a way that when a person—child, youth, adult—comes to make an inquiry at a welfare office or school, a query could be made into a central data bank and a printout made available on that particular individual.

Mr. LYNCH. How many detention facilities does the State presently operate for juveniles?

Dr. HARDER. We presently operate the Boys' Industrial School and Girls' Industrial School. The Boys' Industrial School has a capacity of approximately 195. The Girls' Industrial School has a capacity of approximately 98. We have what we call an "annex" that is actually under the management of the Boys' Industrial School, and it accommodates approximately 80 boys. These are boys that it is deemed there has been enough work with them, that they can participate in the local schools. Additionally, we have a Kansas Children's Receiving Home which accommodates 30. We have 50 beds set aside at two of our hospitals to work with the mentally ill individual. Then at

our vocational rehabilitation center, we have 19 beds. These are devoted to boys who have had some kind of preliminary contact with the juvenile courts. So it is a total of about 475 beds that are actually available.

Mr. LYNCH. Would those 400 juveniles be better served if they were in small group homes located throughout the State?

Dr. HARDER. No; we think that this is the complement to the community-based home. Until we can get the concept I have tried to outline here really functioning in a total way, I would view the necessity of the State to be involved in these kinds of programs on a continuing basis.

As we become more effective in working with kids in their homes, conceivably we might be able to cut down on some of the beds we are listing here. But in the next 2 to 3 years, I don't think it is realistic to eliminate beds. They are necessary as a backup.

Mr. LYNCH. Why do you not want the State to operate the community-based homes?

Dr. HARDER. If the State moves in to operate the community-based homes, we are letting the community off the hook. They will feel the State has assumed that responsibility. The interest and the concern for the kids will lessen. In the overall we will all be put at a disadvantage. The community-based home is going to function only if it is really and genuinely a community facility. It has to have enough acceptance in the community so the kids can go to school in the community. It has to have enough acceptance so the kids can go to the swimming pool, the public library, and the list goes on and on.

I think the minute the State takes on that responsibility you lessen the chance of that kind of acceptance in the community.

Our second important point, is that from the standpoint of the resolution of the problems related to kids, it seems to me the community-based home is one dramatic physical way of saying that we have got some problems in this community related to kids and that is why that home is there. It helps to focus attention on the fact we have some kids in trouble who need the adult help of people within that community.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. McDonald, do you have any questions?

Mr. McDONALD. Yes, thank you, Mr. Chairman.

Dr. Harder, could you explain to us what kind of programs go on at the industrial schools?

Dr. HARDER. The industrial schools are pretty much self-contained. They have their own separate schools offering a full curriculum, so the boy or the girl, if he stays that long, would have enough credit to graduate from high school. Or, if he is there for a short time, he can take courses in the school and credit can be transferred to another high school in the State of Kansas.

Additionally, there is some effort at both the boys' industrial school and girls' industrial school for vocational-type programs. But this has limited impact.

Mr. McDONALD. These facilities are secure though? The juveniles can't enter and leave as they please?

Dr. HARDER. No. There are no walls, no fences. There never has been.

Chairman PEPPER. You mean in your State institutions you don't have them boxed in?

Dr. HARDER. No. There is a fence like there is a fence around a farmyard, but there is not a high fence, a retaining fence.

Mr. McDONALD. What do you do then for people you want to keep locked up? Where do they go?

Dr. HARDER. At the Boys' Industrial School there is a security cottage.

Mr. McDONALD. Approximately how many youths are there?

Dr. HARDER. I am sorry, I don't recall right off hand.

Mr. McDONALD. Percentagewise.

Dr. HARDER. I have been in it. My guess is it would be fewer than 25 out of the 195.

Mr. McDONALD. One more question. At the industrial school, is it an indeterminate sentence there where they just stay there until you feel they are ready to go back down into one of the other programs?

Dr. HARDER. That is correct.

Mr. McDONALD. I have no further questions, Mr. Chairman.

Chairman PEPPER. Dr. Harder, do you have the juvenile court to refer young people into the system?

Dr. HARDER. Yes. There is a close working relationship, generally between the juvenile court and the whole welfare department. The juvenile code in Kansas is written so the juvenile court has the judicial responsibility. We have the case history and the social workup responsibility. At times there are tensions, understandably so. But I think increasingly we are getting those tensions worked out. I think one of the serious problems in the whole area of juvenile justice is that we have juvenile judges who are not trained as attorneys. Because of that, I think there are times the judges make improper decisions. Additionally, in the past we have not had any kind of a total concept. If the courts, and other social service agencies and community services are going to be used effectively, we have to develop more of a team approach than we have in the past.

Chairman PEPPER. Undoubtedly, your legislature will give consideration as to whether or not juvenile judges should be attorneys.

Dr. HARDER. Yes. I think in the future, as we move to more of a regional concept in the State, this opens the door to have trained attorneys serving as juvenile judges on a regional basis.

Chairman PEPPER. If a youth has committed some crime or serious offense and comes within the jurisdiction of the juvenile judge, does the juvenile judge impose a sentence upon that individual, or refer that individual to the social welfare department and youth service to have custody and to release or recommend a release of that individual when they think it is proper to do so?

Dr. HARDER. It works both ways. They have the option to use either device. We increasingly are saying to them that we can do a better job of working with the kids if we are brought in early and not on the day the sentence is being made. We are making headway in that whole area. In the instances when we are dealing with nonattorneys, they are less apt to see the importance of social or youth services.

Chairman PEPPER. I think you are quite right in emphasizing the importance of the community in the rendition of the service to the individual. How would you divide the expense of the rendition of the service between the State and the county?

Dr. HARDER. Actually, I would divide it three ways. The Federal Government, through the Social Security Act and LEAA, has a certain responsibility; the State government has a certain responsibility; and there should be a certain amount of local tax effort and united fund money available.

The bulk of the financial responsibility in most instances probably rests with some kind of governmental unit, but I think the community fund, or united fund, has a responsibility for helping the program to get started and to pick up those kids that cannot be picked up by the public welfare department or the social service department.

Chairman PEPPER. You do think the Federal part in this program you speak of should relate only to the inauguration of the program, to enable the State and/or local authorities to inaugurate the program, to get it into operation, or should the Federal function extend beyond that and also provide a deposit of funds to the maintenance and operation part of the program?

Dr. HARDER. I think the Federal responsibility should be a limited responsibility. The same thing I said about States not getting involved in community-based homes, and services is even more true with Federal involvement, although there needs to be a Federal commitment of dollars. There is a Federal responsibility to make information available of the kinds of programs going on over the country.

Additionally, there is a certain responsibility to set forth to the State of various models which have worked. The States can pick and choose, without the Federal Government rigidly saying this is the only way we are going to fund a program in your State.

I think another responsibility that could be a Federal task would be some type of overall program evaluation. There is no need to invent the wheel over and over in the separate States. Program evaluation could be a Federal responsibility, federally funded and federally directed.

There are some other vehicles which are readily available. Under the Social Security Act, IV-B, the money authorization has never been met by appropriations.

That is the money available under "Child welfare" for direct child welfare services. The appropriation is \$44 million. The authorization is \$196 million. Without any additional legislation being put on the books, the Congress can make additional money available, and in most of the States as I understand it, and that is the money that goes to help maintain community-based homes and to buy foster care. This is a significant step which could be taken tomorrow that would aid immensely in making sure these programs get on down the road and are effective.

The second thing, which should happen—and I don't direct this at the Congress alone—but at the Washington level: if we are really concerned about the kids in the United States, one of the important things that ought to happen in Washington right now is that all of the bad mouthing of the program Aid to Dependent Children ought to stop. Because a lot of the kids we are seeing in these community-based homes are kids that are connected to the welfare department through ADC, or what we call ADC foster care. If Washington is really concerned about the kid population in the United States, if it really wants to talk about rehabilitation, if it really wants to keep these kids in school, then

Washington is long overdue in reorienting itself. Washington must quit bad mouthing the ADC program. It is not only a lot of mothers we are talking about, it is a lot of kids we are talking about.

We are doing our country a great disservice as we continue to beat that drum, simply because it seems to be smart politically. It is going to do harm in the long run to the kids that I assume all of us are interested in.

Chairman PEPPER. One last question: What do you see as the role that the schools might pursue which would tend to diminish the numbers of young people who come into the delinquent or correctional program?

Dr. HARDER. There are two important functions a school needs to assume right away. One is the schools need to look at their curriculum in such a way that they start making determinations as to what the kids need and not simply what is comfortable for the teachers to teach.

The second thing is that schools need to be viewed, and the teachers need to view themselves, as one of the first ports of call. When I had the diagram up, I set aside a "call for help"—I think there are kids that call for help in the first grade or at the kindergarten level. They need help; the teachers know it, and we know it. We don't do an adequate job of making sure those kids sending out messages of help actually get wired into some kind of helping system. We must make every effort to save those kids, instead of pushing them out of school and out on the street.

Chairman PEPPER. I participated in a hearing before the Educational Subcommittee of the House Education and Labor Committee, presided over by the able chairman of that committee, Mr. Perkins of Kentucky, in Miami recently. It was reported by school authorities there from several States that at the present time, under the present funding of programs that we have in operation, only about one out of three of the disadvantaged children who are supposed to be the beneficiaries of title I of the educational program are getting any help. There is not enough money to help but one of three of the children that would be in this disadvantaged class.

When I asked these educators what happens to those disadvantaged children who don't get this effort, they said they are primarily school dropouts.

Now, then, I didn't need to ask them what happened to the school dropouts. We heard here, just this morning, we heard time after time, those school dropouts are the best candidates for juvenile crime and juvenile court. Yet, there is a proposal by the administration to reduce those funds further, make less money available instead of more.

So if we really, as you say, want to do something about these problems, if this country and the Government of the United States and the government of the several States really want to do something about crime, they have got to put the money that needs to be put into the school system into home aid programs, into child care programs, and into programs that have to do with those who are delinquent later on and need to be given an opportunity to be rehabilitated. And, of course, into programs that have to do with rehabilitation of adults, as well.

Dr. HARDER. That is right.

Chairman PEPPER. But what we like to do, as was done here a while ago, is to call for the death penalty. That looks like that is a hard line, that is a hard-nosed public official that really wants to do something about crime—recall the death penalty. We had the death penalty in this country for a long time and it didn't stop crime.

These same people that want to restore the death penalty are taking credit for the reduction of crime, and there hasn't been anybody executed in this country for several years.

Then they come out and want to send some drug pusher to the penitentiary for life, or a very long time. If he would be one of the top fellows, I would be willing to do that. Put him under the jail if you can get him under there, for that matter. But I haven't heard any of these people whose hearts are bleeding for the victims of crime in this country that have talked about more money for the school system, more money for our social service programs, more money for community aid programs, more money for correctional programs, and the like.

It is whether you really want to do something about the problem or whether you just want to make a political upheaval.

Dr. HARDER. While I make a plea for more money, I make it on the basis that the States can demonstrate to the people we have to work with that we can do a job. We can work creatively with the kids. We are willing to be accountable for our actions. In the area of accountability in social services, we have been negligent. I am not in opposition to accountability, that whole concept of accountability.

Chairman PEPPER. Neither am I. Congress has never intended there be an abuse in the use of the money we make available. It is primarily, as I understand it, the job of the States to tighten up the administration of the programs. Let's see every dollar get at least a dollar's worth of good service.

Dr. Harder, there is a rollecall and we have to go. I want to thank you very much for coming. Please give my warmest regards to Governor Docking and my good friend John Montgomery.

[The following material was submitted by Dr. Harder:]

PREPARED STATEMENT OF ROBERT C. HARDER, DIRECTOR, STATE DEPARTMENT OF SOCIAL WELFARE, TOPEKA, KANS.

At times, we find it extremely difficult to work with the young person who does not fit into preconceived molds as to how a child ought to act. He gets labeled a troublemaker, a delinquent, a slow learner, retarded, or many other labels which fit our need for pigeonholing but do very little in the interest of helping the youth. Once we get the young person labeled, then he is properly packaged and we are then in a position to cast him out of the immediate society in which he finds himself. Casting out may seem a harsh way of putting it, but when we think in terms of a stay in some type of facility or institution and then refer to his returning to the community, it seems to me that it presupposes there has been a casting out and entrance into an institution. There are occasions when a young person needs to be removed from his home and his community and it should be done. However, this decision must be made in the interest of his own well-being as well as the community's. I am fearful at times that the casting out strategy becomes our only strategy in working with the youth who may be creating a problem within our society.

Don't get me wrong. I am not going to build a case for saying that youth does no wrong. Neither will I align myself on the side of saying anything goes. In fact, I tend to be fairly firm in some of my own concepts as to discipline, order and responsibility on the part of the youth to his family, to his community and to the total society.

We need to view the behavior of children and youth as well as our expectations of them on a continuum. The continuum would have, on the one side, a complete and total permissive atmosphere, anything goes; the other side of the continuum and at the extreme point would be a philosophy of treat them rough—give them little opportunity for speaking out and for participation in their own destiny. From the standpoint of approach and style, I think both extremes are unacceptable. I would break into the middle of that continuum with a concept of high expectation, demands and responsibility, involvement in decision-making and a genuine concern and care for the humanness of adults and youth.

In Kansas there is a statutory provision providing that the State Board is to develop a child welfare service program and shall administer or supervise child welfare activities including the care and protection of dependent, neglected, defective, illegitimate and delinquent children and children in danger of becoming delinquent. The Board shall cooperate with the federal government, through its appropriate agency or instrumentality, in establishing, extending and strengthening such services and undertake other services to children authorized by law. The State Department of Social Welfare is the designee for carrying out those problems related to the implementation of the interstate compact on juveniles. In the amendment of the juvenile code, it provides that the juvenile judge may call upon the county departments of social welfare to do case histories and assessments in relation to those young people who have been brought to the court's attention. In the 1972 session of the legislature, legislation was enacted providing that the State Department of Social Welfare would be the reporting body and follow-up agency on matters related to child abuse.

The state department is involved in the placement of many of the youths going into the various state institutions. Through the vocational rehabilitation program, the department has a tie to a youth adjustment center at the Kansas Vocational Rehabilitation Center. The department is involved in the joint licensing of boarding homes and day care centers. Increasingly, we are finding that our involvement extends beyond those families who are dependent upon public assistance or those children and youth who are connected to our departments as state wards. In many instances, agencies are serving as broad social service agencies. They are finding themselves being called upon to work in this whole area of programs related to children and youth. Increasingly, we are concerned about doing more than ambulance work. We would like to be in a position to give guidance and leadership in developing prevention type plans in the interest of minimizing the need for institutional, out-of-community, out-of-home care.

At the present time, we are involved in an experimental program in Western Kansas covering nine counties called the Wheatlands project. Through this project, there is an effort to provide additional help to the various educational and social institutions and juvenile courts in the counties in the interest of developing alternatives to the young people becoming actively involved in the judicial system. In Wyandotte County, we are presently working to establish an umbrella-type youth agency whose responsibility will be to coordinate the youth services available in the Wyandotte County area. In both instances, the emphasis in these projects is on coordination, problem solving, anticipation of needs and then developing a strategy to make the best use of the available resources. We want to develop strong, creative and concerned programs for the children and youth in these respective communities.

I have given some philosophy and the statutory mandate under which we operate. Philosophy and laws alone don't solve problems related to children and youth.

Our department has to face the social forces which are calling forth new solutions and new strategies.

Our society is faced with an increase in family breakdown resulting in divorces, separations and desertions and, if there are children involved, then a high probability of children needing help. There is an increase in drug usage. There is an increasing number of youthful offenders. There is an increase in the number of dependency and neglect cases.

Lest we focus too much attention on the youth, we need to remember that the adults in our society play a key role in problem developing and problem solving. There are too many adults who would like to warehouse the kids and keep them out of our society. We think there are serious questions to this approach.

To break forth with new ideas and develop new strategies is the real challenge before us. Barriers must be broken down, gone around and overcome.

In a governmental setting, political opposition to new thrusts, altered approaches, a heightened emphasis can be one of the strong barriers to be overcome.

As you can gather from my earlier remarks, our approach is community based. Such an approach means that we are not going to hide the kids. As far as possible, we want the kids to remain with a community setting. The community is the place where the kid will have to learn how to survive. This approach may well mean community opposition.

Adult neglect is another formidable barrier. For many of us, we think that if we can label and pigeonhole, then we have solved the problem at hand. Wouldn't many of us as adults have to admit that we get wrapped up in our own world of work or boating or fishing or some other leisure activity and we fail to take into account that there are kids all around us who need the help and support which only adults can give?

Your interest and mine is in solutions and strategies.

The State Department of Social Welfare is a governmental body. As such, we operate in an executive, legislative, and political framework. We have to work in concert with key executive and legislative leaders to bring about change.

In Kansas, a legislative study committee reporting to the 1973 Legislature indicated that the appropriating of \$3.2 million to build state-operated detention facilities should be delayed.

The Committee is of the opinion that the non-institutional approach may have merit and that it would be in the best interest of the state to delay the construction of additional institutions for juvenile offenders until it can be determined which alternative is the most effective in meeting the needs of the state in the delivery of youth services.

The Committee recommends that pilot community-based treatment projects be established. These projects should be initiated in both urban and rural areas. Pursuant to this recommendation, the State Board of Social Welfare should develop detailed pilot project proposals and submit such proposals to the legislature and to this Committee for consideration. Such proposals should include a complete description of the plan, including staffing patterns, necessary funding, administrative structure and evaluation techniques. In order for a judgment to be made about whether a community-based program does indeed represent a viable alternative to the more traditional institutional approach, the plan should be devised so that some comparisons between community-based programs and institutional programs can be made. Comparative costs and effects on recidivism are the two most critical elements to be considered.

The Office of the Governor, on April 2, 1973, made the following recommendation to the Legislature:

"I recommend that this 1973 Legislature include the pilot project as proposed by the State Department of Social Welfare in the omnibus bill. The proposal provides for two community-based homes, intensive work with a select number of young persons, and a program for evaluation. The proposal requires \$202,533 in state funds. The amount of state money is based on the assumption that the state can make use of certain federal funds under the social service provision of the Social Security Act."

In Kansas there is significant executive and legislative support for the concept of community-based homes.

In that we have 42 group homes accommodating approximately 335 youth and 18 group homes accommodating approximately 145 youth, we think there is community support for the concept.

The strategy we see is that of continued community concern.

This continuum would envision that each community would have within its structure a mechanism for, first, giving support to families. The best place to develop healthy and sound kids is in the home. This presupposes the home has stability, has concern, and has an interest in humane treatment. These ingredients within the home do not come automatically nor do they come easily. The various kinds of helping agencies at the local level must give support and help to homes. Then, homes can develop in a positive and creative way which, in turn, will support the kids within the home.

If the home breaks down, the next level of community concern would be small group homes within the community which could accommodate six to eight children or youth. In this type of group home, the youth could continue a more or less normal existence in the community in which they were living. The group homes

need the support of the various institutions within the community. They will need the understanding of people within the neighborhoods where the group homes are located. They will need the support of the educational system so the kids can continue their education without any type of stigma.

If the child or youth cannot make it in a group home, the next level would be Boys Industrial School or Girls Industrial School. These are well run programs, but I do not think the state needs to embark on a program of small Boys Industrial Schools over the state. That program would be expensive. It would not match the possibilities of care in local communities.

Through this plan of operation, I hope you can envision with me the concept of *continued community concern*. All three words are important. *Continued*, because we cannot let down in our interest for children and youth. *Community*, because, if we are going to have an effective program, it must be based in the community.

We must get over the feeling that we can pigeonhole and label kids and cast them out of our community. We are duty bound to find solutions and develop strategies so the maximum number of youth are kept within our community. It is within the community that these problems have to be solved. It is within the community that the adults are reminded of their responsibility for the kids within that community.

The third important word is *concern*. Perhaps it is self-evident as to what I mean, but let me underline it. I am fearful that at times our concern is expressed by labeling and in constructing buildings. This is not the concern that I am interested in. I am interested in the kind of concern that says to these young people: "We care about having you within our society. We expect you to perform as responsible citizens. We are interested in you as human beings. We want to enter into conversations with you, so together all of us may help in shaping the future of our communities, our state, and our land." It is this kind of hard-going, demanding, self-giving concern that I am talking about. It is not a concern that is willing to feel the job is done when a person is labeled or when we have him properly placed in some building.

With the passage of a bill permitting state administration of the welfare program in Kansas plus an executive order reorganizing the State Department of Social Welfare, Vocational Rehabilitation and the Division of Institutional Management, we think we have one additional important piece which will help us carry out the proposed strategy.

While in the past we have had to deal with 105 counties, in the future we will be dealing with 6 regional offices under which there will be district offices. Through this plan of operation we will be able to give more specialized services to youth in trouble. We will be in a better position to provide program resources to local community. Through a regional concept we can reach out and serve as a catalyst to draw together the various agencies working in the area of services to children and youth.

Through the vehicle of the executive order, we now have the opportunity to provide a umbrella of social services. Hopefully, we can begin to give a continuum of care to all of our citizens. Our goal is to prevent people from being lost in the shuffle. Our goal is to ensure the development of an individual to his maximum potential.

To get the job done, we will have to follow the lead of the scientists and the technicians: that is, discarding old concepts, the patient building on previous experience, team work, no resorting to fads, experimentation with evaluation, and the pooling together of various resources. The second step we would have to take is a commitment to a certain type of strategy, and I would make a plea for *continued community concern*. Three, as adults, I think we have to examine our own ideas and attitudes related to the children and youth. As adults, I think we must be willing to respect them as children and youth. We must be willing to make demands upon them, but also, we must be willing to work with them. We must be in conversation with them in the interest of molding and shaping a common destiny. Fourth, undergirding our work, there must be an enhancing of self-respect and self-confidence on the part of children and youth as well as the adults.

As one man has said, "There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things."

MESSAGE FROM THE GOVERNOR—(MONDAY APR. 2, 1973)

To: The Kansas Senate and House of Representatives.

In my legislative message and budget report to the 1973 legislature, I stated that I would transmit further recommendations regarding services to children and youth in Kansas. This message contains my recommendations to be included in the omnibus bill.

The special Public Health and Welfare Interim Committee appointed by the Legislative Coordinating Council studying the area of juvenile services and facilities recommended to the 1973 legislature that funding for regional juvenile facilities be delayed. The committee, in its report, made this statement:

“. . . The cost estimate of \$3.26 million for the three facilities is entirely too expensive for the type of program being proposed. Further, there has been developing in various states across the nation a trend toward less regimented non-institutional approaches in working with juvenile offenders. Massachusetts is one state in which this approach has been translated from philosophy into actual practice. In Massachusetts, for all practical purposes, state institutions for juveniles have been closed. California, Florida and Minnesota also are states being cited as leaders in this area.

“The emphasis in the non-institutional movement is on placing the youth in community-based facilities, often group homes, in as nearly a normal environment as is possible. This can be accomplished, in part, by state contracts with private persons or agencies. Proponents of this approach contend that the community-based treatment philosophy can be more successful and less expensive than an institutional program.”

The committee recommended that community-based projects be established on a pilot basis. The committee suggested that the State Board of Social Welfare develop detailed pilot project proposals. These proposals have been developed and reviewed by the Governor's Office and by certain members of the legislature.

I recommend that this 1973 legislature include the pilot project as proposed by the State Department of Social Welfare in the omnibus bill. The proposal provides for two community-based homes, intensive work with a select number of young persons, and a program for evaluation. The proposal requires \$202,533 in state funds. The amount of state money is based on the assumption that the state can make use of certain federal funds under the social service provision of the Social Security Act.

During the course of the 1973 session, representatives of the United Cerebral Palsy of Kansas organization conferred with members of the legislature and officials of the Department of Social Welfare concerning projects specifically designed for persons who suffer from cerebral palsy. United Cerebral Palsy of Kansas has suggested a \$60,000 program to include a select number of cerebral palsy patients in state institutions who could benefit from a deinstitutionalized program. The appropriation for this program should be made to the State Department of Social Welfare so the department can make maximum use of possible federal funds. After observing the operation of this program, the state can determine whether to move more actively in this area.

ROBERT B. DOCKING,
Governor of Kansas.

[EXCERPT FROM GOVERNOR DOCKING'S LEGISLATIVE MESSAGE, JANUARY 1973]

CHILDREN AND YOUTH

In the past several years there has been discussion concerning the state's responsibility for the teenager in trouble—particularly 16 and 17 year olds.

A special interim committee has studied the possibility of building three regional detention facilities at an approximate cost of \$1.2 million each. The annual operating cost would be \$500,000 per each center. The interim committee has now recommended that the state should hold in abeyance the building of those facilities. I concur with that recommendation.

As an alternative we should consider a statewide plan for establishing community group homes. Achievement Place in Lawrence has received national recognition for its program of greater participation in schools and a lower return rate to the facility.

The concept of Achievement Place is that of a small group—six to eight persons—under the direct supervision of parents who have a responsibility for teaching and guiding the young people into good education and work habits.

I am recommending that serious consideration be given to state encouragement of community-based homes. The capital investment for each facility is \$20,000 to \$30,000 in contrast to \$1.2 million, the cost of a detention facility. The yearly operating cost is approximately \$4,000 per individual in comparison to the \$10,000 which would be the cost in a good institutional setting.

I am considering a proposal for later submission to the legislature.

Chairman PEPPER. We will recess until 2 o'clock this afternoon.

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

Our first scheduled witness this afternoon was to be Senator Birch Bayh. Senator Bayh has been unavoidably delayed so we will receive this prepared statement for the record.

[Senator Bayh's prepared statement follows:]

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

I want to thank the distinguished Chairman of this Subcommittee, Congressman Pepper, for giving me the opportunity to talk with you about a matter of mutual concern—America's juvenile delinquency problem. As Chairman of the Senate Subcommittee To Investigate Juvenile Delinquency, I care deeply about finding answers to this problem because it seriously threatens the welfare of our children, our greatest national resource.

I am troubled by the continuing rise in juvenile crime in this Nation. The hard facts are that we are facing a problem of extreme seriousness which will not go away by ignoring it. Juvenile delinquency takes an alarming toll every year. It also causes incalculable damage to the quality of life in this country, resulting in both economic and human loss as well as threatening the personal security and well-being of many Americans. According to the latest FBI figures, young people under 25 account for more than three-fourths of the total arrests for serious crimes in this country. During the last ten years, arrests of juveniles for violent crimes increased by 193 percent; arrests, for property crimes such as burglary, larceny, and car theft, jumped 99 percent. Our failure to deal effectively with the spiralling juvenile crime rate is dramatically underscored by the failure of our current system. The recidivism rate for institutionalized delinquents is the highest of any age group—between 74 and 85 percent. Many if not most adult criminals have a juvenile record.

During my two years as Chairman of the Juvenile Delinquency Subcommittee, we have conducted extensive hearings and investigations on juvenile justice and corrections, and the role of the Federal government in the prevention and control of juvenile delinquency. Expert witnesses, including State and local officials, representatives of private agencies, social workers, criminologists, judges, and criminal justice planners have testified at length on all aspects of the existing juvenile justice system. These witnesses have generally agreed that the present juvenile justice system is bankrupt and that the Federal effort to prevent and treat juvenile delinquency is uncoordinated, fragmented, and ineffective.

The Juvenile Justice and Delinquency Prevention Act of 1973, S. 821, is the vitally needed response to this tragic failure. I developed this measure during the 92nd Congress, when it was introduced as S. 3148. After extensive hearings, I joined with my distinguished colleague from Kentucky, Senator Marlow Cook, the ranking minority member of the Subcommittee, in introducing a revised and improved version of the bill last February. We are gratified that the distinguished Chairman of the House Education and Labor Committee, Mr. Perkins, and the Chairman of that Committee's Subcommittee on Equal Opportunities, Mr. Hawkins, have introduced a companion bill, H.R. 6265.

S. 821 and H.R. 6265 provide the structure for national leadership and the commitment of resources necessary to create a powerful partnership of Federal, state and local governments and private agencies to prevent and treat juvenile delinquency and to improve the quality of juvenile justice. The Juvenile Justice

and Delinquency Prevention Act emphasizes the critical need to prevent delinquency: it provides for the development of services and programs that will reach out to children in danger of becoming delinquent and assist them in resolving their difficulties at home, at school, and in the community. The bill also seeks to develop alternatives to the traditional juvenile correctional system, such as shelter care, group homes, and probation subsidy programs. It provides strong incentives to divert children from the juvenile system through community-based diagnostic and rehabilitative services and programs and to work with parents and other family members to retain the juvenile in his own home. My bill recognizes that the primary responsibility and hope for meaningful delinquency prevention and treatment lies with the local community where the child's problems first begin.

The critical need for this legislation is clear. Our hearings have revealed beyond any shadow of doubt that problem children rarely receive the help they need. Instead, these children are incarcerated in antiquated, custodial institutions where they are frequently beaten, neglected, and homosexually assaulted. Witnesses before the Senate Subcommittee repeatedly emphasized that large custodial reformatories or training schools do not rehabilitate juveniles. Instead, these young people may be forced to learn criminal skills to survive inside the institutions. This is doubly tragic when we consider that these children are so often "more sinned against than sinning." Approximately half of the institutionalized juveniles are locked up because they are runaways, truants, or are not wanted at home. These children have not committed a criminal offense; rather, they are the victims of parental and societal neglect of the worst sort.

Our hearings revealed that there are productive ways of handling children in trouble which offer a real chance of ending the cycle of delinquency, incarceration, and more serious criminal activity. S. 821 reflects the consensus of people working in the juvenile delinquency field on the effectiveness of community-based facilities and services for delinquents and neglected, abandoned children and other potential delinquents.

Some State and local governments and private agencies have successfully utilized the community-based treatment techniques outlined in this bill. In the course of hearings on the Juvenile Justice and Delinquency Prevention Act, we learned of states which have developed group homes and residential treatment centers as viable alternatives to incarceration. I understand that you have already heard of the successful experience of the State of Massachusetts in closing down traditional juvenile institutions and placing the juveniles in group homes and other shelter care facilities. Kentucky is another state which is developing alternatives to incarceration like those provided for by S. 821. Kentucky has recently phased out Kentucky Village, a reform school for delinquent youth which contained as many as 700 young people, and has created a variety of alternatives in its place, such as small, decentralized intensive residential treatment centers with a maximum individual capacity of 40 young people. Group homes and halfway houses have also been developed to avoid institutionalization for some juveniles and to assist youth in making the transition from institutional living back to their home communities. "Hard to place" delinquent youth who had been in training schools for as long as five years have been placed in foster and group homes. The recidivism rate during the first year of this new program was a remarkably low ten percent. S. 821 would make it possible for Kentucky to increase its present level of community-based services and to continue towards its goal of further reductions of institutionalization.

Delaware has moved to reform its juvenile corrections system since the conditions in its juvenile institutions became the subject of private and public investigation in 1969. As Mr. Robert Cain, Director of Delaware's Division of Juvenile Corrections, testified before our Subcommittee, "children in the custody of the State for 'rehabilitation' were being exploited, abused, and punished beyond belief." Since that time, progress has been made in developing medical, educational, testing and recreational programs in detention centers; utilizing diagnostic-medical-reception centers in institutions to develop individual treatment plans for juveniles; providing improved academic and vocational education in institutions; and creating meaningful post-institutional aftercare. Prior to 1971, there were no alternatives to incarceration for juveniles in Delaware. Since that time, a few group homes, utilizing available community resources, have been developed as alternatives to institutional care and as post-institutional homes. In spite of these encouraging gains, more than 47 percent of the juveniles in Delaware institutions are there for acts which would not be a crime if they were adults. According to Mr. Cain, to carry out a plan to

move these juveniles into shelter facilities where they belong would require Federal resources and direction as provided in S. 821.

There are other encouraging examples of youth programs designed to give children the support they need in my own State of Indiana. The Youth Advocacy program in South Bend, Indiana, provides a wide range of services for young people, with the primary goal of preventing delinquency. The legal services component, which is working to protect the rights of youth, most recently won a landmark case involving the rights of juveniles locked up in the Indiana Boys' School. Another part of the South Bend program is an alternative school system which provides school programs for drop-outs. The Youth Service Bureau in Peru, Indiana, operates a hot-line and a drop-in center for young people who need immediate help with their problems. The Howard County Youth Service Bureau in Kokomo, Indiana, provides crisis intervention service. Its work is so effective that the juvenile court judge utilizes it in some cases as an alternative to probation.

California has developed a probation subsidy program, which is one of the alternatives to institutionalization encouraged by S. 821. In such a subsidy program, a unit of local government is reimbursed for every juvenile retained at the local level rather than sent to a state correctional institution. The operation of the probation subsidy program in California from 1966 to 1972 resulted in the reduction of commitments to the State by 10,624 juveniles at an estimated savings of \$68 million. This worthwhile program benefits the taxpayer, provides assistance to local governments, and encourages treatment of the juvenile in his home community where the possibility of rehabilitation is the greatest.

The Juvenile Justice and Delinquency Prevention Act, S. 821, emphasizes the importance of private agencies in developing and providing youth services. The YMCA has told us of their 50 programs in inner-city facilities which receive referrals from juvenile courts. These youth-residential centers work with young people on a one-to-one basis to solve each child's particular problem whether it be school, job, drugs, or difficulties in the home. The YWCA has also started programs to work with girls who have been identified as having trouble in school or in the community, before the difficulty leads to serious trouble. Dr. Karl Menninger, the noted psychiatrist and criminologist, testified before our Subcommittee about the success of the Villages, a concept of foster group living, which he developed, in caring for neglected and homeless children. Given adequate support and encouragement, these private, voluntary efforts can unquestionably be effectively adapted in other communities.

The Juvenile Justice and Delinquency Prevention Act strongly emphasizes the role of volunteers in delinquency prevention and treatment programs. In hearings on S. 821, we have learned of many encouraging examples of volunteer programs. For example, the National Congress of Parents and Teachers has developed a program in cooperation with the National Council of Juvenile Court Judges called "Volunteers in Court" to train volunteers to work with the court, the family and the child in trouble. The volunteer programs run by Indiana University at the Boys' Training School have been remarkably successful in helping juveniles return to productive, healthy lives in the community. On the national level, Big Brothers of America has recruited more than 75,000 volunteers to work on a one-to-one basis with fatherless boys who need guidance and support. However, even this nationally known program cannot, at present, utilize more volunteers unless additional resources are found for the professional supervision essential to an effective program.

The desperate need throughout the country for demonstrably effective delinquency prevention and treatment programs underscore the urgency of enacting S. 821 into law. S. 821 establishes the structure and provides the resources for the national commitment needed to help our children before they become delinquent and to rehabilitate them if they do get into serious trouble. The Federal effort to prevent and treat delinquency has failed to provide the direction, coordination, and resources required to deal with the enormity of the delinquency problem in this country.

Testimony before our Subcommittee by officials of the Department of Health, Education and Welfare and the Law Enforcement Assistance Administration confirmed the sad truth that juvenile delinquency is at the bottom of the Administration's list of crime control priorities. The inadequacy of the Federal performance is further exacerbated by the Administration's efforts to cut back drastically social services for young people and their families.

The hard facts are clear. The issue we are facing today is whether we are going to make the kind of national commitment required to turn the tide of de-

linquency. There can be no half measures, no false economies. Unless we make a total response to the needs of our children, we will be destroying not only their future, but the future of the entire nation.

The Juvenile Justice and Delinquency Prevention Act builds on existing knowledge of the best ways to help children in trouble. Nothing less than this comprehensive bill will provide the resources and leadership commensurate to the size of the delinquency problem. Now it is up to us in Congress to make sure the jobs gets done.

Chairman PEPPER. Mr. Lynch, will you proceed.

Mr. LYNCH. Yes, thank you, Mr. Chairman.

Mr. Chairman, I am happy to present to you and to the members of the committee, Dr. Dean Fixsen. Dr. Fixsen works in the department of human development in the bureau of child research at the University of Kansas. He holds a Ph. D. degree from that university and he is a codirector of the achievement place research project.

Accompanying Dr. Fixsen this afternoon is Dr. Montrast Wolf, who is with the department of human development in the bureau of child research at the University of Kansas. He, too, holds a doctorate from Arizona State University and with Dr. Fixsen, is a codirector of the achievement place research project.

Doctors Wolf and Fixsen will make a presentation to the committee, Mr. Chairman.

Chairman PEPPER. We are happy to have you, Doctors.

Mr. Winn, would you like to say anything by way of presentation?

Mr. WINN. Mr. Chairman, I appreciate the opportunity. I have already visited with our guests. They happen to represent my own home university and come from my congressional district. I think Mr. Lynch has done a very fine job of introducing them.

I think the committee will find the achievement place research program very interesting, and I might say that the community in the Lawrence area, which is a college town, has been very supportive of this program. I believe the committee will find it a very interesting and novel approach.

I want to thank you, Mr. Chairman.

Chairman PEPPER. Dr. Fixsen, we are very glad to have you here.

**STATEMENTS OF DR. DEAN FIXSEN, RESEARCH ASSOCIATE, AND
DR. MONTROSE M. WOLF, PROFESSOR, ACHIEVEMENT PLACE RE-
SEARCH PROJECT, UNIVERSITY OF KANSAS, LAWRENCE, KANS.**

Statement of Dr. Fixsen

Dr. FIXSEN. I would like to begin with a few slides describing the program. Later on we will talk about some evaluation data that will describe the effectiveness of the program in relation to other kinds of programs designed to treat youths. We will also discuss a training program as a means of disseminating the program across the Nation.

The Achievement Place program was begun by a group of interested citizens and organizations in the Lawrence community. The local juvenile court judge and the JayCeers were especially active in developing the program. The JayCeers wanted to develop an alternative between institutionalization—which is a very serious move, since it removes the child from his community, from his parents, his friends and teachers in the school system—and the only other alter-

native open to the judge at that time was a probation program that had only minimal supervision of the kids. They thought for many kids there should be some third alternative, some medium point between probation and institutionalization.

About a year after the program began, we applied for and were successful in getting a research grant from the National Institute of Mental Health, Center for Studies in Crime and Delinquency, which is directed by Dr. Saleem Shah. From that time on, we have been conducting research on how to develop a model program. We have been supported now with NIMH research grants the last 5 years.

Achievement Place is a community-based, family-style, behavior modification, group home treatment program for delinquent youths in Lawrence, Kans. The goals of Achievement Place are to teach the youths appropriate social skills such as manners and introductions, academic skills such as study and homework behaviors, self-help skills such as meal preparation and personal hygiene, and prevocational skills that are thought to be necessary for them to be successful in the community. The youths who come to Achievement Place have been in trouble with the law and have been court adjudicated. They are typically 12 to 16 years old, in junior high school, and about 3 to 4 years below grade level on academic achievement tests.

When a youth enters Achievement Place he meets the other youths in the program and is given a tour of the house. Then he is introduced to the point system that is used to help motivate the youths to learn new, appropriate behavior. Each youth uses a point card to record his behavior and the number of points he earns and loses. When a youth first enters the program his points are exchanged for privileges each day. After the youth learns the connection between earning points and earning privileges this daily point system is extended to a weekly point system where he exchanges points for privileges only once each week. Eventually, the point system is faded out to a merit system where no points are given or taken away and all privileges are free. The merit system is the last system a youth must progress through before returning to his natural home. However, almost all youths are on the weekly point system for most of their 9- to 12-month stay at Achievement Place. Because there are nearly unlimited opportunities to earn points most of the youths earn all of the privileges most of the time. Once in a while one or two youths will fail to earn enough points to buy all of their privileges and once in a while a youth will earn so many points that he becomes the new "point champion."

The privileges that are available to the youths are basics, which includes the use of the telephone, tools, and the yard; snacks after school and before bedtime, watching TV; and hometime which permits the youths to their natural homes on the weekend or to go downtown. These privileges are naturally available in Achievement Place and add nothing to the cost of the treatment program. Other privileges that can be earned are \$1 to \$3 allowance each week and bonds which can be accumulated to purchase clothing or other needed items.

A typical day at Achievement Place begins when the manager awakens the boys at about 6:30 in the morning. The boys then wash their faces, brush their teeth, and clean their bathroom and bedrooms. The manager, who is elected by his peers, supervises these morning chores by assigning specific cleaning tasks to his peers, by monitoring

the completion of these tasks, and by providing point consequences for their performances. While some of the boys are cleaning their rooms and bathrooms other boys are helping Elaine prepare breakfast.

After breakfast the boys check their appearance and pick up a daily school note before leaving Achievement Place to attend the local public schools. Since Achievement Place is a community-based facility the boys continue to attend the same schools they had problems with before entering Achievement Place and the teaching parents work closely with the teachers and school administrators to remediate each youth's problems in school. The feedback teachers provide for each youth is systematized by having each teacher fill out a daily report card each day. A teacher can quickly answer a series of questions about the youth's behavior by checking "yes" or "no" on the card. Some youths do not require daily feedback and they carry a weekly school note to class each Monday. In either case the youths return their completed report cards to the teaching parents and they earn or lose points depending upon the teachers' judgment of their inclass performance.

When the boys return to Achievement Place they have their after-school snacks before starting their homework or other point-earning activities. In the late afternoon one or two boys usually volunteer to help Elaine prepare dinner. During the meal or just after the meal the teaching parents and the youths hold a family conference. During a family conference the teaching parents and the youths discuss the events that occurred during the day, evaluate the manager's performance, establish or modify rules, and decide on consequences for any rule violations that were reported to the teaching parents. These self-government behaviors are specifically taught to the youths and they are encouraged to participate in discussions about any aspect of the program.

After the family conference the boys usually listen to records or watch TV before figuring up their point cards for the day and going to bed at about 10:30.

The main emphasis of the program is on teaching the youths the appropriate behaviors they need to be successful participants in the community. We have found that a community-based group home that keeps the youths in daily contact with their community offers many opportunities to observe and modify deviant behaviors and to teach the youths alternative ways to deal with their parents, teachers, and friends. These behaviors are taught by the professional teaching parents who direct and operate the treatment program. The teaching parents live at Achievement Place with their family of six to eight delinquent youths and provide them with 24-hour care and guidance. The teaching parents also work with the youth's parents and teachers to help solve problems that occur at home and at school.

Statement of Dr. Wolf

Dr. WOLF. Although we have evaluated many of the specific procedures the teaching parents have developed to teach appropriate behaviors we have only recently begun to evaluate the overall effectiveness

of the Achievement Place program. Our preliminary data include measures of recidivism, police and court contacts, grades and attendance at school. We have taken measures for 16 youths who were committed to Achievement Place, for 15 youths who were committed to the Kansas Boys School—an institution for about 250 delinquent boys—and for 13 youths placed on formal probation. All 44 youths had been released from treatment for at least 1 year at the time we collected these data and all had been originally adjudicated by the Douglas County Juvenile Court, Lawrence, Kans. All of the youths were potential candidates for Achievement Place when they were adjudicated.

The boys were not randomly assigned to each group. Rather, they were committed to each treatment by the local juvenile court for reasons that we cannot specify. Therefore, any differences among the three groups can be attributed to initial differences among the boys committed to each group or to the effects of each treatment. That is, the differences among the groups may be due to a population effect or to a treatment effect. However, in the past year we have begun randomly selecting youths for admission to Achievement Place. We plan to collect followup data on these youths to provide an experimental evaluation of the long-term effects of the Achievement Place treatment program.

Figure 1 shows the average number of police and court contacts for each youth before, during, and after their respective treatments. As shown in this figure, the Achievement Place youths and boys school youths each had about four contacts with the police and court during the year preceding their formal adjudication while the probation youths each averaged about $2\frac{1}{2}$ contacts. During treatment the probation youths each averaged over one police and court contact while the Achievement Place youths and boys school youths each averaged about one-half contact during treatment. During the first year after treatment the probation youths and boys school youths each averaged about $2\frac{1}{2}$ contacts with the police and court and this decreased to about $1\frac{1}{2}$ contacts during the second year after treatment ended. The Achievement Place youths averaged about one-half contact with the police and court during their first year after treatment and this decreased to zero contacts during the second year.

These data indicate that the Achievement Place youths and boys school youths were similar before and during treatment but were very dissimilar after treatment. The boys school youths once again returned to a fairly high number of police and court contacts while the Achievement Place youths maintained a low number of contacts with the police and court.

Figure 2 shows the percentage of boys in each group who received treatment after their release. These percentages are based on the num-

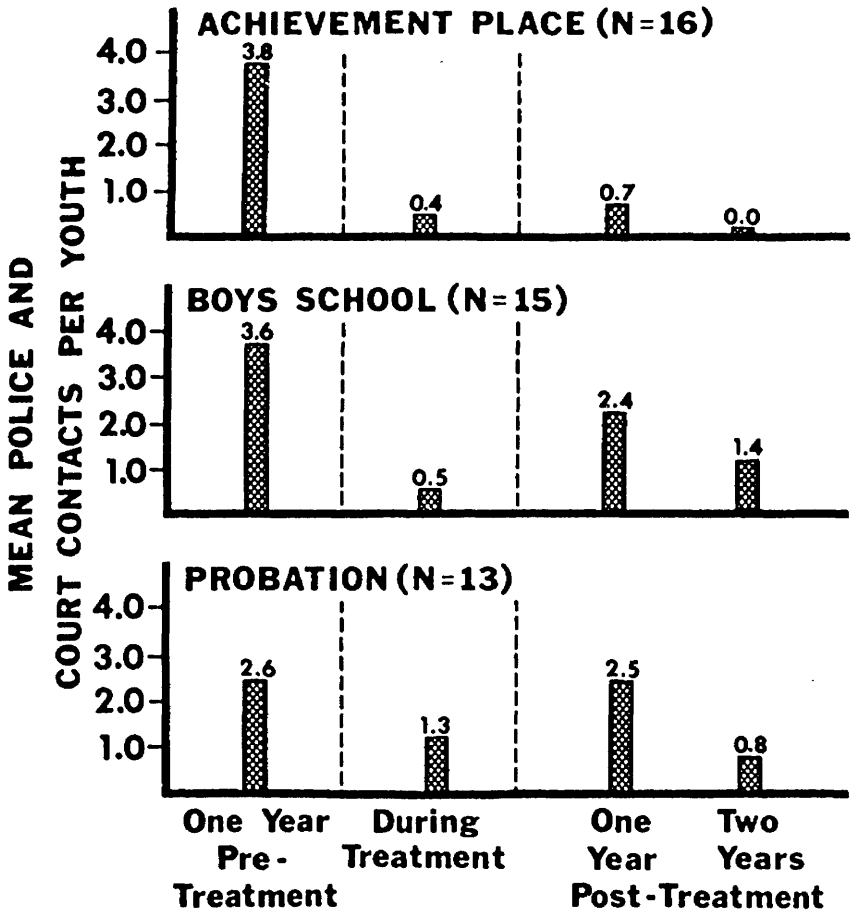


FIGURE 1

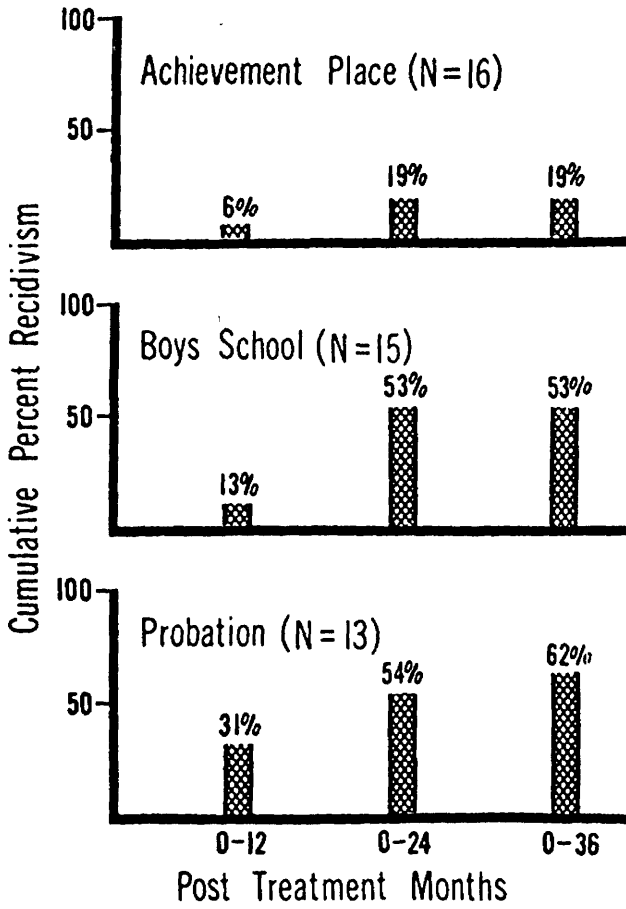


FIGURE 2

ber of youths in each group that committed some delinquent act after their release that resulted in them being readjudicated by the court and placed in the boys school, in a State mental hospital, in jail, or sent to adult court for prosecution. As shown in this graph, 5 percent of the Achievement Place youths, 13 percent of the boys school youths, and 31 percent of the probation youths were readjudicated during the first 12 months after their release. By the end of 24 months after their release, a cumulative total of 19 percent of the Achievement Place youths, 53 percent of the boys school youths, and 54 percent of the probation youths had been readjudicated. Thus, it appears that the large number of police and court contacts experienced by the boys school and probation youths resulted in a larger recidivism percentage for these two groups. The Achievement Place youths had a smaller number of police and court contacts and a smaller recidivism percentage.

Although these police and court data reveal substantial differences among the groups they are measures of failure and are not measures of success. It is difficult to argue that lack of failure means success since there are many reasons unrelated to a youth's behavior that may influence whether he is readjudicated or not. For this reason we also took measures of school behavior. Figure 3 shows the percent of nonadjudicated youths in school before, during, and after treatment for each group. For two semesters before treatment about 75 percent of the youths in each group attended public school at least 45 days during each 90-day semester. During treatment 100 percent of the Achievement Place youths, 100 percent of the boys school youths, and 84 percent of the probation youths attended school each semester. During treatment the Achievement Place youths and the probation youths attended the public schools in Lawrence while the boys school youths attended the school provided in the institution. During the first semester after their release 84 percent of the Achievement Place youths, 58 percent of the boys school youths, and 69 percent of the probation youths attended public school. By the third semester after treatment 90 percent of the Achievement Place youths still attended public school while only 9 percent of the boys school youths and only 37 percent of the probation youths were still in school.

Another measure of school behavior was the percent of classes passed by the youths who attended school in each group. These data are shown in figure 4. For 1 year (two semesters) prior to treatment the Achievement Place youths passed (with a "D-" or better) 55 percent of their classes, the boys school youths passed 57 percent of their classes, and the probation youths passed 68 percent of their classes. In addition, about half of the classes passed by the Achievement Place and boys school youths were passed with a grade of "C" or better and the probation youths received a "C" in about two-thirds of the classes they passed. During treatment the Achievement Place youths passed 98 percent of their classes, the boys school youths passed 100 percent of their classes, and the probation youths again passed 68 percent of their

classes. About half of the classes passed by the Achievement Place and probation youths were passed with a "C" or better while almost all—92 percent—of the classes passed by the boys school youths were passed with a "C" or better. It should be noted again that the boys school youths attended school in the institution while the Achievement Place and probation youths continued to attend public school in their community.

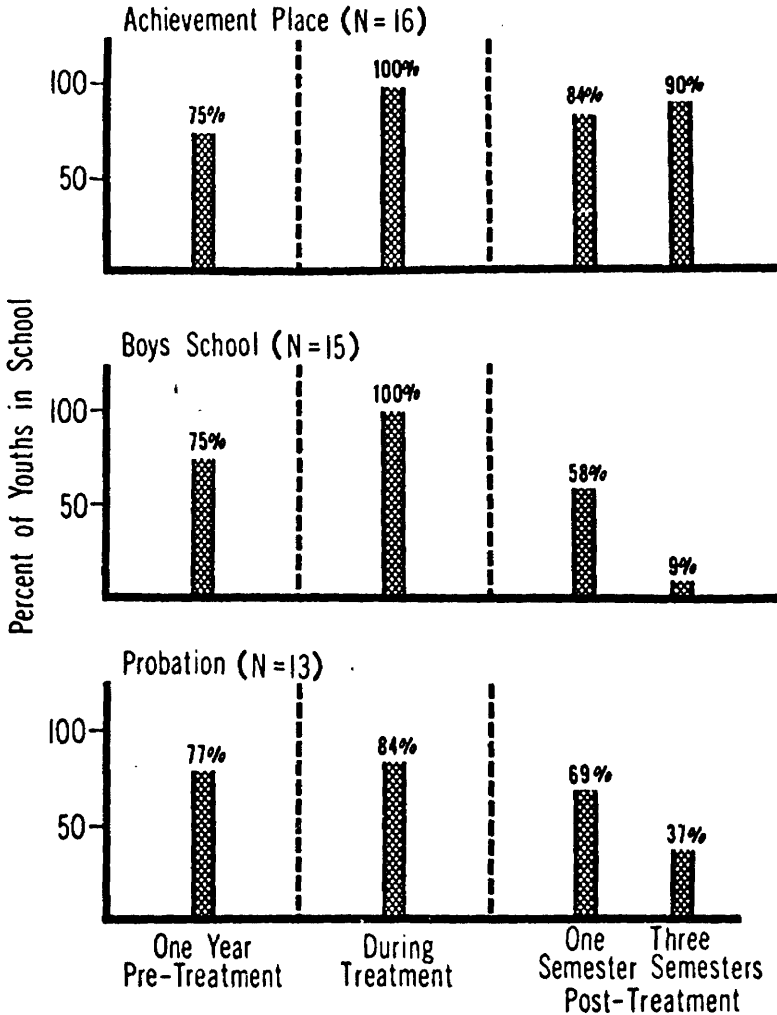


FIGURE 3

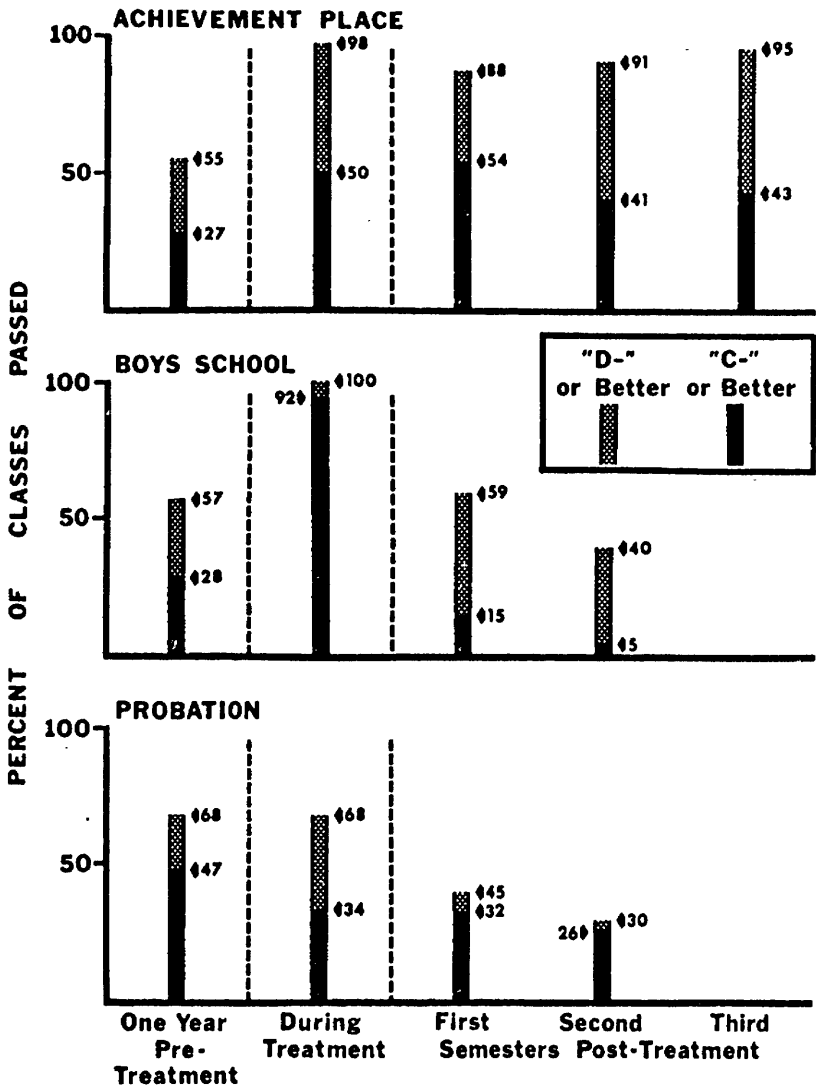


FIGURE 4

After treatment the Achievement Place youths passed 88 percent, 91 percent, and 95 percent of their classes over each of the respective semesters and about half of the classes that were passed each semester were passed with a "C" or better. The boys school youths passed 59 percent and 40 percent of their classes each semester after treatment and they passed only one-fourth or less of these classes with a "C" or better. The probation youths passed 45 percent and 30 percent of their classes each semester after treatment and they passed three-fourths or more of these classes with a "C" or better. Only two semes-

ters followup are shown for the boys school and probation youths in figure 4 because the number of youths still attending school during the third semester was very small—see fig. 3.

These school data indicate that the Achievement Place youths were similar to the youths in the other two groups prior to treatment but after treatment were more successful than the boys school youths or probation youths in terms of staying in school and passing classes. These data indicate that the Achievement Place youths are passing their classes and progressing toward the graduation requirements for junior high and high school.

The police, court, and school data indicate that the Achievement Place youths are progressing much better than their peers who were sent to the boys school or placed on probation. As indicated earlier, these data may reflect a "treatment effect" or a "population effect" attributable to the initial differences among the youths because the youths were not randomly assigned to the groups. However, we plan to collect similar data on a sample of randomly selected youths to provide an experimental evaluation of the long term effects of the Achievement Place treatment program.

However, even if the results of this random selection procedure shows that the Achievement Place youths do no better than youths who were sent to an institution, we would continue to advocate replacing most institutions with group home treatment programs. We would do this for two reasons. First, group home programs are more humane than institutional programs because the youths receive more individual care, they remain in close contact with their community and parents and friends, and programs can be provided to teach them important social, family, and community-living skills. Second, group homes are less expensive to operate. Figure 5 shows that the cost per bed of purchasing, renovating, and furnishing Achievement Place was about one-fourth the cost of building an institution. And, the operating costs per youth for Achievement Place are less than one-half the operating costs for the boys school in Kansas. Thus, to build a boys school for 250 youths and operate it for 1 year would cost about \$8 million. To purchase, renovate, and furnish group homes for 250 youths and operate them for 1 year would cost about \$2.5 million, a savings to the taxpayer of \$5.5 million. If the followup data collected at Achievement Place and at other group homes eventually provide evidence that systematic group home treatment programs are also more effective than institutional programs we can expect a major shift away from institutions and toward community-based programs.

FIG. 5.—COMPARATIVE COSTS

	Achievement place	Institution
Capital investment per youth.....	\$6,000	\$20,000 to \$30,000.
Yearly operating cost per youth.....	\$4,100	\$6,000 to \$12,000.

Dr. FIXSEN. In 1970 we began attempting to replicate the teaching-family model that had developed at Achievement Place. We were not sure how to go about training new teaching parents but we felt at

that time that the trainees should know about the treatment program and should use the teaching parents at Achievement Place as models of good teaching parent behavior. With these two rather vague training goals in mind we asked the trainees to enroll in a masters degree program at the University of Kansas where they took courses that emphasized the principles of behavior modification, courses in applied research measurement and design, and courses that related directly to the token economy procedures used at Achievement Place. The trainees also participated in a practicum where they visited Achievement Place several hours a day for 3 weeks then had complete responsibility for operating the treatment program for 3 or 4 days. During this practicum the trainees were told to "watch how the teaching parents run the program so you can do the same things in your own group home."

After these trainees completed their course work and practicum—which required 9-12 months—they were hired by group home boards of directors and they began to implement the treatment program in their own group homes. After a few weeks or months it became readily apparent that the training program had failed to produce completely successful teaching parents. After examining these unsuccessful programs for a few months—examining in the sense that we spent a great deal of time at each home trying to improve each program and trying to figure out why things were not working—it soon became apparent that the trainees had learned the principles of behavior modification and they could operate a point system just as we had taught them during the coursework. Our conclusion was that these things alone were not sufficient to produce a successful treatment program. These early failures to replicate the teaching family model forced us to look more carefully at the original, successful treatment program at Achievement Place to discover what important differences there were between the successful and unsuccessful teaching parents. We learned a great deal about the original program from these early failures.

The most important thing we learned was that the successful teaching parents were constantly teaching the youths new skills. The successful teaching parents quickly defined small problem behaviors, provided instructions to the youth on these problems, had the youth practice appropriate alternatives to the problem behavior, gave the youth feedback on his behavior in the practice session, gave the youth points for his cooperation and for learning a new skill, and the teaching parents did all of this in a very pleasant, nonconfronting manner. This was quite a contrast to the challenging, confronting interaction style or the "ignore it and it will go away" interaction style that we found among the unsuccessful teaching parents. Thus, teaching skills became a very important part of our revised training program and we are now convinced that the teaching instructions the trainees carry out with the youths in their program is one of the three most critical features of the treatment program. The other two aspects of the program that we feel are necessary for replication are the self-government system and the motivation system—point system or token economy.

Once we had an idea some of the important differences between the successful and unsuccessful teaching parents we began to look critically at our training program. For our first trainees we had taught psychological principles and concepts and we left it up to them to translate those abstract terms into procedures to follow to change the

behavior of delinquents. Since this was not sufficient we decided to teach the trainees the specific skills they would need and secondarily to provide them with a brief rationale for their use. We also decided to teach the trainees in the same way successful teaching parents teach the youths in their program. That is, we describe the appropriate behavior and give a rationale for it, we have the trainees view videotaped models of the appropriate and inappropriate teaching parent behaviors, we have the trainees practice the appropriate behaviors with each other during a role-playing session and practice with the youths in a teaching-family home during an inhome practice session, we provide specific feedback on their behavior during the practice sessions, and we provide positive social consequences to the trainees when they master the skill.

Thus, our informal analysis of our original failures to replicate the treatment program produced new conceptions of the original treatment program and provided us with a number of specific skills that we felt were required of successful teaching parents.

To achieve the goals of the training program we developed a training sequence that consists of five parts: (1) an initial 5-day workshop where the trainees learn and practice the basic teaching-parent skills and treatment procedures needed to begin a program; (2) a 3-month practicum period where the trainees implement the teaching-family program in a community-based group home and receive frequent consultation from the training staff; (3) an evaluation of the overall treatment program by the training staff by means of questionnaires given to local agencies that have contact with the program, to the youths in the program, and to the youths' parents, as well as an onsite evaluation by a member of the training staff; (4) a second 5-day workshop where the trainees receive feedback from their evaluation and additional training on several aspects of the treatment program; and (5) a followup evaluation period where the trainees' program is reevaluated after 6 months and 12 months and where continuing consultation is provided. Thus, the trainees are considered to be in the training program until after the 12-month evaluation is completed and passed.

The training program was designed in this way to facilitate the trainees learning how to carry out the treatment procedures. The first workshop provides an introduction to the teaching family model and practice on rudimentary teaching-parent skills. However, the most important time for learning is after the trainees begin implementing the program in their own group homes during the 3-month practicum. During this time they are faced with many problems each day that require immediate solutions. Thus, they are motivated to learn how to carry out many of the procedures they may not have seen as important during the first workshop and they learn many of the more subtle teaching techniques. During the practicum the trainees call the teaching-parent trainers several times a day at first to get advice on solving problems. In addition to the daily phone calls there is one weekly phone call of longer duration throughout the 3-month practicum where the progress and problems of the week are reviewed and a plan for the following week developed. Usually, toward the end of the 3-month practicum the number of daily phone calls decreases as fewer problems occur that require consultation. Thus, by the end of the 3-month

practicum the trainees have had a great deal of experience in using at least the basic components of the teaching family model. Because of this experience, during the second workshop they are better prepared to understand some of the more subtle uses of the program and are ready to learn some of the more sophisticated treatment techniques. Of course, after the second workshop the trainees continue to receive consultation from the training staff on specific problems as well as a phone call to review progress once every other week.

At each step in the training program the emphasis is on having the trainees actually carry out the treatment procedures rather than just having the trainees learn about them.

Mr. LYNCH. Dr. Fixsen, what kind of financial support would a community need to establish this kind of program?

Dr. FIXSEN. It takes about \$50,000, at least in Kansas, to purchase and renovate a home and to get a home started. We find many communities often are able to come up with a portion of that money themselves through donations. But we find very often that smaller towns or neighborhoods in large cities that are probably most in need of group homes like this are unable to come up with sufficient funds to start programs. So even though the \$50,000 per home startup cost really isn't all that much, it is very difficult to come by presently because there are no alternative sources of funds.

Mr. LYNCH. Your program has been operating for approximately 6 years?

Dr. FIXSEN. That is right.

Mr. LYNCH. Is there additional research needed in your judgment, or could other communities undertake this kind of program at this time?

Dr. FIXSEN. Yes, I think it certainly is possible. The research that is needed right now is the research on training people how to become teaching parents, because it is a very complicated task and involves teaching the teaching parents to interact with a number of people outside of the home as well as the kids themselves. It is a very complex skill. We are not yet sure what all of those skills are, but we feel probably 60 or 70 percent of those skills are identified at this point.

Mr. LYNCH. Assuming other communities and other States wish to adopt the Achievement Place model, how should the programs be operated? Should they be run by the State, by municipalities, private groups? What should your recommendation be?

Dr. FIXSEN. I think any of those are possible. Our recommendation is to make the program as accountable to the community as possible. I think that would involve having the Achievement Place in the community be directed by the people who represent the community, so the group home can get feedback as to what the community people feel about the program. Having that kind of board of directors is very important.

Mr. LYNCH. Your response would be there would be a mix of responsibility as long as there was public community involvement?

Dr. FIXSEN. That is right. Community involvement at the level where the board of directors have to be concerned about the day-to-day policies that govern the home. Now, it may be, for example, that much of the money that supports the kids comes through the department of welfare. In the department of welfare, they have licensing require-

ments that must be met and they have a semiannual review of each licensed home.

That kind of State policy establishes the minimal requirements the program has to meet. But, as far as the State or any agency alone controlling a number of group homes, I think that would be a mistake. That task should be left up to community board of directors.

Dr. WOLF. I might add, there are many advantages to having community-controlled and directed group homes. In that way, you get community support. We have seen States go in to set up a home in the community and communities turn them down because they don't want any outside youths brought into their community. They feel they already have enough problems. But if it is the community's program and they know the people on the board, then it is their program for their problem youths. We haven't met any resistance in these cases.

Mr. LYNCH. Dr. Wolf, how about when the program began? What kind of community neighborhood response did you get?

Dr. WOLF. There was some initial resistance. There were questions. However, what saved the program was the Jaycees. It was their program and it was the judge's program. It wasn't the university's program or the State's program. We are still there at their invitation. We are essentially advisers and consultants, and the nonprofit corporation owns the home and sets the policy and continues to invite us to work with them. Because it was the Jaycees and because it was the judge, they were able to sell the program. If it had been the university or State, I am not sure it would have been possible.

Mr. LYNCH. How many youngsters can a program like this efficiently serve and to serve that number, how many staff are required?

Dr. WOLF. In order to keep the program a family-style program, we find six to eight youths to be an ideal number. If you go about eight youths, the teaching parents are not able to maintain the individual relationships that are necessary. These are six to eight very troubled and troubling youths. This is really a horrendous task for teaching parents, and they can do it because they work with the kids as they come in, one at a time. You have the youths already in the program learning and pretty well trained, and then a new youth comes in and he can be socialized by the group and the teaching parents. A couple of months later, the next youth comes in. If you have six or eight youths in the program, you have a group that functions very well. If you go above that, you start having higher turnover in your personnel and you start having more complaints.

Mr. LYNCH. You would definitely limit it to six or eight?

Dr. WOLF. I would definitely limit the family size. I think if you get much beyond that with these kids, you are not going to have an effective, family-style approach.

Mr. LYNCH. Doctor, if I may, speaking of families, while these youngsters are in Achievement Place or a situation like Achievement Place, what if anything is done for their parents? Are they receiving any kind of counseling, so when the kids return home they will have a different home situation, which may have been part of their problem to begin with?

Dr. WOLF. Yes; it is almost always part of the problem. The youths haven't learned the skills to make it in their families, their school, and community. Their parents have not been able to teach them these skills,

have not been able to guide them in the way in which they need to be guided, and have not been able to supervise them. Many of the families have severe personal problems, alcoholism, and so forth. But with help from a set of teaching parents, the family can make it often. They can learn how to negotiate and compromise with their youth and how to guide him. Even for parents who may have serious problems, the teaching parents can supplement them for several months or years.

Mr. LYNCH. Thank you very much. I have no further questions.

Chairman PEPPER. Mr. McDonald?

Mr. McDONALD. Thank you Mr. Chairman. Dr. Fixsen, can you tell us basically what kind of offenses have the youths committed that are committed to Achievement Place? What is the spectrum of offenses committed?

Dr. FIXSEN. The only youths not considered for the program are those who have committed violent crime, murder, forcible rape, those kinds of things, where they would clearly be a danger to the other kids in the program, to the children of the teaching parents and to themselves. Those kids are eliminated. From there on down, you have kids who were adjudicated for breaking and entering, nonforcible rapes, extended histories of shoplifting, and so forth. At one time we tabulated the kinds of offenses, and about 70 to 80 percent of the offenses were felony-type offenses.

Mr. McDONALD. In the past 6 years, have you had any occasions of fights between juveniles, destruction of property at the Achievement Place; and in that context, have you ever been forced to send a juvenile from Achievement Place to some other facility?

Dr. FIXSEN. We have never done that. As long as there is an opportunity to keep the youths in the community, and continue to work with them, that is what we do. We haven't had instances of fights within the home itself, although some of the kids, when they first come into the family, do continue to get into mild difficulty at home or school in the one instance, a boy was taken away from us by the court simply because he committed aggravated assault.

Mr. McDONALD. He was taken away?

Dr. FIXSEN. He was taken away. But in that case, the teaching parents tried for a couple of weeks to keep the youth in the community and give him one more chance. They felt they could still help the youth if they had one more chance.

Mr. McDONALD. You have an informal screening process whereby the juveniles that will be admitted to Achievement Place most likely will make it through without committing offenses while in Achievement Place?

Dr. FIXSEN. This is a screening process, but not on that basis. The screening process is carried out in an interagency meeting that consists of representatives from all of the child care agencies in town. When the teaching parents have a vacancy coming up they ask the screening committee who should be brought in next. They usually recommend youths who are having difficulty in school, in their families, and in the community. Usually the youth will be sent to an institution unless something is done like putting him in Achievement Place. That youth will be the number one candidate.

As you saw in the followup data, the kids who have gone to the boy's school look very comparable to the Achievement Place youths 1 year prior to coming in, in terms of offenses and school behaviors.

Mr. McDONALD. That is what I was leading up to, whether in fact your statistics are impressive after they were out of Achievement Place. I was wondering whether they were impressive because the kids you take in Achievement Place are better quality overall than those who end up in the industrial school. Therefore, after they get out, chances are they are going to be better.

Dr. FIXSEN. An excellent question. What we have been doing for the last 2 years is taking youths on a random basis. The interagency group recommends two or three youths that look to be the best candidates for Achievement Place because if they don't go to Achievement Place they are going to be sent away. Out of that subject pool we will randomly select one youth and follow up on the other youths. Unfortunately we don't have that followup data yet. However, it looks like 70 or 80 percent of the youths we can't take are institutionalized.

Mr. McDONALD. One more question on the teaching parent concept. Do you know of any other States instituting this kind of program?

Dr. WOLF. We have been contacted by a number of States and a number of agencies. Right now one of the graduates of our program—an ex-teaching parent, and also a graduate of our graduate program—is setting up a program in North Carolina where he is going to set up a series of these homes. That is the most dramatic example.

Mr. McDONALD. At the University of North Carolina?

Dr. WOLF. They are affiliated with Appalachian State University and Western Carolina Center.

Mr. McDONALD. As it is now, it is Kansas and North Carolina?

Dr. WOLF. There are also other programs in other States. There is one home in Maryland. We also have other teaching parents in homes from Vermont to California. Now, there are about six teaching family group homes in Kansas and about eight homes outside of Kansas.

Mr. McDONALD. Thank you very much. I have no further questions. Mr. Chairman.

Chairman PEPPER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman. I want to thank you, Dr. Wolf and Dr. Fixsen, for a very fine presentation. I think this is exactly the type of program that the committee has been looking for and I am very anxious to see your material and your graphs incorporated in the final report.

You referred to the point system, which I find sort of comparable to, on a different scale, the Boy Scouts, or Cub Scouting, which I think is very commendable and seems to work well in those two youth programs. How do they, or do they, differentiate the point system from grade cards at school? I imagine most of those young people are not bubbly about school or grade cards, or some are school dropouts, I suppose. I find it hard to visualize that they don't rebel against the point system, because young people like that have rebelled against grade cards.

Mr. FIXSEN. The point system is designed in a way to make the points fit the situation. If there is a youth who is showing a small appropriate behavior, you can give him a small number of points. If it is a very important behavior, such as getting all C's on the 9-week report card, then there is a larger number of points. Plus, if the youths have a complaint against the point system, they can bring it up at the family conference and the youths and the teaching parents can discuss the complaint and arrive at a solution.

Mr. WINN. The incentives, too, that you offer are different because the incentives on the grade cards are nil.

Dr. FIXSEN. Unless the parents were telling them, "Gee, you have done a fine job" or "It looks like you are slipping in math, you have to watch out on that." There is always that kind of feedback plus the teaching parents can offer the youths points for doing well at school.

Mr. WINN. Doctor, have most of these kids been on drugs?

Dr. FIXSEN. Some of the kids have. In some of the programs, almost all of the kids have. In Achievement Place, maybe a third to a half have had drug-related types of offenses.

Mr. WINN. Out there mainly it's pot, isn't it?

Dr. FIXSEN. Yes. Mostly marihuana. Some of it is LSD, speed, those kinds of things. To my knowledge, no youths have ever experimented with heroin or other serious hard drugs.

Mr. WINN. I know both of you gentlemen are familiar with the Menninger Cottage concept.

Dr. WOLF. The Village.

Mr. WINN. Yes. The same basic idea, in some places called the "cottage concept." Have these cottages or villages been spread around? The only point, I think you made it very strong, when you get into that type operation, you get into a very expensive operation. But could your program work with home of six to eight people and still have several homes around a community campus type of thing?

Dr. FIXSEN. It probably could, provided each one was community based. A community-based program requires the possibility of frequent contacts with the parents and that the kids continue to go to the various schools when they return. Often the opposite occurs when you have the campus group home kind of concept. They may begin simply and grow to have perhaps 6 homes which each hold 8 kids, which means they have to have 48 kids. They may begin taking kids from outside of the community simply for economic reasons.

Mr. WINN. Then you get a bad situation.

Dr. FIXSEN. That is right especially when you lose contact with the teachers.

Mr. WINN. You get fierce competition, and I suppose even within Lawrence, Douglas County, because of the school situation, as you say, most of them probably know each other and know someone the other one knows. But you would still, if you had three or four houses around the campus concept, you would have maybe competition between those homes that might not be very conducive to the philosophy, which is trying to help the other guy, rather than beat his ears down next door.

Dr. FIXSEN. There is that possibility. For example, in the larger urban areas in Johnson County, the Optimists Club there had one home and now is setting up a second home.

Mr. WINN. What do you call it?

Dr. FIXSEN. Optimists' Home For Boys. The second home is being set up in another neighborhood. There are sufficient numbers of kids in trouble to support two group homes. I don't see any competition developing there.

Mr. WINN. But they are all next door to each other?

Dr. FIXSEN. That is right. Same county.

Mr. WINN. Are they taking their homes to the trouble spots?

Dr. FIXSEN. That is exactly right.

Mr. WINN. In a little different vein, either one of you might answer: I wonder why more universities haven't become involved—and you mentioned North Carolina—in projects like the University of Kansas has. Have you talked to any of the other educators along this line?

Dr. WOLF. There are a number of universities that would like to, but funding is a problem. As Dr. Fixsen pointed out, there is funding for basic research in the social sciences, basic research, laboratory research, survey research, theoretical research, and then there is funding from LEAA for implementation research, but implementation on a broad basis.

Mr. WINN. You don't get any LEAA?

Dr. WOLF. Some of our homes do. Our present program is ready for LEAA support for homes. But for social science generally there has been no support for the intermediate research and development. There has been little research funding between theory and implementation as occurs in engineering. For example, if an airplane manufacturing company is going to build an airplane, they don't go from the theory to widespread sales of airplanes. They build prototypes which crash and turn in the wrong direction on the runway, and have all kinds of problems. They keep doing research and development until they have a model that works. They copy that and that is what they produce.

In the social sciences, we try to go from textbook, generally, into the implementation without the development phase and frequently we fail. We have been very lucky in our Achievement Place program, in that NIMH center for studies of crime and delinquency has supported our program for several years and encouraged us to do the kind of research that brought us to where we are. We have been able to do the applied research necessary.

But for applied social science in general this funding is very limited and other universities are not obtaining funds from many sources for doing the same thing. Another place money needs to be made available is to the States for training and research and evaluation of innovative community-based programs. I think that if money were made available to State universities they would take an interest in applied research programs like Achievement Place.

Mr. WINN. I think you make a good point. Southern Illinois University has been a leader in correctional education. I am wondering along the same line of my original question, what the proper role of the university in juvenile corrections is and how can the Federal Government encourage universities to get involved, because universities get a pretty good chunk of Federal money.

Dr. WOLF. I think that Congress needs to reconsider the priorities. I think it means that rather than money for basic research, more money needs to be given for applied research. In the past, I think there has been an overemphasis in universities on basic research. We now have lots of theory but not much good applied social science research.

Mr. WINN. You started out with research?

Dr. WOLF. Yes; basic research.

Mr. WINN. So somebody had to do it to create your program?

Dr. WOLF. Absolutely; very important.

Mr. WINN. Then you put your research into a practical solution. It sounds very good. Now we are trying to find out how you get money, you and other similar programs around the country, to use what they found out in basic research all of these years. How you separate it financially from the university, would be the real tough one.

Dr. FIXSEN. I am not sure how you would go about that, but to form the basic research and the development of principles, you still have to work out the method of application like in the airplane experiment Dr. Wolf was describing. When you try to implement it, you probably fail the first time or two. You need to be able to use that failure as feedback about the parts of the program that need to be changed. It is at this level of applied research that we need money for university research. It is going to cost money to convert the results of basic research into effective programs and no one seems to understand that.

Mr. WINN. I don't know how you do it either. I am familiar with KU's operation, I am familiar with a lot of funding they get. I didn't mean to separate the university from your program. I meant separate money you would get not just for research in the educational part, but from the practical operation of your program, and that might be kind of hard to sell back to the Federal Government by the university.

Dr. WOLF. That isn't so much a problem. The LEAA funding and the Department of Social Welfare, these are tied into our programs and we are connected with them. They are the ones who implement the programs. The Federal research money has allowed us to do basic and applied research.

Mr. WINN. LEAA is Federal money.

Dr. WOLF. That is right. It isn't university money. The communities in Kansas apply for those funds from the State. Then the communities come to us and say, "OK, would you help us set up a program and train teaching parents and help us evaluate them," and so forth.

Mr. WINN. I am sure the chairman has some questions.

Chairman PEPPER. Go right ahead.

Mr. WINN. I have one more question.

How many teaching-parent teams have you trained, and how many are now in training?

Dr. FIXSEN. There has been a total of 18 couples who have gone through the training program, and 15 of those couples are still teaching parents.

Chairman PEPPER. How many are you educating now? It is ongoing, isn't it?

Dr. FIXSEN. Yes; it is a small program at present. As Dr. Wolf suggested, we have asked for a training grant from NIMH and if the funds are forthcoming, we will be able to take 15 or 20 couples every year.

Mr. WINN. If you mentioned that, I missed it, and maybe we had better underline it when the final report comes out.

Dr. FIXSEN. That is right. Our application for a training program is now under review by NIMH.

Mr. WINN. I hope your program sounds as good to them and deserves the merit I think it does.

By the way, I have never been there, but I would like to come by.

Dr. WOLF. Please do; visit the boys' and girls' home and the Optimist Home, in Kansas City.

Mr. WINN. I have heard of it. I didn't know it was the same type of operation.

Thank you very much.

Chairman PEPPER. I was very much interested in what you said about the availability and nonavailability of Federal funds for these teaching programs, which you call "teacher parent." The teacher parent is primarily the person who runs the home?

Dr. FIXSEN. Exactly.

Chairman PEPPER. There are no Federal funds generally available for that type thing available through LEAA?

Mr. WOLF. It is a new concept.

Chairman PEPPER. LEAA has been helping?

Mr. WOLF. Yes.

Chairman PEPPER. Largely through capital for building?

Mr. WOLF. Right.

Dr. FIXSEN. The money that is missing from LEAA is money for research and evaluation of those programs, especially now while it is still in the experimental stage, to see if other communities can set up similar programs and if they can be as successful as achievement place. What is missing at this point is the money to followup on the kids who leave these new programs.

Chairman PEPPER. What was the LEAA money used for with respect to Achievement Place?

Dr. FIXSEN. With respect to Achievement Place, we have none immediately involved. Other programs in Kansas and other States have used the LEAA money partially for the startup costs and for some of the salaries for the teaching parents for the first year.

Chairman PEPPER. This would be a good time to ask the question we are very much interested in. What Federal financial assistance have you asked for any aspect of the program dealing with the treatment and attempted rehabilitation of delinquent youth, youth who commit crimes and who are brought in to some sort of restraint and custody? What do you suggest this committee recommend to the Congress as something that we should do from the Federal level in respect to this problem of juvenile crime and delinquency?

Dr. FIXSEN. I can start answering that. I would think one thing that is needed is the money for startup costs. Some of this is available through LEAA. Some communities, particularly poor inner-city communities, have no real means of getting the money other than from outside sources. No foundations or benefactors in their community. I think in urban communities particularly, you are going to need some full funding of the startup cost programs.

Another thing needed along with that legislation is the requirement those programs be evaluated.

Chairman PEPPER. You think that would be a proper Federal function, sort of in the nature of guidelines?

Dr. FIXSEN. Exactly. Kind of like licensing requirements of group homes. In terms of the Federal money, I think they require some kind of accountability, some kind of evaluation of the consumers' satisfaction with the program.

Chairman PEPPER. Teacher training program would be another?

Dr. FIXSEN. Yes. If we get our NIMH grant, we will have a training program in Kansas. But in other States interested in having a training program like ours, they will want to send people to be trained by us initially and then to go out and set up similar training programs. They will need funds to do that.

Chairman PEPPER. Do you think Federal funds will be needed for the operation of these innovative programs for the treatment and rehabilitation of delinquent youth?

Dr. FIXSEN. Yes, I think particularly in terms of the startup costs, evaluation costs, and training costs.

Chairman PEPPER. But do you think that will be necessary as continuing in effect?

Dr. FIXSEN. It looks to me right now that it will be.

Chairman PEPPER. What about the cost of keeping the young people in the home in the teacher facility? As Dr. Harder mentioned this morning, right now a considerable amount of money is being used through the aid to dependent children foster care—money which comes through the State, partially Federal, partially State.

What would be the most likely approach Congress would adopt, if they adopt one at all; would it be to advise that funds be available for nearly all of the different categories of aid in the innovation, and frequently with the basic programs for delinquent youth, but probably conditioned upon the States and/or local communities giving satisfactory assurance they can operate a much safer setup. Wouldn't you think that would be most likely the Federal approach?

Dr. FIXSEN. I think that will be a good approach for initial legislation, but that for those innovative programs already in existence, then there needs to be additional money available to try that program out in other communities in urban areas, in rural areas, with other kinds of kids, to make sure this is really something that would be applicable on a national scale. It is again the intermediate step we referred to.

Chairman PEPPER. How do you evaluate the need for effective programs in dealing with delinquents or criminal justice, or youths that commit crimes in respect to the overall crime problem? How important is this area?

Dr. FIXSEN. I think it is probably critical. I think from successful programs we will learn how to develop prevention programs. For ex-

ample, as you identify ways of working with the parents of the kids in a treatment program, you may work out ways of working with other parents and other siblings in the home.

Chairman PEPPER. I like all aspects, but I was particularly attracted by one provision of your State social welfare program, that before you do anything, even take the boy or girl out of the home, you see if you can't save the home.

Dr. WOLF. That is right.

Chairman PEPPER. Save the family. Help that family a little bit. It may be if wise social counseling went into that home they might be able to identify the estrangement of the parents, help one or the other or both of the parents get a job, they might be able to do enough to save the child; then if that child is falling behind in school and is likely to become a dropout they might arrange for some extra tutoring, extra assistance for that boy or girl. That is the kind of need. There are so many families that don't have our good fortune of being able to meet the needs in general of our environment, and they are struggling to try to survive. It is a very different environmental problem, the situation that they have. If a little help, and particularly a little care, a little concern, is exhibited by somebody it may save not only a family but a child in the family.

Dr. FIXSEN. Exactly right. Very important.

Chairman PEPPER. So the conclusion you reach is the money we wisely spend in this area is likely to be money saved from people that will be spared from becoming victims of crime.

Dr. FIXSEN. Plus the initial savings.

Chairman PEPPER. In addition to that, maintaining them in some sort of correctional institution after they committed more serious and objectional crime.

Dr. FIXSEN. Plus the benefits we are now having.

Chairman PEPPER. Plus saving boys and girls for constructive lives, rather than destructive lives.

Dr. FIXSEN. Exactly.

Chairman PEPPER. Gentlemen, I want to commend my colleagues here and all of you for the very forward look, the imaginative and innovative concepts that you are entertaining in Kansas and the very fine work you are doing in this area. When we had our hearings in Kansas City, Kans., I was very much impressed there by many things I observed. You have a very fine program underway. We want to commend the university for what it has done.

Thank you very much.

Dr. FIXSEN. We really appreciate the invitation to be here.

[The following material was received from Dr. Fixsen:]

THE ACHIEVEMENT PLACE MODEL

Background

Juvenile delinquency is a serious problem in Lawrence, Kansas and nationally. Many attempts have been made to find a solution to the problem. Some show promise. The Achievement Place model is proving to be an example for other programs intended to re-educate delinquent youths. Numerous psychologists, psychiatrists, social workers, teachers and citizens have written for information about Achievement Place. This publication is designed to provide general information about the program. In addition, a film, **Achievement Place**, has been produced to show a day in the lives of the boys in the program. The film is available on loan for a nominal handling and mailing fee from the University of Kansas Audio-Visual Center, 5 Bailey Hall, University of Kansas, Lawrence, Kansas 66044. Other homes, one for girls, have been established in Kansas. Other communities across the nation are also establishing homes based on the Achievement Place model.

Introduction

Achievement Place is a residential treatment facility for delinquent or dependent-neglected boys in Lawrence, Kansas. After more than three years of research and planning, the teaching-parents and staff at Achievement Place have developed a model treatment program to improve the academic, social and self-care behaviors of youths who are (or are about to be) suspended from school, who are in trouble in the community, and who are thought by their parents to be "uncontrollable." In a cooperative effort involving the Juvenile Court, the County Department of Social Welfare, school officials, and teaching-parents, boys who have been adjudicated by the Juvenile Court are sent to Achievement Place for an indefinite period of time.

Community Responsibility

The treatment program is community-controlled and is thus responsive to the unique characteristics of the community or neighborhood it serves. This responsiveness is ensured by placing the responsibility for the physical facility and its financial matters in the hands of a local Board of Directors. The Board of Directors, in cooperation with the teaching-parents, local school officials, Juvenile Court officials, representatives of local church groups, and other interested citizens, select the specific goals of the treatment program. The Board of Directors is represented on the Candidate Selection Committee. The committee also includes a school official, a Juvenile Court official, a social worker from the welfare department, and the teaching-parents. This committee selects candidates who are most in need of treatment, boys who are the greatest threat to the community, the schools, and the homes. The Board of Directors is also responsible for periodically evaluating the treatment program and recommending changes. Thus, through the Board of Directors, the community has control of (and responsibility for) the entire program.

Community-Based Program

The treatment program is community-based. Each boy's problems are dealt with in his community, in his school, in his home, and in his peer group. When a boy enters the program he continues to attend his own school. Thus the teaching-parents, in cooperation with the boy's teachers, can help solve his problems in that setting. Weekend home visits are encouraged and teaching-parents have frequent discussions with the boy's parents concerning problems and improvements. Furthermore, Achievement Place provides a new peer group. Each boy who enters the program comes under the influence of a peer group already working toward the goals of the program. Thus, both the peers and the teaching-parents serve as examples of appropriate behavior. Even after a boy leaves the program he can remain a member of the Achievement Place peer group and continue to visit the home, eat an occasional meal there, or spend the night. The continuing support the youth receives from his peers is an important aspect of the treatment program at Achievement Place. Another advantage of having a community-based program is that persons in the community can see the changes in behavior. This often leads to further improvements in behavior because persons who were once critical begin to treat the boys more warmly.

Family-Style Living

The program offers family-style but professional treatment. In the original Achievement Place, and in other programs based on this model, professional teaching-parents live in the facility 24-hours a day with a "family" of six to eight boys or girls between 11 and 16 years of age. Having a small group allows the teaching-parents to interact extensively with each youth and thus produce the greatest amount of change in the shortest period of time. The teaching-parents and the youths come to know each other quite well and there is ample opportunity for social behaviors which occur only in small family groups. One further advantage of a family-style treatment program is that it can be used by communities of any size. Small rural communities may require only one treatment facility. Urban settings may require facilities scattered throughout the community. In larger communities, some treatment facilities may "specialize" and take boys (or girls) who are having a specific type of difficulty in school or in the community. Even in larger communities, however, each family-style, community-based facility should be controlled by the citizens of the immediate area. This ensures community cooperation and accountability.

Professional Teaching-Parents

The treatment program is directed by a pair of professionally trained teaching-parents. Their explicit duty is to educate the youths in academic, social, and self-help skills. Academic training (an M.A. program in human development with a specialization for teaching-parents) aids the teaching-parents in their educational duties. Their college training includes behavior modification procedures, remedial education techniques, juvenile law, and community relations.

Systematic Treatment Program

The Achievement Place Model also emphasizes individual behavioral treatment in a group setting. Since no two youths have identical backgrounds or identical problems, the treatment is individualized. The treatment program and specific behavioral goals for each youth are based on behaviors that members of his family, his school, his community, and the teaching-parents believe should be changed. The motivation system is uniquely suited to changing the individual behaviors of the delinquent or dependent-neglected boy or girl.

Program Evaluation

The treatment program is based on a motivational system which provides constant feedback to the teaching-parents concerning the daily progress of each youth. The overall treatment is also evaluated by routinely following the progress of each youth after he leaves the program. Modifications in the program are made on the basis of what particular difficulties the youth encounters after he leaves the program. In addition, specific procedures for changing behaviors are evaluated by the teaching-parents who observe and record the effects of various procedures under controlled conditions. Evaluation at all three levels (individual progress, overall program, and specific procedure) is necessary in order to refine the treatment program and improve its efficiency.

Application of Treatment

The overall treatment program and the specific procedures contained within it are designed to produce desired changes in the goal behaviors and yet to be sufficiently practical to allow application by teaching-parents. Researchers have too often developed programs which can be used only by other similarly trained researchers. To guard against that, the Achievement Place research staff has concentrated on developing procedures which can be effectively used by the professional teaching-parents. For example, the teaching-parents learn to use the youths themselves as "peer-trainers." They also seek help from untrained volunteers in the community to help carry out the treatment program.

The Achievement Place model is sufficiently developed to allow general application by other communities. There are still a number of needed refinements, goal behaviors which need to be better defined, and treatment procedures which need evaluation. Nevertheless, the program is ready for replication. Thus, the staff, in cooperation with the University of Kansas, conducts an experimental training program for professional teaching-parents. The training program takes about a year. It involves course work and extensive supervised practical experience in an Achievement Place style setting. Successful completion of the training program results in a certificate (for persons without college degrees) or an M.A. degree in Human Development.

Cost Compared to Traditional Treatment

The cost of an Achievement Place style program is substantial. However, it is much less expensive than traditional programs in large state institutions. In 1971, the operating costs were approximately \$3,600 per year for each youth in an Achievement Place style setting with six youths. This compares with operating costs of between \$8,500 and \$9,000 per boy per year at the Kansas Boys Industrial School.

Initial costs are also much greater for institutional programs. It costs between \$20,000 and \$30,000 per bed to construct a state institution. It costs between \$6,000 and \$8,000 per bed to purchase and renovate an existing older home in a community.



THE ACHIEVEMENT PLACE TREATMENT PROGRAM

Purpose

The primary goal of the Achievement Place program is to help youths who are having difficulty with their environment. The first preference is to keep the youths with their original family if possible. Community agency personnel such as social workers, probation officers and school counselors, aid parents in correcting home conditions prior to the youth's referral to Achievement Place. Achievement Place gains custody of the child only after community service workers have done all they can and have suggested that the Juvenile Court remove the child from his home.

When the child is removed from his original home he is placed in the custody of the teaching-parents at Achievement Place. The goal of Achievement Place is to help the youths become secure, well-adjusted, and useful citizens by providing a home-style, family environment in which sincere affection and understanding are combined with fair and consistent discipline, instruction, and feedback.

Affection and understanding, as important as they are, do not by themselves guarantee that a child will stop coming to the attention of the Juvenile Court. Nor can affection and understanding by themselves be expected to always lead to the development of acceptable behaviors in troubled youths. Normal youths learn appropriate behavior through many years of close and pleasant association combined with instruction and discipline from a father and mother. Most troubled youths have not had that experience.

At Achievement Place, teaching-parents modify undesirable and anti-social behavior while developing new and appropriate behavior patterns. At the same time they build a strong psychological foundation with which the child can face the difficulties he will encounter during and following adolescence. This difficult task requires a special type of care, instruction and discipline.

Why Spare the Rod?

It is not unusual for parents to discipline children using methods detrimental to the behavior change desired. For example, if a youngster is to be home from school by 4:00, but does not make it home until 7:00, a highly probable consequence would be a spanking, a reduction in privileges, a severe bawling out, and a cold shoulder for a short but unpleasant period of time.

This type of interaction usually gets the job done (has the youth home on time) but it has many drawbacks.

1. If the punishment is upheld it leaves no room for reconciliation. That is, if the punishment is final, what the child does between the onset of the punishment and its completion may obscure the reason for the punishment and result in misbehaviors. Thus, the child may make no attempt to get along but may rather torment his parents with additional but minor infractions of rules. On the other hand, the parent may spoil the discipline by permitting the youth to have a "restricted" privilege, rationalizing that "it won't hurt this time."

2. It withdraws adult attention when it may be most needed. The adult's reasons for administering the punishment and the youth's questions and reactions to the punishment may never be discussed because the parent feels it is necessary to be angry and unfriendly to make the punishment effective.

3. The level of punishment can seldom be matched to the magnitude of the misbehavior. There is a limited number of events and privileges parents may manipulate for disciplinary purposes. Thus, a small rule infraction may receive the same punishment as a larger infraction because no alternatives are available.

4. There is little opportunity to give rewards, other than praise, because other events which are rewarding to the child are not always available. If the system permits more powerful types of rewards to be employed, the desired behavior will occur more often.

5. If the punitive action is too severe, there is no way to take the punishment back. There may still be rare occasions when physical restraint is needed in order to protect persons or property; however, punishment is not the answer to most behavior problems.

The Token Reinforcement System

It is best if discipline can be maintained without reducing the quality of social interaction and instruction which is required if the child is to achieve stable and normal behavioral adjustment. He must be able to describe and discuss his own reactions and to understand the reasoning of others regarding rules and discipline. In order to accomplish this task, a token economy is used in Achievement Place to aid and speed up the job of re-socialization. The token economy (or the point system as the boys call it) may be used for discipline while the social relationship between the parent and child goes undamaged. The point system is also used to strengthen appropriate behavior to insure that it will occur more often.

If a youth on the point system returns late he knows the penalty before walking in the door. Almost all behaviors which earn or lose points are formalized and advertised on a bulletin board. Thus, there is no argument over the youth's behavior. The fine is delivered but it is not necessary for anger to be expressed. Normal relationships never need to be interrupted. The teaching-parent may have his arm around the boy's shoulder and be discussing how the boy can earn back the lost points at the same time discipline is being delivered. If a specific fine is too large, it can simply be reduced. It is difficult to do that if harsh words or spankings enter into the discipline.

How the System Works

The point system allows the boys at Achievement Place to earn points for appropriate behavior and to lose points for inappropriate behavior.

Points earned can be exchanged for items and events available in the home. Access to these privileges is obtained on a weekly (or daily) basis. At the end of each week (day) the boys trade the points for privileges during the next week (day).

The point system is designed to provide immediate feedback to a boy immediately upon entering the program. Then, as his skills and self-control develop, the highly structured point system is gradually withdrawn and replaced by a more natural set of feedback conditions. The training is designed to teach the boys to be productive and responsible under the natural feedback conditions of most homes, schools and jobs. When a boy earns his way out of the point system and into an honor system he must be ready to accept a great deal of freedom along with many

Some Behaviors Which Earn Points

- Watching TV news or reading the newspaper
- Cleaning and maintaining a neat room
- Keeping personally neat and clean
- Reading appropriate books
- Aiding teaching-parents in household tasks
- Doing dishes
- Being well-dressed for the evening meal or special occasion
- Performing homework
- Obtaining desirable grades on school report cards
- Turning lights out when not in use

Some Behaviors Which Lose Points

- Failing grades on report cards
- Speaking aggressively
- Forgetting to wash hands before meals
- Arguing
- Disobeying
- Being late
- Displaying poor manners
- Engaging in poor posture
- Using poor grammar
- Stealing, lying, or cheating

Privileges Which May Be Earned Each Week With Points

- Allowance
- Bicycle
- Television
- Games
- Snacks
- Permission to go downtown or visit natural home
- Permission to stay up past bedtime
- Permission to come home late after school

responsibilities. If his behavior indicates that he needs more experience with the support of the point system he loses his new status and returns to the point system. He can then again earn his way off of the point system. Once a boy demonstrates his ability to exercise self-control, to take responsibility for his own behavior, and to work productively in the home and in the school, he is ready to be returned to his own home or to a permanent foster family.

The family receives counseling in behavioral management practices. The boy's progress with his family and in school is followed closely for several months. During this follow-up period the boy can be returned to Achievement Place if the family and teaching-parents decide that is desirable.

How Do the Boys View the System?

The boys, in most cases, seem to enjoy the opportunity to earn their own way. It appears to make every day a challenge. It seems to make them realize that freedom and the other privileges we often take for granted are not "free" but must be earned.

The point system shapes the teaching-parents as well as the youths. When a boy does something right, the point system requires that he be rewarded. Thus, the system ensures that both the teaching-parent and the youth perform their roles appropriately.

Who Makes the Rules?

After a few weeks of training in self-government, the boys (in most cases) decide if a certain behavior should be changed. They also set the cost for violating rules. The boys conduct a court in which they sit in judgment of rule violations.

However, there are some rules over which they have no control. These rules (in many cases municipal, county, state or federal laws) must be upheld. For example, many boys have long histories of truancy and failure in school. If given a choice they would probably choose not to go to school. The task of the program is to make success in school rewarding to them.

What Research Goes on at Achievement Place?

The research at Achievement Place is an attempt to design an educational environment and to describe the environment and the progress of the boys as objectively as possible. Careful records of behavior are kept to allow continuous evaluation of progress in the home and at school.

Part of the training program includes the use of closed circuit television. The educational television is used to train the boys in social behavior. The boys run the television themselves. They make video-tapes of interactions such as solving an argument, the proper way to greet adults, and the basic skills of leadership. The boys play these tapes back and discuss the good and bad points. They observe how they improve over time. Also, the tapes can be replayed to objectively evaluate the effectiveness of television in training social skills. Thus, it is sometimes difficult to separate the research from the training.

How Successful is the Program?

The first and most important measure of success will be the long-term behavior of the boys who have lived in Achievement Place. If in later years these boys live productive and law-abiding lives the program will clearly have been a success. But we cannot wait 10 or 20 years to evaluate and make adjustments. There must be more timely measures of how the boys are performing. If the boys can cope in a miniature model of the "grown up" world they will make it on their own. Thus, we attempt to use their behavior in the home and school and in the community as a measure of the effects of the program. The immediate success of the program is impressive. Once the boys enter the home there are almost no unpleasant contacts with the law because they are no longer law violators. The schools report that they "are new boys." One boy has advanced two grades in one normal year. But the biggest change can be seen in the boys themselves. They take pride in their achievements and enjoy their new-found responsibilities.



THE ACHIEVEMENT PLACE EDUCATION PROGRAM

Most boys who come to Achievement Place are in academic trouble. They frequently have long histories of truancy, tardiness and disruptive classroom behavior. In addition, they may be one or more grade levels behind or on the borderline of failure. Unless remedial steps are taken, they will more than likely become school "drop-outs." The Achievement Place education program seeks to correct academic deficiencies to prevent drop-outs. This program is integrated with the overall treatment system currently employed by the teaching-parents at Achievement Place.

The academic failure of these boys is probably the result of a great many factors operating simultaneously, but the key to the problem appears to be motivation. It appears that the boys just "don't care" about school or getting an education. They see no connection between doing well in school and success in later life. One possible way to overcome this difficulty is to bring the consequences of a good education closer to the actual learning.

To do this each boy begins by taking a "daily report card" to school each day for each class (see example).

Teachers are asked to check "yes" or "no" to certain behaviors observed during the class period. The grade in the second two categories is initially set on the level the student is currently performing. The teaching-parents do not ask too much of him at first. The level required is gradually raised over a period of months until it is acceptable.

Teachers have given this system their approval and support. It causes them very little inconvenience but it is very effective. Several teachers have permitted Achievement Place staff members to observe their classes in order to objectively evaluate the results of the system. Before taking the daily report card, the boys

Daily Report Card

Name:

Class:

Yes No

Studied and obeyed the rules for the whole period.

Completed homework assignment on time and got at least a

Earned at least on quiz or exam.

Date: Teachers signature:

spent about 25 percent of their time in appropriate study behavior. While taking the card; however, their study behavior usually increased to almost 90 percent. In addition, an average of one letter grade increase for the 9-weeks report cards was common for most boys using the daily report card. We are working out a way to slowly remove this supportive system so the boys may be returned to the normal feedback system of 9-weeks report cards while still retaining their good study behavior.

THE ACHIEVEMENT PLACE HOMEWARD BOUND PROGRAM

As the boys at Achievement Place move through the rehabilitation program they gain more and more freedom by accepting more responsibility. At Achievement Place the boys learn new social skills needed to maintain good relations with their peers, teachers, parents, and other adults. Their academic skills are improved by study habits taught at Achievement Place and by daily "report cards" which provide immediate feedback to each boy for his academic and social behavior in each class he attends. The boys also learn how to maintain a clean and orderly house; they are taught how to make beds, clean bathrooms, dust, sweep floors and wash dishes. When the boys "graduate" from the Achievement Place program, they are capable of contributing to their natural home and to the community.

The Homeward Bound program is designed to maintain the social, academic, and self-help skills by providing for a two- to six-month (or longer if necessary) transition period during which personnel from Achievement Place maintain close contact with the parents of each homeward bound boy. Initially the boy goes home for weekends and continues to live at Achievement Place during the week. Each boy learns how to plan his weekend time so he will avoid the problems which originally caused him to be placed in Achievement Place. His parents learn to use the techniques successfully employed at Achievement Place so that they can maintain their son's newly learned skills.

During the next phase of the Homeward Bound program the boy lives at home full-time while Achievement Place personnel maintain close contact with the boy and his parents. As the parents become more proficient in guiding their son's behavior, the Achievement Place personnel assume a more indirect role and turn more of the responsibilities over to the parents. The parents eventually assume full responsibility for their son's behavior.

In the event of a reoccurrence of delinquent behavior, or if some previously unknown problem arises, the boy may be returned to Achievement Place for further training. This is a necessary aspect of the Homeward Bound program since there is no guarantee that the boy has learned the quantity or quality of social and academic skills necessary to get along without the support of the rehabilitation program at Achievement Place.

The Homeward Bound program is designed to maintain the skills acquired at Achievement Place by providing a gradual transition into the home, by educating the parents in the techniques used at Achievement Place, and by providing continued support to the boy after he has returned home.

What Keeps Them on the Right Track?

The boy's parents are trained to apply behavioral management techniques used at Achievement Place. Close contact between the boy's parents and Achievement Place personnel is maintained for several months. This ensures that the home environment is changed to prevent future misbehaviors.

Each boy changes considerably at Achievement Place. He learns to take pride in helping others, he learns how to handle responsibility, and he acquires a new pattern of behavior which shows self-confidence. For these reasons, the parents do not have much difficulty with the boy. Discipline is no longer the major parent-child contact.

Finally, there are usually younger children at home. By learning how to control the behavior of their son returning from Achievement Place, parents become better prepared to cope with the problems of their younger children. Many pre-delinquent behaviors in younger children can thus be changed before they come to the attention of the juvenile authorities.

What if the Parents Refuse to Cooperate?

Although it is most desirable to return the boy to his natural home, there are at least two possible alternatives if the parents are uncooperative or incapable of fulfilling their parental obligations. One is to let the boy remain at Achievement Place until he is 18 years old. This is not particularly desirable since other boys more in need of the rehabilitation program at Achievement Place will not be able to participate until room is made for them.

The other alternative is to arrange for a foster home through the local welfare agency. Foster parents can be trained in much the same way as the natural parents. The boy then goes through a transition period from Achievement Place to his new foster home.

HOW TO START AN ACHIEVEMENT PLACE STYLE PROGRAM

The necessary resources are available in most communities to begin an Achievement Place style program. However, much effort is required to organize these resources into a program.

Board of Directors

Begin by contacting citizens and public and private agencies such as the juvenile court, the county department of welfare, public schools, the model cities department, and the mental health clinic. Meet with representatives from these agencies and determine if there really is a need for a home-style treatment program. If a need exists, begin a loosely knit association of representatives and other interested citizens who are willing to work toward the development of the program. Eventually this informal association will evolve into a Board of Directors with formal responsibility for the program.

State Health Department

In most states, group homes are licensed according to guidelines describing the requirements for the physical facilities, the administration of the program, and the duties of the personnel. Write or phone your state Health Department and ask for a copy of these guidelines and licensing requirements. Also ask for someone to consult with you about developing a group home in your community.

The House

You will want a large home to renovate. Some planners have suggested new construction for group homes, but this has many disadvantages. New construction costs more, it is less like a "real home," and it is more likely to be viewed as an "institution" by the community. In most communities there are several large older homes which can be purchased at a reasonable figure. Such homes need a great deal of renovation, but they can be made extremely home-like and comfortable at moderate cost. Also, each one is unique, providing individual character.

There are several things to consider in the renovation. Renovation should be carried out in consultation with the local fire marshal and health department, both of whom will likely be involved in licensing the house. The renovation should also meet the physical requirements of the professional teaching-parents. Remember that the teaching-parents need privacy and space to make them comfortable. They will also need a nursery or second bedroom if they have children of their own.

An additional problem in choosing a home is meeting the local zoning requirements. It has been our experience that when the first home is introduced into a community the neighbors are not terribly happy with the idea. This is understandable. They have legitimate fears of strangers coming into their neighborhood with a program for "delinquents" which in some manner might, for all

they know, endanger their children, the value of their homes, and perhaps their very lives. The neighbors all need to be contacted and reassured. They need to understand that the teaching-parents are professionals and have been trained to handle youths with behavior problems. They need to be reassured that the "family" will not really be much larger than a typical large family. The neighbors need to be encouraged to contact the teaching-parents any time even a small problem involving one of the youths occurs. This is exactly what the teaching-parents want. The teaching-parents need to know each time a youth walks over a yard without permission, throws a rock at a cat, or says an unkind word to a child. These behaviors can then be dealt with and corrected by the teaching-parents. Thus, while occasional inappropriate behaviors may occur in the neighborhood, the teaching-parent family will probably, in most respects, be more responsible and more effective in controlling their youths than many of the "normal" families in the neighborhood. In any event, establishing the first home may cause some problems with the neighbors. Thus, an education program for the neighbors is needed.

Financing the Program

There are many sources of funds for establishing and operating Achievement Place style homes. Contacts with several agencies should be established. Begin by approaching the county department of welfare and the state department of welfare. A new agency in every state now concerned with establishing community-based correctional programs is the Law Enforcement Assistance Administration (LEAA) which is funded by the federal government. Each state has its own agency which receives block grant funds from the federal LEAA. Contact the governor's office in your state for the name of the LEAA agency.

Private groups may dedicate effort and money toward establishing a home. Be sure to contact the local chapter of the JayCees, the Junior League, the Optimists, as well as the churches and individuals who are known to make contributions to worthy causes.

Financial needs can be broken into two classes; **start-up costs** and **operating costs**. Included in start-up costs will be the funds for purchasing or making a down payment on the home, renovation of the home, as well as the first few months of operating costs. The operating costs will include the salaries of the professional teaching-parents, food, clothing, utilities, transportation costs, etc. Operating costs may be obtained from such agencies as the juvenile court or the county and state welfare agencies. In Kansas, welfare will pay between \$250 and \$300 per month per youth for Achievement Place style programs. This is almost enough to cover operating expenses. Start-up costs will probably be about \$50,000 per home. While this is a great deal of money, this sum can often be obtained from a combination of agencies including the state LEAA and private organizations such as the JayCees, Junior League and church groups. There is a real need for federal legislation to help communities by providing these start-up costs. At the present time there is no federal agency with the responsibility for helping communities establish these programs. Nevertheless, funds are currently available to be used to develop Achievement Place style programs. It merely takes time and a determined effort to coordinate these resources and secure the funding necessary to support an Achievement Place style home designed to make a realistic contribution to the rehabilitation of disadvantaged youths.

Achievement Place was established and continues to be supported and directed by the citizens of Lawrence, Kansas. The research program has been supported by a grant from the National Institute of Mental Health (Center for Studies of Crime and Delinquency) to the Bureau of Child Research and the Department of Human Development, University of Kansas.

For further information write to:

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COMMUNITY-BASED, FAMILY-STYLE GROUP HOMES

Group homes provide treatment services for court adjudicated delinquent, pre-delinquent, emotionally disturbed, mildly retarded, and dependent-neglected youths and their families.

Group homes provide services for youths 10 to 18 years old with six to eight youths in each home.

Group homes primarily provide services to youths from the county, city, or neighborhood where the group home is located but can accept older out-of-county youths if this is needed.

Group homes are community-based in that each youth continues to attend the same school, maintains frequent contact with his parents, and remains in his own community.

Group homes provide services to local youths, which greatly facilitates treatment and makes possible extensive aftercare services to each youth and his family that helps to ensure each youth's success and may serve to prevent further delinquency among his siblings.

Group homes are operated by local Boards of Directors made up of responsible community members who hire the staff, have responsibility for financing and for the physical facility, and supervise the operation of the house; this community control helps to ensure community cooperation and accountability.

Group homes are operated by house-parents or professional teaching-parents who live in the facility and provide a pleasant, family-style treatment program and teach the youths critical social, academic, self-care, and community-living skills.

Group homes cost less than institutionalization with a cost of about \$350 per youth per month for operating expenses (compared to about \$800 per youth per month for institutions) and an original cost of about \$6,000 per bed to purchase, renovate and furnish a large, older home (compared to about \$25,000 per bed to construct an institution).

Group homes often are 80% to 90% successful while other treatment programs often have only 40% to 60% success.

Group homes can be readily evaluated by the Juvenile Court, Department of Welfare, school officials and teachers, members of the Board of Directors, the youths' parents, and the youths themselves to determine whether the program is meeting the goals established for the home.

Chairman PEPPER. We will adjourn until 10 a.m. tomorrow in this room.

(Whereupon at 4:30 p.m., the hearing was adjourned until 10 a.m. on April 19, 1973.)

STREET CRIME IN AMERICA (Corrections Approaches)

THURSDAY, APRIL 19, 1973

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., in room 311, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Mann, Wiggins, and Winn.

Also present: Chris Nolde, chief counsel; Richard Lynch, deputy chief counsel; James McDonald, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

Mr. Lynch will you proceed with the first witness.

Mr. LYNCH. Yes. Thank you, Mr. Chairman.

Mr. Chairman, the first witness today will be Judge Keith Leenhouts. I am pleased to present him to you and to the committee.

Judge Leenhouts is executive director of Volunteers in Probation, a division of the National Council on Crime and Delinquency. He holds a law degree from Wayne State University, and served as a judge with the municipal court in Royal Oak, Mich., from 1959 to 1969. It was under Judge Leenhout's leadership that the remarkable volunteer program began within the State of Michigan. It has served as a national model. At one time Judge Leenhouts employed over 500 volunteers within his court system.

His organization, Volunteers for Probation, operates now on a budget of approximately \$80,000, and Judge Leenhouts spends most of his time going from city to city within the country assisting other courts and citizens groups in establishing probation volunteer programs.

Judge Leenhouts, will you please take a seat at the witness table?

Chairman PEPPER. Judge Leenhouts, we are very pleased to have you here this morning. We know we will profit very greatly by your advice and counsel.

STATEMENT OF KEITH J. LEENHOUTS, DIRECTOR, VOLUNTEERS IN PROBATION, ROYAL OAK, MICH.

Mr. LEENHOUTS. You might like to know a little bit about the volunteer court movement. It was virtually nonexistent 8 years ago, virtually zero volunteers were involved in the criminal justice system.

Today there are one-third of a million volunteers involved in some 2,000 courts, jails, prisons, and juvenile institutions.

Mr. Chairman, you will be proud to know Florida was one of the first States to go into this in a meaningful way on a statewide basis.

Chairman PEPPER. I have met many of the ladies who are sort of monitoring our courts down there. Is that the same program?

Mr. LEENHOUTS. No; that is a little bit different. We are more in the 1-to-1 involvement with the offender and with professionals like psychiatrists and psychologists as volunteers; also, giving services directly to the offender.

Chairman PEPPER. I am pleased to know that Florida is taking a credible part in this program.

Mr. LEENHOUTS. Yes. That was 1967 or 1968, I spent quite a bit of time in your State, helping them begin the first statewide movement in that area.

The use of volunteers is very, very effective. We have research which we can leave with your committee, which pretty well proves that the volunteer and the professional, working side by side, are about three or four times more effective than the professional alone. So I think that, first of all, the volunteer represents a tremendous source of savings as far as the repeat crime is concerned.

The volunteer court movement we fully anticipate will involve 1 million volunteers within the next 3 or 4 years. So now we would think that one of the things we should be thinking more about is how these 1-to-1 volunteers, who now are involved and informed, can become agents for a change as well in other areas within the criminal justice system. This is one of the things to which I think we should address ourselves more and more.

There are two programs that I think I would like to mention to you very briefly, if I may. One is a canoe trip which is going on right now, which involves four kids that have been taken out of juvenile institutions. They are kids that we have given up on, said they were beyond us, we had to put them away. So four of them, a positive youngster, a delinquent-prone youngster, a photographer, and man by the name of Fred Ress, a young 25-year-old, is taking these six people on a canoe trip from the Pacific Ocean to the Atlantic Ocean over a 6-month period. If they can prove the effectiveness of this—and we have every reason to believe they can—then maybe what we can do is send kids who have been in trouble on adventures like this, so they will come back proud of what they have accomplished, rather than ashamed of where they have been.

Chairman PEPPER. Who is accompanying those youngsters?

Mr. LEENHOUTS. The man's name is Fred Ress. This is the Plymouth Youth Center of Minneapolis. The idea is to demonstrate that it is far more effective than putting kids in juvenile institutions.

A prior trip taken 2 years ago from Lake Superior to Hudson Bay over 73 days with a similar group of youngsters from juvenile institutions, and one or two positive youngsters who had never been in trouble, has brought about tremendous results and has brought about this 6-month trip. This is the kind of thing I think this committee might be very interested in. I think it is one of the most exciting juvenile court programs I know of.

Fred Ress is totally a volunteer. Not only has he volunteered his time, but it is costing \$4,000 just to take supplies for this trip. He is a very talented young man. He could possibly be singing for thousands of dollars a year. He was a winner of a New York Metropolitan Opera Company nationwide contest. Not only has he given up his singing career, at least temporarily, but has also put his own money into this. It seems to me this is the kind of person we should identify and help.

Chairman PEPPER. Just he and the boys?

Mr. LEENHOUTS. He and one photographer and the six kids, four who have been in juvenile institutions, one who will probably go there because of a very poor background, and one positive youngster, so they can have this effect back and forth.

I think, basically, this is the type of thing Volunteers for Probation have been doing. I really think if we are going to try to summarize in just a few seconds what we have done over the last years it is that what we have really done is identify really the heroes in our society and to give them the support and help and guidance and consultation that they need to get the program started.

Sometimes these are judges; no money, began a volunteer program out of a complete vacuum like we had in Royal Oak. Sometimes they are probation officers that are just overwhelmed at the situation, and know they need help, and we go in, and help them know how to screen, and sustain, and supervise the volunteer. Sometimes they are ordinary citizens, like a man in Bethlehem, Pa., an engineer in Bethlehem Steel, who began a program which developed beautifully, well administered, became a model program for Pennsylvania. Now there are 50 or 60 programs in Pennsylvania using this basic model of Bethlehem, Pa.

These programs, of course, are not saving thousands; they are saving millions of dollars throughout the United States because they have reduced recidivism by about a 4-to-1 ratio. They also give the courts tremendous resources so that the lower courts, adult misdemeanor courts and juvenile courts, become very effective and prevent all kinds of felonies.

I can give you statistics on this. In our courts in Royal Oak, actually the parole office handling felons out of Royal Oak was actually closed years after we began using volunteers in the misdemeanor court. That is how effective the volunteer is. He represents just a tremendous savings in money and, in addition to that, of course, just a tremendous savings in human life.

The other juvenile program I might mention very briefly to you is a program called Partners in Denver. It begins something like this. When a young juvenile goes on probation the probation officer says, "How would you like to join a club called Partners?" And the response, of course, is totally negative from this young 14-, 15-, 16-year-old. He says, "I don't want to join any club you are part of." The probation officer says, "Then that's too bad, I will cancel out the airplane trip." The kid says, "What about the airplane trip?" And he says, "As a matter of fact, not only do you get to fly in the plane, you get to fly the plane if you join 'Partners.'" He says, "Where do I sign?" The probation officer says, Not so quick. If you join this club, you will have to meet with the citizens for 3 hours a week and

commit no more crimes." He figures he can con his way out of that later, so he joins the club and a few days later has gone for an airplane ride with volunteer pilots who volunteer their time and gas, and they go up in the airplane ride with the volunteer and staff man from "Partners." They come back to earth, at least geographically; I am not sure they ever come down mentally, emotionally. Then they go on a fishing trip to a trout hatchery, a guaranteed success experience. Then they spend a year with a 1-to-1 volunteer; they are together with them 3 hours every week and once every 3 or 4 months a third of them take a rapping trip or camping trip, hundreds at a time, because there are now about 450 volunteers active in this program.

This is the kind of program, under the direction of a remarkable young man by the name of Bob Moffat, that should be all over the United States. The recidivism rate is virtually zero. How could it be anything else? It is amazingly effective.

Chairman PEPPER. I can't refrain from saying that this week we have had programs unfolding which would not only reduce crime, but save a lot of money for the taxpayers of this country. Yet, all these people that are bleeding hearts over crime, most of them are not doing anything about this kind of a program. They want to talk about something else.

We are very grateful this morning to have as many of the members of the press as we have here, but this is all dull, you see, it is not spectacular, it is not anything sensational. It ought to be sensational.

You are telling about how the application of what, in a general sense, might be called love, the exhibition of care and concern for these boys that have committed serious crimes, is saving these boys from future crime and saving the taxpayer a lot of money. But here the Washington Post will run big articles nearly every day telling about crime in the District and the like. If they would be telling people here in the District what you are telling us now and calling for volunteers to do the kind of work these volunteers do to save these boys, we would be saving the taxpayers money and we would be reducing crime here in the District. But I don't know how—it is just going to take a person-to-person kind of a program, such as you have described, in order to get this idea spread over the United States.

But you are talking of the finest kind of crime curbing and I just hope we can bring to the Congress and the public's attention this program and encourage its adoption by others.

Go ahead.

Mr. LEENHOUTS. Thank you very much, sir. I might say that just last night, sitting up on an airplane all night long to get here from San Francisco, I read, it must have been 50 articles, photostatic copies of articles from newspapers in Florida which have talked about the Florida program under O. J. Keller and Len Flynn and others that you probably know, and these articles show to me that the press is really starting to think this does make news.

Chairman PEPPER. Mr. Keller was here this week. We are very proud of him in Florida. The legislature is, in general, giving him support. So we are, by way of improving our system, very much under his guidance and leadership in Florida. I hope public opinion more and more is supporting that approach. Yet we just barely scratch the

surface in what we can do if we will follow the best thoughts there are prevalent in this country today in this area.

Mr. LEENHOUTS. The simple truth of the matter is, up to this point what has developed, the one-third of a million volunteers that have prevented thousands and thousands of crimes, has been in spite of and not because of the government. .

That is 90 percent true. And what has developed has been people that have just said it has got to be and they have done it. And people like Guy Main, Fred Ress, \$4,000 of his own money, 25-year-old man, said it's just got to be. He is taking a canoe trip which is in one way a trip in the past, the old fur traders, but in another way it is a trip in the next century, a way to deal effectively with juvenile offenders.

Chairman PEPPER. All over this country there are businessmen who are still relatively young, who have been very successful in business, and a great many of them are looking for something satisfying to do. I know one day I was riding along in the golf cart with one of my good friends in Miami, who had made a lot of money, and at that time he was not in business at all, had sold his business.

Addressing me, he said :

You know, I wish there was something I could find to do. I don't need any more money, I don't want to be on any more boards and the like, but I just don't feel like I am doing anything, only playing golf three times a week and just taking it easy.

And this was a fellow, a very big, fine, strong, wonderful man. There are a lot of men like that all over the country. He finally went back into business to a limited degree, primarily to occupy himself. There are lots of men like that all over this country that are good sportsmen, like to go out in the woods and fish and the like, who would be wonderful men to work with boys. They would respect these men. And the men would get a satisfaction out of life that they are not now getting.

So I don't know how you spread this philosophy among the men who would like to do this kind of thing, but I think there are a lot of potential members of this great fraternity that you are talking about in the country.

Mr. LEENHOUTS. You are so right. On our staff today, in our office right today, in Royal Oak, Mich., we have six full-time people working for us. Three are retirees who get what they can of their social security. Our program in Royal Oak, in order to have 50,000 hours a year of rehabilitative service to kids, had to have 14,000 hours of administrative nitty-gritties; 14,000 hours of really fine administrative work was given to us by seven full-time retirees who worked for what they could receive under social security, half of them; the others have received nothing at all.

This is a tremendous untapped resource. One of the things we have said around the country is we ought to use one-to-one volunteers. There is a third of a million now, so that has been pretty successful. But the second thing we tried to say so much around the country is the use of the retirees you are talking about now, and I would like to see, if possible, some funds somehow to go about with this message of the involvement of the retiree.

As we approach judges throughout the United States, I would say as we approach 100 judges, and we talk about the volunteers, 15 percent

of them say, "It has got to be; it is right; I will do it myself if I have to crawl on my hands and knees. It has got to be and I will do it." And 15 percent will say, "No way, it is no good; I won't have anything to do with it." And 70 percent, in the middle, will say, "I would like to do it, but I can't do it administratively."

We can train retirees all over the United States to go to their judges with the basic concept and say, "Let's try it, and I will administer this for a year and at the end of the year we review it and see where we go." That is one of the things we would like to do.

Chairman PEPPER. You know, Judge, what you are saying reminds me, in a way, of the Peace Corps. Here we are approving conscientious and meaningful people to go into other countries and try to help those people. The age of the members of the Peace Corps, I understand, has increased in later years. So it shows that older people as well as younger people are idealistic and are interested in being helpful to their fellow man. But suppose we could organize a Peace Corps equivalent in the United States to work among the juvenile delinquents of this country? Look at what an enormous program that could be. How could we do something like that?

Mr. LEENHOUTS. This is another thought we had in mind. I know you have given a lot of thought to this because these things just don't come off the top of your head. We are right on the same wavelength. It is amazing.

One of the things we are now trying to bring about is a national college for the court corrections volunteer movement. This national college would, among other things, train graduate high school students and college students for credit, give them an idea of how they can become more effective as professionals in this field, or as volunteers later in life. This is something that is now on the drawing board and we are working at and, of course, like everything else we have ever done it has to be done totally without money, apparently. So we are going to have to put it together. This is something I think there is a tremendous potential for.

Chairman PEPPER. I don't know whether it should be done under the aegis of the Government or whether it should be done by a private organization. Have you any suggestions? How could we stimulate a larger participation, and should the Government have any part in it?

Mr. LEENHOUTS. I am really not sure, except to know that our office solely intends to it. And if we can do it with some funds we will do it quicker; and if we don't have funds we will do it the way we have done everything else, we will demonstrate its value and pick up support from here and there. It is just a degree of how it is going to come about.

Mr. LYNCH. Have you applied to any Federal agency for the developmental funding for that national college for training volunteers?

Mr. LEENHOUTS. No, Mr. Lynch, we have not. Certainly we would be amenable to the thought if there appeared to be any interest.

Mr. LYNCH. Judge, as I recall, several years ago you did apply to a Federal agency for a grant to enable you to take a year's leave of absence from your duties as a judge in Royal Oak to travel around

the country to assist other courts and citizen groups in establishing volunteer programs. Is that the case?

Mr. LEENHOUTS. No; that is not correct, Mr. Lynch. We did get a Federal grant to study the effectiveness of the Royal Oak program in 1965. That did not go to the operational program but to study the effectiveness of the same period, that research is in the packet which we are giving to the committee, and really proved the effectiveness of the volunteer to a tremendous degree.

The LEAA has contributed money for our national conferences. We have an annual national conference, the first one with 500 people, the second one with a thousand, and we expect around 1,500 to 2,000 in Denver next October. This is where we will get the Bob Moffats and Fred Resses all together so they know each other. This is the way we open communication with people of similar circumstance and interests.

Chairman PEPPER. This is the volunteer organization, all over the country?

Mr. LEENHOUTS. Yes.

Chairman PEPPER. Are you the head of it?

Mr. LEENHOUTS. Yes, sir. In 1959 we began to use volunteers. By 1965 we had 500 volunteers. In 1965 a Reader's Digest article came out about us. In 1965 the Methodist Church gave us \$24,000, no money for salary, no staff, but to pay for travel and literature to go around the United States. In 1969 a very wealthy man, who wishes to remain anonymous, gave us sufficient funds so that we were able to operate for 5 years. And so for the last 5 years, on the money that he has furnished, this industrialist, we have gone around the country spreading this idea.

During this period of time, the volunteer court movement has grown from zero to about a third of a million in 2,000 courts.

Chairman PEPPER. Have you applied to any foundation for funds?

Mr. LEENHOUTS. We have not, sir. We probably should. We are now with the National Council on Crime and Delinquency and have merged with them.

Chairman PEPPER. You are working with them?

Mr. LEENHOUTS. Yes, sir.

Mr. LYNCH. You are, in fact, a division of the National Council on Crime and Delinquency; is that correct?

Mr. LEENHOUTS. That is correct.

Mr. LYNCH. I wonder if you could tell us what is the cost of training volunteers? What kind of training does a volunteer in probation need, and how much does that cost?

Mr. LEENHOUTS. This varies from court to court. Some courts will have a longer training period than others; some courts will have a shorter orientation period and then concentrate more intensely on continuing supervision of the volunteer. Generally speaking, I would say most volunteers are trained somewhere between 6 and 8 hours, but the continuing supervision and guidance of the volunteer and support of the volunteer to the future is very important.

What the volunteer seems to crave is to have somebody he can say to, "My kid said this, my kid said that, what in the heck do I do now?" This is what a good volunteer program will administratively provide, somebody that has expertise that can be with the volunteer and can

say, "Well, your kid said that, I think you ought to try this, and you will come back and we will share some more." This is the role we use with our 35 volunteer psychiatrist in Royal Oak. Many of them would spend time consulting with those doing the consulting, so to speak, working with the volunteer and supporting him.

So it does vary quite a bit from city to city. But most of the volunteer court programs I have observed are being done very well. They are working very hard. For example, the city of Royal Oak, in 1959 one person, the judge, spent one-fourth of his time, 500 hours a year, on the whole criminal court process. Five years later, 500 citizens, most of them volunteers, were spending 50,000 hours on the same process. So we are thinking very, very hard, and the results are very, very good.

But we try to express that this isn't love in the sky; this isn't just sort of a hope that love somehow or other will descend and work miracles. This is a very hard-working process in which we work at screening, we work hard at training, we work hard at orientation and supervision, and so on.

We also bring supportive services. For example, in our court every young person that appeared before our court, where there was a difference between IQ and achievement, we had a group of volunteer optometrists that would test their eyes and in many cases they found out they needed glasses, and we would get the Lion's Club to get them glasses. We had psychiatrists handle group psychotherapy as volunteers, marriage counselors acting as volunteers. The whole gamut, bringing it all together is what we have to do, and this is what we can do when the volunteer starts inspiring the community.

Mr. LYNCH. The costs, then, in this kind of a program are minimal; but if moneys were available, they could be used to obtain technical assistance, evaluation, training, and things of that sort. Is that correct?

Mr. LEENHOUTS. Yes. I think that the real role of the Federal Government would be to spread the concept, to train people to give them the feeling that this can be done, and I think in every community there is a tremendous need, but also in every community there is a tremendous resource. We have examples of people who have taken this need and the resource and put it together and come out with the solution. This, I think, is what we should be about, going around telling people that this is what can be done in their community, that they have the answer in their community. I think this should be our role.

Mr. LYNCH. Has the Royal Oak program been evaluated?

Mr. LEENHOUTS. Yes, sir.

Mr. LYNCH. What did that evaluation show?

Mr. LEENHOUTS. Well, it showed that the recidivism was greatly reduced and it also showed in an attitude test that the attitudes in a similar court that had minimal probation actually got worse in about 50 percent of the cases. It would have been better if they had never been put on probation. And our court, with the volunteer and professional working together, the attitudes were greatly improved.

I have a one-sheet document here on it. We can send you a 40-page study, if you would like.

Other research, such as Denver and Boulder, has also pretty well shown, and I think conclusively shown, that when you have intensive probation, which is possible only when the volunteer and the professional work side by side, that intensive probation is very, very effective.

[The study referred to was retained in the committee files.]

Mr. LYNCH. Would you explain what you mean by "intensive probation," please?

Mr. LEENHOUTS. Sometimes I think, Mr. Lynch, there really ought to be two different words for "probation." One type of probation is where a probation officer has maybe 200, 300, 100, some big number, of probationers and they report once every 3 or 4 months in writing or by telephone, and that is it. We call that probation.

Now, we also call probation the kind of thing we did in Royal Oak, where every offender had an intensive presentence study by retirees and volunteer psychiatrists and psychologists, so at the end of 5 or 20 hours, we knew what he needed and then we supplied that need, either the 1-to-1 volunteer or volunteer psychiatrists individually, or group psychotherapy, or marriage counseling, or Alcoholics Anonymous; 18 different things. That is called probation.

It seems to me this would be something like somebody that comes over, say, from India, and you take him and watch a sandlot baseball game with some kids, 6 and 7 years of age, and say, "That's baseball." The next day you take him to Yankee Stadium to see a professional game, and you say, "That's baseball." He is likely to say, "Which is baseball?"

In a sense, they both are, and, in a sense, professional probation, where people report once every 6 months, if at all, in a sense that is probation. But what I am talking about is this intensive probation where people really care. Our volunteers, for example, used to come in at 10 o'clock every Wednesday night, those who were having problems, and we would be up there until 12 o'clock, 2 o'clock in the morning sometimes, talking about kids and their problems.

This is probation. This other stuff we call probation, it is too bad we don't have another name for it.

Mr. LYNCH. Do volunteer programs work best when they work with the formalized probation department?

Mr. LEENHOUTS. We are seeing them develop in different ways. I think a lot depends upon who begins them. The program in Denver, the "partners" program, is a separate program. Our program in Royal Oak was always part of the probation department and part of the court. I think both systems are effective if they are done right. The key here is putting your heart in the right place and then just putting a heck of a lot of sweat where your heart is. When you do those two things, you have a combination.

Mr. LYNCH. Judge, you indicated you have in some stage of development an idea or a proposal for a national college for probation volunteers. What would that college teach? What would the curriculum be?

Mr. LEENHOUTS. I think there would be two types of people, primarily, that we would be aiming for. One would be the graduate high school student and the other the college student, giving them a course for college credit in which they would have 3 or 4 weeks in the summer so they would be trained to be effective as professionals when they get into the criminal justice system as probation officers or in other capacities; and second, we would deal with people like engineering students so that in their free time and in their spare time they could be very effective as volunteers and really feel good about themselves

and what they are doing, not only for the probationer but for themselves.

The other thing that I would see would be 1-week courses which would be pretty intensive for judges, probation officers, JAYCEES, Junior Leaguers, et cetera, to show them how they could be involved in this movement in their area. I would think that perhaps 10 or 11 1-week seminars, and maybe 3 or 4 months of 3-week courses for the college student, and I think that in a few years we could make a tremendous difference.

Mr. LYNCH. So you would be giving formalized training, if you will, to people who were signing up to be volunteers; is that correct?

Mr. LEENHOUTS. This would be very intensive training for people who would be volunteers in the future, or who seek to be volunteers now; for those who would be professionals in the future in this area, and for those who are professionals now. These are the four types I would think we would be aiming at.

Mr. LYNCH. Wouldn't that be an appropriate area for Federal or State financial assistance. It is one thing to ask a person to devote time, it seems to me, and to ask them to undergo out-of-pocket expenses for losing a week's employment or whatever to attend a college. Would that be an appropriate area for subsidy for this kind of program to pay for that kind of training?

Mr. LEENHOUTS. I think it would, and I think this kind of thing is what the Federal Government should be about. The training and encouragement or motivation and information of people who can really make a tremendous difference.

Mr. LYNCH. Judge, you have seen the volunteer programs, I know, certainly since 1969, and maybe before that, all across the country. Is there any question in your judgment that by and large those programs are as effective, if not more effective, than the traditional kinds of probation programs?

Mr. LEENHOUTS. There is no doubt they are more effective when they are done right, and our big job now is to see it is done right. The problem no longer is to sell the concept. In 1965, when we first began to spread the idea, we had to convince people it would work and it was right. I no longer do that. I spend most of my time now trying to see it is done right. As a matter of fact, I go to some communities where I don't think that they really have got the motivation and I tell them I hope you don't start because you have to really have motivation, drive, intelligence, and ability. You have to put the heart and the head together. You have to put together the inspiration, the information, the science, and the spirit. These things have to come together. And when they come together you are really effective.

Mr. LYNCH. I understand your motive. I would like to know how effective you think you can be; how large is your operation; and how many professionals do you have working with you?

Mr. LEENHOUTS. In Royal Oak, in our office?

Mr. LYNCH. Yes.

Mr. LEENHOUTS. We have six employees. We have three in the traditional sense, and three retirees that work for us.

Mr. LYNCH. Are you the principal emissary, however? Do you personally review programs across the country?

Mr. LEENHOUTS. I am the one who is on the road.

Mr. LYNCH. And your total budget is \$80,000; is that correct?

Mr. LEENHOUTS. That is about right.

Mr. LYNCH. If you had additional funding, would there be a role to find people—that would be hard to do, I think—like you to review programs and to give technical assistance, as it were, to other judges, court systems, what have you; could you employ such people?

Mr. LEENHOUTS. People from around the United States that I know right now? I could put my hands on 15 of them today. That would be a great job.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Chairman PEPPER. Judge, have you made any application to, or have you had any contact with, the Development and Delinquency Prevention Administration, which I believe is in HEW?

Mr. LEENHOUTS. No, sir.

Chairman PEPPER. They are supposed to be working in the field you are working in. I don't think they have very much money, so I don't know just how much they are able to do. But I was wondering if it might be desirable for you to contact them to see whether or not they are in a position to give you any help?

Mr. LEENHOUTS. I think this is one of the things we should do. I think one of the big problems is I will have whole months where I am only in the office for 2 or 3 days, because I am traveling so much to help courts get started and help cities get started with these programs, and putting on a huge national conference once a year which involves 2,000 people or more. That is pretty much a full-time job for somebody, too. I think we have just reached the point we have to have more staff so we can begin to do more things.

Chairman PEPPER. I wish you would give some thought to what kind of legislation Congress might entertain which would, in effect, support your program. I would like to relate that to the Peace Corps. I think of it as comparable to the Peace Corps but on a domestic level, and aimed primarily at delinquent youth or troubled youth. I wish you would give some consideration to the kind of legislation that might be introduced in the Congress, or might be recommended by this committee, that would enable you to do a better and bigger job than you are doing even now.

Mr. LEENHOUTS. Thank you. I will be glad to.

[The memorandum referred to was not received in time for printing.]

Mr. LEENHOUTS. Let me say that one of the persons I haven't mentioned this morning is a man by the name of Richard Simmons, in Seattle, Wash., who has—hold on to your hat, you won't be able to comprehend this, nobody can when they first hear it—matched 4,500 volunteers with prisoners, the most hopeless cases. They always look for the ones who have been there the longest with no communication from the outside. The volunteers work with them on a 1-to-1 basis, as prisoners, as parolees, and ex-offenders, as lifelong friends.

I wish I could have the time to tell you story after story of the marvelous things they have done. Dick Simmons' concept is for a national college to train young college students to commit themselves for 2 years. Peace Corps style, and this is the kind of thing Dick Simmons and Bob Moffat of Denver's "partners" program, the airplanes, and myself, the three of us are trying to work and bring about.

Chairman PEPPER. Would you work that up in a memorandum and send it to me?

Mr. LEENHOUTS. I would be delighted, sir.

Chairman PEPPER. I ran into a program comparable to the one you are describing down in Memphis, Tenn. Out from Memphis is an institution where they incarcerate people. There is a company which is interested in improving people and improving the conduct of people and the like, motivating people, that was in charge of this program they developed there.

I went down there and spoke at one of their graduating exercises. They graduate prisoners who come through these courses. I learned the business and professional men in Memphis worked with one of the inmates out at the institution and talked over things with him and counseled with him and encouraged him and helped him. Then when he gets out, if he lives in that area, they also work with him, try to help him after he has been out.

I remember one of the graduates of this school whose class was publishing the local paper at the institution. He had been a man who from the time he was a young man had been in prison. I think he was in his forties, but somehow he had finally gotten the light and taken on a new point of view, new attitude, and it now looks like that fellow is going to go out and become a useful person in society.

Mr. LEENHOUTS. We are not only pleased with that program at the Shelby County Penal Farm started by Commissioner Mark Luxwell, but we are also proud because I believe that program began when Mark Luxwell heard one of our presentations in 1964 or 1965. He came to Royal Oak twice; we talked about it and that was the program which evolved out of it. We are not only pleased with it, but we are proud of it.

Chairman PEPPER. Very good.

Mr. Winn?

Mr. WINN. Thank you very much, Mr. Chairman.

I just want to congratulate you on the work that you are doing. I am sorry I missed the first part of your testimony. I will pick it up out of the record.

I, too, long felt that most of our so-called probation systems are really a farce. Many of the young people that we have had before this committee in the last 2 or 3 years talked about being on probation, but I got the idea that they thought it was a joke. Some of them said so. Some of them said they never did see their probation officer, they would check in once in awhile when they felt like it; and it didn't seem to me like most of it was working in the sense that you say your program is.

I find your program very intriguing and I wish you all of the luck in the world.

Mr. LEENHOUTS. Thank you, sir. I would invite you, and anybody that could, to come to our next national conference or send some of your staff, because this is where you will see about 2,000 people that are really involved in this all over the country. As Milton Rector, the director of the National Council of Crime and Delinquency, said one time: "I used to think I knew something about conferences, but I never dreamed you could have the spirit you have here at our conferences."

I hope maybe you could have some of your representatives come out. I think you would meet some fabulous people doing some great things.

Mr. LYNCH. Judge Leenhouts has left a rather extensive folder for the committee. I haven't had a chance to look at it, but I would like to reserve the right to incorporate appropriate parts of that folder into the record at a later time.

Chairman PEPPER. Without objection, it will be incorporated.

[The material referred to will be found at the end of Mr. Leenhouts' testimony.]

Chairman PEPPER. Judge Leenhouts, who is the head of your program in Florida, and particularly in the Miami area?

Mr. LEENHOUTS. The statewide director of the program is Mr. Keller in the juvenile field; a man by the name of Leonard Flynn in the adult field. There are many programs, and in the Miami area they began a program about a year ago, and they have a marvelous person named Ruth Wedding, who was one of the great leaders in the whole country. This program in Miami was begun by the Junior League out of a complete vacuum. The court had no services at all in the misdemeanor field, and the Junior League gave the money, volunteered, and it is a marvelous example right there in Miami on how a private organization, the Junior League, and the courts have worked together to bring about probation services.

Chairman PEPPER. I thank you for those names. Of course, we had Mr. Keller here this week. We are very proud of his eminent work in Florida. I am going to look up those people and try to get more help down in Florida.

Mr. LEENHOUTS. I might add this: We do have in our files in our office a list of about a thousand of my personal friends around the country. They are all doing a fine job and I would be glad to share this with the committee if that would be helpful.

Chairman PEPPER. We wish you would.

Thank you very much. We appreciate your coming, Judge.

[The following material, previously mentioned, was submitted for the record by Mr. Leenhouts:]

[Excerpts from "Concerned Citizens and a City Criminal Court," June 1969, by Project Misdemeanant Foundation, Inc., Royal Oak, Mich.]

HISTORICAL DEVELOPMENT

In August of 1959, a 17-year-old boy stood before the judge of the Municipal Court of the City of Royal Oak, Michigan (Population 90,000). He was charged with a felony, robbery armed. The preliminary examination had just been concluded. The boy was all alone, without attorney, parents or friends. The Judge asked him, "Where is your mother?" "She died when I was nine," was the reply. "Where is your father?" The boy said "He left before her funeral was over. I haven't seen him since." "Where have you been living?" The heartbreaking reply was, "I lived with my grandmother for a while but she died. I then lived with an aunt and uncle, but they were divorced and neither wanted me. I have just lived here and there since."

A month or two later nine men sat around a table discussing his case. We could do nothing for him. He was now before the higher courts awaiting trial and probable sentencing. But how about the others who would follow. Were we equally helpless?

The nine men were two Protestant ministers, a Catholic priest, a psychiatrist, a psychologist, a former professional youth worker, two junior high school assist-

ant principals and the judge. All were close personal friends of the judge except one. We decided to do something about the youthful offender if we could.

On April 15, 1960, we received the sanction of the Michigan Corrections Commission to institute a new type of probation program. Our plan was simply this: Each of the eight "Counselors" would give a maximum of five hours a month to a maximum of five probationers each. They would meet with them voluntarily, without financial remuneration. An assistant junior high school principal was appointed the Chief Probation Officer. He agreed to work additional hours to coordinate the program also without pay. We hoped to establish an inspirational relationship of trust, confidence and admiration between the probationer and an adult in the community who had both the zeal of the volunteer and the training, education, and experience of the expert in a phase of counseling. Whatever else might be said, at least we were not lacking in dedication, enthusiasm, and counseling experience. Incidentally, this is perhaps one of our unique features. The volunteer usually is an expert. We anticipated that the program would continue as originally started, supplemented only by the addition of more counselors. How wrong we were.

• In June of 1960, about two months after our program got started, it became apparent that the Chief Probation Officer was working many more hours than a volunteer should. We have always felt that no volunteer should work more than five hours a month. As the Chief Probation Officer, he saw each of the probationers once a month. Thus, each probationer had a minimum of two meetings a month, one with his volunteer counselor and one with the Chief Probation Officer.

We talked to a businessman who agreed to make a \$50,000 donation to our Probation Department. He was our first financial contributor. Toward the end of June we contacted two other businessmen who agreed to pay \$25.00 a month each until the end of the year. These were our first permanent contributors. The program was now on a solid financial foundation, at least for six months. Thus, the program that started out with no financial backing whatever now had its first paid professional. The Chief Probation Officer was our first paid employee.

Toward the end of 1961, several more volunteer counselors were added and the Chief Probation Officer's case load was getting extremely heavy. It was getting to the point where he was becoming an administrator only. This we wished to avoid. We decided that we must secure the services of a "staff assistant" who would work about 25 hours a month also. Luckily, we were able to employ an assistant principal at a junior high school who was one of the original eight. His title was "Chief Counselor."

To effectuate this it was necessary to raise more money. Four of our biggest businesses contributed \$25.00 per month each. Thus we started the year 1961 with two part-time employees (25 hours a month each), approximately 35 volunteer counselors and \$100.00 a month. We were sure that we had reached our peak and that the challenge would be met. Again we were badly mistaken.

In the final months of our first year (January to April, 1961) we began to learn from experience that the experts were right. A probation department must be well administered.

Very happily, in May of 1961, the City of Royal Oak gave us \$2,200. This was an unsolicited gift. No request had been made by us. How many times has the legislative branch of the government given an unrequested gift to the judicial branch? It was in this manner that the city started to partially finance the probation department. It now furnishes some 75% of our financial needs.

As we continued to grow in case load, the problems of administration became more and more time-consuming. For example, notices of monthly meetings formerly were a matter of simply letting a few friends know that we were having a get-together. Suddenly, it involved the mailing of 35 notices. Up to this point most of the administration had been done by the judge, who, in early 1961, found himself involved in some 15 to 20 hours per week administering a probation department in addition to the 40 hours or so required by the regular court activities. We seriously considered the possibility of being more selective and taking only the violators who presented the gravest need. While this sounds good on paper, it doesn't work that way. We concluded that we could not turn our backs on any one in real need of help.

As it often does, a perfect solution presented itself. A retired friend of the judge volunteered his services. Formerly a business executive, he has fine sensitivity to the needs of others and particularly to the needs of young probationers. When first contacted he offered to give 15 hours a week to the program without any monetary compensation. A few months later additional contributors were

found and this retired senior citizen started to work full time for us. Due to the limitations of Social Security, he received only \$100.00 per month or some 60¢ an hour. He spent nearly all of his time in the administration of the program. In addition to his other duties, he contacted each volunteer counselor once a month for their progress reports. He met at least once a week with the staff counselors. He also sent out notices of the monthly meetings, wrote letters for the Chief Probation Officer and the Chief Counselors, prepared the probation orders, typed bench warrants, contacted the psychiatrists and countless other tasks. He freed the counselors from administrative details and duties. Without him, we would not have continued long after the first year. An assistant was later added to help the over-worked administrator. Now several citizens assist in the administration of the program, giving us an administrator and five assistants at the present time. All are retired senior citizens.

For the last four years several women in the community have been donating secretarial and clerical services. Much of the letter writing and other miscellaneous typing is done by them.

We have also been assisted by several retired, senior citizens who perform "doormen" duties for us.

As has been suggested by the foregoing, our program grew and expanded as dictated by the needs of the court and the needs of the probationer.

We noted, for example, that we badly needed a presentence investigation department to gather factual background information coupled with psychological testings and psychiatric evaluations. This development followed our usual pattern. We secured the service of one dedicated individual, a minister, with training in criminology, and (eventually) some 25 volunteer psychiatrists, 10 volunteer psychologists, two staff psychiatrists and five psychological and psychiatric clinics to assist us. All but the staff psychiatrists, who, like the pre-sentence investigator are vastly underpaid and are, therefore, quasi-volunteers, receive no monetary remuneration whatever.

We heard about group psychotherapy and like the idea. We approached some businessmen who donated sufficient funds so we could hire a psychiatrist who agreed to work at far less than the going rate. Both the contributors and the psychiatrist were motivated by a desire to assist the court in the rehabilitation of those probationers who could be assisted by group psychotherapy conducted by a psychiatrist.

We knew that some defendants could be assisted by individual psychiatric treatment. Gradually we secured the services of some 30 psychiatrists who voluntarily treat the defendant who cannot pay for the service but who has the need and the desire to be so helped. Again a professional was needed to coordinate this, so two associate staff psychiatrists were added to so do.

As noted elsewhere, additional professional counseling was needed both directly with the probationer and to better supervise the volunteer. We now have eleven such professional staff counselors who perform both functions. Thus, these four aspects of the program followed the same pattern of development. In each case (pre-sentence, administration, professional counseling and psychiatric counseling) a dedicated professional who was willing to work for less than the going rate became a quasi-volunteer. We then secured the services of many volunteers to assist him. The under-paid, dedicated, warm, sincere professional and the volunteer working side by side got the job done.

Other aspects of the program followed a different pattern. In the development of the Alcoholic Anonymous, volunteer sponsors, employment counseling, non-support enforcement, church-referral, optometrists, lawyers and doctor referral programs, a volunteer or group of volunteers initiated and maintained the program assisted by the administrator and his associates.

Thus the history can be summed up rather accurately in this manner. A need would manifest itself. The court had no ability to supply that need. The court would then ask the community to voluntarily supply sufficient money to hire an extremely competent but underpaid, dedicated professional and many volunteers to work with him to solve the problem presented by the probationer, or the court asked for volunteers alone to supply the needed service.

The community and its citizens have been magnificent. They have truly fulfilled this Biblical quotation, "Ask, and it shall be given you; seek and ye shall find; knock, and it shall be opened unto you". (Matthew 7:7)

The historical development of this program has been thrilling and gratifying. It is something akin to the experience of the death of a loved one. For every task

to be performed prior to and at the time of the funeral, ten hands stretch forth to do that task. It is similar here. We are rarely disappointed.

It has been said that all that is necessary for evil to triumph is for men of good will to do nothing. We are satisfied that the opposite is also true. All that is necessary for good to prevail is for men and women of good will to do everything. For the past six years we have seen them so do. The experience has been exciting and memorable.

It would seem to us that for every need there is a person who can and will supply that need on a voluntary or quasi-voluntary basis. There seems to be no limit to what people of Judeo-Christian concern will do as volunteers, quasi-volunteers or voluntary financial contributors.

The various aspects of the probation department are described in more detail hereinafter. The foregoing is merely our attempt to give the reader the historical development.

THE VOLUNTEER SPONSORS

Our list of volunteer sponsors (we changed the name from volunteer counselors) continues to grow. We now have well over 100 volunteer sponsors. Although we fundamentally rely on the staff counselors for the counseling, we have continued to select the volunteer sponsors with great care. They fall into one or both of these categories: (1) Experts in a phase of counseling or (2) Well known by the judge or other personnel of the probation department to have natural talent, sincerity, and warmth of personality—inherently good counselors and friends. Over 90% fall into both categories. They are attorneys, psychologists, psychiatrists, ministers, priests, educators, and the like. In many cases there has been a utilization of an existing employer-employee relationship or the creating of a new employer-volunteer sponsor relationship. This has been very effective. These men and women are selected with great care. They also receive orientation before they are assigned a probationer.

Their case load has been reduced. Originally they met with a maximum of five probationers. Now their case load is one probationer each.

The successful operation of this phase of the program is entirely dependent upon one factor; namely, the establishment of an inspirational relationship of trust and confidence between the probationer and an outstanding member of the community who by education, training, experience, and background has the ability to help the probationer change his inward attitude and moral concepts. The fact that the volunteer sponsor is not paid at all for his time and is motivated solely out of a warm sincere desire to assist the probationer is most important. The probationer in many cases realizes that, "this guy really is interested in me and he really wants to help me".

Initially the meetings with the volunteer sponsors are predicated upon obedience out of mere duty. They must either report or go to jail. However, in most cases this obedience based upon force is supplemented, and often totally substituted, by a feeling of respect based on admiration, gratitude and esteem. Thus, the program works something like a good parent. After the punishment is over, the volunteer sponsors seek to understand love, correct, rehabilitate, re-educate and inspire. It is in this process that the deeper and sounder relationship is substituted for obedience based upon power and authority alone. This is one of the most important phases of our program.

Originally, all our volunteers were experts in some phase of counseling. Because of the lack of professional supervision we could not, initially, use the untrained volunteer. Now, however, we use the untrained volunteer because we can give him adequate supervision. However, many of our volunteers continue to be experts in some phase of counseling.

This aspect of the program no longer constitutes the whole probation department as it did originally, but it remains a most important part of the program. Additional information on this most vital and important aspect of the program is given in Exhibit E. "The Role of the Volunteer." The list of volunteers is set forth in Exhibit 11 and gives an idea of the type of volunteers who are active in this program. Case histories are found in Exhibit D.

Screening of the Volunteer Sponsors

For the most part, the volunteers have been screened by a long friendship with the judge, a staff counselor or other personnel of the probation department. This also includes employment screening such as the standards set by the Bar Association which must be satisfied before one can become a lawyer. Those not in this

category who want to serve are requested to cooperate in a psychiatric-psychological screening process before they are accepted.

A chief counselor also conducts orientation courses for new volunteer sponsors who wish to attend the same before assignment.

The Staff Counselors

The mainstream of our program flows through our professional counselors, called staff counselors. They are the chief probation officer and the chief counselors.

At least in the opinion of the writer, a most important development was the successful consummation of our attempts to reduce the case-load of the staff counselors. We did this by adding more chief counselors. We now have high school counselors, psychologists, social workers, and a minister with special training in marriage and family counselling. Their names appear later in this report.

Their case-load has now been reduced to about 18 each. We have an average active case-load of about 550. Of this number, a few are on probation merely for restitution, non-support, or for supervision in the negative sense only. Those subject to the weekly meetings of the AA program generally meet additionally with the administrator only, and do not meet with the staff counselors. Others attend group meetings.

Women probationers meet with the administrator and volunteers of the women's division only. A few probationers work in the evenings and meet with a volunteer sponsor and the administrator only. This leaves about 200 who meet with the staff counselors, or about 18 each. This has greatly increased the effectiveness of the staff counselors, who do virtually no administrative work and devote all their time to counseling.

The greatest benefit from this change has been a closer liaison between the volunteer sponsor and the staff counselor. This process is supplemented and assisted through the efforts of an associate administrator by and through monthly written reports to the department by the volunteers. Also, the chief counselors now have more time per probationer for counseling.

The volunteer sponsor and the staff counselor often meet on a regular basis to discuss their mutual interests. Our volunteer and staff psychologists and psychiatrists attend these meetings as well.

The staff counselors work about 15 to 20 hours a month for us. They are paid \$900.00 a year.

Associate Staff Counselors

Another development was the creation of the position of associate staff counselor. When the chief counselors have a probationer who needs additional counseling rather than a volunteer to act as a friend, they can turn to their associate staff counselor. These men are trained in counseling and give additional time to the probationer whose needs for professional counseling go beyond the time that the chief counselor can devote to him.

These men work about 5 to 7 hours a month. They work closely with their chief counselor. They are completely unpaid.

Here the enthusiasm, dedication and warmth of the volunteer is blended with the training, experience and talent of the expert in counseling in one inspirational personality. It has been most effective.

The Professional and the Volunteer

Although this program started out simply as a volunteer program, we are convinced that a program that combines the efforts of the volunteer and the professional is most effective. Based on our experience, we would be very reluctant to have a probation department staffed only by volunteers. However, working together the professional and the volunteer supplement each other very well and are most effective.

THE PSYCHIATRISTS AND PSYCHOLOGISTS

Not unlike the rest of our program, the psychiatric and psychological services, like Topsy, "just grewed". We have always been most fortunate to be associated from the beginning with men who are not only excellent practitioners but also who are warm, sensitive, and dedicated individuals. There is no group to whom we are more indebted. Of the original eight who instituted the program, one was a psychologist and another a psychiatrist.

Initially, we used their talents to do follow-up therapy with individual probationers. After a period of time, we became convinced that their time could better be utilized in the difficult area of pre-sentence investigations. By so doing, their insights were available not only to the judge in sentencing but also to the entire staff as we engaged in follow-up counseling. They also gave us a better method of selecting specific services for probationers such as group psychotherapy.

For nearly three years we were able to give free psychiatric evaluations and psychological testings in our more severe cases as part of the pre-sentence investigations only through the dedication and generosity of eight psychiatrists and seven psychologists. All practice privately and gave of their time without monetary gain.

Now, and for the past two years, we have an arrangement with three state-supported psychiatric out-patient clinics. They will give us a maximum of 13 free evaluations each month. This is most ample for our needs. Their cooperation has been most gratifying. Thus, we are now able to furnish all the evaluations that we need through their efforts alone.

A later development has been most helpful. One or two psychiatrists in residence training and their supervisor donate five to nine hours a week to the program to do evaluations. They routinely do the first evaluation. If more is needed, the volunteer psychiatrists and psychologists in private practice give us additional information. If a further evaluation is necessary, referral to the state supported clinics mentioned above is made. Thus, we can receive extremely thorough evaluations when necessary and shorter evaluations where such will suffice. These evaluations range from one hour to ten hours in length depending upon the need.

The psychological testings continue to be handled by private practicing psychologists. However, we are most pleased that a nearby educational institution has agreed to do some psychological testing for us. This, along with the private psychologists, is ample for our needs.

We also have a staff psychiatrist who works about fifty hours a month for us. He engages in a group psychotherapy and individual psychiatric follow-up therapy. The group program is described in more detail elsewhere. We have had hundreds of probationers who have attended these sessions since its inception in the fall of 1961. These groups meet weekly from September to June each year for about 1½ hours each week.

He also supervises the staff counselors and is the "star performer" at the monthly staff meetings. He meets with the judge and the staff members several times each month on an informal basis as well. This dedicated man typifies the spirit of our paid staff. He is paid about \$10.00 per hour. He is an excellent practitioner who could make many times that amount by using his time in private practices. He is a dedicated individual who fits well into the pattern of our program of quasi-volunteers by reason of being grossly underpaid.

The reader will note that most of the above deals only with pre-sentence evaluations. How about the probationer who needs treatment?

Until October of 1964, we could hope that such a probationer could retain his own psychiatrist or that he would fit into the group psychotherapy program. Only in a minority of cases could the staff psychiatrist work them into his schedule for individual psychiatric treatment.

Then a gratifying thing happened. Thirty psychiatrists in private practice answered our call for help. Also, four clinical psychologists volunteered to assist us. They each agreed to accept one probationer in continuing therapy. Each agreed to give between two and four hours a month to our program.

The psychiatrist, with the assistance of the probation department, establishes the fee depending upon the financial status of the defendant. It might be as high as the usual rate or as low as no charge whatsoever.

Now we can say that any probationer who has need of such assistance and the desire to receive the same can get individual psychiatric counseling, therapy and treatment on a long-term basis regardless of his ability or inability to pay for the same. This aspect of the program is supervised by the staff psychiatrist with administrative assistance.

We are not lacking for psychiatric services either in evaluations or in follow-up therapy thanks to the generosity, warmth, and dedication of the psychiatrists and psychologists. We can meet the need for group or individual psychiatric treatment and counseling. Those who do not fit into the group and who are not sufficiently motivated will receive counseling from the staff psychiatrists.

No group has given more. No profession has demonstrated more sincere concern for our "prodigal sons". We are deeply indebted to them.

Further information on this part of the program is set forth in our letter of October 17, 1964 which appears near the end of this report. (See Exhibit G)

Group Psychotherapy

One of the most interesting experiments thus far has been the group psychotherapy program headed by our staff psychiatrist. There are many probationers who are now active in this program. The psychiatrists report that they are pleased with the operation of the groups.

The idea behind this program is to allow complete freedom of expression to a small group of (eight) probationers. Here they have an opportunity to give full expression to their hostility, rejection, anger, frustration and other emotions.

The psychiatrist, who was trained in group techniques and who supervised our first group in 1961, predicted that the groups would first spend virtually all their time cursing and condemning the world in general and the court, probation officers, and persons in authority in particular. He was absolutely correct and the first three or four weeks were used for that purpose. This has been our general group experience.

The groups then progress beyond the condemning and cursing stage. They settle down to a serious discussion of the personal problems of each member of the group. They have also shown ability to take in new members. Several members of these groups have expressed gratitude to the psychiatrist for being allowed to bring up problems which were causing considerable anxiety. Others have thanked the judge for being sent to group psychotherapy. Many have commented most favorably on the program to other members of the staff. Several of those, who have so expressed themselves, are probationers for whom we had scant hope that they would be so effected.

The group program is not a necessity forced upon us due to lack of individual counselors. Rather, group psychotherapy is a technique which, in many instances, has been more successful than individual counseling. A form of group counseling and an example of group dynamics is the highly successful Alcoholics Anonymous program. It plays an important role in our program.

Another development was the organization of a husband-wife group which was in operation in 1964 with good results.

In several years the hundreds of probationers subjected to the group program have committed very few violations of probation. In view of the fact that many of the most serious and potentially dangerous probationers have been subjected to this program, we are gratified with the results.

Due to the institution of the program of individual psychiatric follow-up by the 30 volunteers described elsewhere and the time expended thereon, no group program was carried on in late 1964 and early 1965.

However, at the present time many groups are in operation directed by the staff psychiatrists, volunteer psychiatrists and a volunteer psychologist. All are progressing well. Other groups conducted by chief counselors are also doing well.

PRE-SENTENCE INVESTIGATIONS

When we were 19 months old, we were able to initiate a pre-sentence investigation department for the more serious cases. Thus, since January 1, 1962, we have enjoyed the advantages of these investigations. As has often been said, the pre-sentence reports are to the judge what an X-ray is to the surgeon. It is indispensable. It also has other advantages. Now the staff counselors and volunteer sponsors have a considerable amount of immediate information available to them prior to their first meeting with the probationer. Our pre-sentence investigator was a minister with experience in the field of criminology. He worked about 20 hours a week. Now this position is held by a retired and well-qualified man who works full time.

In addition to pre-sentence evaluations, he will do some counseling. He also assists the administrator on administrative details from time to time. As mentioned above, he relies heavily on the psychiatrists and psychologists with whom he works very closely.

A pre-sentence report might be as short as an hour interview with our pre-sentence investigator plus about a half hour of verification of the facts and the completion of the report. It might be as long as twenty hours and involve the pre-sentence investigator, our psychiatrist in residency training, his supervisor,

a psychiatric evaluation and psychological testing by an individual volunteer or a clinic, or possibly both, and a report from our staff psychiatrists.

Thus, with the factual background on each defendant supplied by the investigator and the psychiatric and psychological evaluations incorporated into his report, we sentence with a degree of confidence that we have at least some concept of the physical, mental and emotional maladjustment which manifested itself in the commission of the crime before the court. Without the recommendations and evaluations of the investigator, the psychiatrists, and psychologists, the judge would, at least in his own opinion, be totally unqualified to sit in judgment.

We try to heed the advice of Kipling, "Be slow to judge, for we know little of what has been done and nothing of what has been resisted".

Pre-sentence investigations are so vital that we now feel any court starting a probation department out of a complete vacuum absolutely without finances or paid personnel as we did should first initiate a pre-sentence department. The fact that we did not do this first is now our greatest criticism of our own historical development.

A "reformed" alcoholic works as a volunteer with cases involving drinking.

THE WORK DETAIL

In February of 1965 a new program was instituted within the framework of the probation department. It is called the "Work Detail" program. The basic idea is to punish the wrong-doer in such a way that he does not have a criminal record when the court experience is over. Traditionally courts can punish in just two ways, by use of a fine or jail term. Each punishment, when utilized, immediately gives the defendant a criminal record that can do him much harm in future life. We have had defendants contact us 15 years later about a conviction they committed as a teenager. Years of good living did not erase the blemish on the record. They often cannot obtain jobs or promotions, advancement in the armed forces or are fearful of the effect of the conviction when discovered by their children.

We feel that punishment is important but the never-ending effect of punishment can do more harm than the good it was intended to accomplish.

Thus, we instituted a program wherein worthy defendants without a criminal record could petition the court for assignment to the work detail. To make the program financially self-supporting, they pay \$48.00 a month for the privilege of working for the city 4 Saturdays a month. Thus, it costs the city nothing. The sentencing is then adjourned for as long as two years. They report to the personnel of the probation department during this entire time period, although the number of months on the work crew generally is three months or less. If the defendant has performed his work on the work crew satisfactorily, has abided by the regulations of the probation department, avoided any further criminal convictions, and fulfilled the spirit as well as the letter of the probation program then upon recommendation of the probation department the case will eventually be dismissed and the defendant will have no criminal record.

At the end of one year, these offenders paid over \$10,000.00 into the city and worked about 2,500 hours performing work that otherwise would not have been done. They have cleaned parks, helped remove diseased trees, picked up litter, repaired park tables, etc. Of the 163 so assigned, only one has committed a second violation while under this program, although it has been necessary to sentence two others who did not fully cooperate with the program. Two others received additional work assignments for failure to work with due diligence. Additional information is available in Exhibit F of this report.

EMPLOYMENT COUNSELING

At first a retired citizen, formerly with the Michigan Employment Security Commission, directed our own employment counseling service. He met with probationers whenever requested. He assisted in helping probationers discover their talents by arranging for aptitude tests. He also gave them general advice about how to get a job. In some cases he knew an employer who had a definite need which a probationer could fill. In these cases he often arranged an actual employment situation. He was one of many retired citizens who are active in our program. He worked closely with the Michigan Employment Securities Commission.

Now the administrator assists probationers who need jobs. He is assisted by all of the other staff members and the Division of Vocational Rehabilitation.

Restitution and Non-Support Cases

Another retired senior citizen gives us about two days a week. Some of his time is dedicated to the enforcement of non-support orders, where men refuse and neglect to support their wives and children. They are required to pay a certain sum each week. Non-payment of the order will result in punishment for violation of probation. In many cases, wives and children are being supported for the first time in several years by their husbands and fathers.

He also administers the payment of restitution in cases where the complaining party has suffered financial loss because of the conduct of the probationer. Again, nonpayment of the restitution order will result in punishment for violation of probation. The administrator also assists in this phase of the program.

WOMEN'S DIVISION

In the fall of 1963, it seemed advantageous to add a women's division. A retired school teacher and counselor volunteered her services. She administered this division. Assisting her were some ten women in the community. Like the other volunteer sponsors, they are school teachers, housewives with social work or psychological training and experience, YWCA personnel and the like.

In 1964, two housewives with special training in psychology and sociology replaced the school teacher upon her retirement from the program. They now administer the program and act as volunteer counselors as well.

These dedicated women have done an excellent job for us. They also make referrals to and use the facilities of the Probation Department.

ALCOHOLICS ANONYMOUS

Our court operates its own chapter of A.A. It is supervised by several successful members of A.A. Some of the sponsors were originally referred to the program by the court. The success ratio is roughly equivalent to the general success ratio of A.A. Those who have completed about fifteen months of sobriety are given their probation discharge or certificate of appreciation. We are tremendously indebted to A.A. They owe us nothing. We owe them much. It meets weekly for 1½ hours. We feel that it is totally unrealistic for any lower court to operate without the services of an A.A. Chapter. For further information, see Exhibit H.

The Role of the Prosecutor and Police

We are deeply indebted to the excellent law enforcement officials of our city and county, the Royal Oak Police Department, the City Attorney and the Office of the Prosecuting Attorney. They have a sincere interest in rehabilitation. Without their assistance and cooperation this program could not have developed as it has.

CHART OF SERVICES AND GENERAL INFORMATION

An operational chart of services is in the index of this report. (Exhibit C). In addition to these services, we arrange apprentice training, employment opportunities, re-enrollment in high school, and enrollment in adult education whenever possible. There is also some additional information on specific subjects in the Exhibits.

FINANCING

Although it is impossible to ascertain the total number of hours dedicated to our program each month, a reasonably accurate estimate would be about 1000 hours a month, or some 12,000 hours a year. The total cost of the program for 1968 was about \$23,000. Of this total, approximately \$6,000 was donated by businesses and businessmen in the community. The rest was provided out of city funds. We conservatively estimate that the total services furnished by the probation department, if purchased at the going rate, would cost at least \$300,000.

SPIRITUAL REHABILITATION PROGRAM

We also have a spiritual rehabilitation program which was initiated when we were 15 months old. About 90 churches in our immediate area responded to our

invitation to discuss the utilization of the power of the church in the field of probation. The program works something like this. If and when a probationer indicates a desire to have a church home, and we attempt to stimulate such a desire whenever possible, we then ascertain his natural church home, consult our list for the name of the clergy or layman who represents that particular church and contact him. After a home visit, the clergy or layman will take the probationer to church, thus insuring a warm welcome. It is our thought that many probationers have a subconscious and sadistic desire to be rejected by the church. If they go to a church and get less than a warm and enthusiastic welcome, this subconscious desire will be fulfilled. For this type of probationer we hope to have a real surprise in the form of a warm welcome. Although we do not have a lot of referrals, those which are made have been effective. At this date, approximately 25 probationers are attending church with a degree of regularity for the first time. Some of these, at the suggestion of our personnel, got married in a church. In some of these cases a church home was established.

ANNUAL SOCIAL AFFAIR

We have one social affair each year for the wives and husbands of the contributors, the paid staff members, those assisting on special aspects of the program and the volunteer sponsors. Altogether some 500 citizens are involved.

NATIONAL INSTITUTE OF MENTAL HEALTH GRANT

In April, 1965, we received a four-year grant from the National Institute of Mental Health in the amount of \$120,000. The reader's attention is referred to Exhibit J in the Index.

Statistics

See statistics in the supplement on page 51 of this report.

Importance of Probation

The importance of probation in municipal courts and other lower courts is indeed staggering. Professional probation officers estimate that some 75% to 95% of those persons eventually committing the most serious crimes called felonies have first committed a misdemeanor (less serious crime) and have appeared before a municipal or other lower court judge at least once prior to committing the felony. A great majority of these felons have appeared several times before a municipal court or other lower courts before committing that serious crime. Thus, the vast majority of these persons have, prior to the commission of a felony, come into contact with a municipal court or other lower court. If the lower court has not at least attempted to embark upon an inspirational probation program, when the felony is eventually committed there have been two failures and not merely one. One is the failure of the defendant himself. The other is the failure of the court to do all it can to inspire, re-educate and rehabilitate the defendant. If one is to apply the principle of the Parable of the Talents, there is no doubt that the court's failure is the least excusable. Certainly the court has the superior educational, academic and cultural background to meet the challenge with which it is faced— infinitely superior to the resources of the youngster who is described at the beginning of this report and who typifies so many of our offenders.

Unfortunately, in spite of this challenge, less than 5% of the lower courts in the nation have any probation program whatever. Because many of the probation programs at this level are overcrowded and understaffed, perhaps only a fraction of the 5% engage in any type of inspirational process. For example, one probation department at a lower court level, with which we are familiar, has over 600 probationers for each probation officer. For the most part the probationers merely report in writing and scarcely know their probation officers. In addition many are forced to pay a monthly fee for probation. This program attempts to correct this situation. (See Exhibit K, "The Methodist Project.")

HOW EFFECTIVE ARE WE?

How effective is the program of probation? The answer to this question must be divided into two parts. From a technical or legal point of view, we are about 94% effective in Royal Oak. This means that about 6% of the probationers have been guilty of a crime in Royal Oak or have left the state without permission

while under supervision. It is interesting to note that the great majority of these violations of probation have occurred within 45 days after the probationary term has begun. This would indicate that most violations occur before the probation program has been given a true chance to operate.

However, as noted above, this program is an attempt to truly change the inward attitude of the probationer. How effective are we in this area? This is the second part of the question. The answer to this question is most difficult. In fact, the full and final answer can never be given. Our thought is that if we can truly affect the attitudes and behavior patterns of 20%, we will be highly successful. We will be completely satisfied if we can so affect 10% of those under supervision. If we can assist just one person a year in this regard, we will feel the program is worth the effort. It is our thought that some 10% to 15% of the probationers are so deeply affected by the program that their inward attitudes and moral concepts are changed. In view of the fact that these attitudes have been created over a period of 17 years or more and we have but two years to attempt to change them, we are reasonably gratified by the results thus far. Thus, we feel we have truly changed hundreds of probationers to date.

We should add that in some cases probation is utilized simply to supervise the probationer. These are the probationers for whom we have little hope of changing their attitudes. Most of these probationers are older men or women who are on probation simply as a deterrent to further crime. However, our main effort is directed at those whose attitudes we feel can be changed (see page 45 for a far better evaluation of effectiveness).

A PHILOSOPHICAL CONCEPT

It is our feeling that the criminal presents a problem that cannot be solved simply by the tax dollar. In this age of materialism, we all rely too much on the wallet to solve our problems. This is true of us individually, and collectively. Collectively we scream for more tax dollars as a solution to all problems. However, it is apparent that many of our problems cannot be solved by money. A terminal case of leukemia in a little child, and the problems it creates, cannot be solved by a fat wallet. Those faced with such a problem must reach into their spiritual resources for the answer. We feel that the same is true with the problem of the criminal in our society. We cannot merely spend more money in taxes on him. We must, instead, reach into our spiritual resources and give of ourselves freely, warmly, and without thought of monetary gain. This the city of Royal Oak is doing. We humbly submit that the city so doing has the best chance of succeeding in the often difficult, often painful, yet infinitely rewarding task of the inspiration, rehabilitation, and re-education of the criminal.

A SPIRITUAL PROCESS

In conclusion, we feel that probation is a spiritual process. We believe that the volunteer sponsors are examples of the Judeo-Christian concept of going the second mile. They are fulfilling the principles of the Parable of the Last Judgment in that they are visiting him that is in prison, taking in him that is a stranger and ministering unto those that have need. They are also fulfilling the Commandment that he who would receive shall give and that he that would be great among you shall be the servant. They are fulfilling the obligations of the Great Commandment in a loving concern for their fellow-man.

This is essentially a process of redemption within the concept of the great Judeo-Christian tradition. Even as this tradition is primarily concerned with the redemption of mankind, so probation is concerned with the redemption of that segment of mankind which has engaged in criminal conduct. Even the method is similar. The City of Royal Oak is wrapping up its message of concern and love for its "prodigal sons" in the inspirational personalities of its volunteer sponsors, chief counselors, Chief Probation Officer and other members of the staff. Does not the use of an inspirational personality follow our religious and spiritual tradition?

We feel that, inasmuch as this is essentially a spiritual program, our success is dependent upon the ability of our personnel to comprehend and fulfill the spirit of the Judeo-Christian ideas and traditions.

* * * * *

Exhibit D

ILLUSTRATIVE CASE SUMMARIES

CASE SUMMARY—1

As we began to prepare this report, we requested case histories from some of our volunteer sponsors. One request was sent to a volunteer who was assigned a youngster who was the most potentially dangerous boy we have worked with in five years. Small of stature, he was most aggressive and belligerent. He was first arrested carrying a knife.

We have often heard the expression, "An accident looking for a place to happen." This is a good description of a careless person. This young man was a malicious and dangerous person. He was, "a felon looking for a place to happen."

What the letter does not state is that before he was assigned to a volunteer we tried everything. Professional counseling, psychiatric counseling, employment counseling and jail all failed. (You will note that the defendant himself attributes his rehabilitation in part to the lessons imparted to him as a result of the jail term. This may be so but he gave no indication of this result when he was first released from jail. We think this benefit did not occur until the influence of the volunteer gave him the eyes to see with and the heart to comprehend.)

Everything else having failed we decided to assign this youngster to a volunteer. The volunteer was carefully selected. He is a person who can talk the language of the probationer. His morality is of the two-fisted variety. In spite of this, the assignment to the volunteer was made without much expectation but as a desperation measure. All else had failed so we decided to try it. The volunteer was warned that he would probably fail. It was the best thing we ever did.

Although the volunteer tends to underestimate his contribution to the rehabilitation of the probationer, we believe that it should be printed exactly as it was received. Only the names have been changed and the words in parentheses added. (See page 30)

Although this youngster is not perfect and still has his problems, we are satisfied that he is no longer "a felon looking for a place to happen." There is no story that we are prouder of than this one. (Story on page 30)

CASE SUMMARY—2

The defendant in this case was arrested for reckless driving. The pre-sentence investigation revealed that he had had a fight with his girl friend and, in a fit of anger, drove at a fast rate of speed down a residential street. Among other things, the sentence included a two year probationary term.

The defendant and his girl friend were married shortly thereafter. Within the first year a baby was born. The defendant was a rather inadequate person who had not even graduated from high school. In addition to his other problems, neither parent approved of the marriage.

The chief probation officer referred him to a volunteer psychiatrist for an evaluation. He reported that the boy was a character disorder. Although he was not emotionally disturbed, he was lacking in impulse control. The psychiatrist explained that the most effective form of treatment would be to insert into his life an inspirational personality who would show him that there was a better way to live. He further explained to us that such an individual could, by example, so impress the defendant with his concern and affection that the defendant eventually would not want to "let him down." "After a while," the psychiatrist said, "we hope that this desire not to let down his friend will be transferred to a desire not to let himself down." Thus, if we succeeded, rather than an impulse giving rise to an instantaneous reaction regardless of consequences, it would be tempered by a desire not to let his friend down and eventually by the thought that he would not want to go contrary to his own standards. It is by this method that we often seek to go from lack of impulse control to impulse control.

It is a big step to go from lack of impulse control to a point where one thinks before he acts but it can sometimes be done.

In this case the defendant was assigned to a volunteer sponsor who is a minister and an expert in marriage counseling. He spent many hours with this boy and his new wife. They both remarked later that without this concerned counseling the marriage never would have lasted.

We helped the defendant to secure a job. The chief probation officer talked with both parents and good relations were re-established at least with the parents of the wife.

After two years of rather intensive probation, the youngster was discharged from probation.

Shortly thereafter the defendant came in to see us. He reported that a terrible thing had happened. "My father has just made improper sexual advances toward my wife," he said. He asked for our help in handling this problem.

Through the city attorney, the father was contacted and sternly advised that any repetition of this conduct would result in a complaint and warrant being issued for his arrest. There has been no trouble since.

We think that this is probation at its best. A youngster who was so lacking in impulse control that, as a result of a minor fight with a girl friend, he drove at a high rate of speed down a residential street, two years later matured into a youngster that in a situation of great stress and strain had sufficient impulse control to seek out the authorities and ask them to handle the situation legally and properly.

It, of course, can never be proven one way or the other. However, we feel reasonably satisfied that the youngster might well have committed a most serious act of violence had it not been for the hours that the probation department and particularly the volunteer sponsor spent with him.

This young man continues to see us now and then although his probation has long since expired. He has a fine job, home, wife, and three children. He is a real credit to the community. The substitution of mature judgment for lack of impulse control is reflected in everything he does as a father, husband, employee, and citizen. He gives all of the credit to his volunteer sponsor and the probation department.

CASE SUMMARY—3

This young man, age 22 years, started on the probation program one year ago with a long history of traffic violations, including two revocations. Parents were sincerely concerned about him but were completely unable to control or guide this, their only son. His charge was DUIL and resisting arrest. This was followed by an attempt to run out of the station and a battle with the arresting officers.

Drinking and running around with the "wrong crowd" had been his down-fall for several years. Cars and racing on public highways and "living it up" with the "boys" was his idea of getting on in this world.

Not having finished high school (10th grade only), jobs were a problem and he had real difficulty holding them mainly due to his "I don't give a damn" attitude. If ever a young man seemed bent upon squandering his life and his talent, Edward (fictitious), was just such a man.

At his chief counselor's request, Edward brought in a large sample of his art work for discussion at our second meeting. Of this work he was extremely proud and the counselor, being very much impressed, phoned one of our volunteers, a Commercial Artist, who dropped everything and immediately came over to the Probation Office to see the boy and evaluate his work (car design). He was so impressed that arrangements were made then and there for Edward to start on an apprenticeship with one of the largest commercial art studios in the country. It is the same company the volunteer works for. Edward and the volunteer often work together. Edward seeks and follows his volunteer's advice professionally and also socially.

The boy has been moving through his apprenticeship for ten months now. His work and his mental attitude are vastly improved. He works 12 to 14 hours daily and six days each week "to learn the business" and "make something of myself." "My parents are proud of me now and our whole relationship is much better." "I have no time for bumming around with the fellas." Of late, these are typical remarks from the probationer to both the counselor and the sponsor. He aptly expresses gratitude for the help he has received from his volunteer and the studio. His willingness to work hard and long hours concretely supports such expressions. Parental gratitude is exceeded only by the frequency of expression.

He was completely changed. We are very proud of him.

CASE SUMMARY—4

Another letter from a volunteer sponsor reported this case.

John Smith (fictitious) was assigned to our attention approximately June, 1961. He had been found guilty of malicious injury to personal property and

served several days in jail and was placed on two years probation. His record indicated other minor police problems. John lived with his mother and younger sister in an upper apartment in another city. His father had divorced his mother approximately 11 years before, and he was quite confused and wandered as he saw fit.

This boy had graduated from high school and was working at a grocery store as a stock boy and keeping company with an ex-prisoner of one of our state institutions. Our first contact with this boy invited him to our Central Office Building for a luncheon appointment. At first he offered excuses to avoid our meeting saying his driver's license had been taken away and he had no way of getting there, but we arranged transportation. We took him to the Executive Dining Room. He had real long hair and was kind of "hoody" appearing, and made several remarks during lunch about the "rah rah" boys in the dining room. We tried to keep him interested in what we might be able to accomplish if we worked together.

For the first several months, we had lunch on various occasions and he visited our home. After the first month and a half, we noticed a definite change in the boy's conversation, and what he used to think of as sissyish, he now thought good manners. He got a brush haircut similar to the writer, and we started to notice many of his mannerisms imitating mine.

About this time, we arranged to have him go to the Social Security Department and take an IQ test which indicated mechanical aptitude. Our next step was to get a hold of the Tool Association of Metropolitan Detroit, and working with them we were able to obtain apprenticeship for his undertaking. The problem was then how he could get to and from the job and school. We arranged to meet with the Detroit Traffic Bureau, and were successful in obtaining a renewal of his driver's license to permit him limited driving to and from work and school. About six months later his license was renewed.

Approximately one and a half years after starting the apprentice course, I received a phone call from John, and he said he had something important to discuss with me, and he hoped I would not laugh. He indicated that he had an inferiority feeling around girls because of his big nose. We had previously noted that he did not mix too well around girls, but had never noticed that his nose was out of proportion. He seemed quite concerned about this as we made arrangements with the head plastic surgeon at the Ford Hospital for him to come in for an appointment. After discussing this with the doctor, John said he wished to go through with having his nose changed. An operation was performed changing the appearance of the nose. After recuperating, it was noticed that he had a girl friend, and the boy began to blossom into a fine citizen.

This August John Smith graduates from a 4 year apprenticeship program as a Journeyman Diemaker, and is earning approximately \$4.00 an hour, has a fine car, and inspires his mother and younger sister. He plans to enroll in Henry Ford Community College in September, unless the draft changes these plans. He confides in us in most major decisions, including counseling him on the possibility of getting married to a nice girl he is presently courting. This boy is certainly a reflection of what has been accomplished by the Probation Department of Royal Oak.

Yours very truly,

CASE SUMMARY—5

Mr. F. is a 35-year-old father of several children. He was put on two years' probation in 1962 for "driving under the influence of liquor". At the time of probation he seemed very honest and realistic about his faults. He seemed to have a sincere desire to find a solution to his problems and pledged full cooperation. He admitted being an alcoholic. He had no steady work, having moved from one job to another, probably because of his drinking and job dissatisfaction. He had accumulated many debts and had lost his driver's license because of previous drinking and driving violations. His oldest son (9 years) was starting to have serious behavior problems in school and in the neighborhood.

During the term of his probation Mr. F. was very cooperative. He had gone to A.A. sporadically in the past. He now became regular in attendance. He was prompt in attendance for his probation appointments. The probation department arranged for a consultation between Mr. F. and an attorney in hopes that this might help his financial involvements. The probation department urged Mr. F. to cooperate with the schools in regard to referring his son for psychological or psychiatric help. As a result the youngster is being seen by the Child Guidance

Clinic. Mr. F. was referred to two or three jobs by the probation department. These, however, did not prove to be permanent.

During this time (period of probation) Mr. F. did have relapses and towards the end of his probation period he was seen by our psychiatrist for an evaluation and recommendation. As a result he was recommended for individual psychotherapy with one of our volunteer psychiatrists.

It has been a year since Mr. F. has been discharged from probation, but he is still receiving the benefits of the program in that he is still seeing the volunteer psychiatrist on a regular basis. The most recent report from the psychiatrist was quite optimistic,—in part as follows: "His drinking is less frequent and destructive and his self-esteem is beginning to rise. I expect him to start paying for his own treatments soon so that I can take another probationer candidate without fee".

I do not feel that the problems of this young man have been completely solved. In fact I doubt that his problem will ever be completely resolved. I am convinced, however, that because of the probation program he has discovered that there are people who are definitely interested in helping him rather than in punishing him; he has been introduced to procedures which he can follow to help himself; and most important, I think his relationship with his family has been improved and strengthened and as a result his youngsters perhaps will be less scarred emotionally by the behavior of the father.

CASE SUMMARY—6

The next story is one of a failure. Anyone who commits a crime while on probation will always be listed as a technical failure in any statistical study. When he was first put on probation we tried jail, a volunteer sponsor, and the professional counseling of a staff counselor. We did not get anywhere. We then referred him to a psychiatrist. Because of his financial status, we insisted he pay for his treatments. (This is quite rare but we thought it was justified in this case). He saw the psychiatrist irregularly and without any improvement. We could not of course force these meetings. He then committed a second crime while on probation. He pleaded not guilty and while awaiting trial on this felony charge he suddenly appeared to "see the light", through the now-regularly-attended meetings with the psychiatrist. Such a change was evident that he was allowed by the higher court to plead guilty to a lesser (misdemeanor) charge and received a short jail term.

When he got out he started seeing the psychiatrist eagerly. Now several months later his psychiatrist says this:

"Joe is an 18-year-old, white male, first seen on July 28, 1964. At that time, he was on probation for reckless driving at a local drive-in. He had become involved in an altercation with the manager, and Joe had threatened him. In addition, there were many other instances of Joe's losing his temper with members of his family and, in general, of showing immaturity and poor impulse control. A previous psychiatric evaluation had diagnosed Joe as a passive-aggressive character disorder with poor impulse control and many features of an early socio-pathic personality. This usually would suggest a relatively poor prognosis. In December of 1964, he was arrested because he was in company with another young man who was passing bad checks. While Joe was not directly involved in the writing of the checks, he did go along in the spending, knowing that the checks had been forged. Since that time, to the best of my knowledge, there have been no other difficulties with the law."

"Joe has been seen on the average of once a month because of his erratic attendance. This has tended to improve as time has gone on. At first, he found it extremely difficult to verbalize but gradually became more comfortable and was able to talk more easily. Generally, he has worked as a laborer, and he most recently has been employed in construction work doing masonry work. He does appear to have settled down a good deal and has hopes of getting a job at Chrysler. He is recognizing his problem of impulse control in terms of his temper and has related recent incidents where he said he previously would have "blown up" but now did not. He was proud that this was so. He is a drop-out from school, having gone only to the 9th grade. He seemingly lost interest in school and then just refused to work at it. While he has toyed with the idea of going back to school at night, he has not done anything about this. One aggravating circumstance was a girl friend. She was very possessive and very demanding and, as a result, kept Joe upset a good deal of the time. He was unable to recognize what

was going on until very recently. Now he has a new girl friend with whom he is getting along much better."

"Assessing Joe's progress, at this point, one can be cautiously optimistic. Considering the relatively poor prognosis it would appear that, thus far, the total program has asserted a positive influence upon Joe and that, hopefully, he will learn to control his impulses to the point where he can be a law-abiding, useful citizen."

Sincerely yours,"

As suggested above, it is too early to say that "Joe" will succeed in life. This story is not a complete one. But one thing is evident to the psychiatrist and to the staff counselor—he appears to be completely changed. Formerly aggressive and hostile, he now is relaxed, friendly, grateful. The staff counselor says, "A great change in attitude". The probationer says, "I went to the psychiatrist before because I felt I had to. Now I need it and it's helping. I am getting better control of myself and have more feeling for others".

The counselor concludes our story, "Although he is not out of the woods yet and still could get in more trouble he has come a long way. If this program helps keep him out of prison and if he does, as it now appears, become a contributing citizen, the program has paid for itself for years to come".

This case illustrates how a psychiatrist can work with a rather unwilling probationer and gradually give him the desire to want to help himself through psychiatric counseling.

It is very encouraging. It reminds us of another probationer who was absolutely the most belligerent, hostile and aggressive probationer we ever had. He was forced to attend group psychotherapy as part of probation that also included punishment. He was discharged "without improvement". We did not think we had accomplished a thing although he was a technical success inasmuch as he committed no second crime while on probation. A few months later he came in to see us on a minor charge. We could not believe our ears when he said, "There is something wrong with me. I need help. Could you send me to a psychiatrist?" He is now with one of our volunteer psychiatrists and appears to be progressing very well. His attitude has changed a lot and we think he will be a useful citizen.

CASE SUMMARY—7

The offender in this case pleaded guilty to indecent conduct in a public place. The facts of the trial indicated that he was in need of psychiatric appraisal and service. Previous records, in other communities, supported this decision. He agreed that this type of help was needed and was willing to pursue it during the course of his probation.

During the first few visits with the Chief Probation Officer he was most suspicious and guarded toward any attempt to help him begin to evaluate the attitudes and actions that led to his conviction. He was in deep financial debt at the time, unable to find consistent work and most fearful that his parents and immediate relatives would learn of his present difficulty. Because of his financial inabilities he found it difficult to begin to consistently meet with his psychiatrist. A letter from his psychiatrist supported this fact and further stated that his present attitude and inconsistent pattern of meeting appointments was producing little or no satisfactory results.

It became evident to the Chief Probation Officer that one of the major "road blocks" to this young man's relationship with his psychiatrist was his unwillingness to place complete faith in his appraisals and suggestions. With this belief in mind, the Chief Probation Officer began to encourage him, with firmness and understanding, to try to stop second-guessing his psychiatrist and to give him a chance to help. Fortunately, this appeal worked and it was not long before it began to show tangible results in his psychiatric relationship.

During the months that followed he was presented an opportunity to relate to the probation department's group therapy relationship. His conduct in this situation developed into a very positive outlook. At this time he also began to express to the Chief Probation Officer a sincere concern about the conduct that produced his conviction. Shortly thereafter he stated that he planned to continue his relationship with his psychiatrist after the term of his probation was concluded. He stated that he was now looking forward to his weekly appointment of group therapy with "eagerness". He explained that he has told his "complete story" in this group. He further stated that he was "no longer ashamed, in this group, of past problems, particularly the one that led to his probation". He began to recognize that a problem existed and that there are ways to conquer it.

It is believed that this young man has benefited a great deal from the influence and encouragement of this program of probation. He has expressed his faith in the friendship of his psychiatrist and the Chief Probation Officer. This apparently has given him renewed strength. He further stated that the repetition and consistent reminding of his probationary and group therapy meetings have proven most beneficial to his change of attitude and conduct. This observation is supported by a statement from his psychiatrist who reported "He is seriously motivated to work out some of his problems". Another tangible result of this re-orientation has been his ability to secure and keep a job. He has also enrolled in a number of night school courses, at college level, to complement his new employment. It is felt that he is much improved as a result of this program.

CASE SUMMARY—8

In this case, a respondent was about to be charged with a felony which did not involve violence, Unlawfully Driving Away an Automobile. The law enforcement agencies suggested, after a record check revealed that the respondent had no prior record, that the charge be reduced to a misdemeanor and that he be put on probation. They also advised that the defendant was sexually perverted. He was put on probation. When the Chief Probation Officer first talked to the respondent, a male of about 19 years of age, the respondent said, "I am just bad. I have always been bad. I would like to get better, but there is no hope for me". The Chief Probation Officer referred him to one of our psychiatrists. After about 6 weeks of hospitalization, the boy was released. He came directly to us and said, "I owe you everything. Now I can have a wife, family, friends. Now I can be somebody in the community". After his release from the hospital he returned to high school and successfully completed the necessary work to graduate. As a followup to his hospitalization, he also continued to see, on a monthly basis, his psychiatrist, a volunteer sponsor and the Chief Probation Officer. Later he was released from these monthly meetings with the appraisal that the patterns of his previous deviant behavior were no longer evident. There is no doubt that the guidance of this probation program, with the professional assistance of one of our program's psychiatrists, changed this young man's pattern and outlook on life. When this offender was discharged from probation he said, "This is the final chapter in my readjustment to society". Now five years later, he continues to lead a normal, useful life.

CASE SUMMARY—9

The next example of how the program operates can be set forth as follows: A youthful offender pleaded guilty to using a motor vehicle without authority. It was quite evident during the initial interview between the Chief Probation Officer, the offender, and his attorney, that one of the basic patterns that contributed to his conviction was his poor choice of companions. As a result, the specific obligations of his probationary term was to avoid persons and places of questionable and harmful character.

This young man was soon assigned to a volunteer sponsor. An early outcome of their relationship was the discovery, by the sponsor, of the offender's interest in the pursuing of a career in commercial art. He was lost as to how he could pursue this interest and apparent talent. His confusion was compounded by a lack of the necessary finances. The sponsor, through a series of contacts, was able to inspire this young man to enroll in a commercial art course at a very nominal expense. With this renewed positive interest and consistent guidance from the counselor, this young man soon developed a very fine attitude toward a course of life quite the opposite from his previous attitude.

CASE SUMMARY—10

The following case epitomizes the relationship we hope to establish between the offender and his volunteer sponsor. Added to this is the potential influence of the church. The influence of the church is mentioned because this offender's renewed interest in his faith was established through this program of probation.

The young adult in this case represented, at the time of his placement on probation, a home broken by separation and impending divorce. When questioned about his interpretation of the relationship between his mother and father he replied, "They are both stubborn, they will probably go back together; I don't pay much attention". He further related that this had been the marital relationship of his parents as long as he could remember. The probationer had quit school

at the 10th grade level and had been engaged in heavy manual labor for the past 3 years. He had a steady record of employment in this job. An earlier contact with the court had come as a juvenile when he was placed on one year's probation due to a breaking and entry conviction.

His present probation resulted from his pleading guilty to the charge of "driving without due care". It soon became evident to the Chief Probation Officer that the probationer's greatest area of potential weakness was in the area of driving a motor vehicle. At the time of his placement on probation he owned two cars. The early meetings were devoted primarily to a discussion of his responsibility as a motor vehicle operator. He also attended the Court's Driver Safety School which is sponsored by the Royal Oak Association of Independent Insurance Agents. The school charges no tuition fee and gives 8 hours of instruction to the violator.

Midway through his term of probation the probationer entered into a business deal that ended in failure. As a result, the small amount of savings he had accumulated was gone and, even more tragic, so was his steady job. It was at this point that the probationer's volunteer sponsor "jumped" to his aid. The volunteer sponsor owned a small business and he found it possible to give the probationer a steady job with liveable wages. This not only enabled him to maintain himself but it also gave him the necessary financial backing to follow through on the marriage he was planning.

Recently the Chief Probation Officer has met with both the probationer and his wife and they report being comfortably settled in their own apartment with plans to soon rent a house. The probationer continues to work for his volunteer sponsor and he has proven himself a dependable and capable employee.

Another outcome of the Probation Officer's conferences with the probationer and his wife was the discovery that they both were seeking a new church affiliation. With their choice of churches established a referral was made to the pastor of the church and to date the pastor has made several home visits to help them reestablish this interest.

We believe this case summarizes our philosophy of probation. The securing of employment, through the volunteer sponsor, had a profound effect on this offender. He continues on probation with improved attitudes toward himself, his community, and his new marriage.

CASE SUMMARY—11

The offender in the next case pleaded guilty of committing an illegal and improper act with sexual implications. During the course of the trial he stated that he had been drinking heavily and denied any memory of what he did from the time he left the bar until he returned home. A psychiatric evaluation was required and willingly subscribed to by the offender. He continued monthly psychiatric treatments for about 7 months.

During the first few probation visits he was quite ill at ease during the interview period. He resented the visits to the psychiatrists, stating that it did him no good. The psychiatrist's report indicated that drinking and poor marital sexual adjustment were basic factors in the man's problem.

This gentleman became active in A.A. and after several visits assumed some responsibility in the organization. He recently stated, during an interview with the probation officer, that his negative feelings toward the psychiatrist were largely financial. We feel good rapport with the probation officer was achieved when he was able to openly discuss his feelings about the psychiatrist, his drinking and consequent involvement with women, the effect that his drinking had on both his marital and family relationships.

The psychiatric report indicated emotional immaturity, recommending regular supervision and encouragement. At this time we feel the probation program is affording this support.

CASE SUMMARY—12

Another case will illustrate the role of the volunteer psychiatrist. A defendant pleaded guilty to drunk and disorderly conduct. There was some indication of an intended pervert act toward a young child. However, the evidence was insufficient to justify a charge, let alone give rise to a conviction. The defendant had twice before in that year been convicted of drunkenness in other courts. Short jail terms were prescribed in both cases. They treated him as just another unfortunate alcoholic.

The psychiatrist in residency training interviewed the defendant prior to sentencing. He soon discovered that the defendant was in an advanced state of alcoholic deterioration. The supervising psychiatrist and two volunteer psychiatrists confirmed the diagnosis. All agreed that the defendant was highly dangerous.

We learned that the defendant had a service-connected disability. The VA was contacted and the defendant, based upon the psychiatric reports, was confined to a VA hospital for an indefinite period of time and until cured. Only in this manner could the public be properly protected.

Thus, due to the efforts of the psychiatrists, a desperate and dangerous case of mental illness was detected in spite of the relatively minor manifestation of that serious illness. Through the psychiatrists' efforts, society did not this time have to wait for a serious crime to happen before providing for the treatment of the defendant and the protection of society.

CASE SUMMARY—13

Yet another example concerns the role of an employer-volunteer sponsor. The owner of a tool company offered to employ a youngster who was on probation. This young man was not doing well on probation and was, in our opinion, a "felony looking for a place to happen". The employer spent many hours after the day's work was over talking to the young probationer.

After some months, the probationer's change of attitude was evident. He got a more responsible job with the company. He enrolled in night school. He began to have faith in the fact that he was "somebody". This young man is simply not the same person.

CASE SUMMARY—14

A woman probationer was assigned to a housewife with training in psychology. She was very distrustful at first of her new volunteer sponsor. The first few months on probation were not successful. Then one night her baby took suddenly ill. She remembered the volunteer's suggestion to "call me anytime". She called the volunteer at 2:00 A.M. Within a half hour the volunteer's own doctor was at her residence and the baby was in the hospital shortly thereafter. The volunteer even paid the doctor and hospital bill. The defendant paid her back promptly.

The probationer never gave us or any other criminal court any more cause for concern. She said, "You really do want to help me. I will not let you down".

CASE SUMMARY—15

Another youngster was sincerely dedicated to the economic and philosophical theory that, "only squares work". He was assigned to a volunteer who suggested that they have lunch at the executive dining room of the automotive company where the volunteer was employed in an executive capacity. The first few times the probationer showed up without a suit or tie and unshaven. The volunteer did not comment thereon. After a few meetings, he suddenly showed up well-dressed and clean-shaven. He said, "How do you get a job?" When the volunteer reminded him that only squares work, he said, "Yeah, that's what I thought, but looking around this room each week has given me a new idea about what this is all about".

The volunteer helped him get a job with a steel company. A few more months and several more meetings went by when the probationer asked about the apprentice program. With the volunteer's help, he applied and was accepted. He did well in the apprentice program and now has a responsible position. The volunteer said, when the defendant was discharged from probation, "This man is simply not the same person."

CASE SUMMARY—16

In yet another case, a chief counselor noted that a young probationer had a terrific problem with his teeth. It badly marred his appearance. The chief counselor was sure that this was part of his problem.

He contacted a local university and arranged with the dental school to have the probationer receive extensive treatment from a student dentist acting under the supervision of his professor. The teeth problem was solved in a few months. There has been no further difficulty with the probationer.

CASE SUMMARY—17

Another volunteer dropped everything to assist a probationer with a legal problem. The landlord had evicted the probationer and was wrongfully holding his stove. The probationer and his wife had no way to warm their baby's bottle. The volunteer dropped everything he was doing that day and went to his home to pick up and to lend to the probationer a baby bottle warmer for his temporary use.

Then they went to a nearby court and got out a writ of replevin to recover possession of the stove. The volunteer, who was not a lawyer, assisted the defendant in preparing the court papers. For the first time in his life, the probationer was appearing in civil court as a plaintiff rather than in criminal court as a defendant. They got the stove back, but they also accomplished a lot more than that. The probationer has not been back in any criminal court again.

CASE SUMMARY—18

L. Came to the court's attention for being intoxicated. When he was first seen by the counselor he was unshaven and quite disheveled. His eyes were watery and had a rather strange, faraway look in them. His thinking seemed rather odd and a referral to the psychiatrist brought the information that the boy was a schizophrenic whose thinking was quite disturbed. During the first year of his two year probation there was much difficulty in getting him to come to appointments and many threats were made by the probation department. The boy was not able to hold a job and would drift from one job to another. He was obviously very sick emotionally, but refused any kind of help that was offered. Counseling with this boy consisted of pointing out reality to him continuously. About one year into the probationary period, he met a girl whom he wanted to marry. A relationship seemed to have been established between the probationer and the counselor by this point in that he brought the girl to meet the counselor. They planned marriage and were married shortly thereafter. From the time of meeting the girl, the probationer's behavior changed drastically from being a very non-conforming individual who violated probation by such things as throwing a beer bottle out of his car onto a parked police car, and he maintained that his change in behavior was due to the fact that he got married. Throughout the second year of his probation he has kept out of trouble and has worked consistently at the same job. He, in fact, maintains that he wants to learn all aspects of his job so he can move on. It seems that the stability of a wife and the long term stability of a probation counselor may have been of great aid to this very disturbed individual. Perhaps the probation counselor provided the initial stability which he had never found and the initial relationship which he had never been engaged in and his wife continues to provide this relationship.

CASE SUMMARY—19

T. came to the court's attention for window peeping while under the influence of alcohol. It was felt, in the pre-sentence investigation, that he was a rather dull individual intellectually and there was much evidence to support this in that he had dropped out of school, had done poorly in school, and on an intelligence test had performed rather low. There was evidence to contraindicate his dull level of performance, however, in that he had been able to hold a skilled trade job for some period of time. When the probation counselor met the probationer for the first time the probationer did not have time to clean up from his work and was quite dirty. He was apologetic about this, but the probation counselor did not reprimand him nor make any negative comments, feeling that this man's work was a very strong basis for helping him. At the same time, the man's own feeling of self-respect was quite lowered in that his wife was threatening to divorce him because of the act that got him into trouble. The probation counselor's tact was to try and build this man's own self-confidence. The probation counselor felt that using the man's good work record was the best basis to work on. In 18 months of probation, this man never acted out again and never again drank. He did not go to Alcoholics Anonymous. The probation counselor would spend their sessions in asking this man a great deal about his trade and getting to know the trade himself. The probationer openly admitted that he enjoyed coming for our visits and it was quite apparent that the man was not dull and could function very adequately. In a very short time after they met, the probationer would appear for his visits in a very clean and groomed state. It is

felt that the probation counselor's technique of trying to build self-respect in this man through the man's work habits was highly successful.

Chairman PEPPER. Will Governor Hughes please come forward.

Governor Hughes, we are honored and most grateful to you for being here with us. We know of your splendid record, not only as a Governor and leader of an American city in political life, but a man who has made an enormous contribution to the problem of better administration of justice in the curbing of crime, working with and for the American Bar Association.

So, we are particularly grateful to have you here this morning.

Mr. Lynch, is there anything you would like to add before we call the Governor?

Mr. LYNCH. Yes, Mr. Chairman.

I would like to point out for purposes of the record that Governor Hughes brings to this hearing a special expertise in this field. He served, beginning in 1939, as an assistant U.S. attorney in New Jersey. He served many years as a judge of Mercer County Court in New Jersey. Subsequently he was Governor for 8 years, and he now serves as the chairman of the American Bar Association Commission on Correctional Facilities and Services.

Governor, would you please give your statement?

Chairman PEPPER. Excuse me, just a minute.

As you no doubt know already, these hearing, which will last at least 3 weeks—this is the second week—are dealing with street crime, and we are trying to find out the best thinking in the country that suggests what more may be done than we are now doing to curb crime of a violent or serious character in this country.

The first week we had 12 police departments of the country represented here, each of which had an innovative and imaginative program, which is achieving success in curbing crimes in those respective areas. This week is devoted primarily to correctional institutions for youth and for adults. We have had, as you heard here, outstanding thinkers in the country, outstanding administrators in dealing with the problem of youth, delinquency, and crime.

Governor, you are especially knowledgeable in the subject, and we are most grateful to have you.

STATEMENT OF RICHARD J. HUGHES, CHAIRMAN, AMERICAN BAR ASSOCIATION COMMISSION ON CORRECTIONAL FACILITIES AND SERVICES, WASHINGTON, D.C.; ACCOMPANIED BY DANIEL L. SKOLER, STAFF DIRECTOR; AND ROBERT C. FORD, DIRECTOR, ACTIVATION PROGRAM FOR CORRECTIONAL REFORM

Mr. HUGHES. Thank you, Mr. Chairman, Congressman Winn, Mr. Lynch, Mr. McDonald.

I would like to have the committee's permission, if I could, to go aside from my prepared testimony and complement the statement of Judge Leenhouts. I fully support it. He is indeed a great American, and this volunteer effort he mentions has been an inspiration to people all over the country.

As a matter of fact, I feel humble to follow him, because my expertise, although you refer to it very kindly, is nothing at all to match his.

In any case, it is an honor to be here and to share with the committee engaged in this important hearing, some thoughts on just what the plight of our correctional system is and what relationship it has to the sickness in the country, the street crime and violence. Also, I would like to talk about some promising directions for improvement.

I am accompanied by an expert witness, our staff director, Dan Skoler, who will be available to answer any question I can't from the committee and there may be many. He is the chief architect of the success of our corrections commission, whose programs I would like to describe very briefly.

Chairman PEPPER. Mr. Skoler, we know about your expertise and the valuable contribution you have made. We are very grateful to you for accompanying the Governor today.

Mr. SKOLER. We also have at the table with us Robert C. Ford, who is director of our commission's bar activation program for correctional reform, the thrust of which is to work full time with State and local bar associations in the same work the American Bar Association is engaged in concerning correctional reform.

Chairman PEPPER. Mr. Ford, we extend a particular welcome to you.

Governor, we want to advise you, Mr. Skoler, and Mr. Ford that we are going to call upon you for help and counsel if we may when we prepare our final report in respect to these hearings and in respect to these subjects.

Mr. HUGHES. We will look forward to that partnership and appreciate it.

As any good American, especially since we are citizens and human-beings, we like to look at our country and think about it as "America the Beautiful." We think about its historic birth and pioneer spirit, its longing for right, for justice, its generosity and courage and the strength of this country; but if we look again at our country, we see another side, a much more dismal picture. We see pollution and poverty and the terrible, frightening drug culture, the discrimination and hatred that still exists, and the growing disregard for law, with all of its frightening crime and violence.

This is a very different picture and it is a sickness that is so mysterious many people are confused when they try to explain it. It might have been the tragedy of Vietnam, it might have something to do with the decay of our cities, or the drugs, or the permissive society, so-called, or the comparative prosperity in which our children have grown up.

Chairman PEPPER. Excuse me, Governor. The light has gone on. They are now having a vote. If you will indulge us, we will run over, vote, and come right back.

[A brief recess was taken.]

Chairman PEPPER. The committee will come to order, please.

Governor, we are sorry we had to interrupt. You may proceed.

Mr. HUGHES. Thank you, Mr. Chairman.

As the committee knows, the leading spokesman for correctional reform in this country today is Chief Justice Warren Burger, who reminded us recently of ". . . the melancholy truth that it has taken the tragic prison outbreaks of the past 3 years to focus widespread public attention on this problem."

That there is a problem—that there is a critical and dangerous breakdown in our correctional systems is beyond dispute. Even the age-old apathy of the public is beginning to be pierced by the repetitive horrors of which it reads and learns—the institutional suicides, the violent sexual abuse and even murder of younger prisoners, the frustrating level of recidivism, the riots at the Tombs and Holmesburg and San Quentin, and finally the shocking American tragedy of Attica. Dean Robert McKay describes Attica in his commission's report as displaying only "the tip of the fiery hell which lies below."

I might say that the film of that commission's report is in our possession and we have told Mr. Lynch it will be made available to the committee. It is a very interesting film of the actual Attica riot, its setting and aftermath.

Chairman PEPPER. We would like very much to have that, Governor. Thank you.

Mr. HUGHES. I know that, among other aspects of this problem, the committee and its staff have been studying the emerging law on legal rights of those incarcerated in our jails and prisons. I suspect that the chairman and the members may share with me some feeling of restlessness at the ambivalent slowness with which courts are turning away from the callous "hands-off" doctrine which has persisted for many years. It has been described by one court as "a questionable absolutism." One extreme of its application was by a Virginia court which once said, years ago:

[the convicted felon]

has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State.

If you will excuse a lawyer and former judge for being cynical, I would regard a dependence upon "the humanity of the law" whatever that is, as a slender reed indeed. I would much rather look to the Constitution, the writ of habeas corpus and the Federal Civil Rights Act. And, as you will hear, the courts are coming to believe this too, as held by the Federal Court of Appeals for the Fourth Circuit in 1966, which said:

The hands-off doctrine operates reasonably to the extent that it prevents judicial review of deprivations which are necessary or reasonable concomitants of imprisonment. Deprivations of reasonable medical care . . . are not among such concomitants, however. Prisoners are entitled to medical care. . . . Where there is no administrative provision for an impartial resolution of factual issues underlying such claims, there is no alternative to judicial inquiry, even though many, or even most of such claims may be asserted irresponsibly.

Even in the days of Blackstone, it was written that:

. . . to confine a prisoner in a low, damp, unwholesome room, not allowing him the common conveniences which the decencies of nature require, by which the habits of his constitution are so affected as to produce a distemper of which he dies; this also is felonious homicide. . . . For though the law invests gaolers with all necessary powers for the interest of the commonwealth, they are not to behave with the least degree of wanton cruelty to their prisoners.

On the subject of medical conditions, legal protections—or the lack of them—my references only scratch the surface of the inadequacies and substandard conditions of much of our correctional apparatus. How shocking it also is to realize that aside from Federal and some State prisons, almost half of our Nation's jails and prisons have no

medical facilities of any kind, and many have no access whatever to a physician. The prisoner in a diabetic coma, or suffering an epileptic seizure, or acutely deranged and suicidal, may languish and die, one might believe, for all America cares. But you and I know that this is not true and that this evil condition results from our indifference and not our intent, although the result might be the same.

This is why our ABA Commission is honored to be associated with the American Medical Association in developing a program "to institute and improve medical and health services in the Nation's jails and prisons." It is to upset this indifference, to change this dismal and dangerous course, that the legal and medical professions have come together with respect to solving this problem of our times.

It was with the same burden on our collective professional conscience that the American Bar Association Commission on Correctional Facilities and Services is now striking out on many other fronts to overcome the indifference and neglect of the past.

Remembering what Judge Leenhouts said about expanded probation and parole, the breakdown in corrections is so pervasive that we can put aside at once the thought that any jurisdiction can rest easily on an illusion of perfection. If New York has an Attica, other States have reformatories to which any judge would hesitate to commit a juvenile.

If one State has a splendid State prison system, its county jails are a mess and many of its judges go without probation services. It seems intolerable to me that probation services are nonexistent or a mere shell in many jurisdictions. To be without adequate probation is to be only half a judge. And the damage done by useless incarceration where probation facilities are unavailable is a most serious problem.

Sloppy parole practices often contribute in a substantial way to institutional unrest, not to speak of the resulting wreckage of human lives. I am sorry that Congressman Sandman is not here because I would remind him that in my own State of New Jersey, a progressive Governor is seeking parole reform, but is frustrated by a backlash of fear and suspicion. In the area of inmate health, Governor Cahill has sent the medical battalion of our National Guard into every institution to inventory the health condition of every inmate. He has proposed in his current budget an increase in medical facilities which would provide a more favorable ratio of doctors, dentists, nurses, and psychologists to inmates than the ratio available for care of the general population. This, on the rationale in the words of Governor Cahill's budget message that: "Attention has focused across the country on the physical conditions of imprisonment, the need for upgrading basic correctional programs and the civil rights of the convicted * * *."

So it is that executive initiative can advance correctional reform even without judicial prodding, but on the simple basis of common justice to the offender who, in the main, has been treated over the years with a reckless cruelty by a society not inherently cruel, but only negligent and indifferent. But we are also talking of justice to that society, now fully exposed, as the committee knows, not only in its city streets but in its comfortable suburbs, to the violence and crime to be expected from the released prisoner who emerges brutalized, corrupted and embittered by his "correctional" experience. It seems a paradox that in our State of New Jersey the Governor has

had to abandon, because of public objection, his hope to replace our ancient, long-since condemned State prison, with institutions of smaller population and more effective potential.

Yet we may be encouraged by the cycle of public apathy and public attention. Twenty years ago people cared nothing about air and water pollution—because they did not understand the immediacy of the danger to themselves, to every one of us. Now, protection of the environment is a primary national goal, to save ourselves from being poisoned by the end of this century.

Another example is the phenomenon of juvenile drug addiction. When it was confined to the city ghettos, many of us did not care; but now that it has reached into every suburban high school, everybody cares. And so it is, I think, that people are now coming to understand the need for correctional reform, and how it touches them and their families personally.

It is thus with a real hope that we are about to turn this corner of neglect, that I have been so encouraged in my work as chairman of the ABA Corrections Commission. Penal system improvement represents a priority concern of our association. When we organized, we discarded the idea of studying again the problems of corrections, and inclined our energies toward action programs.

We have in process our first practical undertakings, including a national volunteer program in which young lawyers work as aides providing intensive one-to-one assistance to offenders on parole, a program already showing evident success in 12 States.

We are associated with the American Correctional Association, the U.S. Chamber of Commerce, the AFL-CIO and others on another project, a clearinghouse program focusing on unreasonable employment restrictions which impair the ability of a rehabilitated offender to find suitable job opportunities. If we expect to bring the ex-offender into the mainstream of useful work, we must not forbid his opportunity at the very outset.

We are developing with the American Association of Community and Junior Colleges a national effort to stimulate college level education of custodial and other line correctional personnel. The goal is to further professionalize these correctional people who come in such close daily contact with prisoners and have so much to do with their eventual destiny—for good or bad.

We have established a Resource Center for correctional law and legal services to provide direct litigational support of test cases and to publish manuals concerning specific areas such as harsh and irrational sentences, mail censorship, jail conditions, parole problems, civil disabilities and other similar topics.

We have energized a statewide jail standards and inspection systems project. This seeks to stimulate State legislation to require minimum standards of decency and good practice in jail and juvenile detention facilities.

We also have a program to activate State and local bar associations to concern themselves with penal system improvement. That is the project that our good Mr. Ford directs. To our delight, more than 20 States and 10 major local bars have established special committees on correctional improvement. In addition, a dozen more such committees

exist within junior bar, young lawyers, or other sections of State and local bar associations.

One project most exciting to our commission, which I imagine would be most exciting to this committee, in which we are working with the National District Attorneys Association, involves the pretrial diversion of early offenders. This program would identify young offenders at the outset of a criminal career and temporarily suspend prosecution while the offender receives counseling, education or manpower services.

Should the offenders respond favorably, and already the prospects are encouraging, prosecution will be dropped and we will have saved one more American from entering the corrupting and destructive cycle of criminal imprisonment. We hope this idea will spread throughout the country for we have much to gain in this preventive effort.

We think our commission's work has been effective in emphasizing two reasons for the growing public concern with correctional reform, neither of them, please note, associated primarily with a feeling of humanity or charity or softness toward the offender. The benefit-cost ratio is extremely important at a time when public expenditures are severely afflicting every taxpayer. The per capita cost of unnecessary and prolonged imprisonment has been estimated by some authoritative groups to exceed \$10,000 a year. Let us then consider another factor, namely that excellent probation or parole supervision with constant attention to the offender to keep him on the straight path, could be had for a per capita cost of less than \$1,000 a year. We ask ourselves which system makes better sense, assuming that the security of society is not endangered? And what monumental stupidity it seems to be to select imprisonment where that it is not necessary to the security of society.

Even more importantly, the second point of our case involves the final product of our correctional system. A man who comes out of prison or a reformatory much more corrupted and criminal than he was when he went in, is a dangerous man. We have built a monster who is a threat to the whole fabric of our society and every family in it. This factor, too, while certainly not altruistic, is a very important one if we are talking about crime in America. From my experience as a judge, a prosecutor, a lawyer and finally as governor, I express the opinion that if by some miracle our correctional system were to be reformed overnight, crime in America, including street crime, would be reduced by one half at least.

Our ABA Commission has an interdisciplinary membership including the redoubtable Dr. Karl Menninger, and we work with a staff of excellent professionals from our offices in Washington. We have a grant from the Ford Foundation and various Federal grants, and we have constantly been encouraged by Chief Justice Burger in our work for reform. I believe our efforts are beginning to bear fruit in creating a sense of identity between the public and the problem which is necessary, of course, to the accomplishment of any reform.

And so while the problems we face are monumental, I am beginning to feel a sense of optimism that the public will support a reversal of the trend which has brought us to our present sorry condition. I have always been inspired by a remark that I think was attributed to John Kennedy. It was the effect that the tide of history need not run against

the United States, but can go in the direction in which strong and determined men compel it to go.

If professional people, governmental officials, and citizens from all walks of life can be inspired to join this effort, think what a power for good, for affirmative reform, would be generated. What a shining challenge we would be meeting. What important goals we could accomplish. If we can but elevate the status of corrections in this country, we will surely cut down the incidence of crime, which police power with all its force has been unable to do; and if we can once again become a law-abiding and peaceful society, you can see how much we will be contributing to the interest of our country and perhaps have something to do with saving it from the unhappy problems which afflict us on every hand today.

Our commission is well aware of the Select Committee's interest and the chairman's personal concern with this phase of the criminal justice process. We know of its close scrutiny of the Attica and Raiford prison disorders and look forward to the committee's forthcoming special report entitled "Prisons in Turmoil." It is gratifying to see that the Select Committee has looked beyond the simple and obvious questions of physical security and custodial force to emphasize the treatment and rehabilitation approaches that must be fostered and modernized if our correctional system is to achieve what it so desperately needs—a better success rate. Because of their inherent merit and because so many of them march in step with our own programs and priorities, we wish your work well and hope that its public and governmental impact will be strong and immediate.

Our President, I think, has summed up the case well. And—I should parenthesize here—he has supported the work of our commission very strongly from the outset. He said:

At long last, this Nation is coming to realize that the process of justice cannot end with the slamming shut of prison gates. Ninety-eight out of every hundred criminals who are sent to prison come back into society. . . .

Locking up a convict is not enough. We must also offer him the keys of education, of rehabilitation, of useful training, of hope—the keys he must have to open the gates to a life of freedom and dignity.

And our Chief Justice has isolated the "critical variables," as he calls them:

It is not the rhetoric of prison reform, but the moral and political commitment expressed in concrete ways that move and change a modern democratic society. High in this scale is the commitment of the public purse; citizen support for enlightened professional doctrine and practice; new mechanisms, such as training academies and information clearinghouses; and translation of sound standards into statutory and administrative reality.

It remains for the Congress to make the unique contribution that only it can bring to national problems and values of this depth. It is good to see the Select Committee on Crime devoting its remaining energy and resources to this important work.

I know I speak for all of the members of our commission and the bar association when I wish your committee well in its legislation.

Chairman PEPPER. Governor, you made a magnificent statement and we are most grateful to you for it, and for the contribution you are making to fight this problem.

The members might have to leave, so I would like to give the members of the committee first opportunity to question.

Mr. Mann?

Mr. MANN. Governor, I am somewhat enlightened by a statement here that probation facilities are unavailable in some jurisdictions. What type of jurisdictions in general do you find lack those facilities?

Mr. HUGHES. I would say probation services are insufficient, although not absent, in my own State of New Jersey. When I was an assignment judge responsible for this I quarreled bitterly with the county purseholders, the freeholder board, as we call them, and managed by public and press attention to get them to double the amount of probation services.

You see, if a probation officer, no matter how good he is, has 200 juvenile offenders or adult offenders on his list, he is not going to be able to do much more than have them come in once a month to the courthouse and say, "Yes, I am doing pretty well." No home visits, no supervision of any kind. His caseload ought to be about 30 or 35. There are estimates floating around that the cost of having that kind of probation, good tight probation or parole, is at \$500-\$800 a year.

Some States have no probation. As a matter of fact, I think in Nebraska, there are many parts without probation. In some places in Texas, the judges have no probation officer at all.

Mr. MANN. I imagine it is somewhat the rule that courts such as magistrate's courts and police courts don't have any facilities.

There seems to be a rising unrest in the prisons about some of our methods of parole. I find in my prison mail that they are demanding some type of objective criteria by which they can earn parole, rather than being at the mercy of the board. Who was working on that problem? Is anyone doing any constructive work?

Mr. HUGHES. Our commission is urging many of the States in this direction. I accompanied Chief Justice Burger to talk to the Governor's conference 1 or 2 years ago. In our State, for instance, there is a parole reform bill which Governor Cahill is strongly supporting, to clean up inadequate parole practices, which is the chief cause, I would think, of prison unrest. That is, the parole board giving a prisoner who is a worthy prisoner and rehabilitating himself the "back of their hands," because they don't have the time. Part-time boards, for instance, are a weak point.

But this parole reform bill is being frustrated by the usual opposition, "Are you going to let these bad people out among the public," and so forth, which completely goes past the problem.

Mr. MANN. I wonder if we have identified any outstanding parole system in the country? Does anyone know of any one that seems to be working better than others?

Mr. HUGHES. I am going to refer that to Dan Skoler, if I may. He was formerly with LEAA and is quite knowledgeable.

Mr. SKOLER. I am really not prepared to answer that question, but I do want to mention, Congressman, that the American Correctional Association has a parole project supported by the Department of Labor's Manpower Administration. This is working with States, and I think is already operating in several States—California, and Wisconsin being two—and which does seek to define a program for the parolee which makes clear to him what will be expected of him,

both in obtaining the grant of parole and operating on parole with definite incentives and goals.

Mr. MANN. I think this is going to be an increasingly troublesome problem and we need to put as good minds and projects on it as we can.

Mr. HUGHES. Could I offer to send down to the committee copies of the New Jersey legislation, which I think is very useful, plus a reform reference by our commissioner of institutions and agencies in which he has administratively installed parole counselors to help worthy prisoners who may be inarticulate and unable to express themselves, work up a job or family plan outside, and counsel them when they come before the board—things of that nature?

Chairman PEPPER. We would be glad to have it. Please send it to us.

Mr. MANN. Thank you, Mr. Chairman.

[The information referred to above will be found at the end of Mr. Hughes' testimony.]

Chairman PEPPER. Mr. Wiggins?

Mr. WIGGINS. Thank you, Mr. Chairman.

Governor, I have no question concerning your testimony. I am going to explore two new areas. After touching on the first area I intend to yield to my colleague from Kansas, and then we will get back to my second area, if time permits.

Your background provides the committee with the unique opportunity to ask questions of a man who has been a chief executive of an important State of this Union, a judge, and an attorney as well. My concern relates to the proper role of the judiciary in producing internal reforms within prisons.

As you know, to an ever-increasing extent, it has been the Federal judiciary that has carried this burden as the result of petitions filed under section 1983 of title 42, a civil rights statute, or occasionally petitions files for postconviction relief under section 2254 of title 28, by State prisoners.

Particularly in the former case, the court is granted broad equity power to compel action, and often the action that is compelled involves expenditure of public funds. Now that raises a serious question in my mind about the proper role of the judiciary in determining priorities for public funds, when by their very nature they are not exposed to the multiple challenges for funds, as is the case of a legislative body or chief executive.

I think I have set the stage for the problem that disturbs me and perhaps you might expand on it and give me your observation.

Mr. HUGHES. The constitutional right and the civil rights remedy of section 1983, approaching now the same status as a "cruel and unusual punishment" right, and so forth, at least in the eyes of many courts, is one which must be recognized by the courts and dealt fairly with. As you say, it is a very difficult problem. For instance, in my 18 years as Governor of New Jersey, I was totally unable to accomplish any substantial measure of penal reform because I was afflicted with the demands of colleges and education and highways and a lot of other things.

To the credit of my successor, he is concentrating on that. That is one of the reasons I am on this commission and spending about a third of my time on it—to make up that second chance.

Really, I think the court judge who insists on the common decencies Blackstone called for in the quote I just read, is good for Governors and for legislators, because it leaves them no alternative except to do what they ought to be doing anyhow. In other words, they aren't volunteers. They can't be called "do-gooders" or "bleeding hearts" by the public, if they are merely following the admonitions of the court.

Mr. WIGGINS. Of course, the judgment as to what the Governor ought to do is not society's judgment collectively, acting through their legislative, but rather the judgment of the court, which may hear only very narrow arguments. The court hears the arguments of the petitioner or the plaintiff in that lawsuit. It hears the attorney general's office argue in resistance to it, or some counsel. But the court doesn't hear the interest of schools and people interested in roads and others.

It means either that the other values are going to be shortchanged as we focus on prisons and the internal conditions of prisons, or it means the total pie is going to be increased by new revenue brought into the system as a result of a tax increase to take care of everybody.

But what really bothers me, Governor, is that the judge is making that determination, rather than elected bodies and elected Governors. Do you think that is fundamentally incorrect in our system?

Mr. HUGHES. I think it is correct where a vacuum exists and where the executive or legislative body doesn't attend to the problem. The problem must be attended to.

For instance, a year or two ago in Dade County, which is a pretty good jail as jails go, a 17-year-old runaway boy was thrown in the cage with 20 other pretty bad prisoners, two of whom murdered him during the night. They were only waiting for his father, a minister from Georgia, to come down and pick him up. That shouldn't happen. It will behoove a court at some level to say this kind of neglect can't happen any more.

I am convinced that the general public doesn't want these things to happen. They don't want people to die from neglect in jail. They don't want cruelty.

Mr. WIGGINS. The general public has not responded generously to bond issues when presented to them for reform, or at least the modernization, of the penal system.

Mr. HUGHES. That is correct. And it is too bad. That problem is part of the administrative concern of our commission and, for instance, this committee. I have noticed, however, after a long time in public life, that sometimes the Governor or legislator has to get out in front and do what is right, even though his mail doesn't run 30-to-1 in favor of that.

Mr. WIGGINS. We saw a lower Federal judge here in the District of Columbia, if my memory serves me right, ordering that any commitment to Lorton was cruel and unusual. Accordingly, the whole institution was to be closed down, and somebody had to provide the alternative of a different institution or turn those people loose.

That perhaps dramatizes the kind of problem I am talking about, where that judge had made his assessment of the priorities for the public expenditures and said more money should go into prisons as distinguished from perhaps some other area. I don't know the ultimate disposition of that case. I suspect it may have been reversed, but at least it dramatizes the problem.

Mr. HUGHES. It has to be that way. Sometimes that is the only way the right can prevail. As you say, the public mind is hard to dent on this subject, but judges throughout the country have been closing jails.

Mr. WIGGINS. Does it bother you that it is a Federal judge closing a State jail?

Mr. HUGHES. If a State prisoner is being deprived of his constitutional rights, for instance, if kids are being thrown in with some of these older, hardened, brutal prisoners, it is the judge's duty, I think. The judge would be very unjudicial not to recognize that and, hot or cold, make his decision. Then the legislators and the money producers would have to worry about it from there on. But the judge can't turn his back on it.

Mr. WIGGINS. Shouldn't there be an exhaustion of remedies requirement in the case of section 1983 petitions? Do you know the problem to which I am speaking? I think Mr. Skoler does, if he would like to comment upon this problem.

Mr. SKOLER. Yes. The dilemma referred to by the Congressman is a very real one. As a matter of fact, the courts, perhaps from frustration with the decree aspect of their decisions, are becoming more positive and more detailed in the kinds of orders they want submitted to remedy unconstitutional conditions in prisons and jails. There are real cost questions involved in implementing these decisions. It has been my observation, however, that in the test of a decree like closing a jail down, or determining there must be additional space, which does ultimately require a bond issue and executive action, there are sufficient forces on the other side to create a mediating influence. That is, the court activism in the defense of constitutional rights in these cases doesn't fully win out. The give-and-take usually involves a compromise between limited public dollars and the judicial assertion of constitutional rights.

So you do wind up with a more reasoned result than one that just has to make way for the kind of executive priorities you talk about.

Mr. WIGGINS. I will conclude this portion with the observation that I, for one, would certainly not wish to repeal section 1983, but on the other hand, insofar as judges are exercising their equity jurisdiction by compelling affirmative action as distinguished from injunctive relief, which of necessity will require the expenditure of public funds, that in their own self-interest, if not in the interest of the society as a whole, they exercise great restraint and not be too much of a pioneer in this field, because the public reaction could be gross and most unfortunate to the judiciary.

I have other questions I will get to after Mr. Winn.

Chairman PEPPER. Mr. Winn?

Mr. WINN. Mr. Chairman, I would yield some of my time to my colleague from California, who is a fine lawyer. And since I am not a lawyer, I would like to hear him explore his field.

Mr. WIGGINS. I want to carry on with just a few questions on the subject that our colleague, Mr. Mann, talked about; namely, parole. At the present time, statutes in this country range all the way from granting to parole authorities maximum discretion to determine the total period of confinement, to almost no discretion at all, as in the case of mandatory sentences, no parole being authorized.

A maximum discretion statute is really in the nature of an indeterminate sentence procedure.

Do you have any views as to the proper balance here of what is right and what is wrong?

Mr. HUGHES. Yes. I had occasion to veto repeatedly mandatory sentences, 2 years, 8 years, 10 years, all of which would have handcuffed the judge and perhaps compelled him to commit great injustice in a given case, or resulted in a very evil person being acquitted in a given case, because of the nature of the sentence. I thought as a lawyer that they were totally wrong.

Now, I know this drug problem is becoming so frightening to many people that that mandatory stiff sentence seems to be quite appealing. I know in New Jersey that the new parole reform bill, which would give the parole people authority any time after 6 months of a commitment, no matter how long a sentence, to consider and grant parole, is meeting great public resistance. In Massachusetts, a prisoner must serve two-thirds of the maximum of his sentence before being considered for parole. This is causing enormous unrest, as you may have noticed in the papers, in the maximum security institutions in Massachusetts.

So these extremes are, I think, wrong. I think the answer lies in liberalizing of parole availability but strengthening the parole boards in their procedures. In New Jersey, I think by the end of this year that the case of every prisoner will again have been reviewed.

Mr. WIGGINS. We cherish the notion that the court is in the best position to sentence an offender fairly, and balance the interest of society and the needs of the defendant.

I really doubt that. I think that a court is sentencing a man at the wrong time. The court has just heard all of the grisly details of a heinous offense, perhaps. Of course, he has the benefit of the impassioned plea of defense counsel and he has the presentencing report. But the point is, he is making the judgment at the wrong point in time. We are talking about the future of the given offender and his hoped for rehabilitation and we are making that determination in passion. And I think that is incorrect.

I realize reforms in this area are very difficult to enact because of the hysteria that surrounds the matter of sentencing offenders. But would it be enlightening, in your view, Governor, if we moved in the direction at least of an indeterminate sentence, perhaps not totally wide open where a convict is unclear as to how long he is going to have to serve, but at least in that direction, granting greater flexibility to parole boards to determine whether or not at some point in time in the future an individual offender has been sufficiently rehabilitated to be reintroduced into society?

Mr. HUGHES. There is a wave of public reaction to that sort of thing, which I think would make it pretty much unworkable. I would prefer the New Jersey system, which gives what we call an indeterminate sentence—and we are talking about different definitions of the word—not less than 3 nor no more than 10 years in the New Jersey State prison.

Under the present law, when the minimum is accomplished, or one-third of the maximum, that man with good time—good behavior time and work-time taken off—can be considered for parole.

Congressman, I think the first thing, and I think something the public would support if it could only learn the cost-benefit ratio from this committee, would be making sure there is excellent probation—fine probation facilities available to every judge in the country.

Mr. WIGGINS. I think there is greater public resistance to probation than there is to parole. The public wants to see a man go to jail, and they are very resistant to the granting of straight probation or even probation upon condition of a minimal term served in the county jail.

But after the door is closed, as you well know, society forgets about that man and it is possible to do some enlightened things with respect to him, if legislation in that direction were drafted.

Mr. HUGHES. I wonder, Congressman Wiggins, if I could file a statement later with the committee, including our parole reform bill in New Jersey, and the rationale behind it. I know there is a study. I would be more informed then than I am now.

Mr. WIGGINS. It would be most helpful to the committee and me if you would do so.

As you know, Congress is confronted now with the specter of mandatory sentences in three areas. One is certain Federal crimes committed with a gun, another is drugs, trafficking particularly in the heroin-morphine field, and finally in the hijacking field, all very emotional crimes. Recommendations for punishment which have been described as mandatory sentences, but in fact are not actually that, are now pending before the Congress.

Your observation concerning this matter will be helpful to me and to the committee.

Mr. HUGHES. We will file a later statement and file it very quickly, because I know the committee is well on the way to finishing its work.

[The statement mentioned above will be found at the end of Mr. Hughes' testimony.]

Chairman PEPPER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

I have only one question that has bothered me for quite some time, and that is the selection of probation officers. Do you have an idea of what percentage of probation officers really care, and are dedicated?

Mr. HUGHES. My experience with probation officers in my own State, as a judge for 10 years, has been good. They are dedicated people in the main. I tried to get the New Jersey legislature to give me money for the creation of a system of paraprofessional probation officers, in which event, instead of a juvenile offender who had to be watched, say, in the central ward of Newark, on probation, instead of going down to the courthouse and seeing some crewcut, college-type probation officer and exchanging a few words with him—that is a bad word these days—

Mr. WIGGINS. You are dating yourself when you talk about crewcut, college types.

Mr. HUGHES. That is right. Instead of that, the paraprofessional may be a rehabilitated offender or someone from the offender's inner-city community and thus a store-front probation officer, where he would know what that boy was doing with his family, or whether he was getting into bad company and so forth. This kind of sympathetic and intensive contact and supervision would be the system.

As to the specific question, Congressman, I would like to ask Dan Skoler or Mr. Ford to answer.

Mr. FORD. Mr. Chairman and Congressmen. My viewpoint has been as a volunteer parole officer, seeing parole officers and probation officers in action in the State of Illinois, primarily. We found that there is a great diversity, of course, in the way they go about their task, but I think for the most part they do seem to really have a significant concern for what they are doing.

This seemed to be true of both the older and less apt to be professionally trained men who have been in the system for a long time, and of our younger ones just coming out of college and graduate school.

Mr. WINN. Are there any kind of training courses for those older ones that sort of have a job by the grandfather type of thing because of their age and experience?

Mr. HUGHES. There are inservice courses. The chief probation officer in the county in which I sat for many years is a man named Simon J. Falsey, and he has not the college education and so forth. He is the type of older practitioner you mentioned. I believe that if I were to go back on the records, I could find hundreds of people whom that man saved from years in jail by guiding them as chief probation officer.

I would turn a pretty bad kid loose with him on probation, with reluctance, and 6 years later he would walk in, would be a Marine, be married, and fully rehabilitated. This was a great, dedicated but fairly uneducated probation officer. So it depends on what is in the heart as much as what is in the head.

Mr. WINN. I agree with you and that is why I think that some of them do have it in the heart and some don't have it in the heart, and some of them find the easy way out.

I have not been exposed to too many, but just enough to make me wonder about some of the types of personalities that we have, and wonder, really, if they care enough about individuals in general to spend the time that is probably necessary.

It seems to me more prevalent nowadays to spend more time with the individuals and listen to their problems and talk to them than the so-called old days, or crewcut days. I don't think too many of them made the home visits that were very necessary and they really didn't find out what may have—not always—what might have been the basic problem for the behavior of the offender.

Mr. FORD. If I could add, I would suggest that some of what might appear to be a lack of concern at times may just be a result of the layer of cynicism that seems to come out on top, because of having caseloads of 200 and 300 people.

Mr. WINN. My next question: I think it is pretty obvious in some parts of the country the caseload is too much for certain individuals to handle. I don't think there is any doubt about that.

Mr. FORD. What would be your answer—other than money. Don't just say money, because we hear that like a broken record up here. What else?

Mr. FORD. You seem to be kind of leading into what we are all about and that is volunteers. I am at the moment working with just getting lawyers to get involved in any type of correctional activity. One of our projects that the Governor has mentioned is the National Volunteers in Parole program. We have tried to match volunteers, 1-to-1, with felons coming out of institutions and in some cases, probationers, too. In Missouri, in particular, I believe they were with probationers.

But I think people resource is the answer. And if you can get people resource without money, or with less money, I think that is the best solution.

Mr. WINN. Of course, if you get people resource with practically no money, you have the people.

Mr. FORD. Right, correct.

Mr. WINN. We have the people in the country; whether we have the people with the heart or not, as my colleague from California brings out, is another thing. When we are voting bonds for correctional institutions, all of a sudden, even including schools these days, the public falls on its face.

Mr. HUGHES. This probation officer business, though, Congressman, is a little different, because if we mention the word "money," if you are spending \$500 a year for worthwhile, 30-caseload-type probation supervision, and you are keeping a man out of the New Jersey State prison, where, considering his upkeep and maintenance and his family on welfare and the loss to the national product, you are saving \$10,000-plus a year.

That is where the money is. If somebody could get that message over to the American public, somebody like this committee, by putting in this dollar we are going to save \$10, that would be an enormous contribution.

We could begin saving it right away, because there are people in New Jersey State prison institutions now that ought to be out in the street on parole.

Mr. WINN. I think your point is well made and, of course, there are lots of us in Government that wish people would look at certain things this way and in these directions, but I am afraid this is one of those tough things to sell because it really doesn't have much to do with the check they see that they bring home and the money they have in their billfold.

Mr. Ford, I have long been associated, just in youth work, as a Boy Scout master, a Cub Scout master, and fraternity adviser in college for 15 years, and I tried and tried and tried, really, with little success, but I can see the results and there were good guys. These were the good young men from middle- to high-income areas that were impressed with the time, if we could ever get it from them, from athletes or people whose names and pictures are in the press every day. Or frequently, that they recognize, with name identification.

But you have to almost tackle some of those guys to bring them in to get them to spend 10 or 15 minutes with whatever the youth group might be. These are the same people, that many of them—and I have used this when talking to them—started in some areas, started in high crime rate areas. And I say, "You know what I am talking about; now if you will come talk to some of these fellows, spend an hour with them, tell them about your experiences as a champion miler or all-American basketball player—but there is the people power you referred to, but, boy, it is like pulling teeth to get them.

Mr. LYNCH. Mr. Chairman, if I might interrupt for a moment, please.

Mr. Wiggins indicated Governor Hughes brings a special background and experience to the committee, and I think it ought to be pointed out that the same is true of his staff director, Mr. Skoler. And

for the information of the committee, I would like to tell you very briefly something about Mr. Skoler.

He attended the University of Chicago, is a graduate of Harvard Law School. He was the gentleman whom Judge Arthur described as the man who took the National Juvenile Court Judges Association out of the bush league. He served as executive assistant in the pilot Office of Criminal Justice at the U.S. Department of Justice under Attorney General Katzenbach. He was the Associate Director of the Office of Law Enforcement Assistance, along with Courtney Evans, and was Director of the Office of Law Enforcement Programs for the Law Enforcement Assistance Administration.

In that capacity, he practically single-handedly drafted all Federal guidelines for Federal assistance to police, court, and correctional agencies.

He has been a prestigious and prolific worker in the criminal justice improvement field. I think he is in a unique position to indicate to the committee what areas of correctional work need Federal assistance.

Chairman PEPPER. Have you finished, Mr. Winn?

Mr. WINN. I just want to say, Mr. Chairman, I appreciate these gentlemen appearing before the committee. You and I should be embarrassed because your State and my State are not listed in the brochure here. So it looks like we have some homework to do ourselves.

Thank you, Mr. Chairman.

Chairman PEPPER. Well, I would like to say, Governor, I share your view that it is not only the right but the duty of the courts to protect the constitutional rights of people who are incarcerated in penal institutions. In addition to that, it does stir the political and civic leadership to action, to have the courts initiate reform, initiate requirements. I think we gradually have been seeing more and more of that, not only cases dealing directly with the prison population, but I remember it hasn't been so many years ago the Fifth Circuit Court of Appeals in an opinion written by my former law partner, Judge Waller, recognized that State prisoners under the Constitution are entitled to protection of their civil rights; and the courts began to move against brutality and against abuse, with respect to State officers who had custody of prisoners.

Then, of course, the courts have ruled in many other areas: Civil rights, voting rights, school requirements, school desegregation, elimination, and the like.

Now, we all realize, of course, that the rule of reason applies to almost anybody, including the courts. I am sure the courts will not in general allow themselves to intrude their authority into every act of administration in a penal institution. That would be frustrating to any kind of effective operation.

But if civil authorities are not going to provide protection of a decent sort for those people, then I see no alternative but to have the court come in and do it.

We cited in this committee's tentative draft of a report on correctional institutions one of the most horrible cases of where a young man was brought into a cell where several other older men were confined and that young man was immediately sexually attacked and brutally abused. When they finished with him and left him bloody and un-

conscious and bruised and battered, they went back to playing dominoes nearby.

It would seem to me that a young man who was being sentenced to a State prison like Raiford, or Attica, or some of these others, that I think are a shame to the penal system of this country, would almost have a justifiable right to an injunction from a court based upon past experiences of young men in these penal institutions.

Now, he is liable to incarceration, but I don't think he is liable to be thrown in where he will be brutalized, as so many are when they are incarcerated in these institutions.

We have statistics that are recited by the President and other officials, most of them police departments, that the rate of increase in crime is diminishing, except in certain areas of violent crime—murder, homicide, and forcible rape. Generally, those offenses seem to be increasing perceptively, rather than decreasing. But the problem is, where do we go from here, what can we do now? This committee is going to make recommendations to the House of Representatives. We hope we may have a measure of impact upon public opinion. We hope we will be able to send our recommendations and, in fact, our hearings to large numbers of people in this country, who will find something of importance in them, something stimulating to help them in trying to do something about the present system.

But in a summary way, what would you and Mr. Skoler and Mr. Ford say should be done today? What kind of a program could the Congress inaugurate that would have some reasonable hope of improving the present situation, and reducing crime in this country. I think we all agree there is an intolerable amount of violent and serious crime prevalent in this country.

Mr. HUGHES. That is a very broad question, but I would say, just as a "for instance", there is legislation pending in Congress to create diversionary programs in every Federal district where an early offender or first offender, with the approval of the U.S. attorney and defense counsel and the court, be put under some other track than being sent out to a Federal prison or Federal reformatory.

He would get manpower training or vocational training. He would be tried out for a period of 6 months to see if he could organize his life. The success rate of such diversionary programs on the State basis are remarkable. The one in our State, the Hudson Tri-County Intervention project, is more than 60 percent successful.

Mr. WIGGINS. Would those diversionary programs be in lieu of prosecution, or after prosecution and in lieu of sentence?

Mr. HUGHES. They would be in lieu of prosecution. They would be predicated upon voluntariness on the part of the prisoner and the waiver of his right to speedy trial, so if perchance he failed on his experience, 6 months hence the prosecution could go forward.

Mr. WIGGINS. Could it really go forward?

Mr. HUGHES. Yes, it can go forward, because of limitation of time. The time in New Jersey on our court roll is 3 months plus 3 months. After that, the court has to make a decision.

Mr. WIGGINS. I don't understand the 3 months.

Mr. HUGHES. The program can take an early offender for 3 months, get him back to school or get him working back at his job, get him on

methadone or urinalysis, get him off drugs, and so forth. Then they come back to the court and say this man is working out fine. He has got a job at Westinghouse. He is back with his family. We think he ought not be prosecuted for stealing this car. If the court concurs that man doesn't have that criminal record to follow him the rest of his life.

In other words, the State is taking a chance on him.

Mr. WIGGINS. It amounts to statutory requirement for review of the effectiveness of the program for this particular individual?

Mr. HUGHES. By the court.

Mr. WIGGINS. Within 3 months?

Mr. HUGHES. Yes, and if they need more time they can come back for an extra 3 months, but that is all.

In Senator Burdick's bill, unfortunately, the money involved only would provide \$45,000 for each Federal district. This is nowhere near enough money to handle that kind of program. Besides that, it is a very good bill.

Chairman PEPPER. Governor, we had hearings a few months ago in Chicago on the problem of drugs in schools. We were told there about a program the prosecuting attorney has in Chicago similar to the one you described, where he brings in these people charged with crime and he has seminars on Saturday mornings with them and their families, and they are sort of put on probation, as it were, over a reasonable period of time before charges are formally brought against them, where the offenses are not too serious.

I think all of us agree that we ought to improve the present correctional system and I was glad to see the estimate you gave there, that if we could reform the correctional system we probably would reduce crime about 50 percent in this country.

We take Florida. We have that big old prison in the rural area that is Raiford. And a few times, the Raiford administrators have made an appeal to the courts, "Don't send any more people here because we don't have room for them." The Governor has indicated he wants to get rid of that institution. But I suppose he has the same financial problem that all of the other Governors in the country have of finding the money.

We heard here yesterday and the day before, what I regard as this very commendable program for dealing with youth delinquents in Massachusetts, which was inaugurated by Dr. Miller, who appeared here and testified. What was done with a \$2 million grant from the LEAA. In other words, that was Federal money that enabled them to initiate this new program, which I think is very innovative.

Would you think it might be developed for the Federal Government to offer to put up, let's say, 50 percent of the cost of innovative and improved programs by the States that would lead probably to the reduction in crime, and also the reduction in the cost of maintaining these institutions?

That wouldn't necessarily mean a commitment on the part of the Government to continue after these new programs became operational. Presumably the State would be able to carry them.

But what would you think about a recommendation that the Federal Government, being satisfied that the programs are generally desirable and would be properly useful, encouraging the States to inau-

gurate these reforms by proposing to bear a certain percentage? I should say it would be 50 percent of the cost.

Mr. HUGHES. I would regard it as a much wiser national investment than the supplying, for instance, of police armor. That thing isn't working, but this other idea you suggest can work. However, the States have to be brought along by the Federal inducement. I would consider it an excellent idea.

Chairman PEPPER. Now, I think we generally agree that knowledgeable people seem to agree that the institutions should be located in the large centers as much as possible, so that the inmate would be near his family and friends; and should be small in size, not exceeding 300 in population. What would you say would be the kind of institution, assuming that one has to be incarcerated a part of the time at least, we should try to build?

Mr. SKOLER. Smaller institutions of the size you indicated are a wise investment and are terribly important. They avoid the explosiveness of a large, overcrowded prison. There is evidence, and this is supported by Bureau of Prisons studies, that an institution of about 350 could still be cost effective, even if it is a fairly secure institution. It permits all of the humanization, it links offenders with the outside, work release, educational programs, the ability to "pierce that wall" that is much harder with the larger institution.

Chairman PEPPER. The Governor was speaking a few weeks ago about dollar use of medical care. But medical attention is available in the cities which is not available in Raiford, Fla., for all of those people. In addition to that, when they get out there would be jobs around the city to be available for them, and people to visit them, and the like. Of course, it costs money to set up those new institutions in lieu of the ones we now have.

But if we can develop these preincarceration probation programs, that would be cheaper, assuming we could make them effective.

Mr. SKOLER. That is correct. And it is really in a combination of these approaches that you can achieve cost effectiveness. There must be some rebuilding, but if one can plan on smaller populations in prisons with heavier reliance on the preincarceration programs, the staggering cost of replacing the current prison plant can be mitigated. So it probably is a mixture of abandoning destructive, impossible prison plants, of emphasizing the community programs that have been discussed here today, and of enriching the rehabilitative factors in corrections, education, the ability to get a job, areas on which we have a great deal of technology that will provide the answer. This Nation knows or should know a great deal about manpower programs. There is no reason why that expertise need be developed separately within a correctional facility. The extent to which you are operating with offenders in the community permits you to tap the normal community resources available for job problems, educational problems, et cetera. There, too, one can achieve cost-effective results.

The area of medicine, for example, can be cited. Just yesterday, I was visiting with the new, very large Johnson Foundation in Princeton, N.J., where the role of the medical college in providing not merely inexpensive medical care to the metropolitan jail, but quality medical care, was discussed in detail as not having been fully tapped.

Chairman PEPPER. Governor, several members of this committee and I went up to Attica, on Friday, following the tragedy earlier in the week there. Before we went to Attica we had a conference with Governor Rockefeller in New York. And right away he said, "Yes, nobody knows more than I that we need prison reform in New York, that our correctional institutions are by and large out of date, and that they are not conducive to rehabilitation." But one of the State senators was there, chairman of the crime committee of the State senate, I think Senator Dunn. The Governor said, "But it would cost \$100 million to reform the penal system of this State. What do you think, Senator?" Senator Dunn replied: "Probably it would cost nearly \$200 million." He said, "There you are, we are already under deficit status here financially. Where are we going to get the money to do that?"

And, of course, Attica goes on. Maybe there have been some reforms there, but Attica goes on for that reason.

I thought maybe if the State and Governor Rockefeller had financial problems in New York, a lot of other States have even more serious problems financially. I thought the Federal Government, in the interests of curbing crime should help the States with the cost of caring for incarcerated people. As a matter of fact, this committee was influential to a degree in getting an amendment to the LEAA bill. Some time ago, it provided that 25 percent of LEAA funds were supposed to be spent on correctional institutions. I don't know whether that is being done or not. I hope so, because Congress recognized that this was in the interest of curbing crime.

Mr. HUGHES. I think Governor Rockefeller—and any other Governor or legislator—has to weigh that \$100 million against the several hundred lives that are going to be lost in Manhattan this coming year from people being murdered in subways; and it is just the street crime, their street crime, we are talking about. That choice has to be portrayed to the people.

Chairman PEPPER. Governor, we were intrigued by Judge Leenhouts. Do you have any practical suggestion as to how Congress could encourage and aid that volunteers-in-probation program, making it sort of analogous to the Peace Corp in some way? You know we do put up money for the Peace Corp, although it is a lot of sacrifice on the people who serve. Have you any suggestions as to how Congress could help that program?

Mr. HUGHES. I think you could help by a type of probation subsidy modified, of course, from the California experience. If it is a national problem and the national objectives of cutting crime in half is to be achieved, it certainly is as important as anything before the Congress, even if it does cost money. In the long run, it will save money, plus lives, plus our society, which is really in danger. It is at the point in the major cities in my State where no one would think of walking down Main Street of a town after dark. And this committee is involved in, I think, one of the most important questions in this country—a question of survival.

Chairman PEPPER. Mr. Mann, do you have further questions?

Mr. MANN. Yes.

Governor, what consideration has been given to expunging in connection with employment as well as permanent rehabilitation?

Mr. HUGHES. I am sure the Burdick hearings, the Senate Subcommittee on National Penitentiaries, discussed expungement, but I am sorry I am not familiar with the legislation pending in Congress.

Mr. SKOLER. There was some legislation in the last Congress and I believe the bill introduced by Senator Burdick attacked that problem—S. 2732, 92d Congress, the Offender Rehabilitation Act. It provided for a reasonable waiting period before there was to be expungement. I don't think there was much action on it.

Mr. HUGHES. We will do a little checking on that.

Mr. MANN. As a lawyer, you will be interested in knowing the Special Subcommittee of the House Judiciary, of which I am a member, is working on the Federal Code of Evidence promulgated by the Supreme Court. The section that we are considering this week and after the recess, involves the attack upon the credibility upon the witness who takes the stand in court with reference to his criminal record. Some very difficult problems confront us in that connection. And it ties in, of course, with what may ultimately be done with reference to pardon, expungement, and the like.

One assertion I want to make. We have talked here about diversion and preincarceration probation, and I recognize clearly you feel this is one of the greatest solutions of the problem of corrections. But I am wondering—and I may be expressing a South Carolina deficiency when I make this assertion—in South Carolina we have no presentence investigation. The probation officers have the same caseload problem they have in most places, but they have the additional caseload problem of not doing presentence investigations at all. A judge can specifically request one, which he might do once every month or so, but judges have a pretty high regard for their own understanding of human nature, and they tend to sentence without enough information.

I agree with Mr. Wiggin's implications that maybe the final determination of the sentence at this point is not the best time. So I would suggest that the American Bar Association, representing the lawyers in the administration of justice, could well jawbone the heck out of the States on this question of presentence investigation, so as to be of assistance to the judge in the first instance. Because if he is going to employ—and we are talking about most sophisticated pretrial things when we are talking about the diversion system you described a moment ago—but if he is going to be able to employ the sentencing alternatives that you envision there is going to have to be a basic presentencing agency and it needs to be there now, with just the sentencing alternatives we now have, jail or probation.

I think too little attention is being given to that problem, as opposed to the postsentencing procedure and probation, for example, as well as to parole.

I feel deficient myself in not having jawboned it more in South Carolina.

Mr. HUGHES. You have a lot of good things in South Carolina, including the Austin Wilkes Visiting Association.

We recommend pretrial sentencing reports be mandatory.

As a matter of fact, if I had it my way, no judge would ever have jurisdiction to send a juvenile or adult to any institutions that he personally had not inspected within the previous 18 months. Many judges think about numbers too much and quite often a great injustice

comes when a young boy is sent into the circumstances that Mr. Pepper just mentioned. It is a terrible thing on the conscience of society.

Mr. MANN. Thank you.

Chairman PEPPER. Mr. Lynch, would you like to inquire?

Mr. LYNCH. Thank you.

Governor, I know you have another commitment, and I will try to make this brief.

We heard a long line of witnesses this week, Governor Hughes, indicate to us there was no question in their judgment in regards to the juvenile system that juveniles did at least as well if not better in various kinds of controlled type of probation programs than in prisons, jails, or other detention institutions.

Would the same hold true in your judgment for adults?

Mr. HUGHES. Yes. There is a hard core of antisocial adult criminals, mostly violent people, who need to be separated from society. But in the main, I would consider that, say, a decent man who embezzled \$1,800 from his employer because his wife has to go to the hospital, and whose friends make restitution, doesn't belong in prison. And yet he is frequently in a prison, bumping into all kinds of bad people. He ought to be on probation.

Mr. LYNCH. Would it be your judgment, Governor, that kind of treatment in fact is criminogenic, rather than rehabilitative?

Mr. HUGHES. I believe strongly in probation. Given a wise judge supervising an intelligent, dedicated probation officer. I think that probation is rehabilitative in the highest sense.

Mr. LYNCH. We have several witnesses who indicated, they were in favor of centralizing correctional authorities within States. Has your commission taken any position with regard to placing correction departments directly under the executive and under the control of one man, including adult/juvenile institutions, adult/juvenile probation, aftercare services, and the like?

Mr. HUGHES. Let me refer that to Dan Skoler. Do you mean regionalization?

Mr. LYNCH. No. Creating a State department of corrections with authority to supervise the entire correctional system within a State.

Mr. SKOLER. I don't think the commission or our association has taken a formal position, but we have in our various projects recommended to the public a number of model statutes that call for a unified department of corrections. We have in mind here the terrible burden on the State chief executive, the Governor, with the proliferation of governmental departments. We have in mind the fact that juvenile and adult corrections over the years have come much more closely together. The rehabilitative approach originally came out of the concept of how we deal with juveniles, but more and more we are recognizing that the human needs of the offender, his needs for education and training, apply to him as an adult as well as a juvenile.

I think it is fair to say that our view of good reform practice does call of the unified correctional system with clear standards of performance and with clear accountability and differentiation within a system on a problem basis. If there are some aspects in which juvenile programs should be enriched, that could take place as well in the unified department as in fractionalized departments where there may

be competition for budget funds, different standards of quality and personnel, and the like.

Mr. LYNCH. Mr. Skoler, during the Governor's statement, he indicated one of the needs in the correctional system was for a clearing-house operation, so that information on new programs and the like could be disseminated. Your commission, I believe, recently published a compendium of model correctional legislation. Could you tell us a bit about that, and to whom that publication was sent?

Mr. HUGHES. Mr. Lynch, excuse me.

I wonder if I could be excused by the committee with my thanks to all of you? I hate to do this, but my time is up and I must return to New Jersey.

Chairman PEPPER. Thank you very much, Governor, for coming. We want to commend you and the American Bar Association for the manifestation of the greatness you have in this development. Thank you.

Mr. HUGHES. You are most welcome. We will remain in touch with you, sir.

Chairman PEPPER. Thank you. Go ahead, Mr. Skoler.

Mr. SKOLER. Our compendium gathers in one place all of the model legislation and all of the standards—the formal legislative standards and standards of administration relating to correctional practices—that have been developed by responsible associations, not individuals, but in the course of careful study efforts. Thus, it would include the model statutes of the National Council of Crime and Delinquency, the Advisory Commission on Intergovernmental Relations, the American Law Institute, and the American Bar Association's own Criminal Justice Standards. As you know, the ABA standards do relate to corrections in some aspects; for example, with respect to sentencing and probation.

We include also the American Correctional Association standards of good practice. Times have changed and some of these are a bit outmoded. But the compendium of Model Correctional Legislation and Standards does gather in one spot the best reform thinking and legislative milestones that we have with respect to improvement of corrections.

Mr. LYNCH. I wonder if I could ask you what your judgment would be as to the adequacy of the State comprehensive law-enforcement plans, insofar as corrections are concerned? It is my understanding that the 1970 amendment, part E, to the 1968 act, requires in essence separate State plans for corrections. Has your commission had occasion to examine those, and if so, how adequate are they?

Mr. SKOLER. We really haven't had a chance to look closely at the separate plans for corrections. It has seemed to us that the State planning agencies, as they are called under the Omnibus Crime Control and Safe Streets Act, do have an understanding and sense of the importance of correctional reform and balances in the expenditure of overall crime control funds.

We have some concern because it is hard to pierce through plan provisions to determine how much is rhetoric and how much is actually implemented. Congressman Wiggins spoke about the balancing of many money demands among the goals that are stated in the plans,

and they generally read pretty well. There is no opposition to work release, to expanded probation, to diversion programs, and to more humane conditions in prisons. The extent to which dollars are actually flowing through the block grants into correctional agencies and to match some of those program goals is difficult to trace.

I think this is a large problem for the Nation and will remain such until the information system to track LEAA and crime control expenditures picks up some more thoroughness and ability to identify what is happening.

It is not so much lack of plans or poor plans we have concern about as what is actually happening in the correctional systems.

Mr. LYNCH. To what extent are we able to track that now? Who should be doing the tracking; an independent commission like yours, should it be LEAA; how can we find out whether there is a difference between rhetoric and practice?

Mr. SKOLER. It was my understanding LEAA was developing an information system to keep track of the end result of the now increasing investment in crime control funds. I for one would be quite content to rely on this system to tell us the baseline data. An organization like ours can focus on a particular need—model legislation, pretrial diversion techniques, volunteer techniques—and perhaps get more specific information in that area for the general use of the Nation.

I think with the current trend toward local decisionmaking, reflected in the revenue-sharing approach, with the notion that localities have not only the right but the capacity to analyze and deal with their own problems, that the need for accurate national information and clearinghouse data becomes one that requires increasing Federal attention.

It is difficult to make a good decision in Kansas about spending a lot of money on a new innovation if you have to go through exactly the same kind of research 49 other States have done on what has happened. As a complement to criminal justice planning and decision-making in localities, it seems to me there is great need for increased investment in really good and thorough tracking, clearinghouse, and data accumulation at the national level. These are not expensive programs. It is the direct program expenditures and subsidies that cost billions. But I think you will find, for instance, that technical assistance budgets and the LEAA contracts for information clearinghouses are only a fraction of what is being spent in the area of education or manpower or the investment in other data banks.

Yet, it is terribly important, if local and State governments are to make good decisions, that now more than ever they must have reliable, critical information and perspectives behind the rhetoric of criminal justice—whether it be police, court, or correctional improvement.

Mr. LYNCH. I think that is a very valuable observation.

Thank you. I have no further questions.

Chairman PEPPER. Mr. McDonald.

Mr. McDONALD. I have one question, Mr. Chairman.

Mr. Skoler, as you know, disparity and severity of prison sentences of those incarcerated is a major source and cause of prison unrest today. Daily we have an example of severity in sentencing. We read in the papers of certain individuals who have been convicted of what might be called white-collar crime, a victimless crime, which in fact

most likely the victims are untold at this point. We see very stiff jail sentences being meted out to these individuals, and at the same time, we see criminals or individuals being convicted of violent crimes, including murder, rape, robbery, what have you, being given actually lesser sentences when we compare the lengths of time. Could you comment on this for the committee?

Mr. SKOLER. Disparity in sentencing is a difficult problem and its effect can be destructive. The American Bar Association has standards on sentencing alternatives and appellate reviews of sentences that do address the problem. They provide techniques through such devices as judicial conferences and sentence appeals, which take the edge off extreme and unfair disparity. At the same time, the standards of the American Bar Association with respect to sentencing and, I think, those incorporated in other model legislation, such as the "Model Penal Code" of the American Law Institute and the National Council on Crime & Delinquency's "Model Sentencing Act," take an overall approach with respect to length of sentences which I personally think is sound. This is something our commission has not yet taken a detailed stand on, but it does reflect the overall policy of the American Bar Association which has an even broader base. Sentences in this country are generally too long and ought to be shorter. The common norm of 5 years is mentioned in these standards as the maximum prison term for most offenses. When you get the dangerous or repeated offender, a different mode of handling can go into operation, permitting the longer sentence that will provide society the protection it needs.

Part of the mess we have had in sentencing may have been a lack of this differentiation, so that sentencing based solely on a crime confronts the court with the dilemmas at the point of sentencing as Congressman Wiggins mentioned—placing the early offender, simply because he has committed the same crime, in the same position perhaps as the repeated offender. We are beginning to get a pretty good idea of who is a dangerous man and should have a procedure to handle him differently.

So I would say we are behind the general notion of shorter sentences and a special procedure permitting longer sentences for the dangerous offender, for the man who has repeated and shown time and again he is not a safe risk for the community.

Mr. McDONALD. Should we sentence individuals who have committed victimless crimes, white-collar crimes? Should they be placed in jail at all, if perfectly capable of getting along with society?

Mr. SKOLER. Your question is a difficult one and presents great dilemmas. It would hardly be necessary for me to point out the implications of a position that holds that the "safe" offender, the public official who grossly abuses the public trust, the labor union leader who also does this, ought not to receive some kind of confinement or punishment simply because we know he is not a dangerous or violent man. This dilemma, of course, does not apply to the overwhelming body of criminal offenders. It is a difficult case, and my personal view is that society might very well establish special priorities for equal justice that would call for severe measures of punishment in these cases. This would be to show that the high placed as well as the low, when they engage in illegal activities, must pay regardless of the strict factor that the person would be a safe bet on probation and the like.

Mr. McDONALD. Thank you very much, Mr. Skoler. I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. Nolde.

Mr. NOLDE. Regarding the issue of what kind of offender should be locked up and what kind should be given one of the alternative forms, such as probation diversion, have you covered basically the kind of offenders that you feel should be locked up?

Mr. SKOLER. Generally, it would be the violent offender who presents the immediate problem of safety to society who would be the normal candidate for incarceration. There has been a finding, and this is reflected in the standards I spoke of, that the straight "habitual offender" statute has not been successful in isolating truly dangerous criminals. The test in defining the dangerous offender who can receive a larger sentence should not be merely based on the numerical record of crimes, but on judgments as to his danger and threat to the personal safety of the public.

To say that those who commit property crimes should in no case receive a sentence of incarceration may not be necessary. But it certainly seems that we can give free play to our notions of rehabilitation, of dealing with the offender in the community, and of trying to meet his deficiencies as a person with a somewhat safer feeling if he is the perpetrator of property rather than violent crime. There is less risk to society in pursuing our knowledge as to getting at the root causes of why a person resorts to criminal activity and in preparing him to function productively in the community.

Mr. NOLDE. Can you give the committee a rough estimate of the percentage of offenders that really need to be locked up?

Mr. SKOLER. Being an effort of the American Bar Association, we tend to be conservative in our estimates. You will find time and again knowledgeable prison administrators—and these are not necessarily extremely liberal administrators but someone like the head of the Federal Bureau of Prisons and a recent director of the California correctional system who sits on our ABA Corrections Commission—express the judgment that perhaps as many as three-quarters of the offenders in prison do not need to be there in terms of the public safety. We have taken the position in our target setting that reduction in prison populations by a factor of 25 or 50 percent would be in order, and could be realized by identifying those who most obviously ought not to be in prison and burdening society with the very high cost of institutional confinement.

Mr. NOLDE. Without threat to public safety?

Mr. SKOLER. Without threat to public safety.

Mr. WIGGINS. Certainly public safety is not the only criterion for putting a person in jail, is it?

Mr. SKOLER. That is right. That is why we have not been interested in emphasizing the estimates that project a potential 75 percent reduction to the *n*th degree. We think quite a bit of progress and tremendous inroads could be made if there were reasonable steps to weed out a number of people in confinement and get them into community programs, based on the perceptions of good solid prison and correctional administrators and parole decisionmakers. You do reach a point where

you start getting into close cases. I think the Governor was trying to express that you don't have to reach these close cases to shut down some of the large prisons.

As a matter of fact, there has been since Attica, I think, a very rather significant development in populations of the large prisons. They are going down, and you will find that most prisons today, the very large prisons, are well below their inmate populations of a few years ago.

Mr. NOLDE. Thank you, Mr. Skoler.

I have no further questions, Mr. Chairman.

Chairman PEPPER. Well, Mr. Skoler, Mr. Ford, we wish very much to thank you for coming and giving us this valuable information. We would like to have the privilege of continuing to keep in touch with you and perhaps get you to assist in forming recommendations that we will eventually make.

Mr. SKOLER. Mr. Chairman, Congressmen, Mr. Nolde, Mr. Lynch, Mr. McDonald, we were delighted to have the opportunity.

[The following material, previously referred to, was received for the record:]

AMERICAN BAR ASSOCIATION,
Washington, D.C., May 21, 1973.

HON. CLAUDE PEPPER,
Chairman, House Select Committee on Crime,
Cannon House Office Building, Washington, D.C.

DEAR CHAIRMAN PEPPER: A copy of the recent New Jersey parole legislation (Senate Bill No. 1122, introduced July 17, 1972), which I referred to in my recent testimony before your Committee, is enclosed.

It is unfortunate that this bill has thus far been unsuccessful, for it embodies our philosophy of encouraging use of probation and parole whenever possible, in order to take advantage of the beneficial rehabilitative effects of supervising offenders in the community.

Consistent with this approach—and in agreement with Congressman Wiggins—I consider mandatory sentences to be harmful and inappropriate. Further, this view is advocated by the American Bar Association Standards Relating to Sentencing Alternatives and Procedures [Standards 2.1(c), 2.2, and 2.3(c)], copies of which are enclosed. Mandatory sentences prevent the judicious use of administrative discretion so necessary in rehabilitation and could impair the priority and flexibility for probation, parole and individualized treatment that we consider so essential to the effective redirection of criminal behavior.

Let me thank you for this opportunity to submit these additional exhibits and comments for the record.

Sincerely,

RICHARD J. HUGHES, *Chairman.*

Enclosures.

EXCERPTS FROM THE AMERICAN BAR ASSOCIATION STANDARDS RELATING TO
SENTENCING ALTERNATIVES AND PROCEDURES

2.1 General principles: statutory structure.

(c) The legislature should not specify a mandatory sentence for any sentencing category or for any particular offense.

2.2 General principle: judicial discretion.

The sentence imposed in each case should call for the minimum amount of custody or confinement which is consistent with the protection of the public, the gravity of the offense and the rehabilitative needs of the defendant.

2.3 Sentences not involving confinement.

(c) A sentence not involving confinement is to be preferred to a sentence involving partial or total confinement in the absence of affirmative reasons to the contrary.

[S. No. 1122, State of New Jersey, introduced July 17, 1972, by Senator Maraziti]

Referred to Committee on Institutions, Health and Welfare.

An act concerning the sentencing and parole of persons convicted of misdemeanors or high misdemeanors and amending R. S. 30:4-107, 30:4-108 and P.L. 1948, c. 84, and repealing sections 12 and 14 of P.L. 1948, c. 84.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. At the time of sentencing a person convicted of a misdemeanor or a high misdemeanor, the court by whom such person is to be sentenced shall provide a statement indicating the reason for the specific sentence imposed. Such sentence may be for a fixed minimum and maximum term; however, any such minimum term shall be considered by the parole board as merely advisory in nature. Any such person so sentenced shall be otherwise eligible for consideration for parole in accordance with the other provisions of this amendatory act.

2. R. S. 30:4-107 is amended to read as follows:

30:4-107. A patient admitted to any institution in this State, other than a correctional institution, may be paroled or discharged therefrom in accordance with the rules and regulations prescribed by the board of managers or the board of chosen freeholders or the proper committee thereof, as the case may be. In all cases where the patient shall have been transferred to the institution from a correctional institution he shall [not] be paroled or discharged therefrom *in accordance with the other provisions of this amendatory act* [prior to the expiration of the maximum period of detention]. The chief executive officer of any State institution, other than a correctional institution, subject to regulations of the [State Board of Control] *Department of Institutions and Agencies*, may make arrangements with suitable families for the care, maintenance and treatment of patients of the institution and may place at board on parole in a family with whom any such arrangements have been made, any patient for whom family care may be deemed beneficial. Patients so placed on parole in family care shall be returned to the institution at any time upon order of the chief executive officer. Subject to such regulations, provision may be made by the chief executive officer for payment of the necessary expenses for the board and care of such patients in a suitable family, over and above the value of any service rendered by such patient; provided, that such net cost shall not exceed the daily per capita cost of maintaining any such patient within the institution. All such patients placed in family care shall be and remain patients of the institution until discharged therefrom as provided for in this chapter.

The legal jurisdiction of the professional staff of the hospital over any person discharged therefrom shall terminate at the time of discharge of the person from inpatient status. However, upon recommendation of the professional staff of the hospital, patients so discharged may continue to receive further professional services on an outpatient basis or may be assisted in securing continued treatment from other community resources.

The chief executive officer is empowered to negotiate with the legally responsible relatives of any such patient for the purpose of securing payment to the institution or to a suitable family of all or a portion of the net cost of maintaining such patient in such family placement or providing services on an outpatient basis after discharge.

3. R. S. 30:4-108 is amended to read as follows:

30:4-108. Conditions of parole; procedure. The [State board] *State Parole Board* shall *in accordance with the other provisions of this amendatory act* prescribe by rules formally adopted the terms, conditions and procedure for granting a parole and, subject to the provisions of section 30:4-109 of this Title, for securing the parolee in proper cases permission to reside without the State.

4. Section 5 of P.L. 1948, c. 84 (C. 30:4-123.5) is amended to read as follows:

5. It shall be the duty of the [board] *State Parole Board* to determine when, and under what conditions, subject to the provisions of this act, *and in accordance with the other provisions of this amendatory act* persons now or hereafter serving sentences having fixed minimum and maximum terms or serving sentences for life, in the several penal and correctional institutions of this State may be released upon parole.

In addition thereto, the board shall have full and complete jurisdiction over all persons sentenced to any penal or correctional institution of this State for minimum and maximum terms who have been paroled by the board of managers of any penal or correctional institution of this State, for and during the term of

Explanation.—Matter enclosed in brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

such parole and pursuant to the terms, conditions and limitations thereof, and the powers, functions and duties formerly exercised by and conferred upon any such board of managers for revoking paroles in such cases hereby are continued and are transferred to, and vested in, said board.

The board shall have such other powers and jurisdictions as are provided in this act.

5. Section 6 of P.L. 1948, c. 84 (C. 30:4-123.6) is amended to read as follows:

6. The board is empowered and authorized to promulgate reasonable rules and regulations *in accordance with the other provisions of this amendatory act* which shall establish the general conditions under which parole shall be granted and revoked and shall have authority to adopt special rules to govern particular cases. Such rules and regulations, both general and special, may include, among other things, a requirement that the parolee shall not leave the State without the written consent of the board, that he shall contribute to the support of his dependents, that he shall make restitution for his crime, that he shall abandon evil associates and ways, that he shall conduct himself in society in compliance with the law and with due regard for moral standards, that he shall carry out the general and special instructions of his parole officer and give evidence of good conduct at all times and satisfactory proof that he is a fit person to be at liberty.

6. Section 10 of P.L. 1948, c. 84 (C. 30:4-123.10) is amended to read as follows:

10. **[No]** *Each inmate of a penal or correctional institution serving a sentence for a fixed minimum and maximum term shall be eligible for consideration for release on parole immediately after commitment and being received at such institution, and shall appear before the parole board within 6 months after being received by State institutional authorities. However, after a prisoner shall have [until he has] served his minimum sentence or [1/2] 1/2 of his fixed maximum sentence, less, in each instance, commutation time therefrom for good behavior and for diligent application to work assignments, whichever occurs sooner, [subject to the provisions of section 12 hereof.] he shall appear before the parole board as soon thereafter as conveniently possible and shall be released on parole unless the parole board shall find that there is a reasonable probability that release on parole at that time would endanger the community with respect to the safety of persons or the security of property or that the purposes of the sentence as specifically stated by the sentencing court have not been accomplished.*

No prisoner shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned while under sentence, but only if the board is of the opinion that there is reasonable probability that, if such prisoner is released, he will assume his proper and rightful place in society, without violation of the law, and that his release is not compatible with the welfare of society.

Whenever, after the effective date of this act, two or more sentences to run consecutively are imposed at the same time by any court of this State upon any person convicted of crime herein, there shall be deemed to be imposed upon such person a sentence the minimum of which shall be the total of the minimum limits of the several sentences so imposed, and the maximum of which shall be the total of the maximum limits of such sentences. **[For purposes of determining the date upon which such a person shall be eligible for consideration for release on parole, the board shall consider the minimum sentence of such person to be the total aggregate of all the minimum limits of such consecutive sentences and the maximum sentence of such person to be the total aggregate of all of the maximum limits of such consecutive sentences.]**

With regard to consecutive sentences imposed upon prisoners prior to July 3, 1950, and also with regard to consecutive sentences imposed upon prisoners subsequent to July 3, 1950, by different courts at different times, all such consecutive sentences, with the consent of the prisoner, may be aggregated by the board to produce a single sentence, the minimum and maximum of which shall consist of the total of the minima and maxima of such consecutive sentences. **[Such aggregation shall be for the purpose of establishing the date upon which such prisoner shall be eligible for consideration for release on parole.]**

When any such prisoner is released on parole the period of his supervision under parole shall be measured by the aggregated maxima of his consecutive sentences.

Notwithstanding any of the other provisions of this act, whenever it shall appear that the date upon which a prisoner shall be eligible for consideration

for release on parole occurs later than the date upon which he would be so eligible if a life sentence had been imposed upon him, then, and in such case, he shall be deemed eligible for consideration for release on parole after having served 25 years of his sentence, or sentences, less commutation time for good behavior and time credits earned and allowed by reason of diligent application to work assignments.

7. Section 24 of P.L. 1948, c. 84 (C. 30:4-123.24) is amended to read as follows:

24. A prisoner, whose parole has been revoked because of a violation of a condition of parole or commission of an offense which subsequently results in conviction of a crime committed while on parole, even though such conviction be subsequent to the date of revocation of parole, shall be required, unless said revocation is rescinded, or unless sooner reparaoled by the board, to serve the balance of time due on his sentence to be computed from the date of [his original release on parole] *such violation of condition or commission of offense*. If parole is revoked for reasons other than subsequent conviction for crime while on parole then the parolee, unless said revocation is rescinded, or unless sooner reparaoled by the board, shall be required to serve the balance of time due on his sentence to be computed as of the date that he was declared delinquent on parole.

8. Section 12 of P. L. 1948, c. 84 (C. 30:4-123.12) and section 14 of P. L. 1948, c. 84 (C. 30:4-123.14) are repealed.

9. The parole eligibility and qualifications of those inmates who, prior to the effective date of this act, have received "fixed" minimum or maximum sentences or who are otherwise subject to the jurisdiction of the parole board on said effective date shall be governed by this act, provided however that those inmates who are immediately eligible for hearing or rehearing shall be considered by the board and decision rendered within 1 year from the effective date hereof.

The parole board may adopt such regulations and procedures as may be necessary to implement this act which are consistent with due process of law.

10. This act shall take effect 60 days after enactment.

Chairman PEPPER. I think this has been a very good week. I want to commend the staff on this week's hearings, as well as last week's, they have been very helpful. I hope these hearings will prove profitable toward curbing crime in this country.

We will adjourn until 10 o'clock the morning of May 1.

[Whereupon at 1 p.m., the hearing was adjourned, to reconvene at 10 a.m., Tuesday, May 1, 1973, in room 1302, Longworth House Office Building.]

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